

2001 No. 2384

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment No. 2)
(England) Regulations 2001**

<i>Made</i> - - - - -	<i>3rd July 2001</i>
<i>Laid before Parliament</i>	<i>5th July 2001</i>
<i>Coming into force</i> - -	<i>6th July 2001</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a) and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment No. 2) (England) Regulations 2001 and shall come into force on 6th July 2001.
- (2) These Regulations extend to England only.

Amendments

2. The Housing Renewal Grants Regulations 1996(b) are amended by the addition at the end of Schedule 4 (capital to be disregarded) of the following paragraph—

“63.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to the relevant person or a member of the relevant person’s family who is—

- (a) a diagnosed person;
- (b) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;
- (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or
- (d) a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(a) 1996 c. 53; the Secretary of State can exercise the power under these sections only in relation to England; *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(b) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/2568, 2000/531, 2000/910 and 2001/739. Paragraphs 59 to 62 were added to Schedule 4 by regulation 19 of S.I. 2001/739.

- (b) a person referred to in sub-paragraph 1(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to the relevant person or a member of a relevant person's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment as referred to in sub-paragraph (3) is made to—
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,

whichever is the latest.

- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person's partner;
 - (b) being a member of the diagnosed person's family; or
 - (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

- (6) In this paragraph—
 - “diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;
 - “relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
 - “residential accommodation”, “residential care home” and “nursing home” have the same meanings as for the purposes of the Income Support (General) Regulations 1987(a);
 - “trust payment” means a payment under a relevant trust.”.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

(a) S.I. 1987/1967; see regulation 2. A new definition of “residential accommodation” was substituted by S.I. 1988/1445 and amended by S.I. 1989/534.

Lord Falconer of Thoroton QC
Minister of State

22nd July 2001

Department for Transport, Local Government and the Regions

We consent to the making of these Regulations

Tony McNulty
Anne McGuire

3rd July 2001

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants Regulations 1996 which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities to owner-occupier and tenant applicants under Chapter I of Part I, of the Housing Grants, Construction and Regeneration Act 1996. The amendments are consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) upon which the means test is based.

An addition is made to the list of sums to be disregarded as capital. It relates to special payments to sufferers of variant Creutzfeldt-Jakob disease and their immediate families.

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