

**EXPLANATORY MEMORANDUM TO**  
**THE HOUSING RENEWAL GRANTS (AMENDMENT) (ENGLAND)**  
**REGULATIONS 2014**

**2014 No. 1829**

1. This explanatory memorandum has been prepared by the Department for Communities and Local government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This Instrument amends the Housing Renewal Grants Regulations 1996 ('the HRG Regulations') to incorporate a reference to section 35B of the Social Security Contributions and Benefits Act 1992 ('the SSCB Act').

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 Directive 2010/41/EU (on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC) ('the 2010 Directive') has been implemented, primarily by the Department of Work and Pensions. The Social Security (Maternity Allowance) (participating Wife or Civil-partner of self-employed earners) Regulations 2014 (S.I. 606/2014) amend the SSCB Act as part of the implementation process by inserting a new section 35B. The HRG Regulations must include a reference to this new section.

5. **Territorial Extent and Application**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Disabled Facilities Capital Grant is a grant made under Section 31 of the Local Government Act 2003 by the Department for Communities and Local Government to Local Authorities. This grant is for the provision of adaptations to the homes of disabled people to help them to live as independently as possible in their own homes. Individual grants are paid by Local Authorities under the powers of the HRG Regulations. Grants are calculated based on a number of factors, one being income of the person, or family member of the person, applying for the grant. Maternity allowance is considered as part of this income.

The Social Security (Maternity Allowance) (Participating Wife or Civil Partner or Self-Employed Earner) Regulations 2014 implement the 2010 Directive. This Directive was adopted in 2010 and the initial deadline for transposition was 5<sup>th</sup> August 2010, however the Commission agreed to an extension for implementation until 5<sup>th</sup> August 2014.

DWP are extending maternity allowance to women who are neither employed nor self-employed but who do assist their self-employed spouses or partners. DWP have amended legislation to extend this maternity allowance by adding section 35B to the SSCB Act 1992. As maternity allowance is being extended the HRG Regulations need to cover this by including reference to section 35B to the SSCB Act 1992. These Regulations do make this inclusion.

## **8. Consultation outcome**

8.1 The change made by this Instrument affects a narrow group: pregnant women who participate in their spouse's or partner's self-employed business, are not paid and who will now receive maternity allowance in light of the changes to the SSCB Act 1992. Maternity allowance of other women is already taken into account under the HRG Regulations and thus inclusion of a new grant of maternity allowance is only correct. In light of the narrow scope of this exercise no consultation was undertaken.

## **9. Guidance**

9.1 No Guidance will be prepared or updated in light of the narrowness of the changes.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies will be negligible.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The change made by the Instrument affects a very narrow group so there are no plans for any monitoring or review.

**13. Contact**

Kurt Horder at the Department of Communities and Local Government Tel: 0303 444 3678 or email: [Kurt.Horder@communities.gsi.gov.uk](mailto:Kurt.Horder@communities.gsi.gov.uk) can answer any queries regarding the instrument.