

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. (W.)

HOUSING, WALES

**The Housing Renewal Grants
(Prescribed Form and Particulars)
(Amendment) (Wales) Regulations
2004**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the form set out in the Schedule to the Housing Renewal Grants (Prescribed Form and Particulars) Regulations 1996 (S.I. 1996/2891). The form is the prescribed form for applications for grant under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”). The questions and notes included in the prescribed form reflect the means test rules for grant applications contained in the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) (“the 1996 Regulations”).

The amendments made by these Regulations apply to applications for grant made on or after 9th February 2004 to local housing authorities in Wales. They are consequential on changes made to the Act by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860) (“the 2002 Order”) and by the Housing Renewal Grants (Amendment) (Wales) Regulations 2004 (S.I. 2004/) (“the 2004 Regulations”).

In consequence of the changes made by the 2002 Order and the 2004 Regulations, the prescribed form is amended by these Regulations so that it will be applicable only to applications (other than a landlord’s application) for grant towards the cost of works required for the provision of facilities for disabled persons.

By virtue of changes made to the Act by the 2002 Order, applications for grant can now be made by occupiers of qualifying houseboats and qualifying park homes and these Regulations amend the prescribed

form to reflect this. Among other changes consequent on the 2004 Regulations, these Regulations amend the prescribed form to take account of new tax credits introduced by the Tax Credits Act 2002 and the State Pension Credit Act 2002.

2004 No. (W.)

HOUSING, WALES

**The Housing Renewal Grants
(Prescribed Form and Particulars)
(Amendment) (Wales) Regulations
2004**

Made 2004

Coming into force 9 February 2004

The National Assembly for Wales, in exercise of the powers conferred on it by sections 2(2) and (4), and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(1) hereby makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2004 and shall come into force on 9 February 2004 .

(2) These Regulations apply to applications for grant made on or after 9 February 2004 to local housing authorities in Wales(2).

Amendments

2. The Housing Renewal Grants (Prescribed Form and Particulars) Regulations 1996(3) are amended in accordance with the following regulations.

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- (1) 1996 c.53. The functions of the Secretary of State under these sections were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), *see* the entry in Schedule 1 for the Housing Grants, Construction and Regeneration Act 1996.
- (2) For the definition of “grant”, *see* section 1 of the Act as amended by paragraph 2 of Schedule 3 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860) (“the 2002 Order”).
- (3) S.I. 1996/2891, amended by S.I. 1996/3119, S.I. 1997/978, S.I. 1998/809, S.I. 1999/1607, S.I. 1999/3470 (W.56), S.I. 2000/1735 (W.119), S.I. 2001/2071 (W.143), S.I. 2001/4006 (W.332) and S.I. 2002/2799 (W.267).

Regulation 2

3. For regulation 2 (forms of application for grant) substitute —

“**2.**—(1) The form set out in the Schedule shall be the prescribed form of application for a grant (other than a landlord’s application) for the purposes of section 2(4) of the Act.

(2) In paragraph (1), “landlord’s application” means an owner’s application in respect of works to a dwelling which is or is intended to be let, or to the common parts of a building in which a flat is or is intended to be let.”.

Schedule

4. The form set out in the Schedule is amended as set out in the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998**(4)**

Date

The Presiding Officer of the National Assembly

(4) 1998 c.38.

SCHEDULE

Regulation 4

AMENDMENT OF PRESCRIBED FORM

1. For the heading to the form and for the whole of the text preceding Part 1 substitute —

**“APPLICATION FOR GRANT FOR
DISABLED PERSONS’ FACILITIES**

(Insert name and address of council)

In these instructions and the accompanying form and notes, “the Act” means the Housing Grants, Construction and Regeneration Act 1996. The Act has been substantially amended by Schedule 3 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860). Unless otherwise stated, all references to sections are to sections of the Act. This is the form to use if you are making an application under Part 1 of the Act for grant towards the cost of works required for the provision of facilities for disabled persons in a house, a flat, a qualifying houseboat or a qualifying park home, or in the common parts of a building containing one or more flats. (Notes 5, 5A and 5B give further information about the meaning of flat, qualifying houseboat and qualifying park home).

Do not use this form if you are an owner and the application is in respect of works to a house or flat which is or is intended to be let or to the common parts of a building in which a flat is or is intended to be let.

Please tick boxes where appropriate.

When you have completed this form, please send it to the council whose name and address is given above.

If you are uncertain how to answer any of the questions, please contact *(insert name, address and telephone number of contact in the council)*.”.

2. In the italicised words before question 1.1, omit from “Throughout” to “in the Act”. **3.** In questions 1.2A, 1.3, 1.5 and 1.9 for “property” substitute “premises”.

4. For question 1.7 and the heading before it substitute —

“The premises where the works are to be carried out

1.7 Please give the address of the premises at which the works are to be carried out:

.....
.....
.....
.....

Are these premises:

- a house
- a flat Note **5**
- a qualifying houseboat Note **5A**
- a qualifying park home Note **5B**
- a building containing one or more flats Note **5C**

If you cannot tick one of the above, in answer to this question, you are not entitled to be paid grant.”.

- 5.** Omit questions 1.8 and 1.18.
- 6.** In questions 1.10 and 1.11 for “this property” substitute “these premises.”
- 7.** For Part 2 (including Parts 2A to 2C) substitute —

“PART 2

INFORMATION SPECIFIC TO THE APPLICATION YOU ARE MAKING

2.1. Which kind of application are you making?

Disabled adaptations to a house or flat

- an owner’s application (other than a landlord’s application) Notes **16 and 17**
- a tenant’s application Note **18**

Disabled adaptations to the common parts of a building containing one or more flats

- an owner’s application (other than a landlord’s application) Note **16**
- a tenant’s application Note **18**

Disabled adaptations to a qualifying houseboat or qualifying park home

- an occupier’s application

Note 19

2.2. Will the disabled occupant or the disabled occupants, for whose benefit the adaptations are proposed, be:

Note 31

Adaptations to a house, flat, qualifying houseboat or qualifying park home

- yourself?
- someone who is or will be living in the premises with you?
- (where you do not live there) the occupier or one of the occupiers of the premises?

Adaptations to the common parts of a building containing one or more flats

- yourself?
- someone who is or will be living with you in a flat in the building?
- (where you do not live there) the occupier or one of the occupiers of a flat in the building?

Please give each disabled occupant’s name and describe their disability (giving the medical name of the condition, where known):

.....

2.3. Please describe the works briefly :

.....

2.4. Which certificate(s) are you providing with your application?

Note 34

Owner’s application

Owner’s certificate
(Please go to question 2.5)

Note 35

Tenant’s application

Tenant's certificate **Note 36**
Owner's certificate
(Please go to question 2.8)

Occupier's application

Occupier's certificate **Note 36A**
Consent certificate(s) **Note 36B**

OWNER'S APPLICATION (OTHER THAN A LANDLORD'S APPLICATION)

2.5. Do you (alone or jointly with others):
(a) own the freehold; or
(b) have a tenancy with at least 5 years still to run,
of the house or flat and/or (in the case of an owner's application for disabled adaptations to the common parts of a building containing one or more flats) the common parts of the building?

Note 20

Yes (*Circle if applicable*)

Please indicate which interest you own

Freehold/tenancy with at least 5 years still to run*

** (please delete as appropriate):*

If you own the interest jointly with anyone else, please give the names and addresses of your co-owners:

.....
.....
.....

(Please go to question 2.7)

No (*Circle if applicable*)

2.6. Do you (alone or jointly with others) propose to:

(a) acquire the freehold, or
(b) enter into a tenancy with at least 5 years still to run,
of the house or flat and/or (in the case of an owner's application for disabled adaptations to the common parts of a building containing one or more flats) the common parts of the building?

Yes (*Circle if applicable*)

Please indicate which interest you propose to acquire

Freehold/tenancy with at least 5 years still to run*

** (please delete as appropriate):*

.....
.....
.....

When do you propose to acquire the interest
.....

Note 21

If you propose to acquire it jointly with anyone else, please give names and addresses of the other proposed co-owners:

.....
.....
.....

No *(Circle if applicable)*

2.7. Please give the name and address of everyone (whether or not the person is also named in any of questions 2.1, 2.5 or 2.6) who resides or proposes to reside in the house or flat or (in the case of an owner’s application for disabled adaptations to the common parts of a building) in the relevant flat(s) in the building:

.....
.....
.....
.....

(Please go to **Part 3**)

TENANT’S APPLICATION – WORKS TO HOUSE OR FLAT

If you own the freehold of the premises or hold a tenancy of it with at least 5 years still to run, or if you are proposing to acquire either of these interests, you are not eligible to make a tenant’s application for grant. You should consider making an owner’s application instead (questions 2.5 to 2.7 inclusive).

2.8. Are you the tenant of a house, or of a flat in a building (other than under a tenancy with at least 5 years still to run)?

Yes No

- tenant of a house
- tenant of a flat in a building

2.9. Which type of tenancy do you have of the house/flat? (*Please tick one only*):

Note 37

- introductory tenancy
- secure tenancy
- statutory tenancy under the Rent (Agriculture) Act 1976 or the Rent Act 1977

- protected occupancy under the Rent (Agriculture) Act 1976
- assured agricultural occupancy under Part 1 of the Housing Act 1988
- service occupancy
- tenancy other than the above

2.10. Do you (alone or with others) propose to acquire the freehold of the premises or a tenancy of it with at least 5 years still to run?

Note 27

Yes

No

2.11. If you are a tenant of the premises with anyone else, please give the names and addresses of your fellow tenants:

.....
.....
.....
.....

2.12. Please give the name and address of everyone (whether or not the person is also named under question 2.11) who resides or proposes to reside in the premises:

.....
.....
.....
.....

2.13. Please give the name, address and telephone number of your landlord or your landlord's agent:

Name

(landlord/landlord's agent*)

Business address

.....

..... Tel:

(*Please delete as appropriate)

TENANT’S APPLICATION—WORKS TO THE COMMON PARTS OF A BUILDING

2.14. Do you have a duty or a power to carry out works to the common parts of the building?

Yes No

If you answered Yes, please give details of your duty or power. If the duty or power does not cover all of the works to which this grant application relates, specify the works for which you have no duty or power.

Note 38

.....
.....
.....
.....

2.15. If you have no other power or duty to carry out the works to the common parts of the building, do you have your landlord’s written permission to carry out those works?

Yes

Note 40

No

If your answer was Yes, please supply a copy of the written permission with your application.

If your answer was No but you expect to get this permission, please give the date on which you expect permission to be given:

.....

(Please go to **Part 3**)”

8. At the beginning of Part 3, for the italicised text preceding question 3.1 substitute —

*“Please note: a separate **Part 3** should be completed for each of the following persons:*

(1) any disabled occupant, or (where more than one) each of the disabled occupants, of the premises who is not a child or young person for whom a relevant person is responsible as described in paragraph (2) below; and

(2) where the disabled occupant or any of the disabled occupants of the premises is a child or young person, any person who is responsible for that child/young person.”

Note 47A

9. In question 3.1 after “income support” insert “, guarantee credit”.

10. In question 3.9 omit the entry in respect of disabled person’s tax credit.

11. In questions 3.9, 3.12, 3.13, 3.29 and 3.30 for “invalid care” (wherever these words appear) substitute “carer’s”.

12. In question 3.26 —

(a) in the appropriate place insert —

“Savings credit £.....
£..... **Note 73A**”;

(b) after “War widow’s” insert “or widower’s”.

13. In question 3.29 —

(a) in the appropriate places insert —

“Child Tax Credit £..... £.....”; and
“Working Tax Credit £.....
£.....”;

(b) omit the entry in respect of disabled person’s tax credit; and

(c) after “Statutory maternity pay” insert “paternity pay or adoption pay”.

14. In Part 4, for paragraph 4.1(c) substitute —

“(c) The certificates required for your application as mentioned in question 2.4”.

15. In Note 1, for “the property” substitute “the premises” and for “at that property” substitute “there”.

16. For Note 4 substitute —

“4. Most of the qualifying conditions for grant are waived for applications in respect of glebe land or the residence house of an ecclesiastical benefice: see section 95.”.

17. After Note 5 insert —

“5A. A “qualifying houseboat” is a boat or similar structure designed or adapted for use as a place of permanent habitation which —

(a) has its only or main mooring within the area of a single local housing authority; and

(b) is moored in pursuance of a right to that mooring; and

(c) is a dwelling for the purposes of council tax.

(See the definition of “qualifying houseboat” in section 58).

5B. A “qualifying park home” is defined in section 58. It means a caravan which —

- (a) is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983; and
- (b) is occupied under an agreement to which that Act applies or under a gratuitous licence; and
- (c) is a dwelling for council tax purposes.

“Caravan” is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960. It means, broadly, a structure designed or adapted for living in which is capable of being moved from place to place.

5C. Tick the box if the application includes works for the provision of facilities in the common parts of a building containing one or more flats.”.

18. Omit Notes 6, 14, 15, 22 to 26, 28 to 30, 32, 33, 39, 41 to 47 and 54A.

19. In Note 12 for “Where the application is for disabled facilities grant, the” substitute “The”.

20. In Note 13 omit from “Section 29 does” to the end.

21. For Notes 16 to 19 substitute —

“**16.** You can make an owner’s application if you own the freehold of the premises or hold a tenancy of the premises with at least 5 years still to run or if you are proposing to acquire either of these interests. If you hold a tenancy with less than 5 years to run, you are not eligible to make an owner’s application but you should consider making a tenant’s application instead.

17. A landlord’s application is an owner’s application for works to a house or flat which is or is intended to be let or to the common parts of a building in which a flat is or is intended to be let: section 31(1).

18. You can make a tenant’s application if you are the tenant of the premises and the tenancy has less than 5 years still to run. Section 19(5) gives an extended meaning to the word “tenant” - for further information *see* Note **37**.

19. You can make an occupier’s application for works to a qualifying houseboat or a qualifying park home if you occupy it, whether as a sole occupier or as a joint occupier with others. See also Notes **5A** and **5B**.”.

22. For Note 31 substitute —

“**31.** The disabled occupant means the disabled person for whose benefit it is proposed to carry out any of the relevant works. Section 100 gives the meaning of “disabled person.””.

23. For Note 34 substitute —

“**34.** The Council is not allowed to entertain a grant application unless it is accompanied —

- (a) in the case of an owner’s application, by a certificate known as an “owner’s certificate (*see* Note **35**);
- (b) in the case of a tenant’s application, by an owner’s certificate and another certificate known as a tenant’s certificate (*see* Notes **35** and **36**);
- (c) in the case of an occupier’s application, by certificates known as an occupier’s certificate and a consent certificate (*see* Note **36A**).

The Council may waive the requirement for an owner’s certificate to accompany a tenant’s application, or a consent certificate to accompany an occupier’s application, if they consider the requirement unreasonable in the circumstances. As regards certificates *see* sections 21, 22 and 22A.”

24. In Notes 35 and 36 omit “relating to an application for disabled facilities grant” (in both places).

25. After Note 36 insert —

“**36A.** Under section 22A(2) an “occupier’s certificate” certifies —

- (a) that the application is an occupier’s application; and
- (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the qualifying houseboat/qualifying park home as their only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

36B. A consent certificate certifies that the person giving it consents to the carrying out of the relevant works. A consent certificate should be obtained from each person who is —

- (a) entitled to possession of the premises at which the qualifying houseboat is moored or the pitch on which the qualifying park home is stationed; or

(b) entitled to dispose of the qualifying houseboat/qualifying park home.

See section 22A(3) and (4).”.

26. In Note 37 omit “for the purposes of disabled facilities grant”.

27. In Note 40 omit “disabled facilities”.

28. At the end of Note 47A(1) add —

“Regulation 8 of the Housing Renewal Grant Regulations 1996 deals with the circumstances in which a person is to be treated as responsible or not responsible for a child or young person.”.

29. At the end of Note 48 add —

“Guarantee credit is an element of the social security benefit known as state pension credit payable under the State Pension Credit Act 2002.”.

30. In Note 55(a) and (b), for “invalid care” substitute “carer’s”.

31. After Note 73 insert —

“**73A.** Savings credit is an element of the social security benefit known as state pension credit payable under the State Pension Credit Act 2002.”.

32. For Note 84B(2) substitute —

“**84B.** Include also any payment in accordance with an award for working families’ tax credit which was awarded with effect from a date falling before April 6 2003. From that date, working families’ tax credit is known as working tax credit”.

33. In Note 93 after “maternity leave” insert “paternity leave or adoption leave”.

34. In Note 95(1)(a) omit “disabled person’s tax credit (previously known as disability working allowance)”.

(1) Note 47A was inserted by S.I. 1997/978.

(2) Note 84B was inserted by S.I. 1999/3470.

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