

**EXPLANATORY MEMORANDUM TO**

**THE DISABLED FACILITIES GRANTS (MAXIMUM AMOUNTS AND  
ADDITIONAL PURPOSES) (WALES) ORDER 2008**

This Explanatory Memorandum has been prepared by the Private Sector Unit of the Housing Directorate and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

**Description**

1. This Order sets at £36,000 the maximum amount of mandatory disabled facilities grant that a local housing authority in Wales can be required to pay toward the costs of work required for the provision of facilities in dwellings or building for disabled persons. It also specifies additional purposes for which an application for a grant must be approved, subject to the criteria for approval of such grants that are set out in Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (“the 1996 Act”).

**Matters of special interest to the Subordinate Legislation Committee**

2. None.

**Legislative Background**

3. The powers enabling this order to be made are contained within Chapter 1 of Part 1 of the 1996 Act, sections 23 and 33.
4. Section 23 of the 1996 Act lists the purposes for which a grant must or may be approved, subject to the provisions of Chapter 1 of Part 1. Section 23(1)(l) enables the Secretary of State to specify other purposes by Order. This is the first time that this power has been exercised.
5. Section 33 of the 1996 Act enables the Secretary of State to specify by Order a maximum amount or a formula for calculating a maximum amount of grant which a local housing authority may pay in respect of an application for grant.
6. The Powers of the Secretary of State contained within the 1996 Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. No. 1999/672) and have been transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 of the Government of Wales Act 2006.
7. This Order revokes Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996 (S.I. No

1996/2888) (as amended by the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) (Amendment) (Wales) Order 2002 (S.I. No 2002/837)), which presently sets the maximum amount as referred to at paragraph 1 above at £30,000.

8. This Order follows the negative resolution procedure.

### **Purpose and intended effect of legislation**

9. This Order increases the mandatory maximum amount payable for a disabled facilities grant by a local authority from £30,000 to £36,000. It also provides that a disabled facilities grant may be paid to a disabled applicant to facilitate access to a garden or for making a garden safe for a disabled occupant.

### **Implementation**

10. The comparable legislation in England, the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 (S.I. No 1189) was made on 28 April 2008 and came into force in England on 22 May 2008. The England Order is broadly similar to the proposed Order for Wales, but differs slightly in that the maximum amount is being increased in England from £25,000 to £30,000. The maximum amount in Wales has always been higher than that set in England due to the age and nature of the housing stock in Wales and the country's topography.
11. Together with this Order, it is proposed that the Welsh Ministers issue the Disabled Facilities Grants (Conditions relating to approval or payment of Grant) General Consent 2008 under powers in the 1996 Act whereby the local housing authority may impose conditions relating to the demand of a repayment of a grant exceeding £5,000.
12. In addition, it is proposed that The Housing Renewal Grants (Amendment) (Wales) Regulations 2008 are made and come into force simultaneously with this Order. The Regulations amend the means test for determining the amount of grant which may be paid by local housing authorities under the 1996 Act.

### **Consultation**

13. The Welsh Local Government Association has been consulted and has indicated that it is content. Further consultation is not deemed necessary at this stage.

### **Regulatory Impact Assessment**

14. A Regulatory Impact Assessment is not regarded as being necessary for this Order as it will have very limited effect on the current arrangements relating to the provision of Disabled Facilities Grants. In addition, the principal effect of this Order is to uprate the maximum amount of

mandatory disabled facilities grant that a local housing authority in Wales can be required to pay, to account for inflation.

### **Post Implementation Review**

15. The impact of the policy contained in this Order is predictable. It is not likely to need review in the near future. The administration of the policy relating to this Order will be a matter for local authorities to consider.

### **Summary**

16. This Order will impact on local housing authorities who are responsible for the delivery and administration of disabled facilities grants, but will benefit recipients of such grants.