Draft Regulations laid before the Scottish Parliament under section 191(5) of the Housing (Scotland) Act 2006, for approval by resolution of the Scottish Parliament.

D R A F T S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2008 No.

HOUSING

The Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008

Made - - - -	*2008*
Coming into force -	*1st April 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(3), 77(1) and 79(6) of the Housing (Scotland) Act 2006(**a**) and all other powers enabling them to do so.

In accordance with section 191(5) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 and come into force on 1st April 2009.

Interpretation

2. In these Regulations–

"the 2006 Act" means the Housing (Scotland) Act 2006;

"applicant's contribution" means an amount assessed under section 77 of the 2006 Act;

"approved expense" has the meaning given in section 76 of the 2006 Act;

"guarantee credit" must be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**b**);

"income-based jobseeker's allowance" has the meaning given in section 1(4) of the Jobseekers Act 1995(**c**);

"income related employment and support allowance" means employment and support allowance payable in accordance with section 1(2)(b) of the Welfare Reform Act 2007(**d**);

"income support" means income support under Part 7 of the Social Security Contributions and Benefits Act 1992(**e**);

(**a**) 2006 asp 1.
(**b**) 2002 c.16.
(**c**) 1995 c.18. Section 1(4) was amended by the Welfare Reform and Pensions Act 1999 (c.30), Schedule 7, paragraph 2(4).
(**d**) 2007 c.5.
(**e**) 1992 c.4 to which there are amendments not relevant to these Regulations.

"subsidised loan" has the meaning given in section 97 of the 2006 Act.

Types of assistance which must be provided

3.—(1) This regulation applies where assistance is provided under subsection 1(b) of section 73 of the 2006 Act in connection with work in a house.

(2) Where the work is–

(a) work to which paragraph (3) applies; and

(b) essential to the needs of the disabled person,

assistance must be provided by way of a grant.

(3) This paragraph applies to structural work or work that involves other permanent changes to the house but excluding–

(a) work to extend any structure to create additional living accommodation; or

(b) work to create living accommodation in a separate building from the current living accommodation.

(4) Where the work is not work to which paragraph (3) applies but–

(a) it is work to adapt a house for the purpose set out in paragraph (e) of section 71(2) of the 2006 Act,

(b) the adaptation achieved by the work is essential to the needs of the disabled person, and

(c) the assistance is not being provided by way of a grant,

the assistance must include advice and information to assist the applicant to fund the work.

Minimum percentage grant

4.—(1) This regulation applies where grant must be provided under–

(a) section 73(2) of the 2006 Act; or

(b) regulation 3(2).

(2) Where paragraph (3) applies, the specified percentage of the approved expense for the purposes of subsections (1)(b) of section 79 of the 2006 Act is 100 per cent.

(3) This paragraph applies where the applicant or any of the persons mentioned in section 77(2)(a)(ii) to (iv) of the 2006 Act is in receipt of–

(a) income support;

(b) income-based jobseeker's allowance;

(c) guarantee credit; or

(d) income-related employment and support allowance.

(4) Where paragraph (3) does not apply, the specified percentage of the approved expense for the purposes of subsection (1)(b) of section 79 of the 2006 Act is 80 per cent.

Assessment of applicant's contribution

5. The assessment, in relation to all classes of application for a grant or subsidised loan, of an amount to be treated, for the purposes of Part 2 of the 2006 Act, as the applicant's contribution towards the approved expense is delegated to the local authority for the area in which the land or premises, which are the subject of the application, are situated.

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
October 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 73(1)(b) of the Housing (Scotland) Act 2006 requires that a local authority provide assistance for the purpose of adapting a house for a disabled person or reinstating such adaptations. Various types of assistance are listed in section 71(3).

Regulation 3 provides that such assistance must be by way of a grant where the adaptations are essential to the disabled person's needs and the work is structural or involves permanent changes to the house, except in specific cases set out in regulation 3(3). Where the adaptations are essential to the needs of the disabled person, but do not qualify for mandatory assistance by grant, the assistance provided must include advice and information to help the applicant to fund the work.

Regulation 4 provides that where a grant is mandatory, either because it is for the works described in regulation 3 or it is for the purpose of providing standard amenities as described in section 73 of the Act, the specified percentage of the approved expense, as defined in section 76, is 80 per cent. If the applicant for the grant, or some connected person as listed in section 77(2)(a)(ii) to (iv), is in receipt of any of the benefits listed in Regulation 4(3), the specified percentage of the approved expense is 100 per cent.

Applicants for any grant or subsidised loan may be required to pay a contribution towards the approved expense. In regulation 5 the Scottish Ministers delegate the assessment of the applicant's contribution to local authorities.

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