SCOTTISH STATUTORY INSTRUMENTS

2004 No. 456

HOUSING

The Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004

Made - - - -	*21st October 2004*
Coming into force - -	*22nd October 2004*

The Scottish Ministers in exercise of the powers conferred by section 240A of the Housing (Scotland) Act 1987(**a**) and all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 240A(3) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004 and shall come into force the day after the day on which they are made.

Amendments to the Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003

2. The Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003(**b**) are amended in accordance with regulations 3 to 13 below.

3. In regulation 2(1) (interpretation) insert the following definitions at the appropriate alphabetical places:–

> ""the Eileen Trust" means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with the trust provisions;";
>
> ""the Skipton Fund" means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme provisions;"; and
>
> ""the variant Creutzfeld-Jakob Trusts" means the–
>
> (a) vCJD First Interim Trust created by trust deed dated 10th April 2001 and made by Stephen John Irwin QC and Justin Francis Quintus Fenwick QC;
>
> (b) vCJD Second Interim Trust created by trust deed dated 11th December 2001 and made by Sir Robert Owen and Stephen John Irwin QC and Justin Francis Quintus Fenwick QC; and

(**a**) 1987 c.26. Section 240A was inserted by the Housing (Scotland) Act 2001 (asp.10), section 99.
(**b**) S.S.I. 2003/461.

(c) vCJD Main Trust created by trust deed dated 15th March 2002 out of funds provided by the Secretary of State, in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;".

4. In regulation 13(5) (determination of net profit of self-employed earners) for "(2)" substitute "(3)".

5. In regulation 14(1) (deduction of tax and contributions for self-employed earners)–

(a) for "sections" substitute "section"; and

(b) omit–

(i) ", (6) and (7) and 259(1)(a) and (2)"; and

(ii) "as is appropriate to that relevant person's circumstances".

6. In regulation 15 (determination of income other than earnings) omit ", for the purpose of regulation 6,".

7. In regulation 18 (determination of income from capital and investments)–

(a) in each of paragraphs (1) and (2) omit ", for the purposes of regulation 6 and this regulation,"; and

(b) in paragraph (2)(a) after "MacFarlane Trusts," insert "the Eileen Trust, the Skipton Fund, the variant Creutzfeld-Jakob Trusts,".

8. In each of regulations 19, 20, 21(1) and 23 omit ", for the purposes of regulation 6 and this regulation,".

9. In regulation 22(1) (determination of income from rent) omit ", for the purposes of regulation 6,".

10. In regulation 23 (determination of other payments as income) omit paragraph (b).

11. After regulation 23 insert–

"**23A.** Any periodic payments of income, other than a payment of income made under any of the McFarlane Trusts, the Eileen Trust, the Skipton Fund, the variant Creutzfeld-Jakob Trusts, the Independent Living Funds or the Fund, made–

(a) to a third party in respect of a relevant person to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of the relevant person or the relevant person's family;

(b) to a relevant person or member of the relevant person's family in respect of a third party, to the extent that it is kept or used by the relevant person or used on behalf of the relevant person's family,

shall be taken into account as income of the relevant person.".

12. In regulation 25(3) (allowable deductions for mortgage or rent) for "For the purposes of the case referred to in paragraph 1(b), the" substitute "A".

13. In regulation 28 (interpretation), in the definition of "refurbishment scheme" for "33(d)" substitute "33(2)(d)".

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st October 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 (S.S.I. 2003/461) which provide a means of assessment of an applicant's contribution to the cost of works for which improvement grants, repairs grants and grants for a means of escape from fire for a house in multiple occupation may be given by a local authority.

The amendments made by these Regulations exclude payments from the Eileen Trust, Skipton Fund and variant Creutzfeld-Jakob Trusts from being treated as income for the purpose of assessing an applicant's contribution (regulations 3, 7(b) and 11).

Further, the amendments only allow deductions from income for mortgage or rent payments where a person is contractually obliged to make that payment (regulation 12). Lastly these Regulations make minor and drafting changes.

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