EXECUTIVE NOTE

The Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2005 SSI/2005/488

The above instrument is made under section 240A of the Housing (Scotland) Act 1987. The instrument is subject to affirmative resolution procedure.

Policy Objective

This instrument amends the Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 (the 2003 Regulations).

One of the purposes for which housing grants can be awarded by local authorities is to adapt a house to make it suitable for the "accommodation, welfare or employment" of a disabled occupant. The 2003 Regulations provide that, in such cases, the applicant's contribution is based on the income of the disabled person and their partner, instead of the income of all owners of the property and all their partners. This will generally increase the amount of grant awarded. However, that arrangement is only available where the disabled person makes the application themselves.

Where the disabled person does not have the capacity to make an application for grant, under the 2003 Regulations there are two options. Either the owner of the property can apply for the grant, in which case they will usually receive less grant than if the disabled person made the application, or a suitable person could apply for an Intervention Order or Guardianship Order under the Adults with Incapacity (Scotland) Act 2000, so that they could act on behalf of the disabled person. The Executive considers that the formal procedure of obtaining such an order is out of proportion to the limited purpose of awarding a grant.

This instrument provides that an application for grant may be made on behalf of a disabled person. The financial assessment will apply to the disabled person's income, but the person acting for them will be treated as the applicant for all other purposes, such as providing information and receiving payment.

Consultation

Given the minor nature of this amendment, no formal consultation has taken place. Local authority grants officers and relevant disability interests were invited to comment on the draft regulations.

Financial Effects

This amendment is not expected to have any significant financial effect. In a small number of cases there will be an increase in the percentage grant awarded.

Scottish Executive Development Department