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WELSH STATUTORY INSTRUMENTS

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**2001 No. 4007**

**The Housing Renewal Grants (Amendment  
No.2) (Wales) Regulations 2001**

**Amendment**

2. The Housing Renewal Grants Regulations 1996<sup>(1)</sup> are amended by the addition at the end of Schedule 4 (capital to be disregarded) of the following paragraph—

“63.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to the relevant person or a member of the relevant person’s family who is—

- (a) a diagnosed person;
- (b) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;
- (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or
- (d) a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph 1(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 19, whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to the relevant person or a member of a relevant person’s family who is—

- (a) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

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<sup>(1)</sup> S.I.1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/3468 (W.54), 2000/973 (W.43) and 2001/2073 (W.145).

- (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment as referred to in sub-paragraph (3) is made to—
  - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person—
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 19, whichever is the latest.
- (5) In this paragraph, a reference to a person—
  - (a) being the diagnosed person's partner;
  - (b) being a member of the diagnosed person's family; or
  - (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

- (6) In this paragraph—
  - “diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;
  - “relevant trust” means a trust established out of funds provided by the Secretary of state in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
  - “residential accommodation”, “residential care home” and “nursing home” shall have the same meanings as for the purposes of the Income Support (General) regulations 1987;
  - “trust payment” means a payment under a relevant trust.”