

2008 No. 1189

HOUSING, ENGLAND

**The Disabled Facilities Grants (Maximum Amounts and
Additional Purposes) (England) Order 2008**

<i>Made</i> - - - -	<i>28th April 2008</i>
<i>Laid before Parliament</i>	<i>30th April 2008</i>
<i>Coming into force</i> - -	<i>22nd May 2008</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 23(1)(l), 33 and 146 of the Housing Grants, Construction and Regeneration Act 1996^(a), makes the following Order:

Citation, commencement, application and interpretation

1.— This Order may be cited as the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 and shall come into force on 22nd May 2008.

(1) This Order applies in relation to England only.

(2) In this Order “the Act” means the Housing Grants, Construction and Regeneration Act 1996.

Maximum amount of disabled facilities grant

2. Where a local housing authority must approve an application for disabled facilities grant by virtue of section 23(1) of the Act (grants: purposes for which grant must or may be given), the maximum amount which the authority may pay in respect of the application shall be £30,000.

Purposes for which grant may be given

3.— Subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a disabled facilities grant must be approved where the application is for the purpose specified in paragraph (2).

(1) The purposes are—

- (a) facilitating access to and from a garden by a disabled occupant^(b); or
- (b) making access to a garden safe for a disabled occupant.

a () 1996 c. 53. The powers conferred by sections 23(1)(l), 33 and 146 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”) are exercisable, as respects England, by the Secretary of State. As respects Wales, these powers are now vested in the Welsh Ministers. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions Order 1999 (S.I. 1999/672; see the entry in Schedule 1 for the Housing Grants, Construction and Regeneration Act 1996. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

b () For the meaning of “disabled occupant” see section 20 of the Act.

(2) For the purposes of paragraph (2) “garden” means a garden belonging to, or usually enjoyed with, a dwelling^(a), caravan^(b) or flat^(c) occupied by a disabled occupant and includes—

- (i) a balcony adjoining the dwelling of a disabled occupant;
- (ii) a yard, outhouse or other appurtenance within the boundaries of the land in which the dwelling or caravan of a disabled occupant is situated and belonging to it or usually enjoyed with it;
- (iii) a yard, outhouse or other appurtenance within the boundaries of the land in which is situated the building in which the dwelling or, as the case may be, flat, of a disabled occupant is situated and belonging to it or usually enjoyed with it; and
- (iv) the land adjacent to the mooring of a disabled occupant’s qualifying houseboat^(d).

(3) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve a purpose set out in paragraph (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

(4) In this article “applicant” means the person making the application for a grant under Chapter 1 of Part 1 of the Act.

Provisions ceasing to have effect in England

4. Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996^(e) shall cease to have effect in relation to England.

Signed by authority of the Secretary of State for Communities and Local Government

Kay Andrews

Parliamentary Under Secretary of State

Department for Communities and Local Government

28th April 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order (which applies in relation to England only) prescribes the maximum amount of mandatory disabled facilities grant that a local housing authority can be required to pay under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”). By article 2, the maximum amount is £30,000.

Section 23(1) of the Act specifies the purposes for which, subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a grant must be approved. Article 3 of this Order specifies additional purposes for which an application for a grant must be approved, subject to the provisions of Chapter 1 of Part 1 of the Act being satisfied. The specified purposes are for facilitating access by the disabled occupant to and from a garden (which is defined in article 3(3)), and for making the access to a garden safe for the disabled occupant.

Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996, which extends to England and Wales, set the maximum amount of mandatory disabled facilities grant at £25,000 in relation to England. Article 3 of this Order provides for those articles to cease to have effect in relation to England.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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- a () For the meaning of “dwelling” see section 101 of the Act.
 - b () For the meaning of “caravan” see section 58 of the Act.
 - c () For the meaning of “flat” see section 58 of the Act.
 - d () For the meaning of “qualifying houseboat” see section 58 of the Act.
 - e () S.I. No. 1996/2888.