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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 110**

**ENERGY CONSERVATION**

**The Home Energy Assistance Scheme  
(Scotland) Amendment Regulations 2010**

<i>Made</i>	- - - -	<i>11th March 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>15th March 2010</i>
<i>Coming into force</i>	- -	<i>10th May 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 15 of the Social Security Act 1990(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Home Energy Assistance Scheme (Scotland) Amendment Regulations 2010 and come into force on 10th May 2010.

**Amendments to the Home Energy Assistance Scheme (Scotland) Regulations 2009**

2. Regulation 6 (person eligible to apply for a grant) of the Home Energy Assistance Scheme (Scotland) Regulations 2009(2) is amended in accordance with regulations 3 and 4.

3. In paragraph (4)(c)(i)—

- (a) omit “is either under the age of 5 or who”; and
- (b) omit “and has been awarded a disability living allowance within the meaning of section 71 of the 1992 Act”.

4. For paragraph (5)(b) substitute—

- “(b) child tax credit or working tax credit under the Tax Credits Act 2002(3) where—
  - (i) in the case of child tax credit, the applicant is in receipt of the family element as well as an amount of the individual element which is greater than zero following the operation of steps 1 to 6 in regulation 8 of the Tax Credits (Income

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(1) 1990 c.27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c.53). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(2) S.S.I. 2009/48; as amended by S.S.I. 2009/392.

(3) 2002 c.21; section 1 makes provision for child tax credit and working tax credit. There are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Thresholds and Determination of Rates) Regulations 2002<sup>(4)</sup>, and for these purposes the expressions “the family element” and “the individual element” are to be construed in accordance with section 9(3) of that Act; or

- (ii) in the case of working tax credit, the relevant income is no more than £18,165 and for these purposes “relevant income” has the same meaning as in Part 1 of that Act;”.

St Andrew’s House,  
Edinburgh  
11th March 2010

*NICOLA STURGEON*  
A member of the Scottish Executive

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(4) S.I. 2002/2008; as relevantly amended by S.I. 2008/796 and 2009/800.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Home Energy Assistance Scheme (Scotland) Regulations 2009 (“the principal Regulations”), which make provision for the making of grants to improve the thermal insulation and energy efficiency of dwellings and to provide advice to reduce or prevent the wastage of energy in a dwelling.

Regulation 3 amends regulation 6(4) of the principal Regulations to extend eligibility to applicants who are in receipt of a qualifying benefit and who have a child under the age of 16 living with them in an energy inefficient dwelling. Previously applicants with a child between the ages of 5 and 16 were eligible only if the child had been awarded a disability living allowance within the meaning of section 71 of the Social Security Contributions and Benefits Act 1992.

Regulation 4 amends regulation 6(5) of the principal Regulations. It removes the income threshold for the qualifying benefit of child tax credit and includes all applicants who are in receipt of more than the family element of child tax credit. This includes families on incomes which are higher than the current threshold amount.

In addition, regulation 4 amends regulation 6(5) of the principal Regulations so as to provide for the eligibility of certain applicants who are in receipt of working tax credit and who have a relevant income of no more than £18,165, an increase on the current threshold of £17,474.