

1994 No. 306

ENERGY CONSERVATION**Domestic Energy Efficiency Grants Regulations
(Northern Ireland) 1994***Made**4th August 1994**Coming into operation in accordance with regulation 1*

The Department of Economic Development, in exercise of the powers conferred on it by Article 17(1), (2), (3), (4), (5), (6), (7) and (10) of the Social Security (Northern Ireland) Order 1990(a) and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 1994. Regulations 1, 2, 3, 16 and 18 and the Schedule shall come into operation on 1st September 1994 and the remaining regulations shall come into operation on 1st January 1995.

Interpretation

2. In these Regulations—

- “administering agency” means a person or body of persons for the time being appointed as the service provider under regulation 18;
- “applicant” means a person who has made an application under regulation 5 or, as the case may be, regulation 13;
- “building in multiple occupation” has the meaning given to it by Article 17(4) of the Order;
- “the Department” means the Department of Economic Development;
- “energy advice” means advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings where work as specified in regulation 6(1)(a), (b) or (c) is, or is to be, carried out;
- “grant” means a grant made in accordance with regulations 4 to 11 or, as the case may be, regulations 12 to 15;
- “insulated additional roof space” means roof space which has been added to the dwelling or building in multiple occupation and in all or any part of which there is insulation material of a thickness of more than 50 millimetres;

(a) S.I. 1990/1511 (N.I. 15)

- “internal door” includes any door or hatch to any roof space;
- “network installer” means a person or body of persons for the time being registered for a locality under regulation 16;
- “the Order” means the Social Security (Northern Ireland) Order 1990;
- “roof space” means space between the roof of a dwelling or building in multiple occupation and the ceiling of any room which is used or available for use for the purpose of living accommodation and which is not wholly separated from the roof by any other room;
- “works” means the work specified in regulation 6(1) or, as the case may be, regulation 12(2).

Purpose

3. A grant may be paid in accordance with these Regulations—

- (a) towards the cost of carrying out work—
 - (i) for the purpose of improving the thermal insulation of dwellings, or
 - (ii) otherwise for the purpose of reducing or preventing the wastage of energy in connection with space or water heating in dwellings; and
- (b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings.

Persons who may apply for grant

4.—(1) An application for a grant in respect of works in a dwelling may be made by a person—

- (a) who is the householder of and is resident in the dwelling in respect of which the application is made; and
- (b) who, or whose spouse with whom he or she is living, is, at the time of application, aged 60 or over or in receipt of disability living allowance, income support, family credit, disability working allowance or housing benefit within the meaning of Parts III and VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a).

(2) For the purpose of this regulation a person shall not be treated as resident in a dwelling unless he is residing there as his only or main residence; and

“householder” means a person who, alone or jointly with others, is a freeholder, lessee or tenant and “lessee” includes a sub-lessee and “tenant” includes a sub-tenant and, without prejudice to the generality of the term, includes a person who has a protected tenancy, a secure tenancy or a statutory tenancy;

“spouse” includes a person with whom the applicant is living as husband or wife.

Application for grant

5.—(1) An application for a grant in respect of works in a dwelling shall be made to a network installer for the locality, except where the applicant proposes to carry out the works himself in which case the application shall be made to the administering agency.

(2) An application shall be in writing, signed either by the applicant or by a person specified or of a description specified by the administering agency and shall be in such form, subject to paragraph (3), as is laid down by that agency.

(3) The form of application shall—

(a) except in a case where the applicant proposes to carry out the works himself,—

(i) specify the name of a network installer who it is proposed should carry out or arrange for the carrying out of the works, and

(ii) contain a declaration signed by or on behalf of that network installer that any necessary permission for the works has been obtained;

(b) in a case where the applicant proposes to carry out the works himself, state that any necessary permission for the works has been obtained;

(c) state that reasonable access to the dwelling in respect of which the application is made will be given to a representative of the administering agency to inspect the dwelling and the works; and

(d) state that no payment in respect of the works which are the subject of the application is being applied for or has been made under any scheme under the Housing (Northern Ireland) Order 1981(a) or any other similar schemes whereby insulation or draughtproofing has been provided and the costs defrayed out of public funds, except where—

(i) the works which were the subject of an application (in this regulation referred to as “the original application”) have not been carried out to comply with the standards referred to in regulation 6(2),

(ii) the applicant did not state in the original application that he would himself carry out the works, and

(iii) the applicant has taken all reasonable steps (which he shall specify) to secure the carrying out of the works in accordance with those standards by the person who was specified in the original application as the person who was to carry out the works.

Work for which grant may be made

6.—(1) A grant may be made in respect of work in a dwelling which provides—

(a) S.I. 1981/156 (N.I. 3)

- (a) insulation in any roof space, other than insulated additional roof space, including the insulation of any cold water tank and any water supply, overflow and expansion pipes; and, where there is no means of access to any roof space for the purpose of carrying out the work, such a means of access, including a permanent means of access, such provision being made at the same time as the provision of insulation in any roof space in accordance with this sub-paragraph; or
- (b) draughtproofing of external and internal doors and windows excluding kitchen and bathroom windows and insulation of any hot water tank or cylinder which is not already insulated by any means; or
- (c) insulation and draughtproofing as specified in sub-paragraphs (a) and (b); and
- (d) energy advice.

(2) The work shall comply with such standards, including standards of materials and workmanship, as are laid down from time to time by the administering agency with the approval of the Department.

Dwellings eligible for grant

7.—(1) Any dwelling is eligible for a grant in accordance with regulations 4 to 11 except, in respect of work specified in regulation 6(1)(a) and (c), a dwelling in which there is or has been at any time, during the period when the applicant has been resident in the dwelling, insulation material of a thickness of more than 50 millimetres in all or any part of any roof space.

(2) A dwelling which is within the exception in paragraph (1) shall nonetheless be eligible for a grant if all the insulation material of a thickness of more than 50 millimetres in the roof space is—

- (a) insulating a water tank, cylinder, water supply pipe or overflow or expansion pipe; or
- (b) in insulated additional roof space.

Procedure after application to network installer

8.—(1) Where an application has been made to a network installer for the locality under regulation 5, he shall consider whether there appears to be eligibility for grant.

(2) If the network installer is not satisfied that there is eligibility for grant, he shall so notify the applicant in writing, return the application to the applicant and inform him that he may send the application to the administering agency for determination.

(3) If the network installer is satisfied that there is eligibility for grant, he shall—

- (a) send the application to the administering agency for determination and at the same time certify to that agency in writing that he has carried out such verification as to the eligibility for grant as may be laid down from time to time by that agency; and

- (b) decide whether, pending determination of the application by that agency, he is prepared to carry out the work on the basis that, subject to the liability of the applicant as described in head (i), he will, in the event that that agency should not approve the grant, bear the cost of the work; and
- (i) if he is so prepared, notify the applicant in writing that he is prepared to carry out the work on the basis that, unless the application for grant is not approved or the claim not paid by that agency on grounds of a material misrepresentation, the applicant shall be liable to pay in respect of the work such amount as has been agreed in writing between the applicant and the network installer before the making of the application as representing the amount by which the full cost of the works exceeds the grant, or
- (ii) if he is not so prepared, notify the applicant in writing that he is awaiting determination of the application by that agency.

(4) For the purpose of this regulation "material misrepresentation" means any representation by or on behalf of the applicant in respect of any of the matters relating to eligibility for grant which is false in a material particular.

Procedure after application to administering agency

9.—(1) Subject to paragraph (2), on receipt of an application made under regulation 5 or sent to the administering agency in accordance with regulation 8(2) or (3) the agency—

- (a) in considering whether to approve a grant, shall determine whether there is eligibility for grant and, if there is, whether there are sufficient funds to make payment of the grant having regard to any amounts otherwise allocated or to be allocated in accordance with these Regulations; and
- (b) shall exercise the function of approving grants in a manner which it considers is best calculated to ensure that claims for the payment of grant resulting from such approvals if made within the period referred to in regulation 11(1)(d) or in accordance with arrangements under regulation 17(3) can be paid.
- (2) Except in a case where the applicant proposes to carry out the works himself, the administering agency shall not approve a grant unless it is satisfied that a contract for the carrying out of the works which contains terms specified by that agency has been entered into with the network installer.
- (3) The administering agency shall send written notification of whether grant has been approved—
- (a) except in a case where the applicant proposes to carry out the works himself, to the network installer; and
- (b) except in a case where the application has been sent by a network installer in accordance with regulation 8(3) and the work done by the network installer by virtue of regulation 8(3)(b)(i) and the grant approved by that agency, to the applicant.

(4) When notifying the applicant that grant has not been approved, the administering agency shall inform the applicant as to the reasons.

Calculation of the size of grant

10.—(1) Subject to paragraphs (2) and (3), the amount of any grant in respect of works in a dwelling shall be determined in accordance with the following table—

Column 1 <i>Work under regulation</i>	Column 2 <i>Work carried out by applicant</i> £	Column 3 <i>Work carried out by network installer</i> £
6(1)(a)	160·70	198·70
6(1)(b)	90·50	128·50
6(1)(c)	251·00	305·00
6(1)(d)	No grant available	10·00

(2) Where the work is carried out by the applicant, the grant for the work specified in column 1 shall be the lesser of—

- (a) the cost of the materials used; or
- (b) the figure shown in column 2.

(3) Where the work is carried out by a network installer, the grant for the work specified in column 1 shall be the lesser of—

- (a) the amount properly charged for the work; or
- (b) the figure shown in column 3.

Claim for and payment of grant

11.—(1) The conditions for payment of grant in respect of works in a dwelling are that—

- (a) the work in respect of which a grant was approved has been completed by a network installer or any sub-contractor of his, by another network installer approved by the administering agency for the purpose of carrying out that work or, except where the work consists of energy advice, by the applicant himself;
- (b) a claim in respect of that work has been made to the agency;
- (c) the claim is in such form as is required by the agency and contains—
 - (i) a declaration signed by the applicant, by a person specified or by a person of a description specified by that agency that the work has been carried out,
 - (ii) a declaration signed by or on behalf of the appropriate person that the work had not been started or, where the applicant carried out the work himself, the materials had not been purchased before notification was given in accordance with regulation 8(3)(b)(i) or 9(3) as appropriate,

- (iii) a declaration signed by or on behalf of the appropriate person that the work complies with the standards provided for in regulation 6(2), and
 - (iv) where energy advice has been given, a declaration signed by or on behalf of the appropriate person that the advice was given by a person possessing such qualifications as may have been laid down from time to time by the agency with the approval of the Department;
- (d) the claim referred to in sub-paragraph (b) shall be made within such period from the date on which the grant was approved as the agency may specify; and
- (e) in any case where the agency has inspected the dwelling, it is satisfied that the work complies with the standards provided for in regulation 6(2).
- (2) Where the conditions for payment are satisfied, the administering agency shall, at such time as it may determine, pay the grant—
- (a) in a case where the work has been carried out by a network installer, to the network installer; and
 - (b) in any other case, to the applicant; provided that, if the applicant so requests in writing, that agency may pay the grant to any person or body of persons authorised by the applicant to receive the payment.
- (3) Where a network installer has carried out the work but the condition specified in paragraph (1)(e) is not satisfied and the applicant arranges for another network installer (“the second network installer”) approved by the administering agency in accordance with paragraph (1)(a) to complete the work so that that condition is satisfied, the agency may (provided that the other conditions for payment are satisfied)—
- (a) pay to the second network installer the amount properly charged for the work done by him or the amount of grant calculated in accordance with regulation 10 whichever is the lesser; and
 - (b) pay to the original network installer any balance after deducting the amount paid to the second network installer from the amount of the grant calculated in accordance with regulation 10.
- (4) In this regulation “the appropriate person” means the network installer who carried out or arranged for the carrying out of the work in respect of which a grant has been approved, or, where the work has been carried out by the applicant himself, the applicant.

Buildings in multiple occupation

12.—(1) The administering agency may make grants in respect of works in buildings in multiple occupation in accordance with the provisions of this regulation and regulations 13 to 15.

(2) Subject to the provisions of paragraphs (3) to (5) a grant may be made in respect of work which—

- (a) is of the type specified in regulation 6(1)(a); or

(b) provides draughtproofing of the external or internal doors or windows of any room used or intended for use as a bedroom, living room or dining room.

(3) Regulation 6(2) shall apply to the works specified in paragraph (2) of this regulation as it applies to the works specified in regulation 6.

(4) A building in multiple occupation is not eligible for a grant in respect of work specified in paragraph (2)(a) if there is or has been at any time, during the period when the applicant has been the person in control of the building, insulation material of a thickness of more than 50 millimetres in the whole of any roof space other than insulated additional roof space.

(5) No grant shall be made unless a grant has been approved or paid in accordance with regulations 4 to 11 in respect of works in at least half of the relevant dwellings in the building in which the building in multiple occupation is situated.

(6) In this regulation—

“person in control”, in relation to a building in multiple occupation, means a person who, alone or jointly with others, is a freeholder, lessee or tenant of the building and “lessee” includes a sub-lessee and “tenant” includes a sub-tenant;

“relevant dwelling” means a dwelling occupied by persons who form a single household.

Buildings in multiple occupation: application for grant

13.—(1) An application for a grant in respect of works in a building in multiple occupation shall be made by the person in control of the building to a network installer for the locality.

(2) An application shall be in writing, signed by the applicant, and shall be in such form, subject to paragraph (3), as is laid down by the administering agency.

(3) The form of application shall—

(a) specify the name of the network installer who it is proposed should carry out or arrange for the carrying out of the works;

(b) state that any necessary permission for the proposed works has been obtained;

(c) state that reasonable access to the building in respect of which the application is made will be given to a representative of the administering agency to inspect the building and the works; and

(d) contain the statement referred to in regulation 5(3)(d).

(4) In this regulation “person in control” in relation to a building in multiple occupation has the same meaning as in regulation 12.

Buildings in multiple occupation: procedure after application

14.—(1) Regulation 8 shall apply in relation to an application for grant made to a network installer for the locality under regulation 13 as it applies in relation to an application for grant made to a network installer for the locality under regulation 5.

(2) Regulation 9 shall apply in relation to an application for grant under regulation 13 as it applies in relation to an application for grant sent to the administering agency for determination in accordance with regulation 8(2) as applied by paragraph (1).

Buildings in multiple occupation: amount, claim for and payment of grant

15.—(1) The amount of any grant in respect of a building in multiple occupation shall be calculated by reference to—

- (a) such amount per square metre, in a case where the work is of the type specified in regulation 12(2)(a); and
- (b) such amount per metre, in a case where the work is of the type specified in regulation 12(2)(b),

as the administering agency may specify from time to time.

(2) The conditions for payment of grant are that—

- (a) the work in respect of which a grant was approved has been completed by a network installer or any sub-contractor of his or by another network installer approved by the administering agency for the purpose of carrying out that work; and
- (b) the conditions specified in regulation 11(1)(b), (c)(i) to (iii), (d) and (e) are satisfied.

(3) Regulation 11(2) shall apply to the payment of grant in accordance with this regulation as it applies to the payment of grant in accordance with regulation 11.

Network installers

16.—(1) The Department shall be a prescribed person for the purpose of establishing criteria for the appointment or termination of appointment of a network installer in accordance with Article 17(6)(b) and (7)(b) of the Order.

(2) The administering agency shall, in accordance with criteria laid down from time to time by the Department,—

- (a) invite applications for registration as a network installer;
- (b) determine the particular locality for which each network installer is to be registered;
- (c) select and register as a network installer, for any particular locality, a person or body of persons capable of carrying out, or arranging for the carrying out of, the work specified in regulation 6(1).

(3) The administering agency shall establish procedures for the general oversight of a network installer and the verification of claims made, and information supplied, by him.

(4) Any registration may be suspended or terminated by the administering agency for reasonable cause.

Allocation of amounts to network installers

17.—(1) A network installer shall at the request of the administering agency submit a written estimate of the works (both those specified in

regulation 6(1) and those specified in regulation 12(2)) which he considers he is likely to carry out during any future period.

(2) The administering agency may, in respect of a future period specified by it, allocate and notify in writing to a network installer an amount which is to be the total sum available for grants in respect of works (both those specified in regulation 6(1) and those specified in regulation 12(2)) to be carried out by the network installer and any sub-contractor of his during that period.

(3) A claim in respect of works completed in the period referred to in paragraph (2) shall be submitted to the administering agency and such claim shall be made within such period as the agency may specify.

Administering agency

18.—(1) The Department may in accordance with the following paragraphs appoint an administering agency to be a service provider and perform such functions as may be conferred upon it by the Department for the purpose of, or otherwise in connection with, the making of grants (both in accordance with regulations 4 to 11 and in accordance with regulations 12 to 15).

(2) The Department may allocate to the administering agency sums which are to be available to that agency in any period for the purpose of making grants (both in accordance with regulations 4 to 11 and in accordance with regulations 12 to 15) in that period, and may re-allocate any sums so allocated.

(3) The appointment of the administering agency, or the conferring of functions in addition to those contained in these Regulations upon such an agency may be effected in whole or in part by or under a written contract entered into between the Department and that agency.

(4) The Department may include such terms and conditions in any contract under paragraph (3) as it may consider appropriate, and may include terms and conditions relating to all or any of the items specified in the Schedule.

(5) Nothing in these Regulations shall require the Department to allocate any sums to the administering agency and that agency shall not allocate amounts or approve grants unless money for the purpose has been made available to it by the Department.

Sealed with the Official Seal of the Department of Economic Development on 4th August 1994.

(L.S.)

D. B. McIllood

Assistant Secretary

No. 306

Energy Conservation

1839

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 4th August 1994.

(L.S.)

D. Thomson

Assistant Secretary

Contractual Items

A written contract between the Department and an administering agency may include provisions for all or any of the following—

- (a) the services to be provided by the administering agency;
- (b) the appointment and registration of network installers;
- (c) listing and removal from the list of persons or bodies of persons for the purpose of paragraph (b) of the definition of network installer in regulation 2;
- (d) procedures for—
 - (i) the general oversight of; and
 - (ii) the verification of claims made and information supplied by, persons carrying out work;
- (e) the design, production and dissemination of forms of application and claim for grant;
- (f) the setting of standards, including standards of materials and workmanship;
- (g) the specifying of the qualifications to be possessed, and the persons who are to possess them and the circumstances in which they are to be possessed, in respect of the giving of energy advice;
- (h) the allocation and payment of grants;
- (i) consultation and liaison with the Department and other persons or bodies of persons;
- (j) duration of the contract;
- (k) the payment of fees to the administering agency;
- (l) the accounting for grants and remuneration;
- (m) the collection, handling, storage and protection of data;
- (n) the recovery of sums due from the administering agency;
- (o) the liabilities of the parties under the contract;
- (p) assignment of obligations;
- (q) termination of—
 - (i) the contract with the administering agency; and
 - (ii) registration by the administering agency of a network installer;
- (r) the specifying of terms to be included in a contract in accordance with regulation 9(2);
- (s) arbitration;
- (t) notices under the contract.

(This note is not part of the Regulations.)

These Regulations provide for the making of grants for the improvement of energy efficiency in dwellings occupied by persons aged 60 or over or who are in receipt of certain social security benefits. The Regulations also provide for similar grants in respect of certain buildings in multiple occupation; for the appointment of an administering agency to administer the making of grants; and for the registration of network installers capable of carrying out the work for which grants may be made.

Regulations 4 to 7 determine eligibility for a grant. Regulation 4 makes provision for the persons who may apply for a grant; regulation 5 for the form and manner of application; regulation 6 for the work for which a grant may be made; and regulation 7 for the dwellings eligible for a grant.

Regulations 8 and 9 provide for the handling of applications; and regulation 10 for the calculation of grants. Regulation 11 sets out the conditions for payment of a grant.

Regulations 12 to 15 make provision for grants for works in buildings in multiple occupation.

Regulations 16 and 17 provide for the registration by the administering agency of network installers; for the general oversight of those installers and for the allocation of amounts of money to be available for their work.

Regulation 18 together with the Schedule provides for the appointment, functions and funding of an administering agency.

1994 No. 307

**Temporary Speed Limit (Motorway M1) (No. 8)
Order (Northern Ireland) 1994**

This Order, being of a temporary character, is not printed at length in this volume.