

2001 No. 267

ENERGY CONSERVATION

**The Home Energy Efficiency Scheme Amendment (Scotland)
Regulations 2001**

Made 23rd July 2001

Laid before the Scottish Parliament 25th July 2001

Coming into force 10th August 2001

The Scottish Ministers, in exercise of the powers conferred by section 15 of the Social Security Act 1990(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme Amendment (Scotland) Regulations 2001 and shall come into force on 10th August 2001.

(2) These Regulations extend to Scotland only.

(3) In these Regulations “the principal Regulations” means the Home Energy Efficiency Scheme Regulations 1997(b).

Amendment of principal Regulations

2.—(1) The principal Regulations shall be amended as follows.

(2) Regulations 1 to 14 shall form Part I of the principal Regulations.

(3) In regulation 2, after “In”, insert “this Part of”.

(4) After regulation 3 insert—

“3A An application for a grant shall not be entertained under this Part of these Regulations for the purpose of providing a central heating system and any new fuel source to the dwelling to enable that system properly to function.”.

(5) After regulation 14, insert—

“Part II: Central Heating Programme

15. In this Part of these Regulations—

“central heating” means a system which provides warmth to 2 or more rooms in a dwelling through a series of connected radiators or ducts linked to a central boiler or from a series of electric storage heaters and controlled from one central point;

“energy advice” includes advice on reducing or preventing the wastage of energy in a dwelling;

(a) 1990 c.27; section 15 was amended by the Housing Grants Construction and Regeneration Act 1996 (c.53), section 142. 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.

(b) S.I. 1997/790, as amended by S.I. 1999/1018.

“self-contained dwelling” means any part of a building which is occupied as a separate dwelling;

“spouse” includes any person who lives with the applicant as husband or wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex;

“works” means any of the works, materials or energy advice specified in regulation 19; and

“works application” means an application in which the applicant proposes that a programme manager will arrange for the carrying out of the works in respect of which a grant is sought.

Powers of the Scottish Ministers

16.—(1) In making or arranging for the making of grant the Scottish Ministers may impose such conditions as they see fit.

(2) The Scottish Ministers may appoint a person or body of persons, known as the programme manager, to perform in any area such functions as they may determine in connection with the making of grant.

(3) The Scottish Ministers may pay grant to a person other than the applicant, where that person has been involved in providing the materials or in financing the work.

Persons who may apply for a grant

17.—(1) An application for a grant for works in respect of a dwelling may be entertained from a person who, at the time the application is made, occupies the dwelling as that person’s only or main residence, has so occupied the dwelling for at least one year, is aged 60 or over and—

- (a) owns the dwelling or is the spouse of the person who owns the dwelling, and does not expect to cease so to occupy the dwelling within the period of twelve months beginning with the date on which the works are completed; or
- (b) occupies the dwelling under a Lease from a private individual or from a limited company which is not a registered housing association, and does not expect to cease so to occupy the dwelling within the period of twelve months beginning with the date on which the works are completed.

(2) If the applicant occupies the dwelling as a tenant, the application may only be entertained if the landlord consents to the work.

(3) An application for a grant for work may only be entertained in respect of a dwelling which—

- (a) does not have any form of central heating system or has a form of central heating system which cannot function and which it would be more reasonable to replace than to repair;
- (b) is self contained; and
- (c) is not the subject of any order or resolution which may lead to its demolition.

Applications for grant

18.—(1) An application for grant under these regulations shall be made to the programme manager.

(2) An application shall be made in writing and signed by or on behalf of the applicant.

(3) The application shall contain the following—

- (a) particulars of the dwelling in respect of which the grant is sought;
- (b) a statement of the criteria of eligibility set out in regulations 17 or 19 which are fulfilled by the applicant;
- (c) a statement that reasonable access to the dwelling in respect of which the application is made will be given to a representative of the programme manager to inspect the dwelling and the works; and

- (d) a statement that neither the applicant nor, to the applicant's knowledge, any other person has received or applied for grant under Part II of these Regulations in respect of the dwelling which is the subject of the application.

Purposes for which grant may be approved

19.—(1) Subject to paragraph (2) below, an application for a grant may only be approved for the purpose of providing a central heating system and any new fuel source to the dwelling to enable that system properly to function.

(2) Where an application is approved for the purpose mentioned in paragraph (1) above grant may also be approved for the purpose of providing—

- (a) insulation between the internal and external leaves of cavity walls of the dwelling;
- (b) insulation to any water heating system or any part of such a system with insulation incorporated in it;
- (c) insulation in any accessible roof space in the dwelling, including the insulation of any cold water tank and any water supply, overflow and expansion pipes in such a space;
- (d) draughtproofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision;
- (e) energy advice;
- (f) a cold alarm;
- (g) a smoke detector;
- (h) a carbon monoxide detector.”.

St Andrew's House,
Edinburgh
23rd July 2001

MARGARET CURRAN
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Home Energy Efficiency Scheme Regulations 1997 (S.I. 1997/790, as amended) provide for the making of grants for the improvement of energy efficiency in dwellings occupied by persons on low income or elderly persons. These Regulations amend those 1997 Regulations as regards Scotland only by inserting a new Part (Part II) which provides for a central heating programme under which grant may be paid to elderly persons. The 1997 Regulations will become Part I of the Regulations.

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