
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 4 amends regulation 4 of the principal Regulations, introducing an exception to the condition that no grant may be made in respect of any dwelling for which a grant under the principal Regulations has been made within the previous 10 years. The exception allows a second grant to be made in respect of a dwelling within 10 years of the first grant, provided that the amount of that first grant did not exceed £750. The 10 year period restriction on the making of grants in respect of that dwelling will apply as of the date on which the second grant is made.

Regulations 5 amends regulation 6 of the principal Regulations to introduce two new categories of person in relation to whom an application for a grant may be entertained. New paragraph (4A) extends eligibility to a person who is or lives with a person who is, in receipt of the highest rate of the care component or the higher rate of the mobility component of disability living allowance and also is or lives with a partner who is in receipt of another benefit. New paragraph (4B) extends eligibility to a person who is or lives with a partner who is, terminally ill and is or lives with a partner who is in receipt of a benefit other than disability living allowance. Both new categories of person must also live in an energy inefficient dwelling and satisfy the criteria in regulation 6(1) of the principal Regulations.

Two further amendments have been made as a consequence of extending eligibility to a person who is, or lives with a partner who is, terminally ill. Firstly, the eligibility requirement in regulation 6(1)(c) of the principal Regulations, that the applicant must not expect to cease to occupy the dwelling within the period of twelve months beginning with the date on which the works are completed, does not apply to such persons. Secondly, a person who is, or lives with a partner who is, terminally ill is excepted from the requirement that they have lived in the dwelling for 12 months prior to application. This exception applies only in relation to one dwelling.

Regulation 6 amends regulation 8 of the principal Regulations to ensure that where a second grant is made under the principal Regulations in respect of a dwelling within 10 years of the date on which the first grant was made by virtue of new paragraph (5A), the total amount of those two grants does not exceed the relevant maximum amount of grant specified in regulation 8(1).