

## **EXECUTIVE NOTE**

### **THE HOME ENERGY ASSISTANCE SCHEME (SCOTLAND) AMENDMENT REGULATIONS 2011**

#### **SSI 2011/56**

The above instrument was made in exercise of the powers conferred by section 15 of the Social Security Act 1990. The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

The instrument amends the Home Energy Assistance Scheme (Scotland) Regulations 2009 (“the principal Regulations”), and has two principal objectives.

Firstly, to extend eligibility for a grant under the principal Regulations to two new categories of person: (i) those who are in receipt of the highest rate of the care component or the higher rate of the mobility component of disability living allowance, and (ii) those who are terminally ill (person who suffers from a progressive disease and whose death in consequence of that disease can reasonably be expected within 6 months). A person is also eligible to apply on the basis of their partner falling within either category. Eligibility has been so extended, as such persons are recognised to be particularly vulnerable if fuel poor. In respect of both new categories, the applicant, or a partner the applicant lives with, must be in receipt of a benefit other than disability living allowance. An applicant for a grant under either of the new categories of eligible persons must live in an energy inefficient dwelling.

Secondly, to provide the opportunity for eligible persons to obtain a small grant for relatively minor works, without barring themselves from being eligible for another grant within the following ten year period. Prior to the amendments in this instrument, no grant could be made in respect of any dwelling for which a grant under the principal Regulations had been made within the previous ten years. This created a perverse incentive for eligible persons not to apply for a grant for minor works, as it would prevent them from further assistance for a period of ten years. Under the amendments in this instrument, a person who receives a grant for less than £750 will not be barred from obtaining a second grant within the following ten years. This will enable a grant to be made towards minor works, potentially preventing the need for more substantial work in the future, but not preclude the recipient from subsequent assistance within the following ten year period. However, to prevent individuals repeatedly using the provision instead of entering into a maintenance agreement, the exception has been restricted to instances where the grant not exceeding £750 is the first grant made under the principal Regulations in respect of the dwelling. Where a second grant is made in respect of the dwelling within ten years of the initial grant not exceeding £750, the sum of the two grants must not exceed the existing maximum amount of grant.

#### **Consultation**

Following publication of the Scottish Government’s review of fuel poverty in May 2008, the Fuel Poverty Forum was re-established to advise on the future of fuel poverty policy in Scotland. It produced its report in October 2008, the main recommendation of which was to replace the Warm Deal and Central Heating Programmes with a new Energy Assistance Package. The Forum was then given the remit of monitoring the implementation of the

Energy Assistance Package. The changes to the principal Regulations contained in this instrument reflect recommendations of the Forum, following a meeting in January 2011. In arriving at the recommendation the Forum consulted with the Scottish Disabilities Equality Forum and the MacMillan cancer charity.

### **Financial Effects**

The Minister for Housing and Communities confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Assistance under the Energy Assistance Package is subject to budgetary provision and it is anticipated that these changes will be managed within existing budgets.

Scottish Government  
Directorate for Housing, Regeneration and Commonwealth Games  
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