
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 148

**The Home Energy Assistance
Scheme (Scotland) Regulations 2013**

Interpretation

2. In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“the 2009 Regulations” mean the Home Energy Assistance Scheme (Scotland) Regulations 2009(2);

“administering agency” means a person or a body of persons appointed under regulation 3(1);

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3);

“central heating system” 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 some other heat source or from a series of electric storage heaters and controlled from one central point;

“dwelling” includes any self-contained part of a building which is occupied as a separate dwelling, and includes mobile homes that have been permanently fixed to a site;

“electric storage heater” means—

- (a) a free-standing electric storage heater;
- (b) an electric fan-assisted storage warm air system;
- (c) an electric wired underfloor heating system, set in a solid floor or floors; or
- (d) an electric ceiling heating system;

“energy inefficient dwelling” means—

- (a) a dwelling, other than a mobile home permanently fixed to a site, which does not attain a Standard Assessment Procedure rating of 55 or above using the Reduced Data SAP calculation; or
- (b) a mobile home permanently fixed to a site where—
 - (i) the U-value of the walls of the mobile home exceeds 0.5 W/m²K;
 - (ii) the U-value of the floor of the mobile home exceeds 0.5 W/m²K;
 - (iii) the U-value of the roof of the mobile home exceeds 0.3 W/m²K;
 - (iv) the mobile home does not have a central heating system; or
 - (v) the mobile home has a central heating system comprising a non-condensing boiler fuelled by liquid petroleum gas;

(1) 1992 c.4.

(2) S.S.I. 2009/48 as amended by S.S.I. 2009/392, 2010/110, 2011/56, 2011/350, 2012/34 and 2012/38.

(3) S.I. 2011/2552, as relevantly amended by S.I. 2013/436.

(c) in paragraph (b) of this definition “the U-value” means the measure in W/m²K of heat transmission through the walls, floor or roof;

“maternity certificate” means a maternity certificate which accords with the requirements of regulation 2(3) of the Social Security (Medical Evidence) Regulations 1976(4) or regulation 2 of the Statutory Maternity Pay (Medical Evidence) Regulations 1987(5);

“network installer” has the meaning given in section 15 of the Social Security Act 1990;

“owner” includes any person who under the Lands Clauses Acts(6) would be enabled to sell and convey land to the promoters of an undertaking;

“partner” means a spouse or civil partner or 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;

“Standard Assessment Procedure” refers to the Government’s Standard Assessment Procedure for Energy Rating of Dwellings, 2009 Edition, as updated in March 2011(7) and “Reduced Data SAP calculation” refers to methodology in Appendix S of that Edition;

“tenant” includes a sub-tenant and a person who—

(a) occupies a dwelling in terms of a contract of employment;

(b) has a licence to occupy a dwelling; or

(c) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993(8), but excludes a tenant of a local authority or a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010(9); and

“terminally ill” has the meaning given in section 66(2)(a) of the 1992 Act.

(4) S.I. 1976/615; regulation 2(3) was amended by S.I. 1987/409 and 2001/2931.

(5) S.I. 1987/235; regulation 2 was amended by S.I. 2001/2931.

(6) Defined in Schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(7) Published by the Building Research Establishment.

(8) 1993 c.44.

(9) 2010 asp 17.