

1990 No. 1791

ENERGY CONSERVATION

The Home Energy Efficiency Grants Regulations 1990

<i>Made</i> - - - -	<i>16th August 1990</i>
<i>Laid before Parliament</i>	<i>3rd September 1990</i>
<i>Coming into force</i> -	<i>1st October 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 15 of the Social Security Act 1990(a), and of all other enabling powers, and with the consent of the Treasury, hereby makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Home Energy Efficiency Grants Regulations 1990 and shall come into force on 1st October 1990.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1990;

“administering agency” means a person or body of persons for the time being appointed under regulation 16;

“applicant” means a person who has made an application under regulation 4;

“building in multiple occupation” has the meaning given to it by section 15(4) of the Act;

“communal area” means a building in multiple occupation, and “communal area grant” shall be construed accordingly;

“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 sub-paragraphs (a), (b) or (c) of paragraph (1) of regulation 6 is, or is to be, carried out;

“draughtproofing” means the draughtproofing of external and internal doors including any door or hatch to any roof space and windows excluding kitchen and bathroom windows;

“grant” means a grant made in accordance with these Regulations but shall exclude a communal area grant;

“insulated additional roof space” means roof space which has been added to the dwelling and in all or any part of which there is insulation material of a thickness of 50 millimetres or more;

“network installer” means a person or body of persons for the time being registered for a locality under regulation 14;

“roof space” means space between the roof of a dwelling and the ceiling of any room

(a) 1990 c.27.

which is used or available for use for the purposes of living accommodation and which is not wholly separated from the roof by any other room; and
“works” means the work specified in paragraph (1) of regulation 6.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number; and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(3) Words and expressions to which meanings are assigned by these Regulations shall (unless the contrary intention appears) have the same respective meanings in any document issued by or on behalf of the Secretary of State under these Regulations.

Persons who may apply for a grant

3.—(1) An application for a grant may be entertained from 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 at the time of making the application is, or whose spouse with whom he or she is living is, in receipt of any income support, housing benefit, family credit or community charge benefit (within the meaning of section 20 of the Social Security Act 1986(a)).

(2) For the purpose of this regulation—

- (a) “householder” means a person, who alone or jointly with others, is—
 - (i) in England and Wales, a freeholder, lessee or tenant (and “lessee” shall include a sub-lessee and “tenant” shall include a sub-tenant and, without prejudice to the generality of the term, include a person who has an assured tenancy, a protected tenancy, a secure tenancy or a statutory tenancy);
 - (ii) in Scotland, an owner or tenant; and “owner” includes any person who under the Lands Clauses Acts(b) would be enabled to sell and convey land to the promoters of an undertaking, and “tenant” includes sub-tenant and any person who has a statutory tenancy under section 3(1) of the Rent (Scotland) Act 1984(c), or who has entered into a contract to which Part VIII of that Act applies, or who has a statutory assured tenancy within the meaning of section 16(1) of the Housing (Scotland) Act 1988(d);
- (b) “spouse” includes a person with whom the applicant is living as husband or wife; and
- (c) a person shall not be treated as resident in a dwelling unless he is residing there as his only or main residence.

Application for a grant

4.—(1) An application for a grant shall be made to the administering agency for the area, save that where the applicant intends that the works are to be undertaken by the network installer for the locality the application shall be made to that network installer.

(2) An application shall be in writing, signed by the applicant and in such form, subject to regulation 5, as is laid down by the administering agency.

5. The form of application shall state that—

- (a) any necessary permission for the works has been obtained;
- (b) 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;
- (c) no payment in respect of the works which are the subject of the application is being applied for or has been made under the Homes Insulation Act 1978(e) or

(a) 1986 c.50; section 20 was amended by Schedule 10 to the Local Government Finance Act 1988 (c.41).

(b) As defined in Schedule 1 to the Interpretation Act 1978 (c.30).

(c) 1984 c.58.

(d) 1988 c.43.

(e) 1978 c.48.

section 521 of the Housing Act 1985(a) or section 252 of the Housing (Scotland) Act 1987(b) or Part VIII of the Local Government and Housing Act 1989(c).

Work for which a grant may be made

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

- (a) (i) 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
- (ii) 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 sub-paragraph (a)(i); or
- (b) draughtproofing 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 Secretary of State.

By whom the works may be done

7. Subject to paragraph (2) of regulation 6, works may be carried out by any person including, except in relation to energy advice, the applicant.

Dwellings eligible for a grant

8.—(1) Any dwelling is eligible for a grant except, in respect of work specified in sub-paragraphs (a) and (c) of paragraph (1) of regulation 6, 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 50 millimetres or more 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 50 millimetres or more in the roof space—

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

Procedure after application to the network installer

9.—(1) Where an application has been made to the network installer for the locality, 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 the area 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 the area for determination, and at the same time certify to the administering 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 the administering agency; and
- (b) decide whether, pending determination of the application by the administering agency, he is prepared to carry out the work on the basis that, subject to the liability of the applicant as described in (i) below, he will, in the event that the

(a) 1985 c.68.
(b) 1987 c.26.
(c) 1989 c.42.

administering 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 the administering agency on grounds of a material misrepresentation, the applicant shall be liable to pay in respect of the work only the contribution as specified in column 2 of the Table in regulation 11 together with 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 sum of the grant and the contribution; or
- (ii) if he is not so prepared, notify the applicant in writing that he is awaiting determination of the application by the administering 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 the administering agency

10.—(1) On receipt of an application, the administering agency for the area, 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.

(2) Subject to paragraph (3), the administering agency shall send written notification of whether grant has been approved to the applicant and to any person or body of persons nominated by the applicant to carry out the works.

(3) Where the application has been sent by a network installer under paragraph (3) of regulation 9, the administering agency shall send written notification of whether grant has been approved to the network installer and, save where the work has been done by the network installer by virtue of sub-paragraph (b)(i) of paragraph (3) of regulation 9 and the grant has been approved by the administering 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

11.—(1) The amount of any grant shall be determined in accordance with the following Table and paragraphs (2), (3) and (4)–

TABLE

(1)	(2)	(3)	(4)	(5)
<i>Work under regulation</i>	<i>Applicant's contribution</i>	<i>Work carried out by applicant</i>	<i>Trainee labour</i>	<i>Non-trainee labour</i>
6(1)(a)	£10	£140	£155	£175
6(1)(b)	£7	£78	£93	£113
6(1)(c)	£15	£220	£240	£270
6(1)(d)	Nil	No grant available	£10	£10

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

- (a) the sum calculated by deducting from the cost of materials used, the contribution shown in column 2 of the Table; and
- (b) the figure shown in column 3 of the Table.

(3) Where the work is carried out by a person other than the applicant, the grant for the work specified in column 1 of the Table shall be the lesser of—

- (a) the sum calculated by deducting from the amount properly charged for the work, the contribution shown in column 2 of the Table; and
- (b) the figure shown in column 4 or column 5 of the Table, as applicable.

(4) Column 4 of the Table shall apply where the work is carried out wholly or mainly by persons receiving training under arrangements by virtue of section 2(1) of the Employment and Training Act 1973(a); otherwise column 5 shall apply.

Claim for and payment of grant

12.—(1) The conditions for payment of grant are that—

- (a) the work in respect of which a grant was approved has been completed;
- (b) a claim in respect of that work has been made to the administering agency for the area by the applicant or, where the work has been carried out by a network installer, by that network installer;
- (c) the claim is in such form as is required by the administering agency and contains—
 - (i) a declaration signed by the applicant that the work has been carried out;
 - (ii) a declaration signed by the person responsible for carrying out the work (and in this regulation such expression shall include the applicant where he has carried out the work) that the work had not been started nor, where the applicant did the work himself, the materials purchased before notice was received in accordance with sub-paragraph (b)(i) of paragraph (3) of regulation 9 or paragraph (2) of regulation 10 as appropriate;
 - (iii) a declaration signed by the person responsible for carrying out the work that the work complies with the standards provided for in paragraph (2) of regulation 6; and
 - (iv) where energy advice has been given, a declaration signed by the person responsible for the giving or the supervision of the giving of that advice that it has been given or supervised as appropriate by such person possessing such qualifications as may have been laid down from time to time by the administering agency with the approval of the Secretary of State;
- (d) in any case where the administering agency has inspected the dwelling, it is satisfied that the work complies with the standards provided for in paragraph (2) of regulation 6.

(2) Where the conditions for payment are satisfied, the administering agency shall pay the grant—

- (a) to the claimant; or
- (b) at the request of the claimant in writing, to a person authorised by him to receive the payment.

Communal area grant

13.—(1) An administering agency may make communal area grants in respect of works, except energy advice, in communal areas.

(2) A person whose dwelling is in a building, another part of which is a building in multiple occupation, may when applying for a grant for works to his dwelling indicate in his application that he believes that the building is a building suitable for a communal

(a) 1973 c.50; section 2 was substituted by section 25 of the Employment Act 1988 (c.19).

area grant and on receipt of the application the administering agency shall deal with the indication in accordance with the following provisions of this regulation.

(3) The administering agency shall make such enquiries as it sees fit as to the proportion of the dwellings in the building which are dwellings ("relevant dwellings") resided in by a person from whom an application for a grant may be entertained under paragraph (1) of regulation 3.

(4) If the administering agency determines that—

(a) at least half of the dwellings in the building are relevant dwellings; and

(b) the building is one where work in respect of the communal areas would be justified on the grounds of reducing or preventing the wastage of energy,

the administering agency may appoint a person or body of persons to carry out work of the nature, to the extent and subject to such of the provisions of these Regulations as apply to works, all as may be laid down by the administering agency, and may, on completion of the work, pay to that person or body such sum as may have been agreed as the communal area grant in respect of that work.

Network installers

14.—(1) The administering agency for any area shall, in accordance with criteria laid down from time to time by the Secretary of State—

(a) invite applications for registration as a network installer;

(b) determine the particular locality for which each network installer within its area is to be registered;

(c) select and register as the network installer, for any particular locality within its area, a person or body of persons capable of carrying out, or arranging for the carrying out of, the work specified in sub-paragraphs (a), (b) and (c) of paragraph (1) of regulation 6.

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

(3) Any registration may be terminated by the administering agency with the approval of the Secretary of State for reasonable cause.

Allocation of amounts to network installers

15.—(1) A network installer shall at the request of an administering agency submit a written estimate of the works which he considers he is likely to carry out during any future period.

(2) An 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 to be carried out by the network installer and any sub-contractor of his during that period.

Administering agencies

16.—(1) The Secretary of State may in accordance with the following paragraphs appoint a person or body of persons to perform in any particular area such functions as he may confer upon that person or body, being functions specified by the Secretary of State for the purposes of, or otherwise in connection with, the making of grants and communal area grants.

(2) The Secretary of State may allocate to an administering agency sums which are to be available to that agency in any period for the purpose of making grants and communal area grants in that period, and may re-allocate any sums so allocated.

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

(4) The Secretary of State may include such terms and conditions in any contract

under paragraph (3) as he 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 Secretary of State to allocate any sums to any administering agency and no administering agency shall allocate amounts or approve grants unless money for the purpose has been made available to it by the Secretary of State.

15th August 1990

Colin Moynihan
Parliamentary Under Secretary of State,
Department of Energy

We consent,

16th August 1990

Michael Fallon
Kenneth Carlisle
Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE

Regulation 16(4)

CONTRACTUAL ITEMS

A written contract between the Secretary of State and an administering agency may include provision 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) procedures for the general oversight of, and the verification of claims made, and information supplied, by persons carrying out work;
- (d) the design, production and dissemination of forms of application and claim for grant;
- (e) the setting of standards, including standards of materials and workmanship;
- (f) 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;
- (g) the allocation and payment of grants;
- (h) consultation and liaison with the Secretary of State and other persons or bodies of persons;
- (i) duration of the contract;
- (j) the payment of fees to the administering agency;
- (k) the accounting for grants and remuneration;
- (l) the collection, handling, storage and protection of data;
- (m) the recovery of sums due from the administering agency;
- (n) the liabilities of the parties under the contract;
- (o) assignment of obligations;
- (p) termination of—
 - (i) the contract with the administering agency; and
 - (ii) registration by the administering agency of a network installer;
- (q) arbitration;
- (r) notices under the contract.

EXPLANATORY NOTE

(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 on low income and in the communal areas of buildings occupied by such persons; for the appointment of administering agencies 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 3 to 8 determine eligibility for a grant. Regulation 3 makes provision for the persons who can apply for a grant; regulations 4 and 5 for the form and manner of application; regulation 6 for the work for which a grant may be made; regulation 7 for the persons by whom work may be carried out; and regulation 8 for the dwellings eligible for a grant.

Regulations 9 and 10 provide for the handling of applications; and regulation 11 for the calculation of grants and applicants' contributions. Regulation 12 sets out the conditions for payment of a grant.

Regulation 13 makes provision for communal area grants.

Regulations 14 and 15 provide for the registration by the administering agency of network installers; for the general oversight of these installers and for the allocation of amounts of money to be available for their work.

Regulation 16 provides for the appointment, functions and funding of administering agencies.

£1.70 net

ISBN 0 11 004791 5

Printed in the United Kingdom for HMSO

833 WO1623 C10 9/90 452/3 4235 46378 902643