

2012 No. 2140

ENERGY CONSERVATION, ENGLAND

**The Home Energy Efficiency Scheme (England) (Amendment)
Regulations 2012**

<i>Made</i>	- - - -	<i>16th August 2012</i>
<i>Laid before Parliament</i>		<i>12th August 2012</i>
<i>Coming into force</i>	- -	<i>12th September 2012</i>

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2012 and come into force on 12th September 2012.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations, “the principal Regulations” means the Home Energy Efficiency Scheme (England) Regulations 2005(b).

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “administering agency” insert—

““mobile home” means a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960(c) (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968(d)) which is used as a dwelling for the purposes of Part I of the Local Government Finance Act 1992(e);”.

(a) 1990 c.27. Section 15 was amended by section 142(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996 (c.53). The functions of the Secretary of State under section 15 are, so far as exercisable in or as regards Scotland, devolved to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46); see the Home Energy Assistance Scheme (Scotland) Regulations 2009 (S.I. 2009/48). As regards Wales, the functions are exercisable by Welsh Ministers; see in particular paragraphs 30 and 32(2) of Schedule 11 to the Government of Wales Act 2006 (c.32) and the reference to the Social Security Act 1990 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See also the Home Energy Efficiency Scheme (Wales) Regulations 2011 (S.I. 2011/656).

(b) S.I. 2005/1530; relevant amending instruments are S.I. 2010/1893, 2011/833.

(c) 1960 c.62.

(d) 1968 c.52.

(e) 1992 c.14.

- (3) In regulation 3 (powers of the Secretary of State), after paragraph (4)(a) insert—
- “(5) In respect of an amount allocated to an administering agency under paragraph (4), the Secretary of State—
- (a) may re-allocate any such amount within a financial year; but
 - (b) must not re-allocate any amounts which have already been allocated or provisionally allocated for the purpose of making grants in accordance with these Regulations.”.

(4) In regulation 4 (persons who may apply for a grant)—

 - (a) in paragraph (2)(b)—
 - (i) after “that” insert “, except where the dwelling is a mobile home,”; and
 - (ii) for “55” substitute “63”;
 - (b) for paragraph (3A)(c) substitute—

“(3A) This paragraph applies where P is, or is living with a partner who is, in receipt of—

 - (a) child tax credit(d) and has a relevant income of £15,860 or less;
 - (b) income-related employment and support allowance(e) and—
 - (i) is receiving a work-related activity or support component; or
 - (ii) has parental responsibility for a qualifying child; or
 - (iii) is in receipt of a qualifying component;
 - (c) income-based job seeker’s allowance(f) and—
 - (i) has parental responsibility for a qualifying child; or
 - (ii) is in receipt of a qualifying component;
 - (d) income support(g) and—
 - (i) has parental responsibility for a qualifying child; or
 - (ii) is in receipt of a qualifying component;
 - (e) state pension credit(h);
 - (f) working tax credit and has a relevant income of £15,860 or less and—
 - (i) has parental responsibility for a qualifying child; or
 - (ii) is in receipt of a disabled worker element or severe disability element; or
 - (iii) is aged 60 years or over.”;
 - (c) in paragraph (4)—
 - (i) after the definition of “householder” insert—

“parental responsibility” has the same meaning as in section 3 of the Children Act 1989(i);

“qualifying child” means, in relation to a person in receipt of an allowance, income support or working tax credit, a child who ordinarily resides with that person and who—

(a) Paragraph (4) was inserted by regulation 2(1) and (2) of the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2010 (S.I. 2010/1893).

(b) Paragraph (2) was inserted by regulation 3(1) and (3)(a) of the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833).

(c) Paragraph (3A) was inserted by regulation 3(1) and (3)(a) of the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833).

(d) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).

(e) See Part 1 of the Welfare Reform Act 2007 (c.5).

(f) See section 1(1) and (4) of the Jobseekers Act 1995 (c 18).

(g) See section 124 of the Social Security Contributions and Benefits Act 1992 (c 4).

(h) See section 1(1) of the State Pension Credit Act 2002 (c.16).

(i) 1989 c.41.

- (a) is under the age of 16; or
- (b) is 16 or over but under the age of 20 and in full-time education (other than higher education within the meaning of section 579(1) of the Education Act 1996^(a));”;
- (ii) after the definition of “qualifying component” insert—
““relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002^(b)”.

(5) In regulation 9 (application for, and payment of, grant), in paragraph (4)(c)—

- (a) after “allocated” where it first appears, insert “or re-allocated”; and
- (b) after “been”, insert “allocated or”.

Transitional provision

4. The principal Regulations in force immediately before the date on which these Regulations come into force shall continue to apply on and after that date in respect of a works application made but not determined before that date but as amended by regulation 3(3) and 3(5) of these Regulations.

16th August 2012

Charles Hendry
Minister of State
Department of Energy and Climate Change

We consent,

16th August 2012

Angela Watkinson
James Duddridge
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) 1996 c.56.
(b) 2002 c.21.
(c) Paragraph (4) was inserted by regulation 2(1) and (3) of the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2010 (S.I. 2010/1893).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Scheme (England) Regulations 2005 (S.I. 2005/1539) (“the principal Regulations”).

Regulation 3(2) adds the definition of “mobile home” to regulation 2 of the principal Regulations.

Regulation 3(3) amends the powers of the Secretary of State under regulation 3 of the principal Regulations to permit the Secretary of State to revise an allocation of monies to an administering agency within a financial year where such monies have not already been allocated or provisionally allocated to works applications by the administering agency.

Regulation 3(4)(a)(i) disapplies the condition in regulation 4(2) of the principal Regulations where a works application for grant is made in respect of a mobile home. The effect of the amendment is that mobile homes will not need to have the SAP energy efficiency rating prescribed in regulation 4(2) in respect of a works application for grant. Regulation 3(4)(ii) changes the required SAP energy efficiency rating for dwellings from 55 to 63.

Regulation 3(4)(b) substitutes new income-related eligibility criteria for people who are eligible to make a works application for grant.

Regulation 3(4)(c) adds definitions of “parental responsibility”, “qualifying child” and “relevant income” to regulation 4(4) of the principal Regulations.

Regulation 3(5) amends regulation 9(4) of the principal Regulations in consequence of the insertion of regulation 3(5) into the principal Regulations.

Regulation 4 makes transitional provision in relation to a works application made but not determined before the date on which these Regulations come into force.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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