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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 392**

**ENERGY CONSERVATION**

**The Home Energy Assistance Scheme  
(Scotland) Amendment Regulations 2009**

*Made* - - - - *10th November 2009*  
*Laid before the Scottish*  
*Parliament* - - - - *11th November 2009*  
*Coming into force* - - *21st December 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 15 of the Social Security Act 1990(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Home Energy Assistance Scheme (Scotland) Amendment Regulations 2009 and come into force on 21st December 2009.

**Amendments to the Home Energy Assistance Scheme (Scotland) Regulations 2009**

2. The Home Energy Assistance Scheme (Scotland) Regulations 2009(2) are amended in accordance with regulations 3 and 4.

3. In regulation 2 (interpretation) for the definition of “energy inefficient dwelling” substitute—

““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; 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/m<sup>2</sup>K;
  - (ii) the U-value of the floor of the mobile home exceeds 0.5 W/m<sup>2</sup>K;
  - (iii) the U-value of the roof of the mobile home exceeds 0.3 W/m<sup>2</sup>K;
  - (iv) the mobile home does not have a central heating system; or

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(1) 1990 c.27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c.53). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(2) S.S.I. 2009/48.

- (v) the mobile home has a central heating system comprising a non-condensing boiler fuelled by liquid petroleum gas,

in paragraph (b) of this definition “the U-value” means the measure in  $W/m^2K$  of heat transmission through the walls, floor or roof;”.

**4.** For regulation 8 (amount of grant) substitute—

**“8.—Amount of grant**

(1) The maximum amount of grant which may be awarded by the administering agency in respect of an application is £4,000, unless paragraph (2) applies, in which case the maximum amount of grant is £6,500.

(2) This paragraph applies where—

- (a) the dwelling, other than a mobile home permanently fixed to a site, cannot be improved to a Standard Assessment Procedure rating of 55 or above within the £4,000 limit;
- (b) the dwelling is a mobile home permanently fixed to a site and would remain an energy inefficient dwelling after completion of works funded by a grant of £4,000; or
- (c) the works for which a grant is made include the installation of an air source heat pump.

(3) In paragraph (2)(c) “air source heat pump” means an electrically driven refrigeration system that transfers heat from outside air into a water-based heating system.”.

St Andrew’s House,  
Edinburgh  
10th November 2009

*ALEX NEIL*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Home Energy Assistance Scheme (Scotland) Regulations 2009.

Regulation 3 amends the definition of “energy inefficient dwelling” to allow for the inclusion of dwellings which do not achieve a SAP rating of 55 or above. This will allow more occupants of dwellings to meet the criteria under regulation 6 to qualify than the current threshold of a SAP rating of 39 or above. The amended definition of “energy inefficient dwelling” provides that mobile homes which have been permanently fixed to a site will be energy inefficient if any of the five criteria apply.

Regulation 4 substitutes a new regulation 8. The new provision reflects the change to the definition of “energy inefficient dwelling”, extends the availability of the upper limit of grant award to applications where air source heat pumps are to be installed and defines “air source heat pump”.