
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 570

**The Home Energy Efficiency
Scheme (Scotland) Regulations 2006**

PART 2

Insulation and Energy Efficiency Works

Persons who may apply for a grant under this Part

7. –

(1) An application for a grant towards the cost of the works specified in regulation 8 may be entertained from a person who is the owner or tenant of the dwelling, either alone or jointly with others, who lives in the dwelling as an only or main residence and either–

- (a) has attained, or lives with a partner who has attained, the age of 60; or
- (b) satisfies one of the conditions in paragraph (2).

(2) The conditions are that the applicant must–

- (a) be, or live with a partner who is, in receipt of a benefit to which paragraph (3) applies;
- (b) be, or live with a partner who is, in receipt of a guarantee credit as mentioned in section 1 of the State Pension Credit Act 2002(1);
- (c) be, or live with a partner who is, in receipt of child tax credit or working tax credit under the Tax Credits Act 2002(2) and have a relevant income of less than £15,460 and for these purposes “relevant income” has the same meaning as in Part 1 of that Act; or
- (d) have a child living in the dwelling, or live with a partner who has a child living in the dwelling, who has been awarded a disability living allowance under section 71 of the 1992 Act(3).

(3) This paragraph applies to–

- (a) an attendance allowance, that is to say–
 - (i) an attendance allowance under section 64 of the 1992 Act(4);
 - (ii) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Part 1 of Schedule 8 to the 1992 Act(5);

(1) 2002 c. 16. There are amendments not relevant to these Regulations.

(2) 2002 c. 21; section 1 makes provision for child tax credit and working tax credit. There are amendments not relevant to these Regulations.

(3) Section 71(3) was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c. 30).

(4) Section 64 was amended by section 66(1) of the Welfare Reform and Pensions Act 1999 (c. 30).

(5) See section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16) which was repealed, with savings, by the Social Security (Consequential Provisions) Act 1992 (c. 6).

- (iii) a payment made under article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(6) or any analogous payment;
- (iv) any payment based on need for attendance which is paid with a war disablement pension; or
- (v) any payment intended to compensate for the non-payment of a payment, allowance or pension mentioned in any of sub-paragraphs (i) to (iv);
- (b) a disability living allowance (under section 71 of the 1992 Act)(7), council tax benefit, housing benefit and income support (each as provided for in Part VII of the 1992 Act)(8), industrial injuries disablement benefit under sections 103 to 105 of the 1992 Act (where it includes constant attendance allowance) and an income-based jobseeker's allowance (within the meaning of the Jobseekers Act 1995(9)); and
- (c) a war disablement pension within the meaning of section 139(11) of the Social Security Administration Act 1992(10) or under article 10 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(11), so far as that Order is made otherwise than under the Air Force (Constitution) Act 1917(12), together with—
 - (i) a mobility supplement under article 20 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(13) (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 (including that article as applied by article 48A of that Scheme)(14), or a payment intended to compensate for the non-payment of such a supplement; or
 - (ii) a payment under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act (constant attendance allowance).
- (4) For the purposes of this regulation—
 - “owner” includes any person who under the Lands Clauses Acts(15) would be enabled to sell and convey land to the promoters of an undertaking; and
 - “tenant” includes a person who—
 - (i) is a service occupant;
 - (ii) has a licence to occupy a dwelling; or
 - (iii) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993(16), and, in any case, a sub-tenant.

(6) S.I.1983/686; articles 14, 15 and 16 were amended by S.I. 2001/420 and article 16 by S.I. 1984/1675.

(7) Section 71 was amended by section 67 of the Welfare Reform and Pensions Act 1999 (c. 30).

(8) Section 124, which deals with income support, was amended by Schedule 2, paragraph 30 to the Jobseekers Act 1995 (c. 18) and by section 70 of and Schedule 8, paragraph 28 to the Welfare Reform and Pensions Act 1999 (c. 30). Section 130, which deals with housing benefit, was amended by Schedule 9 to the Local Government Finance Act 1992 (c. 14) and Schedule 13, paragraph 174 to the Local Government etc. (Scotland) Act 1994 (c. 39). Section 130 was repealed in part by Schedule 19, Part VI of the Housing Act 1996 (c. 52). Section 131, which deals with council tax benefit, was substituted by Schedule 9 to the Local Government Finance Act 1992 (c. 14).

(9) 1995 c. 18. There are amendments not relevant to these Regulations.

(10) 1992 c. 5. Section 139(11) was amended by section 722 of and Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), and by section 254 of and paragraph 65 of Part 4 of Schedule 24 to the Civil Partnership Act 2004.

(11) S.I. 1983/883; article 10 was amended by S.I. 1993/598, S.I. 1996/1638 and S.I. 2005/851. There are amendments not relevant to these Regulations.

(12) 1917 (c. 51) (7 & 8 Geo. 5). There are amendments not relevant to these Regulations.

(13) S.I. 2006/606.

(14) S.I. 1983/686; article 25A was added by S.I. 1983/1164 and amended by S.I. 1983/1540, 1986/628, 1990/1300, 1991/708, 1992/702, 1995/445 and 2001/420. There are other amendments to S.I. 1983/686 not relevant to these Regulations.

(15) Defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

(16) 1993 c. 44.

Works for which a grant may be made

8. –

(1) A grant may be made for one or more of the following types of work–

- (a) to provide insulation in any accessible roof space in the dwelling, including the insulation of any cold water tank and any water supply, overflow and expansion pipes in such a space;
- (b) to provide insulation between the internal and external leaves of cavity walls of the dwelling;
- (c) to improve the energy efficiency of any space or water heating system installed in the dwelling; and
- (d) to provide draught proofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision.

(2) Where a grant is made for one or more of the purposes set out in paragraph (1), grant may also be made for the provision of any of the following–

- (a) energy advice;
- (b) energy efficient lamps; and
- (c) insulation to any water heating system or part of such system installed in the dwelling.

(3) No grant shall be made unless the dwelling and the subject-matter of each category of works mentioned in the application meets such conditions as may be specified from time to time by the administering agency with the consent of the Scottish Ministers.

(4) No grant shall be made in respect of any dwelling where a grant has been made previously for the same or similar works.

(5) All works shall comply with such standards as to materials and workmanship as may be laid down from time to time by the administering agency with the consent of the Scottish Ministers.

Calculation of amount of grant

9. –

(1) The total amount of grant payable by the administering agency in respect of an application shall be the amount properly charged for the works carried out or £500, whichever is the lesser.

(2) Subject to paragraph (1), an administering agency shall have power, with the consent of the Scottish Ministers, to specify a grant-calculation basis, expressed in terms of amounts per unit of measurement, for any category or combination of categories of works.

(3) Where the applicant qualifies for grant by virtue only of regulation 7(1)(a), the maximum amount of grant and the grant-calculation basis applicable to any category of works, shall be one-quarter of the amount or basis which would otherwise apply.