



# Home Energy Conservation Act 1995

## 1995 CHAPTER 10

An Act to make provision for the drawing up of local energy conservation reports in relation to residential accommodation; to give the Secretary of State functions in connection therewith; and for related purposes. [28th June 1995]

[<sup>F1</sup>Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—]

### Textual Amendments

**F1** Act ceased to have effect (S.) (21.3.2012) by virtue of [Energy Act 2011 \(c. 16\)](#), **ss. 118(1)(a)**, 121(1); [S.I. 2012/873](#), art. 2(c)

### Modifications etc. (not altering text)

**C1** Act: transfer of functions (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**

**C2** Act restricted (W.) (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), **ss. 118(1)(b)**, 121(1); [S.I. 2012/873](#), art. 2(c)

## 1 Interpretation.

( 1 ) In this Act—

“energy conservation authority” means—

- (a) in England and Wales, a local housing authority within the meaning of the <sup>M1</sup> Housing Act 1985,
- (b) in Scotland, a local authority within the meaning of the <sup>M2</sup> Housing (Scotland) Act 1987, and
- (c) in Northern Ireland, the Northern Ireland Housing Executive;

“energy conservation measures” includes information, advice, education, promotion, [<sup>F2</sup> any available financial assistance, ] making grants and loans and carrying out works;

“residential accommodation” means—

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- (a) premises occupied or intended to be occupied as a separate dwelling and forming the whole or part of a building, or
- [<sup>F3</sup>(aa) a house in multiple occupation, that is—
  - [<sup>F4</sup>(i) in England and Wales, a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act),]
  - (ii) in Scotland, [<sup>F5</sup> an HMO (within the meaning of the Housing (Scotland) Act 2006 (asp 1)) which requires to be licensed under Part 5 of that Act ], and
  - (iii) in Northern Ireland, a house in multiple occupation as defined by Article 75 of the Housing (Northern Ireland) Order 1992, or
- (ab) a house-boat, that is, a boat or other floating decked structure—
  - (i) designed or adapted for use solely as a place of permanent habitation, and
  - (ii) not having means of, or capable of being readily adapted for, self-propulsion,

which, in the case of a house-boat in England and Wales [<sup>F6</sup>or Northern Ireland], is a dwelling for the purposes of Part I of the Local Government Finance Act 1992, or [<sup>F7</sup>, in the case of a house-boat in Northern Ireland, is a dwelling-house for] the purposes of the Rates (Northern Ireland) Order 1977, or]

- (b) a mobile home, that is—
  - (i) in England and Wales or Scotland, a caravan within the meaning of Part I of the <sup>M3</sup> Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the Caravan <sup>M4</sup> Sites Act 1968) which is a dwelling for the purposes of Part I or II of the <sup>M5</sup> Local Government Finance Act 1992,
  - (ii) in Northern Ireland, a caravan within the meaning of the <sup>M6</sup> Caravans Act (Northern Ireland) 1963 which is a dwelling-house for the purposes of the <sup>M7</sup> Rates (Northern Ireland) Order 1977.
- (2) Any reference in this Act to the area of an energy conservation authority is—
  - (a) in the case of a local housing authority in England and Wales, to the area of that authority within the meaning of the <sup>M8</sup> Housing Act 1985,
  - (b) in the case of a local authority in Scotland, to the area of that authority, and
  - (c) in the case of the Northern Ireland Housing Executive, to Northern Ireland.

#### Textual Amendments

- F2** Words in definition of “energy conservation measures” in s. 1(1) inserted (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), **ss. 118(2)**, 121(1); [S.I. 2012/873](#), **art. 2(c)**
- F3** S. 1(1): paras. (aa) and (ab) in definition of “residential accommodation” inserted by [1996 c. 38](#), **s. 1(2)** (in force (S.) (1.12.1996) by [S.I. 1996/2796](#), **art. 2**; and (N.I.) (5.12.1996) by [S.R. 1996/559](#), **art. 2**; and (E.W.) (14.1.1997 for specified provisions, otherwise 1.4.1997) by [S.I. 1997/47](#), **art. 2**).
- F4** Para (aa)(i) of the definition of “residential accommodation” in s. 1(1) substituted (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **s. 270(4)(5)(f)**, **Sch. 15 para. 38**; [S.I. 2006/1060](#), **art. 2(1)(d)** (with [Sch.](#)); [S.I. 2006/1535](#), **art. 2(b)** (with [Sch.](#))

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- F5** Words in paragraph (aa)(ii) of the definition of “residential accommodation” in s. 1(1) substituted (31.8.2011) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **Sch. 6 para. 18** (with s. 193); [S.S.I. 2010/159](#), art. 3
- F6** Words in s. 1(ab) in definition of “residential accommodation” repealed (N.I.) (11.5.1999) by [S.I. 1999/659 \(N.I. 3\)](#), **art. 8(1)(a)**
- F7** Words in s. 1(ab) in definition of “residential accommodation” substituted (N.I.) (11.5.1999) by [S.I. 1999/659 \(N.I. 3\)](#), **art. 8(1)(b)**

#### Commencement Information

- I1** S. 1 wholly in force at 1.4.1997: s. 1 not in force at Royal Assent see s. 9(2); s. 1 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), **arts. 2, 3**; (N.I.) (1.4.1996) by [S.R. 1995/455](#), **art. 2**; and (S.) (1.12.1996) by [S.I. 1996/2797](#), **art. 2**; and (W.) (1.4.1997) by [S.I. 1996/3181](#), **art. 2**

#### Marginal Citations

- M1** 1985 c. 68.  
**M2** 1987 c. 26.  
**M3** 1960 c. 62.  
**M4** 1968 c. 52.  
**M5** 1992 c. 14.  
**M6** 1963 c. 17 (N.I.).  
**M7** [S.I. 1977/2157 \(N.I. 28\)](#).  
**M8** 1985 c. 68.

## 2 Energy conservation reports.

- (1) [<sup>F8</sup>Subject to subsection (7),]it shall be the duty of every energy conservation authority to prepare a report in accordance with this section.
- (2) The report shall set out energy conservation measures that the authority considers practicable, cost-effective and likely to result in significant improvement in the energy efficiency of residential accommodation in its area.
- (3) The report shall include—
- (a) an assessment of the cost of the energy conservation measures set out in it;
  - (b) an assessment of the extent to which carbon dioxide emissions into the atmosphere would be decreased as a result of those measures; and
  - (c) a statement of any policy of the authority for taking into account, in deciding whether to exercise any power in connection with those measures, the personal circumstances of any person.

Nothing in this subsection shall be taken as requiring the authority to set out in the report energy conservation measures to be taken in relation to any particular dwelling or building.

- (4) The report may, if the energy conservation authority considers it desirable, include—
- (a) an assessment of the extent of decreases in emissions into the atmosphere of oxides of nitrogen and sulphur dioxide which would result from the implementation of the measures set out in the report;
  - (b) an assessment of the number of jobs which would result from the implementation of those measures;
  - (c) an assessment of the average savings in fuel bills and in kilowatt hours of fuel used that might be expected to result from the measures by different types of household in different types of accommodation;

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- (d) such other matters as it considers appropriate.
- (5) An energy conservation authority may in preparing the report consult such persons as it considers appropriate.
- (6) When an energy conservation authority has prepared a report in accordance with this section, it shall publish it and send a copy to the Secretary of State.
- [<sup>F9</sup>(7) An energy conservation authority may prepare a report on houses in multiple occupation or house-boats which is separate from the report on other residential accommodation.]

#### Textual Amendments

- F8** Words in s. 2(1) inserted (E.W.) (13.1.1997) by [S.I. 1997/47](#), [art. 3\(2\)\(a\)](#).
- F9** S. 2(7) inserted (E.W.) (13.1.1997) by [S.I. 1997/47](#), [art. 3\(2\)\(b\)](#).

#### Modifications etc. (not altering text)

- C3** Power to amend s. 2 conferred by [1996 c. 38, s. 2\(3\)](#) (in force (S.) (1.12.1996) by [1996/2796](#), art. 2; and (N.I.) (5.12.1996) by [S.R. 1996/559](#), [art. 2](#); and (E.W.) (14.1.1997 for specified provisions, otherwise 1.4.1997) by [S.I. 1997/47](#), [art. 2](#)).  
Power to amend, repeal, revoke or disapply conferred ((E.) 18.10.2000 and (W.) 1.11.2000) by [2000 c. 22, s. 7\(2\)\(b\)](#); [S.I. 2000/2836](#), [art. 2\(a\)](#); [S.I. 2000/2948](#), [art. 2](#)
- C4** S. 2 excluded (E.W.) (1.2.2005) by [Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005](#) ([S.I. 2005/157](#)), [arts. 1, 4\(1\)](#)

#### Commencement Information

- I2** S. 2 wholly in force at 1.4.1997: s. 2 not in force at Royal Assent, see s. 9(2); s. 2 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

### 3 Functions of the Secretary of State in relation to reports.

- (1) The Secretary of State shall give directions as to the date by which reports under section 2 are to be sent to him by energy conservation authorities.

The directions may set different dates for different authorities, different descriptions of authority and different areas [<sup>F10</sup>; and may set different dates for reports on houses in multiple occupation or house-boats or reports on other residential accommodation.]

- (2) Where the Secretary of State has received a report under section 2 from an energy conservation authority, and it appears to him that the report has been duly prepared in accordance with this Act, he shall—
- notify the authority of a timetable in accordance with which the authority shall prepare, publish and send to the Secretary of State reports on the progress made in implementing the measures set out in the report, and
  - take such steps as he considers desirable in order to assist with and to encourage other persons to assist with the measures set out in any such report.
- (3) The Secretary of State may vary any timetable set by him under subsection (2).
- (4) The Secretary of State shall from time to time prepare a report on—

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- (a) the progress made by energy conservation authorities in implementing the measures set out in reports prepared under section 2, and
  - (b) any steps he has taken pursuant to subsection (2)(b) above,
- and shall lay any such report before Parliament.

#### Textual Amendments

**F10** Words in s. 3(1) inserted (E.W.) (13.1.1997) by [S.I. 1997/47](#), [art. 2](#).

#### Modifications etc. (not altering text)

**C5** Power to amend s. 3 conferred by [1996 c. 38, s. 2\(3\)](#) (in force (S.) (1.12.1996) by [S.I. 1996/2796](#), [art. 2](#); and (N.I.) (5.12.1996) by [S.R. 1996/559](#), [art. 2](#); and (E.W.) (14.1.1997 for specified provisions, otherwise 1.4.1997) by [S.I. 1997/47](#), [art. 2](#)).

**C6** S. 3(2) excluded (E.W.) (1.2.2005) by [Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), arts. 1, [4\(2\)](#)

#### Commencement Information

**I3** S. 3 wholly in force at 1.4.1997: s. 3 not in force at Royal Assent, see s. 9(2); s. 3 in force (E.) (15.1.1996 for subsection (1) otherwise 1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.1.1996 for subsection (1) otherwise 1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#) and (W.) (10.1.1997 for subsection (1) otherwise 1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

## 4 Guidance by the Secretary of State.

- (1) The Secretary of State may, from time to time, give to energy conservation authorities such guidance as he considers appropriate in relation to the preparation of reports under section 2 or reports under section 3(2)(a).
- (2) The Secretary of State may, in particular, give guidance as to what improvements in energy efficiency are to be regarded as significant.
- (3) An energy conservation authority shall have regard to any guidance given by the Secretary of State under this section.

#### Modifications etc. (not altering text)

**C7** Power to amend s. 4 conferred by [1996 c. 38, s. 2\(3\)](#) (in force (S.) (1.12.1996) by [S.I. 1996/2796](#), [art. 2](#); and (N.I.) (5.12.1996) by [S.R. 1996/559](#), [art. 2](#); and (E.W.) (14.1.1997 for specified provisions, otherwise 1.4.1997) by [S.I. 1997/47](#), [art. 2](#)).

#### Commencement Information

**I4** S. 4 wholly in force at 1.4.1997: s. 4 not in force at Royal Assent, see s. 9(2); s. 4 in force (E.) (15.1.1996 for subsections (1) and (2) otherwise 1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.1.1996 for subsections (1) and (2) otherwise 1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (10.1.1997 for subsections (1) and (2) otherwise 1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

## 5 Modification of report and further reports.

- (1) An energy conservation authority may, and if so directed by the Secretary of State shall—

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- (a) modify the report prepared under section 2; or
  - (b) prepare further reports setting out additional or modified energy conservation measures.
- (2) The provisions of subsections (2) to (6) of section 2, subsections (2) to (4) of section 3, section 4 and subsection (1) of this section apply in relation to any such modified or further report.

#### Modifications etc. (not altering text)

**C8** S. 5 restricted (E.W.) (1.2.2005) by [Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), [arts. 1, 4\(1\)](#)

#### Commencement Information

**I5** S. 5 wholly in force at 1.4.1997: s. 5 not in force at Royal Assent, see s. 9(2); s. 5 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

## 6 Supplementary provisions.

- (1) Nothing in this Act shall be taken as conferring—
- (a) any power to make grants or loans;
  - (b) any power of entry; or
  - (c) any power to carry out works, or require any person to carry out works.
- (2) Nothing in this Act requires an energy conservation authority to inspect any premises or requires any person to give any information to an energy conservation authority.

#### Commencement Information

**I6** S. 6 wholly in force at 1.4.1997: s. 6 not in force at Royal Assent, see s. 9(2); s. 6 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

## 7 Expenses.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses of the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

#### Commencement Information

**I7** S. 7 wholly in force 1.4.1997: s. 7 not in force at Royal Assent, see s. 9(2); s. 7 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

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## 8 Northern Ireland.

- (1) This Act extends to Northern Ireland.
- (2) In the application of this Act to Northern Ireland—
  - (a) the references to the Secretary of State (except in section 7) shall be construed as references to the Department of the Environment for Northern Ireland;
  - (b) the reference in section 3(4) to laying before Parliament shall be construed as a reference to laying before the Northern Ireland Assembly; and
  - (c) the reference in section 9(2) to an order made by statutory instrument shall be construed as a reference to an order which is a statutory rule for the purposes of the <sup>M9</sup> Statutory Rules (Northern Ireland) Order 1979.

### Commencement Information

**I8** S. 8 wholly in force at 1.4.1997: s. 8 not in force at Royal Assent, see s. 9(2); s. 8 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

### Marginal Citations

**M9** [S.I. 1979/1573](#) (N.I. 12).

## 9 Citation and commencement.

- (1) This Act may be cited as the Home Energy Conservation Act 1995.
- (2) This Act shall come into force on such day as may be appointed by order made by statutory instrument by the Secretary of State.
- (3) Different days may be appointed under subsection (2) for different purposes, different energy conservation authorities, different descriptions of energy conservation authority and different areas.

### Subordinate Legislation Made

**P1** S. 9(2) power fully exercised at 17.12.1996:  
power partly exercised 5.12.1995: 1.1.1996 and 1.4.1996 appointed (N.I.) by [S.R. 1995/455](#), [art. 2](#)  
power partly exercised 29.12.1995: 15.1.1996 and 1.4.1996 appointed (E.) by [S.I. 1995/3340](#), [arts. 2, 3](#)  
power partly exercised 31.10.1996: 1.12.1996 appointed (S.) by [S.I. 1996/2797](#), [art. 2](#)  
power fully exercised 17.12.1996: 10.1.1997 and 1.4.1997 appointed (W.) by [S.I. 1996/3181](#), [art. 2](#)

### Commencement Information

**I9** S. 9 wholly in force at 1.4.1997: s. 9 not in force at Royal Assent, see s. 9(2); s. 9 in force (E.) (1.4.1996) by [S.I. 1995/3340](#), [arts. 2, 3](#); and (N.I.) (1.4.1996) by [S.R. 1995/455](#), [art. 2](#); and (S.) (1.12.1996) by [S.I. 1996/2797](#), [art. 2](#); and (W.) (1.4.1997) by [S.I. 1996/3181](#), [art. 2](#).

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