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STATUTORY INSTRUMENTS

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**2000 No. 1280**

**ENERGY CONSERVATION, ENGLAND**

The Home Energy Efficiency  
Scheme (England) Regulations 2000

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| <i>Made</i>                   | - - - - | <i>10th May 2000</i> |
| <i>Laid before Parliament</i> |         | <i>11th May 2000</i> |
| <i>Coming into force</i>      | - -     | <i>1st June 2000</i> |

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by section 15 of the Social Security Act 1990 (1) and with the consent of the Treasury, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) Regulations 2000 and shall come into force on 1st June 2000.

(2) These Regulations extend to England only.

**Intepretation**

2. In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(2);

“energy advice” means advice on reducing or preventing the wastage of energy in a dwelling;

“materials-only application” means an application in which the applicant does not propose that a scheme manager will arrange for the carrying out of the works in respect of which grant is sought;

“scheme manager” means, except in paragraph (2) of regulation 3, the person or body of persons for the time being appointed and responsible for the area in question under that regulation;

“works” means any of the works, materials or energy advice specified in regulation 5;

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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 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).

(2) 1992 c. 4.

“works application” means an application in which the applicant proposes that a scheme manager will arrange for the carrying out of the works in respect of which a grant is sought.

### **Powers of the Secretary of State**

**3.—**(1) In making or arranging for the making of grant, the Secretary of State may impose such conditions as he sees fit.

(2) The Secretary of State may appoint a person or body of persons, known as a scheme manager, to perform in any area such functions as he may determine in connection with the making of grants.

(3) The Secretary of State may pay grant to a person other than the applicant, where that person has been involved in providing the materials or in financing the works.

### **Persons who may apply for a grant**

**4.—**(1) Subject to paragraph (5), an application for a grant for works in respect of a dwelling may be entertained from a person who is the householder of the dwelling and occupies the dwelling as his only or main residence and who, at the time the application is made—

- (a) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (2) applies, and who is, or is living with a spouse who is, in receipt of child benefit (under section 141 of the 1992 Act) in relation to a child under sixteen years of age; or
- (b) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (3) applies; or
- (c) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (2) applies and has attained, or is living with a spouse who has attained, the age of 60.

(2) This paragraph applies to council tax benefit, housing benefit and income support (each as provided for in Part VII of the 1992 Act) and an income-based jobseeker’s allowance (within the meaning of the Jobseekers Act 1995(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;
  - (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 I of Schedule 8 to the 1992 Act(4);
  - (iii) a payment made under article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(5) or any analogous payment; or
  - (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) of this definition;
- (b) a disability living allowance (under section 71 of the 1992 Act), working families tax credit and disabled persons tax credit (each as provided for in Part VII of the 1992 Act(6));
- (c) a war disablement pension within the meaning of section 139(11) of the Social Security Administration Act 1992(7) or under article 10 of the Naval, Military and Air Forces etc

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(3) 1995 c. 18. See section 1.

(4) 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).

(5) S.I. 1983/686; article 16 was amended by S.I. 1984/1675.

(6) Part VII of the 1992 Act was amended by the Tax Credits Act 1999 (c. 10).

(7) 1992 c. 5.

(Disablement and Death) Service Pensions Order 1983**(8)** so far as that Order is made otherwise than under the Air Force (Constitution) Act 1917**(9)**, together with—

- (i) a mobility supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983**(10)** (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under 25A of the Personal Injuries (Civilians) Scheme 1983 (including that article as applied by article 48A of that Scheme)**(11)**, 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);
- (d) council tax benefit, housing benefit and income support (in each case where payment includes a disability premium as provided for in the Council Tax Benefit (General) Regulations 1992**(12)**, the Housing Benefit (General) Regulations 1987**(13)** and the Income Support (General) Regulations 1987**(14)** respectively) and industrial injuries disablement benefit under sections 103 to 105 of the 1992 Act (where it includes constant attendant allowance).
- (4) For the purposes of this regulation—
- “householder” means a person who, alone or jointly with others, is a freeholder or tenant, and “tenant” includes a sub-tenant and a person who has—
- (a) a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976**(15)**;
  - (b) a statutory tenancy under the Rent Act 1977**(16)**;
  - (c) a secure tenancy under Part IV of the Housing Act 1985**(17)** or an introductory tenancy under Chapter I of Part V of the Housing Act 1996**(18)**;
  - (d) a licence to occupy which meets the conditions in paragraph 12(a) and (b) of Schedule 1 to the Housing Act 1985**(19)** (almshouse licences); or
  - (e) an assured agricultural occupancy under Part I of the Housing Act 1988**(20)**; and
- “spouse” includes a person with whom the applicant lives as husband or wife.
- (5) An application for grant for a dwelling, which is a materials-only application, may only be entertained from a person who occupies the dwelling as his only residence and who, at the time the application was made—
- (a) owns the freehold of it; or
  - (b) has an interest in it of a lease for a term of which more than 21 years is unexpired.

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**(8)** S.I. 1983/883; article 10 was amended by S.I. 1993/598 and S.I. 1996/1638.

**(9)** 7 & 8 Geo. 5 c. 51.

**(10)** S.I. 1983/833; article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1995/766 and 1997/766.

**(11)** 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 and 1995/455.

**(12)** S.I. 1992/1814.

**(13)** S.I. 1987/1971.

**(14)** S.I. 1987/1967.

**(15)** 1976 c. 80.

**(16)** 1977 c. 42.

**(17)** 1985 c. 68.

**(18)** 1996 c. 52.

**(19)** 1985 c. 68; paragraph 12 was substituted by paragraph 12 of Schedule 6 to the Charities Act 1992 (c. 41).

**(20)** 1988 c. 50.

### **Purposes for which grant may be approved**

5.—(1) A works application for a grant may be approved for one or more of the following purposes—

- (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 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;
- (d) to provide insulation to any water heating system or to provide any part of such a system with insulation incorporated in it;
- (e) to provide gas room convector heaters with thermostat control;
- (f) to provide electric storage heaters;
- (g) to provide electric dual immersion water heaters with foam insulated tank;
- (h) to provide timer controls for electric space and water heaters;
- (i) to improve the energy efficiency of, or replace any part of, or repair any space or water heating system installed in the dwelling;
- (j) to provide a mains gas central heating system with no more than six radiators;
- (k) to convert open solid fuel room fires to closed solid fuel room fires;
- (l) to provide a central heating system connected to the local community heating grid with no more than six radiators.

(2) Where a works application is approved for one or more of the purposes set out in paragraph (1) grant may also be approved for the provision of any of the following—

- (a) energy advice;
- (b) up to two energy efficient lamps.

(3) For the purposes of this regulation, “roof space” means space between the roof of a dwelling and the ceiling of any room used or available for use for the purpose of living accommodation, that space not being wholly separated from the roof by any other room.

### **Grant maximums**

6.—(1) Subject to paragraph (2), a scheme manager shall not pay a total amount of grant in respect of a works application qualifying under regulation 4(1)(a) or (b) exceeding the amount properly charged for the works or £1,000, whichever is the lesser.

(2) A scheme manager shall not pay a total amount of grant in respect of a works application qualifying under regulation 4(1)(a) or (b) exceeding the amount properly charged for those works or £700 whichever is the lesser where the principal source of space heating in the dwelling on which the works are to be carried out, at the time of the application is—

- (a) mains gas; or
- (b) closed solid fuel room fires; or
- (c) solid fuel-fired central heating; or
- (d) oil fired central heating; or
- (e) off-peak electricity.

(3) A scheme manager shall not pay a total amount of grant in respect of a works application qualifying under regulation 4(1)(c) exceeding the amount properly charged for those works or £2,000 whichever is the lesser.

(4) In the case of a materials-only application a scheme manager shall not pay a total amount of grant in respect of those materials exceeding the amount properly charged for those materials or £250, whichever is the lesser.

### **Applications for grant**

7.—(1) An application for grant under these regulations shall be made to the scheme manager.

(2) An application shall be in writing, signed either by the applicant or by a person specified or of a description specified by the scheme manager and shall be in such form and contain such particulars, subject to paragraph (3), as are laid down by the scheme manager.

(3) The application shall contain the following—

- (a) particulars of the dwelling in respect of which the grant is sought;
- (b) a statement of the criteria of eligibility set out in regulation 4 or regulation 5 which are fulfilled by the applicant;
- (c) in the case of a materials-only application, a statement that any necessary permission for the works has been obtained;
- (d) a statement that reasonable access to the dwelling in respect of which the application is made will be given to a representative of the scheme manager to inspect the dwelling and the works; and
- (e) a statement that neither the applicant nor, to his knowledge, any other person has received or applied for grant under these Regulations in respect of the dwelling which is the subject of the application.

### **Revocation and transitional provisions**

8.—(1) Subject to paragraph (2), the Home Energy Efficiency Scheme Regulations 1997<sup>(21)</sup> in so far as they apply to England, are hereby revoked.

(2) The Home Energy Efficiency Scheme Regulations 1997 shall continue to apply—

- (a) in any case where an application for grant was made to a registered installer (within the meaning of those Regulations) before 1st June 2000; and
- (b) in any case where an application for grant was made to an area agency (within the meaning of those Regulations) before 1st June 2000 if grant in respect of that application was approved before that date.

Signed by authority of the Secretary of State

7th May 2000

*Whitty*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

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(21) S.I. 1997/790 to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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We consent,

10th May 2000

*Bob Ainsworth*  
*Greg Pope*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

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

These Regulations enable the Secretary of State to make or arrange for the making of grant for the improvement of energy efficiency in dwellings occupied by persons on low incomes with children, elderly persons on low incomes or persons in receipt of benefit relating to ill health. These Regulations extend to England only. They revoke and re-enact, with changes, in so far as they apply to England, the Home Energy Efficiency Scheme Regulations 1997 (S.I.1997/790), which accordingly still apply to Scotland, as amended (S.I.1999/1018 (S.72)), and to Wales. The functions of the Secretary of State under section 15 of the Social Security Act 1990 are, so far as exercisable in relation to Wales, made exercisable concurrently with the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

Among the changes made by these Regulations are the following—

- a restriction of the categories of person who may apply for grant (regulation 4);
- a wider set of purposes for which grant may be made (regulation 5);
- an increase in the maximum grant that may be payable (regulation 6).

Regulation 3 enables the Secretary of State to impose conditions on the making of grant, to appoint a scheme manager to carry out his functions in connection with the making of grant, and to make payments of grant to persons other than the grant applicant.

Regulation 4 sets out the categories of persons who may apply for grant according to the benefits, allowances and pensions they receive.

Regulation 5 describes the purposes for which grant may be approved, including energy saving devices.

Regulation 6 sets the maximum amount of grant payable which, depending on the circumstances of the applicant and the works to be carried out, may be £700, £1,000 or £2,000.

Regulation 7 provides for the making of applications, setting out the person to whom the application should be made and the general rules as to form and contents of applications.

Regulation 8 contains revocation and transitional provisions.