
STATUTORY INSTRUMENTS

2009 No.1816

ENERGY CONSERVATION, ENGLAND

**The Home Energy Efficiency Scheme
(England) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>6th July 2009</i>
<i>Laid before Parliament</i>		<i>9th July 2009</i>
<i>Coming into force</i>	- -	<i>1st August 2009</i>

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2009 and come into force on 1st August 2009.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations—

“administering agency” has the same meaning as in the principal Regulations;

“the principal Regulations” means the Home Energy Efficiency Scheme (England) Regulations 2005⁽²⁾;

“works application” has the same meaning as in the principal Regulations.

Amendment of the principal Regulations

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

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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 \(c.46\)](#); see the Home Energy Efficiency Scheme (Scotland) Regulations 2009 ([S.I. 2009/48](#)). As regards Wales, the functions are exercisable by Welsh Ministers concurrently with the Secretary of State; see in particular paragraphs 30 and 32(2) of Schedule 11 to the Government of Wales Act [2006 \(c.32\)](#) and 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 2007, [S.I. 2007/375](#).
- (2) [S.I. 2005/1530](#). In regulation 4(1)(e) the figure of £15,460 was substituted by the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2006 ([S.I. 2006/1953](#)). Regulation 6 was also amended by these Regulations.

- (2) In regulation 4(1)(e) (persons who may apply for a grant), substitute “£16,040” for “£15,460”.
- (3) In regulation 6 (grant maximum)—
 - (a) in paragraph (a) substitute “£3,500” for “£2,700”; and
 - (b) in paragraph (b)—
 - (i) after “oil fired central heating,” insert “or is for one or more of the purposes listed in regulation 5(1)(m),”; and
 - (ii) substitute “£6,000” for “£4,000”.

Transitional provision

4.—(1) Regulation 4 of the principal Regulations, as amended by these Regulations, applies in relation to a works application made before 1st August 2009 where the decision to approve or reject that application falls to be made by the administering agency on or after that date.

(2) Regulation 6 of the principal Regulations, as amended by these Regulations, applies in relation to a works application made before 1st August 2009 where either—

- (a) the decision to approve or reject that application falls to be made by the administering agency on or after that date; or
- (b) the decision to approve that application was made by the administering agency before, but the works to which the approval relates have not been commenced by, that date.

2nd July 2009

David Kidney
Parliamentary Under Secretary of State
Department of Energy and Climate Change

We consent,

6th July 2009

Tony Cunningham
Dave Watts
Two of the Lords Commissioners of
Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Scheme (England) Regulations 2005.

Regulation 3(2) increases the “relevant income” threshold which applies to applicants applying for a grant on the basis of their eligibility for a child tax credit or a working tax credit.

Regulation 3(3) increases the grant maxima which is available to eligible applicants under regulation 4(1)(a) – (e) of the principal Regulations but not for those applicants who are only eligible under regulation 4(1)(f) of those Regulations. Regulation 3(3) also makes the higher grant maxima available for one or more of the purposes listed in regulation 5(1)(m) of the principal Regulations. Therefore, where a works application is to install oil fired central heating or for one or more of the purposes listed in regulation 5(1)(m) the grant maximum is £6,000. For other types of application, except where an applicant is only eligible under regulation 4(1)(f) of the principal Regulations, the grant maximum is £3,500.

Regulation 4 makes transitional arrangements. Regulation 4(1) makes provision for an application which, though made under regulation 4(1)(e) of the principal Regulations before 1st August 2009, has not been considered by that date. By virtue of regulation 4(1) the administering agency may consider such an application as if it had been made on or after 1st August 2009.

Regulation 4(2) applies the higher grant maxima to applications which are made under the principal Regulations before 1st August 2009 and which satisfy either of the two conditions in sub-paragraph (a) or (b).

The transitional arrangement in regulation 4(2) will prevent an applicant who has made an application before 1st August 2009, and satisfies either of the conditions in sub-paragraph (a) or (b), from having to withdraw the application and making a new application in order to benefit from the higher grant maxima.