
STATUTORY INSTRUMENTS

2011 No. 833

ENERGY CONSERVATION, ENGLAND

**The Home Energy Efficiency Scheme
(England) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>17th March 2011</i>
<i>Laid before Parliament</i>		<i>21st March 2011</i>
<i>Coming into force</i>	- -	<i>13th April 2011</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 2011 and come into force on 13th April 2011.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations—

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

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

-
- (1) [1990 c.27](#). Section 15 was amended by section 142(1) and (2) 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 the 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](#). The provisions of the principal Regulations amended by these Regulations were previously amended by the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 ([S.I. 2006/217](#)), the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2006 ([S.I. 2006/1953](#)) and by the Employment and Support Allowance (Consequential Provisions) (No 3) Regulations 2008 ([S.I. 2008/1879](#)). Further amendments to the principal Regulations, relevant for the purposes of regulation 4 of these Regulations, were made by the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2009 ([S.I. 2009/1816](#)) and the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2010 ([S.I. 2010/1893](#)).

Amendment of the principal Regulations

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

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “energy advice”; and
- (b) in the definition of “works” substitute “or materials” for “, materials or energy advice”.

(3) In regulation 4 (persons who may apply for a grant)—

(a) for paragraphs (1) to (3) substitute—

“(1) A works application for grant in respect of a dwelling may be entertained by the administering agency where the conditions in paragraphs (2) and (3) are met.

(2) The condition in this paragraph is that the dwelling in respect of which the works application is made has a SAP rating of 55 or less.

(3) The condition in this paragraph is that the works application is from a person (“P”) where—

- (a) P is the householder of the dwelling in respect of which the works application is made;
- (b) P occupies that dwelling as P’s only or main residence;
- (c) no works application has previously been made by P, and approved by the administering agency, in relation to another dwelling in the twelve month period immediately preceding the date on which the works application is made; and
- (d) on the date on which the works application is made paragraph (3A) applies.

(3A) This paragraph applies where P is, or is living with a partner who is—

(a) in receipt of income support and—

- (i) P or P’s partner has parental responsibility for a child under the age of 5 who ordinarily resides with that person; or
- (ii) P or P’s partner is in receipt of a qualifying component;

(b) in receipt of income-related employment and support allowance and—

- (i) that allowance includes a work-related activity or support component;
- (ii) P or P’s partner has parental responsibility for a child under the age of 5 who ordinarily resides with that person; or
- (iii) P or P’s partner is in receipt of a qualifying component;

(c) in receipt of income-based job seekers allowance and—

- (i) P or P’s partner has parental responsibility for a child under the age of 5 who ordinarily resides with that person; or
- (ii) P or P’s partner is in receipt of a qualifying component; or

(d) in receipt of state pension credit.”;

(b) in paragraph (4), insert after the definition of “householder”—

““qualifying component” means—

- (a) an award of child tax credit which includes a disability or severe disability element for a child or young person;
- (b) a disabled child premium;
- (c) a disability premium, an enhanced disability premium, a severe disability premium, a pensioner premium, a higher pensioner premium or an enhanced pensioner premium;

“SAP rating” means the energy efficiency rating of a building determined in accordance with the Reduced Data Standard Assessment Procedure contained in the Government’s Standard Assessment Procedure for Energy Rating of Dwellings published by or on behalf of the Department for Energy and Climate Change⁽³⁾ and in force on 13th April 2011; and”;

(c) in paragraph (5) for “the applicant” substitute “P”.

(4) In regulation 5 (purposes for which a grant may be approved)—

(a) in paragraph (1)—

(i) for “Subject to paragraph (4), a works application for a grant” substitute “A works application for grant in respect of a dwelling”;

(ii) after sub-paragraph (f) insert—

“(fa) to provide an electric fan heater in a bathroom of the dwelling where the dwelling is heated by electric storage heaters;”;

(iii) in sub-paragraph (j), after “gas” insert “, liquefied petroleum gas”;

(b) in paragraph (2), for sub-paragraphs (a) and (b) substitute—

“(a) services for the treatment or removal of asbestos where—

(i) the presence of asbestos in the dwelling was not known by the administering agency prior to the commencement of works for which grant was approved under paragraph (1); and

(ii) its treatment or removal is necessary for the purpose of enabling the completion those works;

(b) scaffolding where it is necessary for the purpose of carrying out the works for which grant has been approved under paragraph (1);

(c) services to connect the dwelling to the mains gas supply where—

(i) the works for which grant has been approved under paragraph (1) include the provision of a mains gas central heating system under paragraph (1)(j) or a central heating system under (1)(l);

(ii) the dwelling has no existing connection to the mains gas supply;

(iii) the supply of gas to the dwelling is necessary for the purpose of operating the heating system for which grant has been approved under paragraph (1); and

(iv) the connection to the mains gas supply is to be made under section 10 of the Gas Act 1986⁽⁴⁾ (duty of a gas transporter to connect certain premises) and in relation to which costs or expenses are payable under or by virtue of that section;

(d) services for the removal of an oil tank from the dwelling where that oil tank is no longer required by virtue of the provision of works for which grant has been approved under paragraph (1);

(e) up to two portable electric heaters where, in the opinion of the administering agency, such provision is necessary to enable the dwelling to be habitable

(3) The Standard Assessment Procedure and Reduced Data Standard Assessment Procedure are published on the DECC website at http://www.decc.gov.uk/en/content/cms/what_we_do/consumers/saving_energy/std_assess/std_assess.aspx.

(4) 1986 c.44. Section 10 was substituted by section 10(1) of, and paragraph 4 of Schedule 3 to, the Gas Act 1995 (c.45), and subsequently amended by sections 3(2), 80(1) to (6) and 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c.27).

prior to the completion of the works for which grant has been approved under paragraph (1).”; and

- (c) omit paragraph (4).
- (5) In regulation 6 (grant maximum)—
 - (a) in paragraph (a) omit “or (c)”;
 - (b) in paragraph (b) after “5(1)(m)” insert “or includes the treatment or removal of asbestos,”; and
 - (c) omit paragraph (c).
- (6) In regulation 7 (additional grants)—
 - (a) at the beginning of paragraph (1), for “An” substitute “A”;
 - (b) for “applicant” wherever it occurs, substitute “person”;
 - (c) in paragraph (2)—
 - (i) after “(f),” insert “(fa),”;
 - (ii) for “or (l)” substitute “, (l) or (m)”;
 - (d) in paragraph (3), after the first mention of “additional grant” insert “in respect of that dwelling”.
- (7) Omit regulation 8 (grants received by instalments).
- (8) In regulation 9 (application for, and payment of, grant)—
 - (a) for “applicant”—
 - (i) in paragraph (2) and where it first appears in paragraph (3)(b) substitute “person making the application”;
 - (ii) in any other place substitute “person”; and
 - (b) in paragraph (4), for “work” substitute “works”.

Transitional provision

4. The principal Regulations in force immediately before the date on which these Regulations come into force shall continue to apply on and after that date in relation to a works application made and approved before that date and in respect of which grant remains to be paid.

17th March 2011

Gregory Barker
Minister of State,
Department of Energy and Climate Change

We consent,

17th March 2011

Michael Fabricant
Jeremy Wright
Two of the Lords Commissioners of Her
Majesty's Treasury

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Scheme (England) Regulations 2005 ([S.I. 2005/1530](#)) ('the principal Regulations').

Regulation 3(2) removes the definition of, and reference to, 'energy advice' in regulation 2 of the principal Regulations.

Regulation 3(3) replaces the eligibility criteria to be met by a person who makes an application for grant in relation to a dwelling under the principal Regulations. Regulation 3(3) also amends the principal Regulations so as to stipulate the maximum energy efficiency rating of a dwelling in relation to which an application for grant may be made.

Regulation 3(4) makes amendments to the list of works for which grant may be made.

Regulation 3(5) amends the description of works that fall within the upper grant maximum specified in regulation 6 of the principal Regulations.

Regulation 3(6) makes minor amendments to regulation 7 of the principal Regulations consequential upon the modification of the eligibility criteria by regulation 3(3). Regulation 3(6) also specifies further works in relation to which an application for additional grant must be refused (because grant has previously been awarded for those works).

Regulation 3(7) repeals regulation 8 of the principal Regulations thereby removing the ability for the administering agency to provide, by agreement, for grant to be made over a period not exceeding seven years.

Regulation 3(8) makes minor and consequential amendments to regulation 9 of the principal Regulations.

Regulation 4 makes transitional provision in relation to a works application made and approved before the date on which these Regulations come into force.

A full impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

For a copy of the Explanatory Memorandum or for any enquiries about these Regulations please contact Helen Wilson on tel 0300 068 6645 or at helen.wilson@decc.gsi.gov.uk.