
STATUTORY INSTRUMENTS

2017 No. 490

**The Electricity and Gas (Energy Company
Obligation) (Amendment) Order 2017**

**New Schedule 4A (domestic premises which are E, F or G social housing) and new
Schedule 4B (help to heat group eligibility)**

28. After Schedule 4 insert—

“SCHEDULE 4A

Article 16A(7)

DOMESTIC PREMISES WHICH ARE E, F OR G SOCIAL HOUSING

1.—(1) A measure is installed at domestic premises which are “E, F or G social housing” if—

- (a) the premises are domestic premises described in Part 2 of Schedule 4; and
- (b) the condition in sub-paragraph (2) or (3) is met.

(2) The condition in this sub-paragraph is that a post-installation EPC expresses the energy performance rating of the premises as band E, F or G.

(3) The condition in this sub-paragraph is that—

- (a) a pre-installation EPC expresses the energy performance rating of the premises as band E, F or G; and
- (b) the social landlord in respect of the premises has confirmed in writing that, to the best of its knowledge and belief, no changes were made to the premises, after the pre-installation EPC was issued and before the measure was installed, which would increase the energy performance rating of the premises to band A, B, C or D.

(4) In this Schedule—

“energy performance certificate”—

- (a) in relation to premises in England and Wales, has the meaning given in the Energy Performance of Buildings (England and Wales) Regulations 2012(1);
- (b) in relation to premises in Scotland, has the meaning given in the Energy Performance of Buildings (Scotland) Regulations 2008(2);

“energy performance rating”—

- (a) in relation to premises in England and Wales, has the meaning given in regulation 11 of the Energy Performance of Buildings (England and Wales) Regulations 2012;
- (b) in relation to premises in Scotland, has the same meaning as “energy performance indicator” in the Energy Performance of Buildings (Scotland) Regulations 2008(3);

(1) S.I. 2012/3118 as amended by S.I. 2013/10, S.I. 2013/181, S.I. 2014/880, S.I. 2015/609, S.I. 2015/1681, S.I. 2016/284 and S.I. 2016/888. See regulation 2(1).
(2) S.S.I. 2008/309 as amended by S.S.I. 2008/389, S.S.I. 2012/190, S.S.I. 2012/208, S.S.I. 2012/315, S.S.I. 2013/12 and S.S.I. 2015/386. See regulation 2(1).
(3) See regulation 2(1).

“post-installation EPC” in relation to premises where a measure is installed, means an energy performance certificate for the premises that was issued after the measure was installed;

“pre-installation EPC” in relation to premises where a measure is installed, means an energy performance certificate for the premises that is the most recent of any energy performance certificate for the premises issued before the measure was installed; and

“social landlord” has the same meaning as in paragraph 1(5) of Schedule 4.

SCHEDULE 4B

Article 16A(7)

HELP TO HEAT GROUP ELIGIBILITY

1. The benefits referred to in the definition of “help to heat group” in article 16A are—
 - (a) income-related employment and support allowance(4);
 - (b) income-based jobseeker’s allowance(5);
 - (c) income support(6);
 - (d) guarantee credit (and for this purpose, “guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(7));
 - (e) tax credit;
 - (f) universal credit(8).
2. The condition as to income in paragraph 4 is specified in relation to tax credit.
3. The condition as to income in paragraph 7 is specified in relation to universal credit.
4. Where the award of tax credit is made pursuant to—
 - (a) a single claim, the condition as to income is that the relevant income of the claimant does not exceed the amount set out in the first row of Table 1 in the column corresponding to the number of children or qualifying young persons for whom the claimant is responsible;
 - (b) a joint claim, the condition as to income is that the relevant income of the joint claimants does not exceed the amount set out in the second row of Table 1 in the column corresponding to the number of children or qualifying young persons for whom at least one of the joint claimants is responsible.

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- (4) See Part 1 of the Welfare Reform Act 2007 (c.5). Schedule 7 to the Welfare Reform Act 2009 (c.24) made relevant amendments to Part 1. Sections 50 to 54 of, and Schedules 3 and 14 to, the Welfare Reform Act 2012 (c.5) also make relevant amendments to this Part, but some of these amendments are in force for certain purposes only.
 - (5) See section 1(1) and (4) of the Jobseekers Act 1995 (c.18). Section 1(4) was amended by Schedules 7 and 13 to the Welfare Reform and Pensions Act 1999 (c.30), section 4 of the Welfare Reform Act 2009 and paragraph 118 of Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 1(4) is repealed by Schedule 14 to the Welfare Reform Act 2012, but this repeal is in force for certain purposes only.
 - (6) See section 124 of the Social Security Contributions and Benefits Act 1992 (c.4). Section 124 was amended by Schedules 2 and 3 to the Jobseekers Act 1995, Schedule 8 to the Welfare Reform and Pensions Act 1999, Schedules 2 and 3 to the State Pension Credit Act 2002 (c.16), Schedule 24 to the Civil Partnership Act 2004, Schedules 3 and 8 to the Welfare Reform Act 2007 (c.5) and sections 3 and 5 of the Welfare Reform Act 2009. Section 124 is repealed by Schedule 14 to the Welfare Reform Act 2012, but this repeal is in force for certain purposes only.
 - (7) 2002 c.16. Section 2 was amended by paragraphs 140 and 141 of Schedule 24 to the Civil Partnership Act 2004.
 - (8) Universal credit is provided for in Part 1 of the Welfare Reform Act 2012.

Table 1**Tax credit**

<i>Type of claim</i>	<i>Number of children or qualifying young persons for whom the claimant is responsible:</i>				
	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4 or more</i>
Single claim	£13,200	£17,400	£21,600	£25,800	£30,000
Joint claim	£19,800	£24,000	£28,200	£32,400	£36,600

5. For the purposes of paragraph 4, whether a person is responsible for a child or qualifying young person is to be determined in accordance with regulation 3 of the Child Tax Credit Regulations 2002(9).

6. In paragraph 4, the following have the same meaning as in Part 1 of the Tax Credits Act 2002(10)—

- (a) “joint claim”;
- (b) “relevant income”; and
- (c) “single claim”,

and “claimant” is to be construed accordingly.

7. Where the award of universal credit is to—

- (a) a single claimant, the condition as to income is that, in any of the twelve preceding assessment periods, the earned income of the single claimant does not exceed the amount set out in the first row of Table 2 in the column corresponding to the number of children or qualifying young persons for whom the single claimant is responsible;
- (b) joint claimants, the condition as to income is that, in any of the twelve preceding assessment periods, the combined earned income of the joint claimants does not exceed the amount set out in the second row of Table 2 in the column corresponding to the number of children or qualifying young persons for whom at least one of the joint claimants is responsible.

Table 2**Universal credit**

<i>Type of claimant</i>	<i>Number of children or qualifying young persons for which the claimant is responsible:</i>				
	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4 or more</i>
Single claimant	£1,100	£1,450	£1,800	£2,150	£2,500
Joint claimant	£1,650	£2,000	£2,350	£2,700	£3,050

(9) S.I. 2002/2007. Regulation 3 was amended by S.I. 2004/762, S.I. 2005/2919, S.I. 2006/1163, S.I. 2007/2151, S.I. 2008/1879, S.I. 2008/2169, S.I. 2009/697, S.I. 2011/1740, S.I. 2012/848, S.I. 2013/1465 and S.I. 2016/360.

(10) 2002 c.21. See sections 3(8), 7(3) and 48. Part 1 was amended by paragraphs 144 to 147 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 (c.33) and by S.I. 2005/828. There were other amendments which are not relevant. Part 1 is repealed by Schedule 14 to the Welfare Reform Act 2012, but this repeal is not yet in force.

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8. For the purposes of paragraph 7, whether a person is responsible for a child or qualifying young person is to be determined in accordance with regulation 4 of the Universal Credit Regulations 2013**(11)**.

9. In paragraph 7—

“assessment period” has the meaning given in regulation 21 of the Universal Credit Regulations 2013**(12)**;

“earned income” means a person’s earned income calculated in accordance with Chapter 2 of Part 6 of the Universal Credit Regulations 2013**(13)**; and

“joint claimants” and “single claimant” have the meanings given in section 40 of the Welfare Reform Act 2012**(14)**.

10. In this Schedule, “tax credit” means child tax credit or working tax credit**(15)**.”.

(11) [S.I. 2013/376](#). Regulation 4 was amended by regulation 3 of [S.I. 2013/1508](#).

(12) Regulation 21 was amended by regulation 3 of [S.I. 2014/2887](#) and regulation 2 of [S.I. 2015/1362](#).

(13) Chapter 2 of Part 6 was amended by [S.I. 2013/1508](#), [S.I. 2014/2888](#), [S.I. 2014/3255](#), [S.I. 2015/67](#), [S.I. 2015/345](#), [S.I. 2015/478](#) and [S.I. 2015/1754](#).

(14) [2012 c.5](#).

(15) Child tax credit and working tax credit are provided for in Part 1 of the Tax Credits Act [2002 \(c.21\)](#).