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STATUTORY INSTRUMENTS

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**2022 No. 875**

The Electricity and Gas (Energy  
Company Obligation) Order 2022

PART 5

Qualifying actions

CHAPTER 2

Measures which are part of ECO4 projects

*SECTION 1*

*Projects at domestic premises occupied by help to heat group member or social housing*

**Measures installed at owner-occupied premises**

**13.**—(1) A measure meets the condition in this article if—

- (a) the measure is installed as part of an ECO4 project at owner-occupied premises for which the pre-project SAP band is band D, E, F or G; and
- (b) the premises meet the household eligibility requirement specified in paragraph (2).

(2) The household eligibility requirement is that the premises are occupied by a member of the help to heat group at any time within the 12 month period ending with the day on which the measure is completed.

**Measures installed at private rented premises**

**14.**—(1) A measure meets the condition in this article if—

- (a) the measure is installed as part of an ECO4 project at private rented premises for which the pre-project SAP band is band E, F or G;
- (b) the premises meet the household eligibility requirement specified in article 13(2); and
- (c) the measure is—
  - (i) solid wall insulation;
  - (ii) a renewable heating system, except where it replaces a renewable heating system of the same kind at the domestic premises;
  - (iii) a first time heating system;
  - (iv) a district heating connection; or
  - (v) an insulation measure installed in order to meet the minimum insulation requirement in article 24 or 25 in relation to a heating measure falling within paragraphs (ii) to (iv).

(2) A measure also meets the condition in this article if—

- (a) the measure is installed as part of the same ECO4 project as a measure which is a qualifying action by virtue of meeting the condition in paragraph (1); and
- (b) the measure is not the repair or replacement of—
  - (i) a boiler;
  - (ii) a central heating system; or
  - (iii) an electric storage heater.

#### **Measures installed at band D social housing**

- 15.** A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at social housing for which the pre-project SAP band is band D; and
  - (b) the measure is—
    - (i) an innovation measure; or
    - (ii) an insulation measure installed in order to meet the minimum insulation requirement in article 24 or 25 in relation to a heating measure falling within sub-paragraph (i).

#### **Measures installed at band E, F or G social housing**

- 16.** A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at social housing for which the pre-project SAP band is band E, F or G; and
  - (b) the measure is—
    - (i) an insulation measure;
    - (ii) a renewable heating system, except where it replaces a renewable heating system of the same kind at the domestic premises;
    - (iii) a first time heating system;
    - (iv) a district heating connection; or
    - (v) an innovation measure.

### *SECTION 2*

#### *Projects accompanied by declaration from a relevant authority or participant*

#### **Measures accompanied by a declaration from a relevant authority: household income below £31,000**

- 17.—(1)** A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises;
  - (b) before the day on which the measure is completed, a relevant authority is consulted on the carrying out of the project at the premises;
  - (c) the relevant authority makes a declaration which—
    - (i) meets the validity requirement specified in paragraph (2); and
    - (ii) certifies that, having exercised all due diligence, it is satisfied that—
      - (aa) the premises are occupied by a household living on a gross income of less than £31,000 per year; and

- (bb) the amount of the gross income of that household has been verified by the relevant authority; and
  - (d) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) The validity requirement is that the declaration is made—
- (a) on or after the day on which the relevant authority has published a statement of intent on its website; and
  - (b) within the 12 month period ending with the day immediately preceding the day on which the measure is completed.
- (3) For the purposes of paragraph (1), the relevant authority may verify the amount of a household's gross income in any way the relevant authority considers to be appropriate provided that it does not rely on a self-declaration given by any member of that household.

### **Measures accompanied by a declaration from a relevant authority: premises meeting specified criteria**

- 18.—(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises for which the pre-project SAP band is band E, F or G;
  - (b) before the day on which the measure is completed, a relevant authority is consulted on the carrying out of the project at the premises;
  - (c) the relevant authority makes a declaration which—
    - (i) meets the validity requirement specified in article 17(2); and
    - (ii) subject to paragraph (3), certifies that, having exercised all due diligence, it is satisfied that the premises meets at least two of the criteria specified in paragraph (2); and
  - (d) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) The criteria specified in this paragraph are—
- (a) the premises are in—
    - (i) in the case of premises in England, an area which is identified as a “Lower-layer Super Output Area” in the first, second or third decile on the English Indices of Deprivation 2019 published in September 2019 by the Ministry of Housing, Communities and Local Government(1);
    - (ii) in the case of premises in Wales, an area which is identified as a “Lower-layer Super Output Area” in the first, second or third decile on the Welsh Index of Multiple Deprivation 2019 published in November 2019 by the Welsh Government(2);
    - (iii) in the case of premises in Scotland, an area which is identified as a “data zone” in the first, second or third decile on the Scottish Index of Multiple Deprivation 2020 published in April 2020 by the Scottish Government(3);

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(1) Published at <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>. The deciles are published in “File 7: all ranks, deciles and scores for the indices of deprivation, and population denominators”. A copy of any entry in the file may be obtained from the Ministry of Housing, Communities & Local Government, 2 Marsham Street, London SW1P 4DF.

(2) Published at <https://stats.wales.gov.wales/Catalogue/Community-Safety-and-Social-Inclusion/Welsh-Index-of-Multiple-Deprivation/WIMD-2019>. A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(3) 2020v2. Published at [www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020v2-ranks](http://www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020v2-ranks). A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

- (b) a person living at the premises is considered to be vulnerable to the cold—
    - (i) under the guideline entitled “Excess winter deaths and illness and the health risks associated with cold homes” published by the National Institute for Health and Care Excellence on 5th March 2015<sup>(4)</sup> (“NICE Guideline NG6”); and
    - (ii) for a reason other than their low income (see recommendation 2 of NICE Guideline NG6);
  - (c) a person living at the premises is entitled to a council tax reduction on the grounds of low income;
  - (d) a child living at the premises is eligible for free school meals under—
    - (i) section 512ZB(4) of the Education Act 1996<sup>(5)</sup>; or
    - (ii) section 53 of the Education (Scotland) Act 1980<sup>(6)</sup>;
  - (e) a person living at the premises is supported by a scheme established by the relevant authority to support people living on a low income and who would be considered to be vulnerable to the cold under NICE Guideline NG6;
  - (f) a person living at the premises has been referred to the relevant authority for support by their electricity or gas supplier, Citizens Advice or Citizens Advice Scotland<sup>(7)</sup> because they have been identified by the referrer as struggling to pay their electricity or gas bills.
- (3) For the purposes of the declaration referred to in paragraph (1)(c)—
- (a) where the relevant authority is relying on only two criteria specified in paragraph (2), those two criteria must not be the criteria specified in paragraph (2)(a) and (b); and
  - (b) where the relevant authority is relying on the criterion specified in paragraph (2)(e), the statement of intent published by the Authority must describe the scheme relied on for the purpose of meeting that criterion.

**Measures accompanied by a declaration from a relevant authority: referral from a relevant health provider**

- 19.—(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises;
  - (b) before the day on which the measure is completed, a relevant authority is consulted on the carrying out of the project at the premises;
  - (c) the relevant authority makes a declaration which certifies that it has received a referral from a relevant health provider, in relation to a person living at the premises, on the grounds that—
    - (i) the person is suffering from severe or long-term ill-health due to—
      - (aa) a cardiovascular condition;
      - (bb) a respiratory disease;
      - (cc) immunosuppression; or

<sup>(4)</sup> Published at <https://www.nice.org.uk/guidance/ng6>. A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

<sup>(5)</sup> 1996 c. 56. Section 512ZB was substituted, together with sections 512 and 512ZA for section 512 as originally enacted by s. 201(1) of the Education Act 2002 (c. 32). Subsection (4) was amended by paragraph 16 of Schedule 3 to the Welfare Reform Act 2007 (c. 5), Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c. 24), section 26(1) of the Child Poverty Act 2010 (c. 9), paragraph 39 of Schedule 2, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 (c. 5), section 106 of the Children and Families Act 2014 (c. 6) and S.I. 2010/1158.

<sup>(6)</sup> 1980 c. 44. Section 53 was most recently substituted by section 22(1) and (2) of the Education (Scotland) Act 2016 (2016 asp 8) and amended by S.I. 2019/179 and 2021/210.

<sup>(7)</sup> Citizens Advice and Citizens Advice Scotland are defined in section 111 of the Electricity Act 1989 and section 66 of the Gas Act 1986, as amended by S.I. 2014/631.

- (dd) limited mobility; and
  - (ii) the health of the person is adversely affected by living in a cold home;
  - (d) the declaration referred to in sub-paragraph (c) meets the validity requirement specified in article 17(2); and
  - (e) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) In paragraph (1)(c), “relevant health provider” means—
- (a) a person registered in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(8);
  - (b) a Health Board constituted by an order made under section 2(1)(a) of the National Health Service (Scotland) Act 1978(9);
  - (c) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006(10);
  - (d) an NHS foundation trust within the meaning given in section 30 of the National Health Service Act 2006(11);
  - (e) an NHS trust established by order under section 25 of the National Health Service Act 2006.

#### **Measures accompanied by a declaration from a participant: debt, discretionary credit and self-disconnection**

- 20.—(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises for which the pre-project SAP band is band E, F or G;
  - (b) the participant promoting the measure makes a declaration which certifies that, having exercised all due diligence, it is satisfied that—
    - (i) the requirements specified in paragraph (2) are met; and
    - (ii) at least one of the criteria specified in article 18(2)(a) to (d) is met;
  - (c) the declaration referred to in sub-paragraph (b) is made within the 12 month period ending with the day immediately preceding the day on which the measure is completed; and
  - (d) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) The specified requirements are—
- (a) where consumption of gas or electricity at the premises in question is paid for by a pre-payment meter—
    - (i) the pre-payment meter has, on at least one occasion during the period of 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made, held no credit with which to pay for the supply of gas or electricity; or
    - (ii) a person living at the premises—

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(8) 1983 c. 54. Section 34C was inserted by S.I. 2010/234.

(9) 1978 c. 29. Relevant amendments have been made by section 28(a)(i) of the National Health Service and Community Care Act 1990 (c. 19), section 14 of, and paragraph 1 of Schedule 7 to, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and section 11(1) of, and paragraph 1(1) and (2)(a) of Schedule 1 to, the National Health Service Reform (Scotland) Act 2004 (asp 7).

(10) 2006 c. 42.

(11) 2006 c. 41. Section 30 was amended by section 159(1) of the Health and Social Care Act 2012 (c. 7).

- (aa) has received discretionary credit from the participant on at least one occasion during the period of 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made;
- (bb) is in a debt repayment plan with the participant; or
- (cc) is repaying debt owed to the participant through third party deductions;
- (b) where consumption of gas or electricity at the premises is paid for otherwise than by a pre-payment meter—
  - (i) a person living at the premises has been in debt to the participant for a period of more than 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made; and
  - (ii) that person is—
    - (aa) in a debt repayment plan with the participant; or
    - (bb) repaying debt owed to the participant through third party deductions.
- (3) In paragraph (2)—
 

“discretionary credit” means, in relation to a pre-payment meter, a payment which—

  - (a) is intended to allow the consumption of gas or electricity at the domestic premises to resume or continue; and
  - (b) is to be repaid;

“third party deductions” are deductions made from benefit in accordance with paragraph 6 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(12).

**Measures accompanied by a declaration from a relevant authority or participant: Secretary of State approval**

- 21.—(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises;
  - (b) before the day on which the measure is completed—
    - (i) a relevant authority is consulted on the carrying out of the project at the premises;
    - (ii) the relevant authority makes an application to the Secretary of State in respect of the measure;
    - (iii) the application includes the information specified in paragraph (3);
    - (iv) the application is approved by the Secretary of State; and
    - (v) the relevant authority makes a declaration which meets the requirements of paragraph (4); and
  - (c) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) A measure also meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises for which the pre-project SAP band is band E, F or G;
  - (b) before the day on which the measure is completed—
    - (i) the participant promoting the measure makes an application to the Secretary of State in respect of the measure;

(12) S.I. 1987/1968. Paragraph 6 of Schedule 9 was amended by S.I. 1991/2284, 1992/2595, 1996/1460, 1999/3178, 2002/3019, 2003/492, 2006/2377, 2013/443 and 2021/456.

- (ii) the application includes the information specified in paragraph (3);
    - (iii) the application is approved by the Secretary of State; and
    - (iv) the participant makes a declaration which meets the requirements of paragraph (4);  
and
  - (c) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted.
- (3) The information specified in this paragraph is—
- (a) a description of the measure;
  - (b) the criteria used by the relevant authority or the participant to identify domestic premises at which the installation of the measure may be promoted (“the criteria”);
  - (c) evidence that over 50% of the premises that meet the criteria are not occupied by a member of the help to heat group, and that—
    - (i) at least 75% of the premises that meet the criteria are owner-occupied premises occupied by at least one person living in fuel poverty; or
    - (ii) at least 90% of the premises that meet the criteria are private rented premises occupied by at least one person living in fuel poverty;
  - (d) evidence that the criteria are more effective at identifying premises in which a person is living in fuel poverty than—
    - (i) a requirement that the premises are occupied by a household living on a gross income of less than £31,000 per year;
    - (ii) any combination of two of the criteria specified in article 18(2); and
    - (iii) the requirements specified in article 20(2).
- (4) A declaration meets the requirements of this paragraph if—
- (a) it certifies that, having exercised all due diligence, the person making the declaration is satisfied that the premises at which the measure is installed meet the criteria set out in the application approved by the Secretary of State;
  - (b) it is made within the 12 month period ending with the day immediately preceding the day on which the measure is completed; and
  - (c) in the case of a declaration made by a relevant authority, it is made on or after the day on which the relevant authority has published a statement of intent on its website.
- (5) In paragraph (3), references to a person living in fuel poverty are to be construed in accordance with section 15(2) of the Energy Act 2010(13).