

2024 No. 524

ENERGY, ENGLAND AND WALES

**The Boiler Upgrade Scheme (England and Wales) (Amendment)
Regulations 2024**

Made - - - - at 10:45 a.m. on 17th April 2024

Laid before Parliament at 2:00 p.m. on 17th April 2024

Coming into force - - 8th May 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 100 and section 104(2) of the Energy Act 2008(a).

In accordance with section 148A of the Government of Wales Act 2006(b) the Secretary of State has consulted the Welsh Ministers before making these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Boiler Upgrade Scheme (England and Wales) (Amendment) Regulations 2024.

(2) These Regulations come into force on 8th May 2024.

(3) These Regulations extend to England and Wales.

Amendments to the Boiler Upgrade Scheme (England and Wales) Regulations 2022

2. The Boiler Upgrade Scheme (England and Wales) Regulations 2022(c) are amended in accordance with the following provisions.

Regulation 2 amended (interpretation)

3.—(1) Regulation 2(1) is amended as follows.

(2) At the appropriate places insert—

““grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority;”

(a) 2008 c. 32. Section 100 was amended by section 51 of the Infrastructure Act 2015 (c. 7) and by S.I. 2011/2195. Section 51 also amended section 105 of the Energy Act 2008 (parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. By virtue of section 105(3A) to (3I), these Regulations do not attract the affirmative procedure.

(b) 2006 c. 32. Section 148A was inserted by the Wales Act 2017 (c. 4), section 55(1).

(c) S.I. 2022/565.

““heat network” means a network that, by distributing a liquid or a gas, enables the transfer of thermal energy for the purpose of supplying heating, cooling or hot water to two or more properties (and includes any appliance the main purpose of which is to heat or cool the liquid or gas);”

““new-build property” means an eligible property that meets the requirements set out in regulation 7;”

““off-gas grid property” means a property that is not attached to a heat network and—

- (a) is not fuelled by mains gas,
- (b) there is no record of a gas meter point at the property, and
- (c) is not a new-build property;”.

(3) for the definition of “boiler upgrade grant”, substitute—

““boiler upgrade grant” means the grant, the value of which has been published under regulation 13(1), (4) or (5) which is payable by the Authority^(a) to an installer under these Regulations;”.

(4) In the definition of “biomass boiler”, in sub-paragraph (d), after “cooking food”, insert “where that function is not able to be controlled independently of the heating or hot water.”.

(5) In the definition of “consumer code”, after “code of practice”, for the remaining words, substitute “for the purpose of consumer protection approved by the Secretary of State under regulation 4(1)(j);”.

(6) In the definition of “heat pump”, for “but not both”, substitute “or both”.

(7) In the definition of “related property”, omit “ or property to which regulation 14(1)(b) applies,”.

(8) In the definition of “relevant financial year”, for sub-paragraph (b) and (c), substitute—

- “(b) 1st April 2023,
- (c) 1st April 2024,
- (d) 1st April 2025,
- (e) 1st April 2026, or
- (f) 1st April 2027;”.

Regulation 4 amended (approval of standards or schemes by the Secretary of State)

4. In regulation 4(1)—

- (a) in sub-paragraph (h) after “ Schedule 4”, omit “and”;
- (b) in sub-paragraph (i), after “by the Secretary of State”, insert “, and”;
- (c) at the end of paragraph (1), insert—

“(j) one or more codes of practice for consumer protection for the purpose of the definition of “consumer code” in regulation 2(1)”.

Regulation 5 amended (eligible properties)

5. In regulation 5—

- (a) in paragraph (1)(c)—

(a) See section 100(3) of the Energy Act 2008 for the definition of “Authority”.

- (i) for “was, or will be, first occupied or used”, substitute “has had any heating system installed, and was, or will be, first occupied or used”;
- (ii) omit sub-paragraph (i);
- (iii) after sub-paragraph (ii), insert—
 - “(iii) there has not been a previous grant from public funds for a heat pump or biomass boiler at the same address, and
 - (iv) there has not been a previous installation of a heat pump, or biomass boiler at the property as a measure promoted by an electricity or gas supplier for the purpose of achieving their home-heating cost reduction obligation under section 41B of the Electricity Act 1989 or section 33BD of the Gas Act 1986, and
 - (v) there is a valid energy performance certificate for the property.”;
- (b) in paragraph (1), for sub-paragraph (d) substitute—
 - “(d) if it has not had any heating system installed before the date on which the relevant eligible plant is commissioned, and it will be first occupied or used on or after the date on which the relevant eligible plant is commissioned, it meets the requirements in regulation 7 (requirements for new-build properties).”;
- (c) after paragraph (2)(a) insert—
 - “(aa) “grant from public funds” has the meaning given in regulation 2(1).”.

Regulation 6 omitted (insulation requirements)

- 6. Omit regulation 6 (insulation requirements).

Regulation 7 amended (requirements for new-build properties)

- 7. In regulation 7—
 - (a) the existing text becomes paragraph (1);
 - (b) in paragraph (1)(a), omit “and”;
 - (c) in paragraph (1)(b), after “who is not an individual”, insert “, and”;
 - (d) after paragraph (1)(b), insert—
 - “(c) is not part of an excluded property development.”;
 - (e) after paragraph (1), insert—
 - “(2) In this regulation—
 - “excluded property development” means a development of multiple buildings constructed on a plot acquired from a person who decided or offered the plans or specifications to which the buildings were wholly or mainly built.”.

Regulation 8 amended (eligible plant)

- 8. In regulation 8—
 - (a) in paragraph (1)(b)—
 - (i) in sub-paragraph (i), omit “, or a property to which regulation 14(1)(b) applies.”;

- (ii) in sub-paragraph (ii), for “on or after 1st April 2022”, substitute, “no more than 120 days before the date on which the grant application is properly made, unless the Authority has made a decision to extend this period under paragraph (3),”;
- (b) in paragraph (2)(b)—
 - (i) in sub-paragraph (i), omit “or a property to which regulation 14(1)(b) applies,”;
 - (ii) in sub-paragraph (ii), for “on or after 1st April 2022”, substitute, “no more than 120 days before the date on which the grant application is properly made, unless the Authority has made a decision to extend this period under paragraph (3),”;
- (c) after paragraph (2), insert—
 - “(3) The Authority may by notice extend the period specified in paragraph (1)(b)(ii) or (2)(b)(ii) where—
 - (a) that period has been exceeded, or is likely to be exceeded, following a decision by the Authority under regulation 15(7), 15(8), 16(8), 21(1), 23 or 25(5), and
 - (b) it is satisfied that it is reasonable to do so.”.

Regulation 9 amended (requirements for heat pumps)

- 9.**—(1) In regulation 9—
- (a) in paragraph (1)(b), for “the system has a capacity of no more than 45”, substitute “the system has a capacity of no more than 300”;
 - (b) in paragraph (2), omit “, or a property to which regulation 14(1)(b) applies,”;
 - (c) in paragraph (4), omit “, or property to which regulation 14(1)(b) applies,”.

Regulation 10 amended (requirements for biomass boilers)

- 10.** In regulation 10—
- (a) after paragraph (1)(d), insert—
 - “(e) if the biomass boiler has a cooking function that is not able to be controlled independently of the heating or hot water function.”;
 - (b) in paragraph (2), omit “, or a property where regulation 14(1)(b) applies,”.

Regulation 13 amended (determination and publication of boiler upgrade grant values)

- 11.** In regulation 13—
- (a) for paragraph (1), substitute—
 - “(1) The Secretary of State must determine and publish the values of the boiler upgrade grants, for one set of grant categories contained in Schedule 1A within 14 days of the day on which the Boiler Upgrade Scheme (England and Wales) (Amendment) Regulations 2024 come into force.”;
 - (b) after paragraph (2), insert—
 - “(2A) The Secretary of State may review the categories of boiler upgrade grant, having regard to such matters as the Secretary of State considers relevant, and as a result of such a review, may—
 - (a) determine that the published grant categories are to be replaced by an alternative set of grant categories and publish the values of the boiler upgrade grant for the alternative set of grant categories contained in Schedule 1A, or

- (b) determine that the same set of grant categories available should remain unchanged,
- (2B) The Secretary of State may only determine and publish the values of one set of grant categories contained in Schedule 1A at any one time.”;
- (c) in paragraph (3), after “paragraph (2)”, insert “and (2A),”;
- (d) after paragraph (4), insert—
 - “(5) Where the set of grant categories is replaced as a result of a review described in paragraph (2A), the Secretary of State must publish a notice (a “grant category change notice”) specifying—
 - (a) the new set of grant categories that will be available,
 - (b) the values of the boiler upgrade grants for those grant categories, and
 - (c) the date on which the new set of grant categories will take effect, which must be a date at least 28 days after the date on which the grant change notice is published.”.

Regulation 14 amended (grant applications)

12. In regulation 14—

- (a) in paragraph (1), omit sub-paragraph (b);
- (b) in paragraph (2)(a)(iii), omit “and”;
- (c) in paragraph (2)(a), omit sub-paragraph (iv);
- (d) after paragraph (2)(a)(iv) insert—
 - “(v) has not received a previous grant from public funds for a heat pump or a biomass boiler installed at the same address,
 - (vi) has read and understood the recommendations on their energy performance certificate, and
 - (vii) if the property owner does not occupy the property, has informed the tenant (if any) of the impact of the installation of the eligible plant.”;
- (e) after paragraph (2)(b), insert—
 - “(ba) there has been no previous installation of a heat pump, or biomass boiler at the property as a measure promoted by an electricity or gas supplier for the purpose of achieving their home-heating cost reduction obligation under section 41B of the Electricity Act 1989 or section 33BD of the Gas Act 1986.”;
- (f) in paragraph (7), omit “, or property where regulation 14(1)(b) applies”;
- (g) omit paragraph (8);
- (h) after paragraph (8), insert—
 - “(9) An installer may withdraw a grant application made under paragraph (1) at any time before the Authority determines the application and issues a boiler upgrade voucher under regulation 15.”.

Regulation 15 amended (determination of grant applications)

13. In regulation 15—

- (a) for paragraph (1)(d), substitute—

- “(d) which category of boiler upgrade grant contained in Schedule 1A the boiler upgrade voucher relates to,”;
- (b) in paragraph (2)(b), in sub-paragraph (ii), for “2025” substitute “2028”;
- (c) in paragraph (3), for “or (4)”, substitute “, (4) or (5)”;
- (d) in paragraph (7), in sub-paragraph (c), for “2024” substitute “2027”.

Regulation 16 amended (redemption applications)

14. In regulation 16—

- (a) in paragraph (1)(b), omit “, or a property where regulation 14(1)(b) applies,”;
- (b) omit paragraph (2);
- (c) after paragraph (4), insert—

“(4A) The Authority may, as soon as reasonably practicable, undertake an audit of the information provided in order to determine a redemption application.”.

Regulation 17 amended (obligations on installers)

15. In regulation 17(1), for “been issued a boiler upgrade voucher”, substitute “made a grant application that has not been refused by the Authority, or been issued a boiler upgrade voucher”.

Regulation 18 amended (inspection of property)

16. In regulation 18(1)(b), omit “or a property to which regulation 14(1)(b) applies”.

Regulation 19 amended (power to temporarily withhold grant payment during investigation)

17. In regulation 19(1)—

- (a) in sub-paragraph (c), omit “ where regulation 14(1)(b) (property not eligible at the time of the grant application) does not apply”;
- (b) at the end of sub-paragraph (c), insert “, or”;
- (c) omit sub-paragraph (d).

Regulation 20 amended (power to withhold grant payment in the case of non-compliance)

18. In regulation 20(1)—

- (a) in sub-paragraph (c), omit “ where regulation 14(1)(b) (property not eligible at the time of the grant application) does not apply”;
- (b) at the end of sub-paragraph (c), insert “, or”;
- (c) omit sub-paragraph (d).

Regulation 21 amended (revocation of vouchers)

19. In regulation 21(1)(d)—

- (a) in sub-paragraph (ii), omit “ where regulation 14(1)(b) (property not eligible at the time of the grant application) does not apply”;
- (b) at the end of sub-paragraph (ii), insert “, or”;
- (c) omit sub-paragraph (iii).

Regulation 24 amended (application of this Part in relation to persons who are not or cease to be installers)

20. In regulation 24(1), after “If a person”, insert “who has made a grant application that has not been refused by the Authority, or”.

Regulation 30 amended (reporting obligations)

21. In regulation 30(4), for “2025” substitute “2028”.

Schedule 1A inserted (sets of grant categories)

22. After Schedule 1, insert—

“**SCHEDULE 1A** regulation 2, 13 and 15

Sets of Grant Categories

1. This Schedule specifies the sets of grant categories that may be published by the Secretary of State under regulation 13.

Table 1

Set One

Column 1	Column 2: A boiler upgrade grant for the installation of—
1	An air source heat pump
2	A ground source heat pump
3	A biomass boiler

Table 2

Set Two

Column 1	Column 2: A boiler upgrade grant for the installation of—
1	An air source heat pump in a new-build property
2	A ground source heat pump in a new-build property
3	An air source heat pump in a property that is not a new-build property
4	A ground source heat pump in a property that is not a new-build property
5	A biomass boiler in a property that is not a new-build property

Table 3

Set Three

Column 1	Column 2: A boiler upgrade grant for the installation of—
1	An air source heat pump in a property that is not an off-gas grid property
2	A ground source heat pump in a property that is not an off-gas grid property
3	An air source heat pump in an off-gas grid property that is replacing a coal heating system
4	An air source heat pump in an off-gas grid property that is replacing a liquefied petroleum gas heating system
5	An air source heat pump in an off-gas grid property that is replacing an oil heating system
6	An air source heat pump in an off-gas grid property that is replacing a fossil fuel hybrid system
7	An air source heat pump in an off-gas grid property that is replacing an electric heating system that is not a heat pump
8	An air source heat pump in an off-gas grid property that is replacing any other fossil fuel heating system that is not covered by row 3 to 7 of this Table
9	A ground source heat pump in an off-gas grid property that is replacing a coal heating system
10	A ground source heat pump in an off-gas grid property that is replacing a liquefied petroleum gas heating system
11	A ground source heat pump in an off-gas grid property that is replacing an oil heating system
12	A ground source heat pump in an off-gas grid property that is replacing a fossil fuel hybrid system
13	A ground source heat pump in an off-gas grid property that is replacing an electric heating system that is not a heat pump
14	A ground source heat pump in an off-gas grid property that is replacing any other fossil fuel heating system that is not covered by row 9 to 13 of this Table
15	A biomass boiler in an off-gas grid property replacing a coal heating system
16	A biomass boiler in an off-gas grid property replacing a liquefied petroleum gas heating system
17	A biomass boiler in an off-gas grid property replacing an oil heating system
18	A biomass boiler in an off-gas grid property replacing a fossil fuel hybrid system

Column 1	Column 2: A boiler upgrade grant for the installation of—
19	A biomass boiler in an off-gas grid property replacing an electric heating system that is not a heat pump
20	A biomass boiler in an off-gas grid property replacing any other fossil fuel heating system that is not covered by row 15 to 19 of this Table

Table 4

Set Four

Column 1	Column 2: A boiler upgrade grant for the installation of—
1	An air source heat pump in a property that is not an off-gas grid property and not a new-build property
2	A ground source heat pump in a property that is not an off-gas grid property and not a new-build property
3	An air source heat pump in a new-build property
4	A ground source heat pump in a new-build property
5	An air source heat pump in an off-gas grid property that is replacing a coal heating system
6	An air source heat pump in an off-gas grid property that is replacing a liquefied petroleum gas heating system
7	An air source heat pump in an off-gas grid property that is replacing an oil heating system
8	An air source heat pump in an off-gas grid property that is replacing a fossil fuel hybrid system
9	An air source heat pump in an off-gas grid property that is replacing an electric heating system that is not a heat pump
10	An air source heat pump in an off-gas grid property that is replacing any other fossil fuel heating system that is not covered by row 5 to 9 of this Table
11	A ground source heat pump in an off-gas grid property that is replacing a coal heating system
12	A ground source heat pump in an off-gas grid property that is replacing a liquefied petroleum gas heating system
13	A ground source heat pump in an off-gas grid property that is replacing an oil heating system
14	A ground source heat pump in an off-gas grid property that is replacing a fossil fuel hybrid system
15	A ground source heat pump in an off-gas grid property that is replacing an electric heating system that is not a heat pump

Column 1	Column 2: A boiler upgrade grant for the installation of—
16	A ground source heat pump in an off-gas grid property that is replacing any other fossil fuel heating system that is not covered by row 11 to 15 of this Table
17	A biomass boiler in an off-gas grid property replacing a coal heating system
18	A biomass boiler in an off-gas grid property replacing a liquefied petroleum gas heating system
19	A biomass boiler in an off-gas grid property replacing an oil heating system
20	A biomass boiler in an off-gas grid property replacing a fossil fuel hybrid system
21	A biomass boiler in an off-gas grid property replacing an electric heating system that is not a heat pump
22	A biomass boiler in an off-gas grid property replacing any other fossil fuel heating system that is not covered by row 17 to 21 of this Table

2. For the purposes of this Schedule, a “fossil fuel hybrid system” means a heating system that comprises of two or more plants that are all powered by fossil fuel.”

Schedule 2 amended (information required for grant applications)

23. In Schedule 2, in paragraph 2—

- (a) in sub-paragraph (c), for “and their membership number in relation to that consumer code”, substitute “and the membership or certification number of the consumer code of which the installer is a member”;
- (b) in sub-paragraph (f)(ii), for “was, or will be, first occupied” substitute “has had any heating system installed and was, or will be first occupied or used”;
- (c) omit sub-paragraph (f)(iii)(bb);
- (d) in sub-paragraph (f)(iv)(aa), omit “, or”;
- (e) omit sub-paragraph (f)(iv)(bb);
- (f) omit sub-paragraph (g);
- (g) after sub-paragraph (h), insert—
 - “(ha) whether the property is fuelled by mains gas,”;
- (h) in sub-paragraph (j), after “first occupied or used” insert, “or has had any heating system installed”.

Schedule 3 amended (information required for redemption application)

24. In Schedule 3, in paragraph 2—

- (a) in sub-paragraph (c), omit “ or property to which regulation 14(1)(b) applies”;
- (b) after sub paragraph (d), insert—
 - “(da) the date that the eligible plant was commissioned,”;
- (c) omit sub-paragraph (e).

Transitional and saving provision

25. In relation to a grant application that was properly made before these Regulations come into force, the Boiler Upgrade Scheme (England and Wales) Regulations 2022 shall continue to have effect as if they had not been amended by these Regulations.

At 10.45 a.m. on 17th April 2024

Callanan
Parliamentary Under Secretary of State
Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England and Wales, amend the Boiler Upgrade Scheme (England and Wales) Regulations 2022 S.I. 2022/565 (“the 2022 Regulations”), which established the Boiler Upgrade Scheme (“BUS”). BUS is a renewable heat incentive scheme to facilitate and encourage the use of heat pumps and biomass boilers to provide space and water heating in domestic properties and small non-domestic properties. BUS supports the installation of heat pumps and biomass boilers through a grant mechanism provided that they do not replace an existing renewable heating system.

Regulation 2 is amended to introduce new definitions, or provide updated definitions in relation to the other amendments being made by these Regulations.

Regulations 2, 15 and 30 are amended to update relevant dates to extend the operation of BUS to 2028.

Regulation 4 is amended to add in to the power of the Secretary of State to approve standards or schemes for the 2022 Regulations the power to approve codes for consumer protection for the purpose of the definition of consumer code.

Part 2 is amended. Regulation 5 updates the criteria for an eligible property. Regulation 6 in relation to insulation requirements is omitted. Regulation 7 is updated to ensure that defined property developments are explicitly excluded from BUS eligibility.

Part 3 is amended. Regulation 8 is amended to introduce a requirement that an eligible plant is commissioned no more than 120 days before the date a grant application is properly made. Regulation 9 is amended to increase the capacity of shared ground loop systems and make consequential amendments from the removal of insulation requirements. Regulation 10 is amended to extend eligibility for BUS to biomass boilers that have an integrated cooking function that cannot be independently controlled.

Part 4 is amended. Regulation 13 is amended to introduce the new process for determining the available categories of boiler upgrade grant. Regulation 15 is amended to require that the category of boiler upgrade grant is specified on the boiler upgrade voucher. Regulation 16 is amended to include a power to audit information provided when determining a redemption application.

Part 5 is amended. Regulations 17 and 24 are amended to ensure that obligations apply under this regulation where an application has been made, and where a boiler upgrade voucher has been issued. Regulations 18, 19, 20 and 21 are amended as a consequential amendment to the removal of the insulation requirements.

Schedule 1A is inserted to introduce sets of mutually exclusive grant categories. The Secretary of State can be introduced to differentiate, if needed, the available grant categories to provide more targeted support for off gas grid properties and the fuel type being replaced and/or for new-build properties.

Schedule 2 is amended to make consequential amendments to the information required for a grant application.

Schedule 3 is amended to make consequential amendments to the information required for a redemption application.

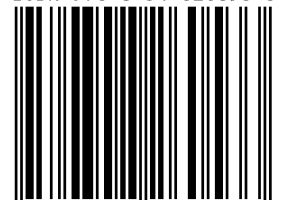
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