

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Home Energy Assistance Scheme (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCOTTISH STATUTORY INSTRUMENTS

2009 No. 48

The Home Energy Assistance Scheme (Scotland) Regulations 2009

PROSPECTIVE

Interpretation

2. In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“administering agency” means a person or a body of persons appointed under regulation 3(1);

“central heating system” means a system which provides warmth to 2 or more rooms in a dwelling through a series of connected radiators or ducts linked to a central boiler or some other heat source or from a series of electric storage heaters and controlled from one central point;

“dwelling” includes any self contained part of a building which is occupied as a separate dwelling, and includes mobile homes that have been permanently fixed to a site;

“electric storage heater” means—

- (a) a free standing storage heater;
- (b) an electric fan assisted storage warm air system;
- (c) an electric wired underfloor heating system, set in a solid floor or floors; or
- (d) an electric ceiling heating system;

“energy inefficient dwelling” means a dwelling which does not attain a Standard Assessment Procedure rating of 39 or above;

“maternity certificate” means a maternity certificate which accords with the requirements of regulation 2(3) of the Social Security (Medical Evidence) Regulations 1976(2) or regulation 2 of the Statutory Maternity Pay (Medical Evidence) Regulations 1987(3);

“network installer” has the meaning given in section 15 of the Social Security Act 1990;

“owner” includes any person who under the Lands Clauses Acts(4) would be enabled to sell and convey land to the promoters of an undertaking;

“partner” means a spouse or civil partner or any person who lives with the applicant as husband or wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex;

“Standard Assessment Procedure” refers to the Government’s Standard Assessment Procedure for Energy Rating of Dwellings, 2005 Edition(5); and

(1) 1992 (c. 4).

(2) S.I.1976/615; regulation 2(3) was amended by S.I. 1987/409 and 2001/2931.

(3) S.I. 1987/235; regulation 2 was amended by S.I. 2001/2931.

(4) Defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

(5) Published by the Building Research Establishment.

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“tenant” includes a sub-tenant and a person who—

- (i) occupies a dwelling in terms of a contract of employment;
- (ii) has a licence to occupy a dwelling; or
- (iii) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993⁽⁶⁾, but excludes a tenant of a local authority or a body registered as a social landlord by virtue of section 57 of the Housing (Scotland) Act 2001⁽⁷⁾.

Commencement Information

II Reg. 2 in force at 6.4.2009, see [reg. 1](#)

⁽⁶⁾ 1993 c. 44.
⁽⁷⁾ 2001 asp 10.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2013/148 reg. 9\(1\)\(a\)](#)
- reg. 2 coming into force by [S.S.I. 2009/48 reg. 1](#)
- reg. 2 words inserted by [S.S.I. 2011/56 reg. 3](#)
- reg. 2 words inserted by [S.S.I. 2012/34 reg. 4\(a\)](#)
- reg. 2 words substituted by [S.S.I. 2009/392 reg. 3](#)
- reg. 2 words substituted by [S.S.I. 2012/34 reg. 4\(b\)](#)
- reg. 2 words substituted by [S.S.I. 2012/38 Sch. para. 10](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(5A)(5B) inserted by [S.S.I. 2011/56 reg. 4\(b\)](#)
- reg. 6(1A) inserted by [S.S.I. 2011/56 reg. 5\(d\)](#)
- reg. 6(3A) inserted by [S.S.I. 2011/350 reg. 2](#)
- reg. 6(4A)(4B) inserted by [S.S.I. 2011/56 reg. 5\(e\)](#)
- reg. 6(4B) words inserted by [S.S.I. 2012/34 reg. 6\(b\)](#)
- reg. 6(4AA) inserted by [S.S.I. 2012/34 reg. 6\(a\)](#)
- reg. 8(1) substituted by [S.S.I. 2011/56 reg. 6\(a\)](#)
- reg. 8(2)(a) words inserted by [S.S.I. 2012/34 reg. 8\(2\)\(a\)](#)
- reg. 8(4) inserted by [S.S.I. 2011/56 reg. 6\(b\)](#)