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WELSH STATUTORY INSTRUMENTS

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**2000 No. 2959 (W. 190 )**

**ENERGY CONSERVATION, WALES**

**The Home Energy Efficiency  
Schemes (Wales) Regulations 2000**

*Made* - - - - *2nd November 2000*

*Coming into force* - - *6th November 2000*

The National Assembly for Wales makes the following Regulations in exercise of the power conferred on the Secretary of State by Section 15 of the Social Security Act 1990(1), which is now exercisable by it in relation to Wales (2):

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Home Energy Efficiency Schemes (Wales) Regulations 2000 and shall come into force on 6th November 2000.

(2) These Regulations apply to Wales only.

**Interpretation**

2. In these Regulations,

“the 1992 Act” (“*Deddf 1992*”) means the Social Security Contributions and Benefits Act 1992 (3)

“the 1997 Regulations” (“*Rheoliadau 1997*”) means the Home Energy Efficiency Scheme Regulations 1997(4);

“the 2000 (Amendment) Regulations” (“*Rheoliadau (Diwygio) 2000*”) means the Home Energy Efficiency Scheme (Amendment)(Wales) Regulations 2000 (5);

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“energy advice” (“*cyngor ynni*”) means advice on reducing or preventing the wastage of energy in a dwelling;

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(1) 1990 (c. 27); section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).  
(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).  
(3) 1992 (c. 4).  
(4) SI 1997/790.  
(5) SI 2000/1039 (W. 68).

“HEES” (“HEES”) means the categories of works available under the Home Energy Efficiency Scheme as determined by the Assembly in accordance with paragraph (4) of Regulation 4;

“HEES Plus” (“*HEES a Mwy*”) means the categories of works available under the Home Energy Efficiency Plus Scheme as determined by the Assembly in accordance with paragraph (4) of Regulation 4;

“partial grant application” (“*cais am grant rhannol*”) means an application in which the applicant does not propose that an area agency will arrange for the carrying out of the works in respect of which a grant is sought;

“works” (“*gweithfeydd*”) means any of the works, materials or energy advice specified in Regulation 6;

“works application” (“*cais gweithfeydd*”) means an application in which the applicant proposes that an area agency will arrange for the carrying out of the works in respect of which a grant is sought.

### **Revocation**

3.—(1) Subject to paragraph (2), the 1997 Regulations and the 2000 (Amendment) Regulations are revoked in relation to Wales.

(2) The 1997 Regulations and the 2000 (Amendment) Regulations shall continue to apply—

- (a) in any case where an application for a grant was made to a registered installer (within the meaning of those Regulations) before 6th November 2000;
- (b) in any case where an application for grant was made to an area agency (within the meaning of those Regulations) before 6th November 2000.

### **Powers of the Assembly**

4.—(1) The Assembly may appoint a person or persons, known as an area agency, to perform in relation to Wales or any area of Wales such functions as it may specify for the purpose of, or otherwise in connection with, the making of grants and arranging for the carrying out of works under HEES and HEES Plus.

(2) In making or arranging for the making of any grant, the Assembly may impose such conditions as it sees fit.

(3) Where the Assembly has made an arrangement for financing works, in respect of which a grant is payable, with a person other than the applicant, it may pay all or part of any grant to that other person.

(4) The categories of works for which a grant may be made under HEES or HEES Plus shall be determined from time to time by the Assembly in accordance with—

- (a) the cost and/or availability of works and materials of the types required by or in connection with the purposes set out in Regulation 6; and
- (b) the current policy and priorities of the Assembly in relation to energy conservation.

### **Persons who may apply for a grant**

5.—(1) A works application for a grant under HEES in respect of a dwelling may be entertained from a person who is the householder of the dwelling and occupies the dwelling as his or her only or main residence and who, at the time the application is made—

- (a) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (3) applies, and who is, or is living with a spouse who is, in receipt of child benefit (under section 141 of the 1992 Act) in relation to a child under 16 years of age; or

- (b) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (4) applies.
- (2) A works application for a grant under HEES Plus in respect of a dwelling may be entertained from a person who is the householder of the dwelling and occupies the dwelling as his or her only or main residence and who, at the time the application is made—
- (a) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (5) applies; or
  - (b) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (3) applies and who has attained, or is living with a spouse who has attained, the age of 60; or
  - (c) is a lone parent and who is in receipt of a benefit to which paragraph (3) applies; or
  - (d) is, or is living with a spouse who is, in receipt of child benefit (under section 141 of the 1992 Act) in relation to a child under 16 years of age and a benefit to which paragraph (5) applies is being paid to or in respect of that child.
- (3) This paragraph applies to council tax benefit, housing benefit and income support (each as provided for in Part VII of the 1992 Act) and an income-based jobseeker's allowance (within the meaning of the Jobseekers Act 1995(6)).
- (4) This paragraph applies to working families tax credit (as provided for in Part VII of the 1992 Act)(7).
- (5) This paragraph applies to—
- (a) disabled person's tax credit (as provided for in Part VII of the 1992 Act);
  - (b) an attendance allowance, that is to say—
    - (i) an attendance allowance under section 64 of the 1992 Act; or
    - (ii) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Part I of Schedule 8 to the 1992 Act(8); or
    - (iii) a payment made under article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(9) or any analogous payment; or
    - (iv) any payment based on need for attendance which is paid with a war disablement pension; or
    - (v) any payment intended to compensate for the non-payment of a payment, allowance or pension mentioned in any of sub-paragraphs (i) to (iv) of this definition;
  - (c) disability living allowance (under section 71 of the 1992 Act);
  - (d) war disablement pension within the meaning of section 139(11) of the Social Security Administration Act 1992 (10) or under article 10 of the Naval Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 (11) so far as that Order is made otherwise than under the Air Force (Constitution) Act 1917(12) together with—
    - (i) a mobility supplement under article 26A of the Naval Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983(13) (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under Article 25A of the Personal Injuries (Civilians) Scheme 1983

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(6) 1995 (c. 18).

(7) Part VII of the 1992 Act was amended by the Tax Credits Act 1999 (c. 10).

(8) See section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16) which was repealed, with savings, by the Social Security (Consequential Provisions) Act 1992 (c. 6).

(9) SI 1983/686; article 16 was amended by SI 1984/1675.

(10) 1992 (c. 5).

(11) SI 1983/883; article 10 was amended by the Tax Credits Act 1999.

(12) 7 & 8 Geo. 5 (c.51).

(13) SI 1983/833; article 26A was added by SI 1983/1116 and amended by SI 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1995/766 and 1997/766.

(including that article as applied by article 48A of that scheme)(**14**), or a payment intended to compensate for the non-payment of such a supplement; or

(ii) aa payment under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act (constant attendance allowance);

(e) council tax benefit, housing benefit and income support (in each case where payment includes a disability premium as provided for in the Council Tax Benefit (General) Regulations 1992 (**15**), the Housing Benefit (General) Regulations 1987 (**16**) and the Income Support (General) Regulations 1987 (**17**) respectively) and industrial injuries disablement benefit under sections 103 to 105 of the 1992 Act (where it includes constant attendance allowance).

(6) A partial grant application may be entertained from a person who has attained, or lives with a spouse who has attained, the age of sixty and who occupies the dwelling as his or her only or main residence and who either owns the freehold of it or has a leasehold interest in it of not less than 21 years.

(7) In the case of dwellings in multiple occupation, the area agency shall determine the number of eligible householders in the dwelling which is the subject of an application. If the number of eligible householders exceeds 50% of the total number of householders in the dwelling, an application in respect of the dwelling may be entertained.

(8) For the purposes of this regulation—

“householder” (“*deiliad*”) means a person who, alone or jointly with others, is a freeholder or tenant.

“lone parent” (“*rhiant unigol*”) means a parent or other person who is in receipt of child benefit (under section 141 of the 1992 Act) in relation to a child under 16 years of age and who is responsible for and a member of the same household as that child and who has no spouse or is not living with his or her spouse.

“spouse” (“*prïod*”) includes a person with whom the applicant lives as husband or wife.

“tenant” (“*tenant*”) includes a sub-tenant and a person who has—

- (a) a protected occupancy or a statutory tenancy under the Rent (Agriculture) Act 1976(**18**);
- (b) a statutory tenancy under the Rent Act 1977(**19**);
- (c) a secure tenancy under Part IV of the Housing Act 1985(**20**) or an introductory tenancy under Chapter I of Part V of the Housing Act 1996(**21**);
- (d) a licence to occupy which meets the conditions in paragraph 12(a) and (b) of Schedule 1 to the Housing Act 1985 (**22**); or
- (e) an assured agricultural occupancy under Part I of the Housing Act 1988 (**23**).

### **Purposes for which a grant may be approved**

6.—(1) A works application for a grant may be approved for one or more of the following purposes:—

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(14) SI 1983/686; article 25A was added by SI 1983/1164 and amended by SI 1983/1540, 1986/628, 1990/1300, 1991/708, 1992/702 and 1995/455.

(15) SI 1992/1814.

(16) SI 1987/1971.

(17) SI 1987/1967.

(18) 1976 (c. 80).

(19) 1977 (c. 42).

(20) 1985 (c. 68).

(21) 1996 (c. 52).

(22) 1985 (c. 68); paragraph 12 was substituted by paragraph 12 of Schedule 6 to the Charities Act 1992 (c. 41).

(23) 1988 (c. 50).

- (a) to provide insulation in any accessible roof space in the dwelling, including the insulation of any cold water tank and any water supply, overflow and expansion pipes in such a space;
  - (b) to provide insulation between the internal and external leaves of cavity walls of the dwelling;
  - (c) to provide draught proofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision;
  - (d) to provide insulation to any water heating system or to provide any part of such a system with insulation incorporated in it;
  - (e) to provide gas room convector heaters with thermostat control;
  - (f) to provide electric storage heaters;
  - (g) to provide timer controls for electric space and water heaters;
  - (i) to improve the energy efficiency of or replace any part of or repair any space or water heating system installed in the dwelling;
  - (j) to provide a gas or oil central heating system;
  - (k) to convert open solid fuel room fires to closed solid fuel room fires;
  - (l) to provide a central heating system connected to the local community heating grid.
- (2) Where a works application is approved for one or more of the purposes set out in paragraph (1) a grant may also be approved for the provision of any of the following—
- (a) energy advice;
  - (b) energy efficient lamps.
- (3) For the purposes of this regulation, “roof space” (“*gwagle to*”) means space between the roof of a dwelling and the ceiling of any room used or available for use for the purpose of living accommodation, that space not being wholly separated from the roof by any other room.
- (4) No application shall be approved unless the dwelling and the subject matter of each category of works mentioned in the application meets such conditions as may be specified from time to time by the area agency with the consent of the Assembly.
- (5) All works shall comply with such standards as to materials, workmanship and energy efficiency performance of the subject matter of the works as may be laid down from time to time by the area agency with the consent of the Assembly.

### **Maximum amount of grant**

- 7.—(1) An area agency shall not pay a total amount of grant in respect of a works application under HEES or HEES Plus which exceeds the lower of—
- (a) the amount properly charged for the works carried out; or
  - (b) the maximum amount of grant under HEES or HEES Plus as determined from time to time by the Assembly in accordance with—
    - (i) the cost and/or availability of works and materials of the types required by or in connection with the purposes set out in Regulation 6; and
    - (ii) the current policy and priorities of the Assembly in relation to energy conservation.
- (2) The Assembly may determine different maximum amounts under paragraph (1) for grants in respect of dwellings in multiple occupation.
- (3) Subject to paragraphs (1) and (2) of this regulation, an area agency shall have power, with the consent of the Assembly, to specify—

(a) a maximum amount of grant which may be paid; and  
(b) a grant-calculation basis, expressed in terms of amounts per unit of measurement,  
for any category or combination of categories of works contained within the HEES Scheme or the HEES Plus Scheme.

(4) In the case of a partial grant application, the maximum grant which may be paid to an applicant is 25% of the maximum grant determined by the Assembly in respect of HEES.

### **Applications for grant**

8.—(1) An application for a grant shall be made to the area agency.

(2) An application shall be in writing, signed either by the applicant or by a person specified or of a description specified by the area agency and shall be in such form, subject to paragraph (3) of this regulation, as is laid down by the area agency.

(3) A form of application shall contain such particulars as may be specified from time to time by the area agency with the consent of the Assembly and shall include—

- (a) particulars of the dwelling in respect of which the grant is sought and if the applicant is a tenant, the name and address of the landlord;
- (b) a statement of the criteria of eligibility set out in regulation 5 which are fulfilled by the applicant;
- (c) a statement that reasonable access to the dwelling in respect of which an application is made will be given to a representative of the area agency to inspect the dwelling and the works;

and

- (d) a statement as to whether the applicant or, to his or her knowledge, any other person has received or applied for a grant or assistance under these Regulations in respect of the dwelling which is the subject of the application.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(24).

2nd November 2000

*Dafydd Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

Section 15(1) of the Social Security Act 1990 (as amended by Section 142 of the Housing Grants, Construction and Regeneration Act 1996) provides that the Secretary of State may make or arrange for the making of grants towards the cost of work or advice to improve thermal insulation or otherwise to reduce or prevent energy wastage in dwellings.

The Secretary of State's power under this section is now exercisable by the Assembly in relation to Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

These Regulations set out the schemes for providing grants for the purposes set out in Section 15(1) of the 1990 Act (as amended). The Regulations deal with who is eligible to receive a grant, determination by the Assembly of the categories of works and the maximum levels of grants available, the purposes for which grants may be approved and the method of applying for a grant.

NB The Home Energy Efficiency Scheme (Amendment)(Wales) Regulations 2000 ("the 2000 (Amendment) Regulations") provided new maxima for an award of a grant under the former Scheme, which was set out in the Home Energy Efficiency Scheme Regulations 1997 ("the 1997 Regulations"). Both the 1997 Regulations and the 2000 (Amendment) Regulations are revoked as set out in these Regulations.