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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Home Energy Assistance Scheme (Scotland) Regulations 2009 (“the principal Regulations”) which make provision for the making of grants to improve the thermal insulation and energy efficiency of dwellings and to provide advice to reduce or prevent the wastage of energy in a dwelling.

Regulations 4 and 6 amend the principal Regulations to provide for use of an updated version of the procedure used to assess the energy efficiency of dwellings. They also clarify which methodology within that procedure is to be used. This is in consequence of the Building Research Establishment updating the procedure, which is contained in the publication “The Government’s Standard Assessment Procedure for Energy Rating of Dwellings”, published by the Building Research Establishment, Garston, Watford WD25 9XX, 2009 Edition, as updated in March 2011. It is available online at <http://www.bre.co.uk/sap2009>.

Regulation 5 introduces a new category of person in relation to whom an application for a grant may be entertained. New paragraph (4AA) extends eligibility to a person who is, or lives with a person who is, in receipt of an armed forces mobility supplement, or some equivalent payments, or constant attendance allowance at the two highest rates at which that allowance is paid. These are payments that are additional to war disablement pension. Such a person must also be in receipt of another specified benefit, live in an energy inefficient dwelling and satisfy the criteria in regulation 6(1) of the principal Regulations.

There is a consequential change to paragraph (4B) of regulation 6 of the principal Regulations and the wording of paragraph (5) of that regulation has been updated to refer to the legislation under which armed forces mobility supplement and equivalent payments, and constant attendance allowance, are now paid.

Regulation 7 provides that the existing assessment procedure will apply in relation to applications submitted prior to the date these Regulations come into force.