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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

The Electricity and Gas (Energy  
Company Obligation) Order 2023

PART 5

ECO4A qualifying actions

CHAPTER 1

General criteria for ECO4A qualifying actions

**ECO4A qualifying actions: overview**

- 10.** An ECO4A qualifying action is a measure which the Administrator is satisfied—
- (a) meets the requirements of article 11 (general requirements);
  - (b) meets the condition in any one of articles 12 to 21 (eligible properties and measures);
  - (c) where it is an insulation measure, meets the requirements of article 22 (additional requirements to be met by insulation measures);
  - (d) where it is a heating control measure, meets the requirements of article 23 (additional requirements to be met by heating control measures);
  - (e) meets the requirements of article 24 (quality assurance and consumer protection); and
  - (f) is notified to the Administrator in accordance with article 25.

**ECO4A qualifying actions: general requirements**

- 11.—**(1) A measure meets the requirements of this article if the measure—
- (a) is an insulation measure or a heating control measure;
  - (b) is installed at domestic premises;
  - (c) results in the reduction in the cost of heating those premises to 21 degrees Celsius in the main living areas and 18 degrees Celsius in all other areas;
  - (d) is completed on or after 30th March 2023 and before 1st April 2026;
  - (e) is installed at—
    - (i) premises erected before 1st April 2022; or
    - (ii) premises which were first occupied as domestic premises before the day on which the installation is completed;
  - (f) is not funded by a grant made by—
    - (i) a public authority; or
    - (ii) any person distributing funds on behalf of a public authority; and

- (g) is not a measure notified to the Administrator in accordance with article 43 of the 2022 Order.

## CHAPTER 2

### Measures at eligible properties

#### Measures installed at private domestic premises in certain Council tax valuation bands

- 12.**—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises in a relevant valuation band (see paragraph (2));
  - (b) the pre-installation SAP band for the premises is—
    - (i) where the premises are owner-occupied premises, band D, E, F or G;
    - (ii) where the premises are private rented premises in England or Wales, band D, E, F or G;
    - (iii) where the premises are private rented premises in Scotland, band D or E;
  - (c) where the measure is installed at owner-occupied premises, the measure is not a heating control measure;
  - (d) where the measure is installed at private rented premises, the measure is not—
    - (i) a heating control measure;
    - (ii) cavity wall insulation; or
    - (iii) loft insulation; and
  - (e) where the measure is installed at private rented premises in England or Wales for which the pre-installation SAP band is band F or G, information in respect of the premises is registered on the PRS Exemptions Register by the landlord of the private rented premises in accordance with regulation 36(2) of the 2015 Regulations.
- (2) For the purposes of this article—
- (a) domestic premises are in a relevant valuation band if—
    - (i) in the case of premises in England, the premises are listed as a dwelling in valuation band A, B, C or D;
    - (ii) in the case of premises in Wales, the premises are listed as a dwelling in valuation band A, B, C, D or E;
    - (iii) in the case of premises in Scotland, the premises are listed as a dwelling in valuation band A, B, C, D or E;
  - (b) for premises in England and Wales, references to dwellings listed in a particular valuation band are to be construed in accordance with section 5(6) of the Local Government Finance Act 1992<sup>(1)</sup>;
  - (c) for premises in Scotland, references to dwellings listed in a particular valuation band are to be construed in accordance with section 74(5) of the Local Government Finance Act 1992.

#### Measures installed at private domestic premises occupied by help to heat group member

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

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(1) 1992 c. 14.

- (a) the measure is installed at private domestic premises which 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;
  - (b) the pre-installation SAP band for the premises is—
    - (i) where the premises are owner-occupied premises, band D, E, F or G;
    - (ii) where the premises are private rented premises in England or Wales, band D, E, F or G;
    - (iii) where the premises are private rented premises in Scotland, band D or E;
  - (c) where the measure is installed at private rented premises, the measure is not a heating control measure; and
  - (d) where the measure is installed at private rented premises in England or Wales for which the pre-installation SAP band is band F or G, information in respect of the premises is registered on the PRS Exemptions Register by the landlord of the private rented premises in accordance with regulation 36(2) of the 2015 Regulations.
- (2) In this article, “help to heat group” has the meaning given in article 2(1) of the 2022 Order.

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

- 14.** A measure meets the condition in this article if—
- (a) the measure is installed at social housing for which the pre-installation SAP band is band D; and
  - (b) the measure—
    - (i) is an innovation measure; and
    - (ii) is not a heating control measure.

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

- 15.** A measure meets the condition in this article if—
- (a) the measure is installed at social housing for which the pre-installation SAP band is band E, F or G; and
  - (b) the measure is not a heating control measure.

### **CHAPTER 3**

Measures accompanied by declaration from a relevant authority or participant

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

- 16.—(1)** A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises;
  - (b) before the day on which the measure is completed, a relevant authority is consulted on the installation of the measure 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, if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (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)(c)(ii), 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.
- (4) In this article, "gross income" has the meaning given in article 2(1) of the 2022 Order.

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

- 17.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises for which the pre-installation 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 installation of the measure at the premises;
  - (c) the relevant authority makes a declaration which—
    - (i) meets the validity requirement specified in article 16(2); and
    - (ii) subject to paragraph (2), certifies that, having exercised all due diligence, it is satisfied that the premises meets at least two of the criteria specified in article 18(2) of the 2022 Order; and
  - (d) the measure would have met the condition in article 13 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) 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 article 18(2) of the 2022 Order, those two criteria must not be the criteria specified in article 18(2)(a) and (b) of that Order; and
  - (b) where the relevant authority is relying on the criterion specified in article 18(2)(e) of the 2022 Order, 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**

- 18.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises;
  - (b) before the day on which the measure is completed, a relevant authority is consulted on the installation of the measure 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
    - (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 16(2); and
  - (e) the measure would have met the condition in article 13 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) In paragraph (1)(c), “relevant health provider” has the meaning given in article 19(2) of the 2022 Order.

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

- 19.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises for which the pre-installation 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) of the 2022 Order 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 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) The specified requirements are—
- (a) where consumption of gas or electricity at the domestic premises 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—
      - (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; or
  - (b) where consumption of gas or electricity at the domestic 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 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(2).

## CHAPTER 4

### In-fill measures

#### **Flat in-fill measures**

- 20.**—(1) A measure (“measure X”) is a “flat in-fill measure” and meets the condition in this article if—
- (a) it is installed at domestic premises that are in a block of flats;
  - (b) it is one of the following measures—
    - (i) solid wall insulation; or
    - (ii) cavity wall insulation;
  - (c) it is linked with one other measure (“the primary measure”) which is—
    - (i) the same kind of measure as measure X;
    - (ii) promoted by the same participant that promoted measure X; and
    - (iii) installed at separate domestic premises in the same block of flats as measure X; and
  - (d) the primary measure with which measure X is linked is an ECO4A qualifying action by virtue of meeting the condition in any of articles 12 to 19.
- (2) For the purposes of paragraph (1)(c)—
- (a) measure X is linked with a primary measure if—
    - (i) measure X is completed during the three month period beginning with the day on which the primary measure is completed;
    - (ii) measure X is notified under article 25 on the same day as, or after, the notification of the primary measure under that article;
    - (iii) when notifying measure X under article 25, the participant includes information sufficient to enable the Administrator to identify the primary measure with which it is to be linked; and
    - (iv) the primary measure is not already linked with another in-fill measure;
  - (b) a primary measure is the same kind of measure as measure X if—
    - (i) both are solid wall insulation; or
    - (ii) both are cavity wall insulation.
- (3) In this article—

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(2) 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, 2021/456 and 2023/232.

“block of flats” means a building which contains two or more flats;

“flat”—

- (a) in respect of domestic premises in England and Wales, has the same meaning as in the Building Regulations 2010(3);
- (b) in respect of domestic premises in Scotland, has the same meaning as in the Building (Scotland) Regulations 2004(4) and also includes a maisonette, as defined in those Regulations.

### House in-fill measures

**21.**—(1) A measure (“measure Y”) is a “house in-fill measure” and meets the condition in this article if—

- (a) it is installed at domestic premises—
    - (i) that are not in a block of flats; and
    - (ii) for which the pre-installation SAP band is band D, E, F or G;
  - (b) it is solid wall insulation;
  - (c) it is linked with three other measures (“the primary measures”) which are—
    - (i) solid wall insulation;
    - (ii) promoted by the same participant that promoted measure Y; and
    - (iii) installed at three separate domestic premises on the same street as measure Y; and
  - (d) the primary measures with which measure Y is linked are ECO4A qualifying actions by virtue of meeting the condition in any of articles 12 to 19.
- (2) For the purposes of paragraph (1)(c), measure Y is linked with the primary measures if—
- (a) measure Y is completed during the three month period beginning with the day on which the last of the primary measures is completed;
  - (b) measure Y is notified under article 25 on the same day as, or after, the notification of the primary measures under that article;
  - (c) when notifying measure Y under article 25, the participant includes information sufficient to enable the Administrator to identify the primary measures with which it is to be linked; and
  - (d) none of the primary measures are already linked with another in-fill measure.
- (3) In this article, “block of flats” has the same meaning as in article 20(3).

## CHAPTER 5

### Additional requirements for measures

#### Additional requirements to be met by insulation measures

**22.**—(1) An insulation measure meets the requirements of this article if—

- (a) before the insulation measure is completed at the domestic premises—
  - (i) an RdSAP assessment of the domestic premises is performed; and
  - (ii) advice on the benefits of using a smart meter is provided to the household occupying the domestic premises;

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(3) S.I. 2010/2214. See regulation 2(1). There are amending instruments but none are relevant.

(4) S.S.I. 2004/406. See regulation 2(1). There are amending instruments but none are relevant.

- (b) an RdSAP assessment of the domestic premises is performed after the completion of the insulation measure; and
- (c) where more than one insulation measure is notified to the Administrator in accordance with article 25 in respect of the domestic premises, it is the first of those insulation measures to have been completed at the domestic premises that—
  - (i) meets the requirements of paragraph (1)(a) and (b);
  - (ii) meets the requirements of article 11 (general requirements);
  - (iii) meets the condition in any one of articles 12 to 21 (eligible properties and measures); and
  - (iv) meets the requirements of article 24 (quality assurance and consumer protection).

(2) For the purposes of paragraph (1)(c), where more than one insulation measure is completed at the domestic premises at the same time, the first of those insulation measures to be notified to the Administrator in accordance with article 25 is to be treated as being the first of those insulation measures to have been completed.

#### **Additional requirements to be met by heating control measures**

- 23.** A heating control measure meets the requirements of this article if it—
- (a) is installed at the same domestic premises where an ECO4A qualifying action that is an insulation measure has been installed (“the related insulation measure”);
  - (b) is completed—
    - (i) on the same day as, or not more than three months after, the day on which the related insulation measure is completed; and
    - (ii) after the pre-installation energy efficiency assessment is performed; and
  - (c) is promoted by the same participant who promoted the related insulation measure.

## CHAPTER 6

### Quality assurance and consumer protection

#### **Quality assurance and consumer protection**

- 24.—**(1) A measure meets the requirements of this article if—
- (a) the measure is installed by, or under the responsibility of, a person who is registered with TrustMark for the purposes of that measure, and a certificate of lodgement is issued by the operator of TrustMark in respect of that measure; or
  - (b) the measure is installed subject to arrangements for quality assurance and consumer protection, including installation standards and arrangements for repairs and other remedies, which are equivalent to the requirements under TrustMark.
- (2) In this article, “certificate of lodgement” and “TrustMark” have the meanings given in article 2(1) of the 2022 Order.