

## SCHEDULE 1

Article 2

### AFFORDABLE WARMTH GROUP ELIGIBILITY

1. The benefits referred to in the definition of affordable warmth group in article 2 are—
  - (a) child tax credit<sup>(1)</sup> and has a relevant income of £16,010 or less (where “relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002<sup>(2)</sup>);
  - (b) income-related employment and support allowance<sup>(3)</sup> and—
    - (i) receiving a work-related activity or support component; or
    - (ii) is responsible for a qualifying child; or
    - (iii) is in receipt of a qualifying component;
  - (c) income-based job seeker’s allowance<sup>(4)</sup> and—
    - (i) is responsible for a qualifying child; or
    - (ii) is in receipt of a qualifying component;
  - (d) income support<sup>(5)</sup> and—
    - (i) is responsible for a qualifying child; or
    - (ii) is in receipt of a qualifying component;
  - (e) state pension credit<sup>(6)</sup>;
  - (f) working tax credit and has a relevant income of £16,010 or less and—
    - (i) is responsible for a qualifying child; or
    - (ii) is in receipt of a disability or severe disability element; or
    - (iii) is aged 60 years or over; or
  - (g) universal credit<sup>(7)</sup> and the condition as to earned income in paragraph 4 is met and—
    - (i) is responsible for a child or qualifying young person as determined under regulation 4 of the Universal Credit Regulations 2013<sup>(8)</sup>; or
    - (ii) has limited capability for work, or limited capability for work and work-related activity, as determined under Part 5 of the Universal Credit Regulations 2013; or
    - (iii) is in receipt of a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992<sup>(9)</sup>; or
    - (iv) is in receipt of a personal independence payment under Part 4 of the Welfare Reform Act 2012<sup>(10)</sup>.

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- (1) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).
  - (2) 2002 c.21. Part I is repealed by section 417 of and Schedule 14 to the Welfare Reform Act 2012 (c.5) but this repeal has not yet come into force.
  - (3) See Part 1 of the Welfare Reform Act 2007 (c.5). Sections 9 and 5 of and Schedule 7 to the Welfare Reform Act 2009 (c.24) made relevant amendments to Part 1. Section 147 of the Welfare Reform Act 2012 also makes relevant amendments to this Part, but these amendments are in force for certain purposes only.
  - (4) See section 1(1) and (4) of the Jobseekers Act 1995 (c.18). Section 1(4) was amended by sections 4, 59 and 88 of and Schedules 7 and 13 to the Welfare Reform and Pensions Act 1999 (c.30), and section 245 of and Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 1(4) is also repealed by section 147 of and Schedule 14 to the Welfare Reform Act 2014, but this repeal is in force for certain purposes only.
  - (5) See section 124 of the Social Security Contributions and Benefits Act 1992 (c.4). Section 124 is repealed by the Welfare Reform Act 2012, but this repeal has not yet come into force.
  - (6) See section 1(1) of the State Pension Credit Act 2002 (c.16).
  - (7) Universal credit is provided for in Part 1 of the Welfare Reform Act 2012.
  - (8) S.I. 2013/376. Regulation 4 was amended by S.I. 2013/1508, regulation 3.
  - (9) 1992 c.4. Section 71 was amended by section 67 of the Welfare Reform and Pensions Act 1999. Section 71 is repealed by section 90 of the Welfare Reform Act 2012 (c.5), but this repeal has not yet come into force.
  - (10) 2012 c.5.

2. In paragraph 1 “qualifying child” means, in relation to a person in receipt of an allowance in paragraph 1(b) or (c), income support or working tax credit, a child who ordinarily resides with that person and who—

- (a) is under the age of 16; or
- (b) is—
  - (i) 16 or over but under the age of 20; and
  - (ii) in full-time education (other than higher education within the meaning of section 579(1) of the Education Act 1996<sup>(11)</sup>) or approved training (as defined in regulation 2 of the Child Tax Credit Regulations 2002<sup>(12)</sup>).

3. In paragraph 1—

- (a) “qualifying component” means—
  - (i) child tax credit which includes a disability or severe disability element;
  - (ii) a disabled child premium;
  - (iii) a disability premium, enhanced disability premium or severe disability premium; or
  - (iv) a pensioner premium, higher pensioner premium or enhanced pensioner premium;
- (b) whether a person is responsible for a qualifying child is to be determined in accordance with regulation 3 of the Child Tax Credit Regulations 2002<sup>(13)</sup>.

4.—(1) Where the award of universal credit is—

- (a) to a single claimant, the condition as to earned income is that, in any of the twelve preceding assessment periods, the claimant has received earned income which does not exceed £1,250; or
- (b) to joint claimants, the condition as to earned income is that, in any of the twelve preceding assessment periods, the combined earned income received by the claimants does not exceed £1,250.

(2) In this paragraph—

- (a) “assessment period”;
- (b) “earned income”;
- (c) “joint claimants”; and
- (d) “single claimant”;

are to be interpreted in accordance with the Welfare Reform Act 2012 and any subordinate legislation made under that Act.

SCHEDULE 2

Article 2

IN-USE FACTORS

<i>Measure</i>	<i>In-use factor</i>
Connection to a district heating system	10%

<sup>(11)</sup> 1996 c.56.

<sup>(12)</sup> S.I. 2002/2007. The definition of “approved training” was inserted by S.I. 2006/222.

<sup>(13)</sup> Regulation 3 was amended by S.I. 2004/762, regulation 2, S.I. 2005/2919, article 4, S.I. 2007/2151, regulations 2 and 3, S.I. 2008/2169, regulations 6 and 8, S.I. 2009/697, regulations 9 and 16, S.I. 2011/1740, article 2 and Schedule 1, S.I. 2012/848, regulation 4, S.I. 2013/1465, article 17 and Schedule 1.

<i>Measure</i>	<i>In-use factor</i>
Draught proofing	15%
Flat roof insulation	15%
High performance external doors and passageway walkthrough doors	15%
Insulation of a cavity wall	35%
Insulation of a mobile home	25%
Insulation of a solid brick wall built before— (a) 1967, if situated in England or Wales; (b) 1965, if situated in Scotland	33%
Insulation of— (a) a solid wall which is not built of brick; (b) a solid brick wall built in— (i) 1967 or later, if situated in England or Wales; (ii) 1965 or later, if situated in Scotland	25%
Loft or rafter insulation (including loft hatch insulation)	35%
Pipework insulation	15%
Room-in-roof insulation	25%
Secondary or replacement glazing	15%
Under-floor insulation	15%

## SCHEDULE 3

Article 2

## Qualifying warranties for replacement boilers

1. The requirements for a qualifying warranty are as follows.
2. Subject to paragraphs 3 and 4, the warranty must provide for the rectification, without any charge to a consumer, of all problems which affect the functioning of the boiler or the heating system it serves and which—
  - (a) relate to its installation or design; and
  - (b) are notified to the person providing the warranty within 1 year of the replacement boiler being installed.
3. The warranty is not required to provide for the rectification of a problem which—
  - (a) is covered by a warranty provided by the manufacturer of the replacement boiler; or
  - (b) arises after the replacement boiler is installed where that problem arises from one or more of—
    - (i) negligence;
    - (ii) accident;
    - (iii) misuse of the replacement boiler;

- (iv) repair of the replacement boiler,  
by a person other than a person described in paragraph 4.
- 4. The following persons are referred to in paragraph 3(b)—
  - (a) the person who installed the replacement boiler;
  - (b) the person providing the warranty;
  - (c) a person acting on behalf of a person in sub-paragraph (a) or (b).
- 5. The warranty must be accompanied by a declaration from the occupier of the premises that, in that person’s knowledge, no consumer has been charged for the warranty.
- 6. In paragraph (2)(a), “design”, in relation to a boiler, means the suitability of the boiler for the heating system it is intended to serve.

## SCHEDULE 4

Article 16

## DOMESTIC PREMISES WHICH ARE NOT PRIVATE DOMESTIC PREMISES

- 1.—(1) Domestic premises in England or Wales are not “private domestic premises” if—
  - (a) the relevant interest in those premises is registered as belonging to a social landlord and the condition in sub-paragraph (3) is met; or
  - (b) if no relevant interest in the premises has been registered—
    - (i) the premises are let to the member of the affordable warmth group, or a person who lives with the member of the affordable warmth group, by a social landlord other than under a lease granted pursuant to Part V of the Housing Act 1985(14); and
    - (ii) the condition in sub-paragraph (3) is met.
- (2) Domestic premises in Scotland are not “private domestic premises” if—
  - (a) the relevant interest in the premises is registered as belonging to a social landlord and the condition in sub-paragraph (3) is met; or
  - (b) if no relevant interest in the premises has been registered—
    - (i) the premises are let to the member of the affordable warmth group, or a person who lives with the member of the affordable warmth group, by a social landlord other

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(14) 1985 c.68. Part V was amended by section 235 of and Schedule 10 to the Insolvency Act 1985 (c. 65), section 437 of and Schedule 11 to the Insolvency Act 1986 (c. 45), sections 2, 4, 8, 24 of and Schedule 5 to the Housing and Planning Act 1986 (c. 63), sections 1 and 2 of and the Schedule to the Land Registration Act 1988 (c.3), sections 83, 122, 124, 126, 127, 140 of and Schedule 17 to the Housing Act 1988 (c.50), sections 104, 105, 108 to 120, 187(2) of and Schedules 21 and 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 66 of and Schedule 8 to the Family Law Act 1996 (c.27), section 222 of and Schedule 18 to the Housing Act 1996 (c.52), sections 140 and 152 of and Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), the Statute Law (Repeals) Act 1998 (c.43), section 14 of and Schedule 1 to the Anti-Social Behaviour Act 2003 (c.38), sections 81 and 261 of and Schedules 8 and 30 to the Civil Partnership Act 2004, sections 180 to 190, 192, 193 and 270 of the Housing Act 2004 (c.34), section 93 of and Schedule 15 to the Countryside and Rights of Way Act 2000 (c.37), sections 133 and 135 of and Schedules 11 and 13 to the Land Registration Act 2002 (c.9), sections 52 and 53 of the Police and Justice Act 2006 (c.48), sections 304, 306, 191, 307, 321 and 325 of and Schedule 16 to the Housing and Regeneration Act 2008 (c.17), section 31 of the Housing (Wales) Measure 2011 (nawm 5), section 195 of and Schedule 19 to the Localism Act 2011 (c. 20), S.I. 1993/651, article 2 and Schedule 1, S.I. 1996/2325, article 5 and Schedule 2, S.I. 1997/74, article 2 and Schedule, S.I. 1997/627, article 2 and Schedule, S.I. 2001/3649, article 299, S.I. 2005/3237, article 2, S.I. 2007/709, article 4, S.I. 2009/1941, article 2 and Schedule, S.I. 2010/844, article 6 and Schedule 2, S.I. 2010/866, articles 4 and 5 and Schedules 1 and 2.

than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987<sup>(15)</sup>, as modified by section 84A of that Act<sup>(16)</sup>; and

(ii) the condition in sub-paragraph (3) is met.

(3) The condition in this sub-paragraph is that the premises are let to the member of the affordable warmth group, or a person who lives with the member of the affordable warmth group, at below the market rate.

(4) In this paragraph—

- (a) in respect of premises in England or Wales, a relevant interest is registered if it is registered in the register of title maintained by Her Majesty's Land Registry;
- (b) in respect of premises in Scotland, a relevant interest is registered if it is—
  - (i) registered in the Land Register of Scotland; or
  - (ii) recorded in the Register of Sasines.

(5) In this paragraph—

“owner” includes any person who under the Land Clauses Acts<sup>(17)</sup> would be enabled to sell and convey land to promoters of an undertaking;

“relevant interest” means—

- (a) in respect of premises in England or Wales—
  - (i) the freehold estate, unless the whole of the premises have been let under a registered lease; or
  - (ii) the leasehold estate, unless the whole of the premises have been further let under a registered lease;
- (b) in respect of premises in Scotland—
  - (i) the owner's interest or right, unless the whole of the premises have been further let under a registered lease; or
  - (ii) the lessee's interest under a lease, unless the whole of the premises have been further let under a registered lease;

“social landlord” means—

- (a) in respect of premises in England—
  - (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985<sup>(18)</sup>;
  - (ii) a housing association, within the meaning of section 5 of the Housing Act 1985<sup>(19)</sup>;
  - (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985; or
  - (iv) a charity, within the meaning of section 1 of the Charities Act 2011<sup>(20)</sup>;

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<sup>(15)</sup> 1987 c.26. Sections 61 to 84 were amended by sections 1, 3, 65 and 72 of and Schedules 2, 8, 9 and 10 to the Housing (Scotland) Act (c.43), sections 168, 176, 194 of and Schedules 11 and 12 to the Local Government and Housing Act 1989 (c.42), sections 144, 145, 157, 187 of and Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993, section 180 of and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39), sections 4 and 6 of and Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), section 152 of and Schedule 18 to the Government of Wales Act 1998, sections 42 to 49, 51, 108 and 112 of and Schedule 10 to the Housing (Scotland) Act 2001 (asp 10), section 71 of and Schedule 7 to the Water Industry (Scotland) Act 2002 (asp 3), S.I. 2010/2040, articles 1 and 2 and Schedule.

<sup>(16)</sup> Section 84A was inserted by the Local Government and Housing Act 1989.

<sup>(17)</sup> Defined in Schedule 1 to the Interpretation Act 1978 (c.30).

<sup>(18)</sup> Section 1 was amended by section 22 of and Schedule 8 to the Local Government (Wales) Act 1994 (c.19).

<sup>(19)</sup> Section 5 was amended by S.I. 1996/2325, article 5 and Schedule 2, and S.I. 2010/866, article 5 and Schedule 2. It is also amended by virtue of section 2 of the Co-operative and Community Societies and Credit Unions Act 2010 (c.7).

<sup>(20)</sup> 2011 c.25.

- (b) in respect of premises in Scotland, a person so described in section 165 of the Housing (Scotland) Act 2010<sup>(21)</sup>; and
- (c) in respect of premises in Wales—
  - (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985;
  - (ii) a housing association, within the meaning of section 5 of the Housing Act 1985;
  - (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985;
  - (iv) a charity, within the meaning of section 1 of the Charities Act 2011;
  - (v) a person listed in section 80(1) of the Housing Act 1985; or
  - (vi) a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996<sup>(22)</sup>.

## SCHEDULE 5

Article 29

CONVERSION FACTORS FOR SURPLUS ACTIONS THAT ARE TO BE CREDITED AGAINST A SUPPLIER'S TOTAL HOME HEATING COST REDUCTION OBLIGATION

1. The following table has effect for the purpose of determining the relevant conversion factor for a measure under article 29(3)(a)—

<i>Measure</i>	<i>Conversion factor</i>
A measure to improve the insulating properties of non-gas fuelled premises	1.35
Repair of a qualifying boiler at non-gas fuelled premises	1.45
Replacement of a boiler— <ul style="list-style-type: none"> <li>(a) which was not a qualifying boiler; and</li> <li>(b) by a boiler which was not accompanied at the time installation was completed by a qualifying warranty</li> </ul>	0.95
Replacement of a qualifying boiler by another boiler— <ul style="list-style-type: none"> <li>(a) where both the boiler being replaced and the replacement boiler were fuelled by mains gas; and</li> <li>(b) the replacement boiler was not accompanied at the time installation was completed by a qualifying warranty</li> </ul>	0.75
Replacement of a qualifying boiler by another boiler— <ul style="list-style-type: none"> <li>(a) where both the boiler being replaced and the replacement boiler were fuelled by mains gas; and</li> <li>(b) the replacement boiler was accompanied at the time installation was completed by a qualifying warranty</li> </ul>	0.8
Replacement of a qualifying boiler—	1.4

(21) 2010 asp 17.

(22) 1996 c.52. Chapter 1 of Part 1 was amended by sections 140 and 152 of, and Schedules 16 and 18 to the Government of Wales Act 1998, section 75 of and Schedule 8 to the Charities Act 2006 (c.50), sections 61 and 321 of, and Schedule 16 to the Housing and Regeneration Act 2008, sections 2 and 8 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010, S.I. 2001/3649 and S.I. 2009/1941.

<i>Measure</i>	<i>Conversion factor</i>
<ul style="list-style-type: none"> <li>(a) at non-gas fuelled premises; and</li> <li>(b) by a boiler which was not accompanied at the time installation was completed by a qualifying warranty</li> </ul>	
Replacement of a qualifying boiler— <ul style="list-style-type: none"> <li>(a) at non-gas fuelled premises; and</li> <li>(b) by—               <ul style="list-style-type: none"> <li>(i) a boiler which was accompanied at the time installation was completed by a qualifying warranty; or</li> <li>(ii) a measure other than a boiler or an electric storage heater</li> </ul> </li> </ul>	1.45

**2.** In this Schedule—

- (a) a measure is installed at non-gas fuelled premises where it is installed at premises which—
  - (i) were non-gas fuelled prior to installation of the measure; and
  - (ii) remained non-gas fuelled when installation of the measure was complete; and
- (b) premises are non-gas fuelled where the main space heating system for the premises is not—
  - (i) fuelled by mains gas; or
  - (ii) a district heating system.