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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

The Electricity and Gas (Energy  
Company Obligation) Order 2022

PART 5

Qualifying actions

CHAPTER 2

Measures which are part of ECO4 projects

*SECTION 2*

*Projects accompanied by declaration from a relevant authority or participant*

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

- 18.**—(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private domestic premises for which the pre-project 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 carrying out of the project at the premises;
  - (c) the relevant authority makes a declaration which—
    - (i) meets the validity requirement specified in article 17(2); and
    - (ii) subject to paragraph (3), certifies that, having exercised all due diligence, it is satisfied that the premises meets at least two of the criteria specified in paragraph (2); and
  - (d) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) The criteria specified in this paragraph are—
- (a) the premises are in—
    - (i) in the case of premises in England, an area which is identified as a “Lower-layer Super Output Area” in the first, second or third decile on the English Indices of Deprivation 2019 published in September 2019 by the Ministry of Housing, Communities and Local Government<sup>(1)</sup>;

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<sup>(1)</sup> Published at <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>. The deciles are published in “File 7: all ranks, deciles and scores for the indices of deprivation, and population denominators”. A copy of any entry in the file may be obtained from the Ministry of Housing, Communities & Local Government, 2 Marsham Street, London SW1P 4DF.

- (ii) in the case of premises in Wales, an area which is identified as a “Lower-layer Super Output Area” in the first, second or third decile on the Welsh Index of Multiple Deprivation 2019 published in November 2019 by the Welsh Government(2);
  - (iii) in the case of premises in Scotland, an area which is identified as a “data zone” in the first, second or third decile on the Scottish Index of Multiple Deprivation 2020 published in April 2020 by the Scottish Government(3);
- (b) a person living at the premises is considered to be vulnerable to the cold—
- (i) under the guideline entitled “Excess winter deaths and illness and the health risks associated with cold homes” published by the National Institute for Health and Care Excellence on 5th March 2015(4) (“NICE Guideline NG6”); and
  - (ii) for a reason other than their low income (see recommendation 2 of NICE Guideline NG6);
- (c) a person living at the premises is entitled to a council tax reduction on the grounds of low income;
- (d) a child living at the premises is eligible for free school meals under—
- (i) section 512ZB(4) of the Education Act 1996(5); or
  - (ii) section 53 of the Education (Scotland) Act 1980(6);
- (e) a person living at the premises is supported by a scheme established by the relevant authority to support people living on a low income and who would be considered to be vulnerable to the cold under NICE Guideline NG6;
- (f) a person living at the premises has been referred to the relevant authority for support by their electricity or gas supplier, Citizens Advice or Citizens Advice Scotland(7) because they have been identified by the referrer as struggling to pay their electricity or gas bills.
- (3) 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 paragraph (2), those two criteria must not be the criteria specified in paragraph (2)(a) and (b); and
  - (b) where the relevant authority is relying on the criterion specified in paragraph (2)(e), the statement of intent published by the Authority must describe the scheme relied on for the purpose of meeting that criterion.

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(2) Published at <https://stats.wales.gov.wales/Catalogue/Community-Safety-and-Social-Inclusion/Welsh-Index-of-Multiple-Deprivation/WIMD-2019>. A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(3) 2020v2. Published at [www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020v2-ranks](http://www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020v2-ranks). A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(4) Published at <https://www.nice.org.uk/guidance/ng6>. A copy may be inspected by contacting the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(5) 1996 c. 56. Section 512ZB was substituted, together with sections 512 and 512ZA for section 512 as originally enacted by s. 201(1) of the Education Act 2002 (c. 32). Subsection (4) was amended by paragraph 16 of Schedule 3 to the Welfare Reform Act 2007 (c. 5), Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c. 24), section 26(1) of the Child Poverty Act 2010 (c. 9), paragraph 39 of Schedule 2, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 (c. 5), section 106 of the Children and Families Act 2014 (c. 6) and S.I. 2010/1158.

(6) 1980 c. 44. Section 53 was most recently substituted by section 22(1) and (2) of the Education (Scotland) Act 2016 (2016 asp 8) and amended by S.I. 2019/179 and 2021/210.

(7) Citizens Advice and Citizens Advice Scotland are defined in section 111 of the Electricity Act 1989 and section 66 of the Gas Act 1986, as amended by S.I. 2014/631.