
DRAFT STATUTORY INSTRUMENTS

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 or participant: Secretary of State approval

- 21.—**(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;
 - (b) before the day on which the measure is completed—
 - (i) a relevant authority is consulted on the carrying out of the project at the premises;
 - (ii) the relevant authority makes an application to the Secretary of State in respect of the measure;
 - (iii) the application includes the information specified in paragraph (3);
 - (iv) the application is approved by the Secretary of State; and
 - (v) the relevant authority makes a declaration which meets the requirements of paragraph (4); and
 - (c) 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) A measure also 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—
 - (i) the participant promoting the measure makes an application to the Secretary of State in respect of the measure;
 - (ii) the application includes the information specified in paragraph (3);
 - (iii) the application is approved by the Secretary of State; and
 - (iv) the participant makes a declaration which meets the requirements of paragraph (4); and

- (c) the measure would have met the condition in article 13 or 14 if paragraph (1)(b) in each of those articles were omitted.
- (3) The information specified in this paragraph is—
- (a) a description of the measure;
 - (b) the criteria used by the relevant authority or the participant to identify domestic premises at which the installation of the measure may be promoted (“the criteria”);
 - (c) evidence that over 50% of the premises that meet the criteria are not occupied by a member of the help to heat group, and that—
 - (i) at least 75% of the premises that meet the criteria are owner-occupied premises occupied by at least one person living in fuel poverty; or
 - (ii) at least 90% of the premises that meet the criteria are private rented premises occupied by at least one person living in fuel poverty;
 - (d) evidence that the criteria are more effective at identifying premises in which a person is living in fuel poverty than—
 - (i) a requirement that the premises are occupied by a household living on a gross income of less than £31,000 per year;
 - (ii) any combination of two of the criteria specified in article 18(2); and
 - (iii) the requirements specified in article 20(2).
- (4) A declaration meets the requirements of this paragraph if—
- (a) it certifies that, having exercised all due diligence, the person making the declaration is satisfied that the premises at which the measure is installed meet the criteria set out in the application approved by the Secretary of State;
 - (b) it is made within the 12 month period ending with the day immediately preceding the day on which the measure is completed; and
 - (c) in the case of a declaration made by a relevant authority, it is made on or after the day on which the relevant authority has published a statement of intent on its website.
- (5) In paragraph (3), references to a person living in fuel poverty are to be construed in accordance with section 15(2) of the Energy Act 2010(1).