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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 4

Requirements for heating measures

*SECTION 1*

*Minimum insulation requirement for heating measures*

**Minimum insulation requirement for certain band D premises**

24.—(1) This article applies where a heating measure—

- (a) is installed as part of an ECO4 project at domestic premises for which the pre-project SAP band is band D; and
- (b) is not a first time heating system or a district heating connection.

(2) Where this article applies, the minimum insulation requirement is met in respect of the heating measure if—

- (a) at least one insulation measure specified in paragraph (3) is installed—
  - (i) as part of the same ECO4 project as the heating measure;
  - (ii) before the day on which the heating measure is completed; and
  - (iii) in accordance with the prescribed standards; or
- (b) all the insulation measures specified in paragraph (3), so far as relevant to the premises, are installed at the premises—
  - (i) before the day on which the heating measure is completed; and
  - (ii) in a manner that would meet the prescribed standards applicable if the insulation measures had been first installed on the day immediately preceding the day on which the heating measure is completed.

(3) The insulation measures specified in this paragraph are—

- (a) insulation of the floor area of the lowest storey of the premises containing a habitable room;
- (b) insulation of a cavity wall which divides the premises from other premises under different occupation;
- (c) insulation of the exterior facing walls of the premises;
- (d) where the premises include the top floor of the building in which they are located—

- (i) insulation of the walls and ceiling of a room in the roof space of the premises; or
  - (ii) insulation of the roof area of the premises, by means of pitched roof or flat roof insulation;
  - (e) where the premises are a mobile home, insulation of the floor, walls and ceiling of the mobile home.
- (4) For the purposes of paragraph (2)(b), an insulation measure that attracts an exemption under Part 11 in relation to the premises is to be treated as not being relevant to the premises.
- (5) In this article, “prescribed standards” means—
- (a) in respect of domestic premises—
    - (i) in England and Wales, the requirements set out in the Building Regulations 2010<sup>(1)</sup>;
    - (ii) in Scotland, the requirements set out in the Building (Scotland) Regulations 2004<sup>(2)</sup>; and
  - (b) where an insulation measure is installed as part of an ECO4 project, the requirement that either—
    - (i) the insulation 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
    - (ii) the insulation 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.

#### **Minimum insulation requirement for band E, F and G and other band D premises**

- 25.—**(1) This article applies where a heating measure—
- (a) is installed as part of an ECO4 project at domestic premises for which the pre-project SAP band is band E, F or G; or
  - (b) is—
    - (i) installed as part of an ECO4 project at domestic premises for which the pre-project SAP band is band D; and
    - (ii) is a first time heating system or a district heating connection.
- (2) Where this article applies, the minimum insulation requirement is met in respect of the heating measure if—
- (a) before the day on which the heating measure is completed all the insulation measures specified in paragraph (3), so far as relevant to the premises, are installed at the premises; and
  - (b) those insulation measures are installed—
    - (i) where the insulation measures are part of the same ECO4 project as the heating measure, in accordance with the prescribed standards; or
    - (ii) where the insulation measures are not part of the same ECO4 project as the heating measure, in a manner that would meet the prescribed standards applicable if the

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(1) S.I. 2010/2214, as amended by S.I. 2011/1515, 2011/3058, 2012/3119, 2012/718, 2013/10, 2013/181, 2013/747, 2013/1105, 2013/1959, 2013/2730, 2014/110, 2014/579, 2014/1638, 2014/2362, 2015/767, 2015/1486, 2016/285, 2016/361, 2016/490, 2016/611, 2016/1101, 2017/856, 2017/1274, 2018/48, 2018/552, 2018/558, 2018/1230, 2019/1499, 2021/1391, 2021/1392.

(2) S.S.I. 2004/406, as amended by S.S.I. 2006/534, 2008/310, 2009/119, 2010/32, 2011/120, 2011/211, 2012/209, 2013/143, 2014/219, 2015/218, 2016/70, 2016/71, 2017/188, 2019/210, 2020/275 and S.I. 2014/1638.

insulation measures had been first installed on the day immediately preceding the day on which the heating measure is completed.

- (3) The insulation measures specified in this paragraph are—
- (a) where the premises are a mobile home, insulation of the floor, walls and ceiling of the mobile home;
  - (b) where the premises are not a mobile home—
    - (i) insulation of the exterior facing cavity walls of the premises; and
    - (ii) where the premises include the top floor of the building in which they are located—
      - (aa) insulation of the walls and ceiling of a room in the roof space of the premises; or
      - (bb) insulation of the roof area of the premises, by means of loft, pitched roof or flat roof insulation.
- (4) For the purposes of paragraph (2), an insulation measure that attracts an exemption under Part 11 in relation to the premises is to be treated as not being relevant to the premises.
- (5) In this article, “prescribed standards” has the same meaning as in article 24.

## SECTION 2

### *Additional requirements for heating measures*

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

26. A heating measure meets the requirements of this article if—
- (a) it meets the requirements of article 27 (general requirements relating to heating measures); and
  - (b) where the measure is—
    - (i) installed at on-gas premises, it meets the requirements of article 28 (requirements specific to on-gas premises);
    - (ii) installed at off-gas premises, it meets the requirements of article 29 (requirements specific to off-gas premises).

#### **General requirements relating to heating measures**

- 27.—(1) A heating measure meets the requirements of this article if—
- (a) the measure is not—
    - (i) the installation of equipment for the generation of heat wholly or partly from coal; or
    - (ii) the installation of a connection to a district heating system that delivers heat generated wholly or partly from coal;
  - (b) where the measure is the installation of equipment for the generation of heat wholly or partly from biofuel, oil or liquefied petroleum gas, the measure—
    - (i) is installed at off-gas premises;
    - (ii) is a repair of a central heating system; and
    - (iii) complies with the off-gas heating hierarchy in article 30;
  - (c) where the measure is the installation of a connection to a district heating system that delivers heat generated wholly or partly from biofuel, oil or liquefied petroleum gas, the measure—

- (i) is installed at off-gas premises;
  - (ii) is a repair of the district heating connection; and
  - (iii) complies with the off-gas heating hierarchy in article 30;
- (d) where the measure is the installation of equipment for the generation of heat wholly or partly from mains gas, or the installation of a connection to a district heating system that delivers heat generated wholly or partly from mains gas, the measure is installed at on-gas premises;
- (e) where the measure is the installation of an electric storage heater, but is not a repair, the measure—
  - (i) has a responsiveness rating equal to, or greater than, 0.8 when assessed against the Standard Assessment Procedure; and
  - (ii) replaces an electric heating system at the premises or is installed at premises where one or more electric storage heaters are already installed;
- (f) where the measure is the installation of an electric heating system, but is not a repair, the measure—
  - (i) has a responsiveness rating equal to, or greater than, 0.8 when assessed against the Standard Assessment Procedure; and
  - (ii) replaces an electric heating system at the premises or is installed at premises where one or more electric storage heaters are already installed;
- (g) where the measure is the installation of a central heating system or a district heating connection not referred to in sub-paragraph (f), but is not a repair, the measure is an efficient heating system;
- (h) where the measure is the installation of a boiler, but is not a repair—
  - (i) it is an efficient boiler; and
  - (ii) where the boiler forms part of a wet central heating system, hydraulic balancing of the central heating system is carried out following the installation of the boiler;
- (i) where the measure includes the installation of equipment for the direct conversion of sunlight into electricity, the measure is installed at domestic premises—
  - (i) at which there is already installed—
    - (aa) a hydronic heat pump; or
    - (bb) an electric storage heater or an electric heating system that in either case has a responsiveness rating equal to, or greater than, 0.8 when assessed against the Standard Assessment Procedure; or
  - (ii) at which there is installed as part of the same ECO4 project as the measure—
    - (aa) a hydronic heat pump;
    - (bb) an electric storage heater, that meets the requirements of sub-paragraph (e) (i) and (ii); or
    - (cc) an electric heating system, that meets the requirements of sub-paragraph (f) (i) and (ii);
- (j) where the measure is the installation of equipment for the generation of heat wholly or partly from biomass, the measure—
  - (i) is installed at premises which are in a rural area; and
  - (ii) generates heat from biomass which is wholly woodfuel; and

- (k) where the measure is the replacement of an efficient boiler with another efficient boiler, the boiler being replaced is broken down and is not economically repairable.
- (2) In paragraph (1)—
- “hydraulic balancing” means the carrying out of steps to ensure the temperature difference is the same between the inlet and outlet of each radiator, or other heat emitter, in a heating system;
- “mains gas” means a supply of the kind mentioned in section 5(1)(b) of the Gas Act 1986(3);
- “woodfuel” has the same meaning as in paragraph 6 of Schedule 4A to the Renewable Heat Incentive Scheme Regulations 2018(4).

### **Requirements specific to heating measures installed at on-gas premises**

**28.**—(1) A heating measure installed at on-gas premises meets the requirements of this article if—

- (a) where the measure is installed at premises which, immediately prior to the installation of the measure, have an efficient heating system which is not broken down, the measure—
- (i) is—
- (aa) a renewable heating system;
- (bb) a district heating connection;
- (cc) the installation of heating controls; or
- (dd) an innovation measure; and
- (ii) in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system that is being replaced;
- (b) where the measure is installed at premises which, immediately prior to the installation of the measure, have an efficient heating system which is broken down and can be economically repaired, the measure—
- (i) is—
- (aa) a renewable heating system;
- (bb) a district heating connection;
- (cc) the installation of heating controls;
- (dd) an innovation measure; or
- (ee) a repair of the heating system; and
- (ii) in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system that is being replaced;
- (c) where the measure is installed at premises which, immediately prior to the installation of the measure, have an efficient heating system which is broken down and is not economically repairable, the measure—
- (i) is—
- (aa) a boiler, if the efficient heating system is broken down because a boiler forming part of that heating system is broken down;
- (bb) a renewable heating system;
- (cc) a district heating connection;

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(3) Section 5 was substituted by section 3(1) of the Gas Act 1995 (c. 45). Relevant amendments were made by section 108 of, and Schedule 2 to, the Utilities Act 2000 and S.I. 2012/2400.

(4) S.I. 2018/611, amended by S.I. 2021/76. There are other amending instruments, but none is relevant.

- (dd) a central heating system;
- (ee) an electric storage heater, but only if the efficient heating system which is broken down is an electric heating system or an electric storage heater;
- (ff) the installation of heating controls; or
- (gg) an innovation measure; and
- (ii) is not a repair of the efficient heating system;
- (d) where the measure is installed at premises which, immediately prior to the installation of the measure, have an inefficient heating system (whether or not broken down), the measure—
  - (i) is—
    - (aa) a boiler;
    - (bb) a renewable heating system;
    - (cc) a district heating connection;
    - (dd) a central heating system;
    - (ee) an electric storage heater, but only if the inefficient heating system which is broken down is an electric heating system or an electric storage heater;
    - (ff) the installation of heating controls; or
    - (gg) an innovation measure; and
  - (ii) is not a repair of the inefficient heating system; and
- (e) where the measure is installed at premises which, immediately prior to the installation of the measure, have neither an efficient heating system nor an inefficient heating system, the measure is—
  - (i) a wet central heating system;
  - (ii) a renewable heating system;
  - (iii) a district heating connection;
  - (iv) the installation of heating controls; or
  - (v) an innovation measure.
- (2) A heating measure installed at on-gas premises also meets the requirements of this article if—
  - (a) the measure forms part of an ECO4 project which includes the installation of a district heating connection which meets the requirements of paragraph (1); and
  - (b) the measure is a wet central heating system installed after the completion of the installation of the district heating connection.

### **Requirements specific to heating measures installed at off-gas premises**

**29.**—(1) A heating measure installed at off-gas premises meets the requirements of this article if—

- (a) where the measure is installed at premises which, immediately prior to the installation of the measure, have an efficient heating system which is not broken down, the measure is—
  - (i) a measure that complies with the off-gas heating hierarchy in article 30, but in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system being replaced;
  - (ii) the installation of heating controls; or

- (iii) an innovation measure, but in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system being replaced;
    - (b) where the measure is installed at premises which, immediately prior to the installation of the measure, have an efficient heating system which is broken down and can be economically repaired, the measure is—
      - (i) a repair of the efficient heating system, if the heating system is not fuelled by coal, biofuel, oil or liquefied petroleum gas;
      - (ii) a measure—
        - (aa) that complies with the off-gas heating hierarchy in article 30;
        - (bb) which, in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system being replaced; and
        - (cc) which is not a repair of the efficient heating system, unless it is a measure that complies with the off-gas heating hierarchy in article 30 by virtue of being a measure referred to in article 30(2)(c)(ii);
      - (iii) the installation of heating controls; or
      - (iv) an innovation measure, but in the case of a replacement of the efficient heating system, is not a measure of the same kind as the heating system being replaced;
    - (c) where the measure is installed at premises which, immediately prior to the installation of the measure, have either an efficient heating system which is broken down and is not economically repairable or an inefficient heating system (whether or not broken down), the measure—
      - (i) is—
        - (aa) a measure that complies with the off-gas heating hierarchy in article 30;
        - (bb) the installation of heating controls; or
        - (cc) an innovation measure; and
      - (ii) is not a repair unless it is a measure that complies with the off-gas heating hierarchy in article 30 by virtue of being a measure referred to in article 30(2)(c)(ii); and
    - (d) where the measure is installed at premises which, immediately prior to the installation of the measure, have neither an efficient heating system nor an inefficient heating system, the measure is—
      - (i) a measure that complies with the off-gas heating hierarchy in article 30;
      - (ii) the installation of heating controls; or
      - (iii) an innovation measure.
- (2) A heating measure installed at off-gas premises also meets the requirements of this article if—
- (a) the measure—
    - (i) forms part of an ECO4 project which includes the installation of a district heating connection which meets the requirements of paragraph (1); and
    - (ii) is a wet central heating system installed after the completion of the installation of the district heating connection; or
  - (b) the measure—
    - (i) is a repair of a renewable heating system; and
    - (ii) the heating system being repaired is not an inefficient heating system.

### Hierarchy of heating measures installed at off-gas premises

**30.**—(1) A measure complies with the off-gas heating hierarchy if it is a measure to which paragraph (2) applies.

(2) This paragraph applies to a measure which is—

(a) one of the following—

(i) a hydronic heat pump;

(ii) a wet central heating system which generates heat wholly from a hydronic heat pump; or

(iii) a connection to a district heating system that delivers heat generated wholly from a hydronic heat pump;

(b) if it is not possible to install any of the measures referred to in sub-paragraph (a) at the premises, either—

(i) a district heating connection (other than a district heating connection referred to in sub-paragraph (a)(iii)); or

(ii) if the premises are in a rural area, the installation of equipment for the generation of heat wholly or partly from biomass; or

(c) if it is not possible to install at the premises any of the measures referred to in sub-paragraphs (a) or (b), one of the following—

(i) if the heating system at the premises immediately prior to the installation of the measure is an electric heating system or an electric storage heater—

(aa) an electric heating system; or

(bb) an electric storage heater;

(ii) the repair of—

(aa) a renewable heating system which is an inefficient heating system;

(bb) a central heating system which is fuelled wholly or partly from biofuel, oil or liquefied petroleum gas; or

(cc) a connection to a district heating system that delivers heat generated wholly or partly from biofuel, oil or liquefied petroleum gas.

(3) For the purposes of paragraph (2), it is “not possible” to install a measure—

(a) if it is not reasonably practicable to install the measure;

(b) if it attracts an exemption under Part 11;

(c) if the measure is the installation of equipment for the generation of heat wholly or partly from biomass and the premises are not in a rural area;

(d) if—

(i) one or more improvement options evaluation reports in relation to the premises are held on the TrustMark Data Warehouse; and

(ii) the measure is not amongst the measures recommended in the most recent improvement options evaluation report; or

(e) if—

(i) no improvement options evaluation report in relation to the premises is held on the TrustMark Data Warehouse;

(ii) one or more EPC recommendation reports have been issued for the premises; and



(iii) the measure is not amongst the measures recommended in the most recent EPC recommendation report.

(4) In this article—

“EPC recommendation report” means a recommendation report included in an energy performance certificate, and for the purposes of this definition, “recommendation report”—

- (a) in relation to domestic premises in England and Wales, has the meaning given in regulation 4(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012<sup>(5)</sup>;
- (b) in relation to domestic premises in Scotland, has the same meaning as “recommendations report” in regulation 6A of the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(6)</sup>;

“improvement options evaluation report” means a report by a retrofit coordinator prepared under clause 9.2.6 of PAS 2035:2019 that recommends measures to improve the energy performance of the domestic premises;

“retrofit coordinator” has the meaning given in clause 3.26 of PAS 2035:2019.

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<sup>(5)</sup> [S.I. 2012/3118](#). Section 4(1) was amended by [S.I. 2013/181](#).

<sup>(6)</sup> [S.S.I. 2008/309](#). Regulation 6A was inserted by [S.S.I. 2012/208](#), and amended by [S.S.I. 2013/12](#).