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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 1

General criteria for qualifying actions

**Qualifying actions: overview**

- 11.**—(1) A qualifying action is a measure which satisfies Condition A, B or C in this article.
- (2) Condition A is that the Administrator is satisfied that the measure—
- (a) meets the requirements of article 12 (general requirements);
  - (b) meets the condition—
    - (i) in any one of articles 13 to 21 (ECO4 project measures); or
    - (ii) in article 22 or 23 (in-fill measures);
  - (c) where it is a heating measure—
    - (i) other than where it is a measure falling within sub-paragraph (b)(ii), meets the minimum insulation requirement in article 24 or 25; and
    - (ii) meets the requirements of article 26 (additional requirements to be met by heating measures);
  - (d) meets the requirements of article 31 (installation standards, consumer protection and smart meter advice); and
  - (e) is notified to the Administrator in accordance with article 43.
- (3) Condition B (which relates to ECO3 interim delivery actions) is that the Administrator is satisfied that the measure—
- (a) is completed on or after 1st April 2022 and before 1st July 2022;
  - (b) meets the requirements set out in article 13(1)(a), (b), (d), (e) and (g) of the 2018 Order;
  - (c) meets the requirements of article 31(1)(b) or (c);
  - (d) is not—
    - (i) a demonstration action;
    - (ii) the installation of equipment for the generation of heat wholly or partly from biofuel, oil or liquefied petroleum gas, unless the measure is a repair;
    - (iii) the installation of a connection to a district heating system that delivers heat generated wholly or partly from biofuel, oil or liquefied petroleum gas; or

- (iv) a repair other than—
  - (aa) a repair of a renewable heating system;
  - (bb) a repair of an efficient boiler or an efficient electric storage heater; or
  - (cc) a repair of equipment for the generation of heat wholly or partly from biofuel, oil or liquefied petroleum gas; and
- (e) is notified to the Administrator in accordance with article 43.
- (4) Condition C is that the measure is a surplus action.

**Qualifying actions: general requirements relating to Condition A**

**12.—**(1) The requirements referred to in article 11(2)(a) in relation to Condition A are that the measure—

- (a) is installed at domestic premises;
- (b) 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, or in the case of a data light measure, is reasonably expected to result in such a reduction;
- (c) is completed on or after 1st April 2022 and before 1st April 2026;
- (d) except in the case of a repair, 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;
- (e) is not funded by any grant from public funds; and
- (f) either—
  - (i) forms part of an ECO4 project which—
    - (aa) meets the requirement concerning the assessment of energy efficiency in paragraph (2); and
    - (bb) does not include an in-fill measure, ECO3 interim delivery action or surplus action; or
  - (ii) is an in-fill measure which meets the requirement concerning the assessment of energy efficiency in paragraph (3).
- (2) An ECO4 project meets the requirement concerning the assessment of energy efficiency if—
  - (a) where the project is an ECO4 project which consists of a district heating connection only or a district heating connection and one or more novel data light measures only—
    - (i) a SAP assessment is performed before the day on which the first measure in the project is completed for the purpose of calculating the SAP rating of the premises; and
    - (ii) a pre-installation EPC is issued for the premises;
  - (b) where the project is an ECO4 project which consists of one or more novel data light measures only—
    - (i) an RdSAP assessment is performed before the day on which the first measure in the project is completed for the purpose of calculating the SAP rating of the premises; and
    - (ii) a pre-installation EPC is issued for the premises;

- (c) where the project is an ECO4 project which does not fall within sub-paragraph (a) or (b), an RdSAP assessment is performed before the day on which the first measure in the project is completed for the purpose of calculating the SAP rating of the premises.
- (3) An in-fill measure meets the requirement concerning the assessment of energy efficiency if—
  - (a) where the in-fill measure is a district heating connection—
    - (i) a SAP assessment is performed before the day on which the in-fill measure is completed for the purpose of calculating the SAP rating of the premises; and
    - (ii) a pre-installation EPC is issued for the premises;
  - (b) where the in-fill measure does not fall within sub-paragraph (a), an RdSAP assessment is performed before the day on which the in-fill measure is completed for the purpose of calculating the SAP rating of the premises.
- (4) In paragraphs (2) and (3), references to a “district heating connection” do not include a connection to a district heating system that uses a shared ground loop.
- (5) In this article, “grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority.

## CHAPTER 2

### Measures which are part of ECO4 projects

#### SECTION 1

##### *Projects at domestic premises occupied by help to heat group member or social housing*

#### **Measures installed at owner-occupied premises**

- 13.—**(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at owner-occupied premises for which the pre-project SAP band is band D, E, F or G; and
  - (b) the premises meet the household eligibility requirement specified in paragraph (2).
- (2) The household eligibility requirement is that the premises 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.

#### **Measures installed at private rented premises**

- 14.—**(1) A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at private rented premises for which the pre-project SAP band is band E, F or G;
  - (b) the premises meet the household eligibility requirement specified in article 13(2); and
  - (c) the measure is—
    - (i) solid wall insulation;
    - (ii) a renewable heating system, except where it replaces a renewable heating system of the same kind at the domestic premises;
    - (iii) a first time heating system;
    - (iv) a district heating connection; or

- (v) an insulation measure installed in order to meet the minimum insulation requirement in article 24 or 25 in relation to a heating measure falling within paragraphs (ii) to (iv).
- (2) A measure also meets the condition in this article if—
- (a) the measure is installed as part of the same ECO4 project as a measure which is a qualifying action by virtue of meeting the condition in paragraph (1); and
  - (b) the measure is not the repair or replacement of—
    - (i) a boiler;
    - (ii) a central heating system; or
    - (iii) an electric storage heater.

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

15. A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at social housing for which the pre-project SAP band is band D; and
  - (b) the measure is—
    - (i) an innovation measure; or
    - (ii) an insulation measure installed in order to meet the minimum insulation requirement in article 24 or 25 in relation to a heating measure falling within sub-paragraph (i).

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

16. A measure meets the condition in this article if—
- (a) the measure is installed as part of an ECO4 project at social housing for which the pre-project SAP band is band E, F or G; and
  - (b) the measure is—
    - (i) an insulation measure;
    - (ii) a renewable heating system, except where it replaces a renewable heating system of the same kind at the domestic premises;
    - (iii) a first time heating system;
    - (iv) a district heating connection; or
    - (v) an innovation measure.

### *SECTION 2*

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

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

- 17.—(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, 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 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 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (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), 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.

**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(1);
    - (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);

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(1) 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.

(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.

- (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.

### **Measures accompanied by a declaration from a relevant authority: referral from a relevant health provider**

- 19.—(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, a relevant authority is consulted on the carrying out of the project 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—

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(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.

- (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 17(2); and
  - (e) 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) In paragraph (1)(c), “relevant health provider” means—
- (a) a person registered in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(8);
  - (b) a Health Board constituted by an order made under section 2(1)(a) of the National Health Service (Scotland) Act 1978(9);
  - (c) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006(10);
  - (d) an NHS foundation trust within the meaning given in section 30 of the National Health Service Act 2006(11);
  - (e) an NHS trust established by order under section 25 of the National Health Service Act 2006.

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

- 20.—(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) 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) 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 or 14 if paragraph (1)(b) in each of those articles were omitted (the household eligibility requirement).
- (2) The specified requirements are—
- (a) where consumption of gas or electricity at the premises in question is paid for by a pre-payment meter—

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(8) 1983 c. 54. Section 34C was inserted by S.I. 2010/234.

(9) 1978 c. 29. Relevant amendments have been made by section 28(a)(i) of the National Health Service and Community Care Act 1990 (c. 19), section 14 of, and paragraph 1 of Schedule 7 to, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and section 11(1) of, and paragraph 1(1) and (2)(a) of Schedule 1 to, the National Health Service Reform (Scotland) Act 2004 (asp 7).

(10) 2006 c. 42.

(11) 2006 c. 41. Section 30 was amended by section 159(1) of the Health and Social Care Act 2012 (c. 7).

- (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;
- (b) where consumption of gas or electricity at the 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, in relation to a pre-payment meter, 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<sup>(12)</sup>.

**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—

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<sup>(12)</sup> 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 and 2021/456.



- (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(13).

## CHAPTER 3

### In-fill measures

#### **In-fill measures in flats**

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

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(13) 2010 c. 27.

- (a) it is installed at a domestic premises which is a flat;
  - (b) it is one of the following measures—
    - (i) solid wall insulation;
    - (ii) insulation of a cavity wall;
    - (iii) a district heating connection;
  - (c) it is linked with one other measure (“the primary measure”) which is—
    - (i) the same kind of measure as the flat in-fill measure;
    - (ii) promoted by the same participant that promoted the flat in-fill measure; and
    - (iii) installed at separate domestic premises in the same block of flats (that is, a building which contains two or more flats) as the flat in-fill measure; and
  - (d) the primary measure with which the flat in-fill measure is linked is a qualifying action by virtue of any of articles 13 to 21.
- (2) For the purposes of paragraph (1)(c)—
- (a) a flat in-fill measure is linked with a primary measure if—
    - (i) the flat in-fill measure is completed during the three month period beginning with the day on which the primary measure is completed;
    - (ii) the flat in-fill measure is notified under article 43 on the same day as, or after, the notification of the primary measure under that article;
    - (iii) when notifying the flat in-fill measure under article 43, the participant includes information sufficient to enable the Administrator to identify the primary measure with which it is to be linked; and
    - (iv) the ECO4 project containing the primary measure does not include any primary measure that is already linked with another in-fill measure;
  - (b) a primary measure is the same kind of measure as a flat in-fill measure if—
    - (i) both are solid wall insulation;
    - (ii) both are insulation of a cavity wall; or
    - (iii) both are district heating connections.
- (3) In this article, “flat”—
- (a) in respect of domestic premises in England and Wales, has the same meaning as in the Building Regulations 2010(14);
  - (b) in respect of domestic premises in Scotland, has the same meaning as in the Building (Scotland) Regulations 2004(15) and also includes a maisonette, as defined in those Regulations.

### **In-fill measures in houses**

- 23.—**(1) A measure is a “house in-fill measure” and meets the condition in this article if—
- (a) it is installed at a house which is a domestic premises to which paragraph (2) applies;
  - (b) it is either—
    - (i) solid wall insulation; or
    - (ii) a district heating connection;

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

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

- (c) it is linked with three other measures (“the primary measures”) which are—
    - (i) the same kind of measure as the house in-fill measure;
    - (ii) promoted by the same participant that promoted the house in-fill measure; and
    - (iii) installed at three separate domestic premises on the same street as the house in-fill measure; and
  - (d) the primary measures with which the house in-fill measure is linked are qualifying actions by virtue of any of articles 13 to 21.
- (2) This paragraph applies to domestic premises if—
- (a) where the measure installed is solid wall insulation, the pre-installation SAP band is band D, E, F or G; or
  - (b) where the measure installed is a district heating connection—
    - (i) a pre-installation EPC expresses the energy performance rating of the premises as band D, E, F or G; and
    - (ii) a relevant person confirms in writing that, to the best of that person’s knowledge and belief, no changes were made to the premises, after that pre-installation EPC was issued and before the measure was completed, which would increase the energy performance rating of the premises to band A, B or C.
- (3) For the purposes of paragraph (1)(c)—
- (a) a house in-fill measure is linked with the primary measures if—
    - (i) the house in-fill measure is completed during the three month period beginning with the day on which the last of the primary measures is completed;
    - (ii) the house in-fill measure is notified under article 43 on the same day as, or after, the notification of the primary measures under that article;
    - (iii) when notifying the house in-fill measure under article 43, the participant includes information sufficient to enable the Administrator to identify the primary measures with which it is to be linked; and
    - (iv) the ECO4 projects containing the primary measures do not include any primary measures that are already linked with another in-fill measure;
  - (b) a primary measure is the same kind of measure as a house in-fill measure if—
    - (i) both are solid wall insulation; or
    - (ii) both are district heating connections.
- (4) In this article—
- “house” means a domestic premises that is not a flat, where “flat” has the same meaning as in article 22(3);
- “pre-installation SAP band” means, in relation to domestic premises where a measure is installed, the SAP band which is determined for the premises pursuant to the RdSAP assessment performed in accordance with article 12(3)(b) before the day on which the measure is completed;
- “relevant person” means—
- (a) in relation to private domestic premises, an owner or occupier of the premises;
  - (b) in relation to social housing, the social landlord of the premises.

## 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>(16)</sup>;

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<sup>(16)</sup> 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.

- (ii) in Scotland, the requirements set out in the Building (Scotland) Regulations 2004(17); 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 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.

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(17) 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.

(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<sup>(18)</sup>;
- “woodfuel” has the same meaning as in paragraph 6 of Schedule 4A to the Renewable Heat Incentive Scheme Regulations 2018<sup>(19)</sup>.

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<sup>(18)</sup> 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.

<sup>(19)</sup> S.I. 2018/611, amended by S.I. 2021/76. There are other amending instruments, but none is relevant.

### 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;
    - (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 subparagraphs (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>(20)</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>(21)</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;

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<sup>(20)</sup> S.I. 2012/3118. Section 4(1) was amended by S.I. 2013/181.

<sup>(21)</sup> S.S.I. 2008/309. Regulation 6A was inserted by S.S.I. 2012/208, and amended by S.S.I. 2013/12.

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

## CHAPTER 5

Installation standards etc.

### **Installation standards, consumer protection and smart meter advice**

**31.**—(1) A measure meets the requirements of this article if—

- (a) advice on the benefits of using a smart meter in domestic premises is provided to the household occupying the premises at which the measure is to be installed, and that advice is provided—
  - (i) in the case of a measure installed as part of an ECO4 project, before the completion of the first measure in the ECO4 project;
  - (ii) in the case of an in-fill measure, before the completion of the in-fill measure;
- (b) where the measure is the installation of a district heating connection, other than a connection to a district heating system that uses a shared ground loop, the measure—
  - (i) is a connection to a district heating system registered with the Heat Trust Scheme;
  - (ii) is subject to arrangements for consumer protection which are equivalent to the requirements under the Heat Trust Scheme; or
  - (iii) includes the installation of a ground source heat pump at the domestic premises; and
- (c) where the measure does not fall within sub-paragraph (b), either—
  - (i) 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
  - (ii) 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, “Heat Trust Scheme” means the scheme operated by Heat Customer Protection Ltd, a company registered in England and Wales with company number 09456667.