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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Warm Home Discount (Scotland) Regulations 2022**

**PART 1**

Introductory

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Warm Home Discount (Scotland) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) This regulation and regulation 34 extend to England and Wales and Scotland.

(4) Otherwise, these Regulations extend to Scotland only.

**Meaning of “GB domestic customer”, “Scotland domestic customer” and “partner”**

2.—(1) This regulation defines “GB domestic customer”, “Scotland domestic customer” and “partner” and makes related provision for the purposes of these Regulations.

(2) “GB domestic customer” means an owner or occupier of domestic premises in England, Wales or Scotland, who is supplied with electricity or gas at those premises wholly or mainly for domestic purposes.

(3) “Scotland domestic customer” means an owner or occupier of domestic premises in Scotland, who is supplied with electricity or gas at those premises wholly or mainly for domestic purposes.

(4) For the purposes of these Regulations, where—

(a) an individual (“I”) is an owner or occupier of domestic premises at which electricity or gas is supplied for domestic purposes; and

(b) because I lacks the necessary capacity to arrange that supply, the electricity or gas is supplied at those premises to another person (“A”) who is not I’s partner (whether or not A is also an owner or occupier of those premises),

I is to be treated as the person who is supplied with electricity or gas at those premises.

(5) For the purposes of these Regulations, an individual is the partner of another individual if—

(a) they are married to, or civil partners of, each other and are members of the same household; or

(b) they are not married to, or civil partners of, each other but live together as if they were spouses or civil partners.

(6) Paragraph (7) applies if an individual (“I”) is staying in hospital, or residing in a care home or hospice, but would normally—

(a) occupy the premises at which I is supplied, or treated as supplied, with electricity or gas as their sole or main residence; or

- (b) be a member of the same household as their spouse or civil partner, or live together with another person as if they were spouses or civil partners.
- (7) Where this paragraph applies, I is to be treated for the purposes of these Regulations as continuing to occupy the relevant premises as their sole or main residence, be a member of the relevant household or live together with the relevant person (as the case may be) if—
- (a) where I is staying in hospital, the duration of I’s stay has not exceeded 52 weeks from the date on which I was admitted;
- (b) where I is residing in a care home or hospice, I’s residence there is temporary.
- (8) For the purposes of paragraphs (6) and (7)—
- (a) it does not matter whether the person’s stay in hospital, or residence in a care home or hospice, began before the start of the relevant scheme year;
- (b) “care home” means—
- (i) accommodation that is provided as a care home service within the meaning of paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010(1);
- (ii) an establishment in England that is a care home within the meaning of section 3 of the Care Standards Act 2000(2);
- (iii) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(3) is provided wholly or mainly to persons over the age of 18;
- (iv) an establishment in Northern Ireland that is a residential care home, or a nursing home, for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(4);
- (c) “hospice” means an institution in the United Kingdom whose primary function is the provision of palliative care to persons resident there who are suffering from a progressive disease in its final stages.

### Interpretation: general

#### 3.—(1) In these Regulations—

“the 2011 Regulations” means the Warm Home Discount Regulations 2011(5);

“aggregate non-core spending obligation” is to be read in accordance with regulation 14;

“broader group customer” has the meaning given in regulation 21;

“broader group rebate target” has the meaning given in regulation 20;

“central heating system” means a system—

- (a) which provides heat for the purposes of space heating through a boiler or other heat source connected to one or more separate heat emitters; and
- (b) where the heat source and heat emitters are all situated in the same domestic premises or building;

“the commencement day” means the day on which these Regulations come into force;

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(1) 2010 asp 8.

(2) 2000 c.14. Section 3 was amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) and paragraph 3 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

(3) 2016 anaw 2.

(4) S.I. 2003/431 (N.I. 9). Articles 10 (residential care homes) and 11 (nursing homes) were amended by paragraph 1 of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

(5) S.I. 2011/1033, as amended by S.I. 2014/695, 2015/652, 2016/806, 2018/909, 2019/1458 and 2021/667.

“compulsory scheme electricity supplier”, other than in regulation 16(6)(a), has the meaning given in regulation 6(2);

“core group customer” has the meaning given in regulation 9(2);

“debt write-off” means the provision of assistance to reduce debts for electricity or gas supply to domestic premises by cancelling or reducing the debts;

“electricity supply licence” means a licence granted under section 6(1)(d) of the Electricity Act 1989(6);

“energy advice” means advice on reducing or preventing the wastage of energy in domestic premises;

“gas supply licence” means a licence granted under section 7A(1) of the Gas Act 1986(7);

“GB domestic customer” has the meaning given in regulation 2(2);

“group of companies” means a holding company and its wholly-owned subsidiaries, where “holding company” and “wholly-owned subsidiary” have the meanings given by section 1159 of the Companies Act 2006(8);

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(9);

“industry initiative” has the meaning given in regulation 24(1);

“non-core spending obligation” is to be read, other than in regulation 17(2)(b), in accordance with regulation 16;

“obligation percentage”, in relation to a compulsory scheme electricity supplier and a scheme year, means the percentage determined in accordance with paragraph (3) of regulation 16;

“prescribed rebate”, other than in regulation 17, means a rebate of £150;

“rebate notice” has the meaning given in regulation 8(1);

“the Scheme” has the meaning given in regulation 4;

“scheme electricity supplier” means—

- (a) a compulsory scheme electricity supplier; or
- (b) a voluntary scheme electricity supplier;

“scheme gas supplier” has the meaning given in regulation 6(8);

“scheme year”, other than in the expression “scheme year 11”, means—

- (a) the period beginning with the commencement day and ending with 31st March 2023 (“scheme year 12”); or
- (b) a period of 12 months beginning with 1st April in any of the years from 2023 to 2025 (and “scheme year” followed by a number from 13 to 15 means the scheme year beginning in 2023, 2024 or 2025 respectively);

“scheme year 11” has the meaning given by regulation 2(1) of the 2011 Regulations;

“Scotland domestic customer” has the meaning given in regulation 2(3);

“smart meter advice” means advice on the benefits of using a smart meter in domestic premises;

“voluntary scheme electricity supplier” has the meaning given in regulation 6(6);

(6) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), and subsection (1)(d) of that section was amended by S.I. 2012/2400.

(7) 1986 c. 44. Section 7A was inserted by section 6 of the Gas Act 1995 (c. 45). The functions of the Director General of Gas Supply under subsection (1) of that section were transferred to the Authority by section 3 of the Utilities Act 2000.

(8) 2006 c. 46.

(9) 2002 c. 16. Section 2 was amended by paragraphs 140 and 141 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).

“working day” means a day other than—

- (a) a Saturday or a Sunday; or
- (b) a day which is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971<sup>(10)</sup> in Scotland.

(2) For the purposes of these Regulations, a licensed supplier<sup>(11)</sup> is connected to another licensed supplier if they both belong to the same group of companies.

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<sup>(10)</sup> 1971 c. 80.

<sup>(11)</sup> See the definition of “licensed supplier” in section 15(5) of the Energy Act 2010.