
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Electricity and Gas (Energy
Company Obligation) Order 2023

PART 5

ECO4A qualifying actions

CHAPTER 3

Measures accompanied by declaration from a relevant authority or participant

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

16.—(1) A measure meets the condition in this article if—

- (a) the measure is installed at private domestic premises;
- (b) before the day on which the measure is completed, a relevant authority is consulted on the installation of the measure 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, if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).

(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)(c)(ii), 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.

(4) In this article, “gross income” has the meaning given in article 2(1) of the 2022 Order.

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

- 17.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises for which the pre-installation 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 installation of the measure at the premises;
 - (c) the relevant authority makes a declaration which—
 - (i) meets the validity requirement specified in article 16(2); and
 - (ii) subject to paragraph (2), certifies that, having exercised all due diligence, it is satisfied that the premises meets at least two of the criteria specified in article 18(2) of the 2022 Order; and
 - (d) the measure would have met the condition in article 13 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) 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 article 18(2) of the 2022 Order, those two criteria must not be the criteria specified in article 18(2)(a) and (b) of that Order; and
 - (b) where the relevant authority is relying on the criterion specified in article 18(2)(e) of the 2022 Order, 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

- 18.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises;
 - (b) before the day on which the measure is completed, a relevant authority is consulted on the installation of the measure 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—
 - (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 16(2); and
 - (e) the measure would have met the condition in article 13 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) In paragraph (1)(c), “relevant health provider” has the meaning given in article 19(2) of the 2022 Order.

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

- 19.—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises for which the pre-installation 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) of the 2022 Order 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 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) The specified requirements are—
- (a) where consumption of gas or electricity at the domestic premises is paid for by a pre-payment meter—
 - (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; or
 - (b) where consumption of gas or electricity at the domestic 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 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(1).

(1) 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, 2021/456 and 2023/232.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
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