
STATUTORY INSTRUMENTS

1992 No. 483

ENERGY CONSERVATION

The Home Energy Efficiency Grants Regulations 1992

<i>Made</i>	- - - -	<i>4th March 1992</i>
<i>Laid before Parliament</i>		<i>9th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by section 15 of the Social Security Act 1990(1), and of all other enabling powers and with the consent of the Treasury, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Home Energy Efficiency Grants Regulations 1992 and shall come into force on 1st April 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1990;

“administering agency” means a person or body of persons for the time being appointed under regulation 17;

“applicant” means a person who has made an application under regulation 4 or, as the case may be, regulation 12;

“building in multiple occupation” has the meaning given to it by section 15(4) of the Act;

“eligible contractor” means—

(a) the network installer registered for the locality; or

(b) any person or body of persons listed by the administering agency for the purpose of carrying out works in the locality;

“energy advice” means advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings where work as specified in sub-paragraphs (a), (b) or (c) of paragraph (1) of regulation 5 is, or is to be, carried out;

“grant” means a grant made in accordance with regulations 3 to 10 or, as the case may be, regulations 11 to 14;

“insulated additional roof space” means roof space which has been added to the dwelling or building in multiple occupation and in all or any part of which there is insulation material of a thickness of more than 50 millimetres;

“internal door” includes any door or hatch to any roof space;

“network installer” means a person or body of persons for the time being registered for a locality under regulation 15;

“nominated contractor”, in relation to any works, means the eligible contractor specified in the form of application for a grant pursuant to sub-paragraph (a)(i) of paragraph (3) of regulation 4 or, as the case may be, sub-paragraph (a) of paragraph (3) of regulation 12;

“roof space” means space between the roof of a dwelling or building in multiple occupation and the ceiling of any room which is used or available for use for the purpose of living accommodation and which is not wholly separated from the roof by any other room; and

“works” means the work specified in paragraph (1) of regulation 5 or, as the case may be, paragraph (2) of regulation 11.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number; and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

Persons who may apply for a grant

3.—(1) An application for a grant in respect of works in a dwelling may be entertained from a person—

- (a) who is the householder of and is resident in the dwelling in respect of which the application is made; and
- (b) who at the time of making the application is, or whose spouse with whom he or she is living is, in receipt of any income support, housing benefit, family credit, community charge benefit or disability working allowance (within the meaning of section 20 of the Social Security Act 1986⁽²⁾).

(2) For the purpose of this regulation—

- (a) “householder” means a person, who alone or jointly with others, is—
 - (i) in England and Wales, a freeholder, lessee or tenant and “lessee” includes a sub-lessee and “tenant” includes a sub-tenant and, without prejudice to the generality of the term, includes a person who has an assured tenancy, a protected tenancy, a secure tenancy or a statutory tenancy;
 - (ii) in Scotland, an owner or tenant and “owner” includes any person who under the Lands Clauses Acts⁽³⁾ would be enabled to sell and convey land to the promoters of an undertaking, and “tenant” includes a sub-tenant and any person who has a statutory tenancy under section 3(1) of the Rent (Scotland) Act 1984⁽⁴⁾, or who has entered into a contract to which Part VII of that Act applies, or who has a statutory assured tenancy, within the meaning of section 16(1) of the Housing (Scotland) Act 1988⁽⁵⁾;

(2) 1986 c. 50; section 20 was amended by Schedule 10 to the Local Government Finance Act 1988 (c. 41) and section 6 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

(3) As defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

(4) 1984 c. 58.

(5) 1988 c. 43.

- (b) “spouse” includes a person with whom the applicant is living as husband or wife; and
- (c) a person shall not be treated as resident in a dwelling unless he is residing there as his only or main residence.

Application for a grant

4.—(1) An application for a grant in respect of works in a dwelling shall be made to the administering agency for the area, save that where the applicant intends that the works are to be undertaken by the network installer for the locality the application shall be made to that network installer.

(2) An application shall be in writing, signed either by the applicant or by a person specified or of a description specified by the administering agency for the area and shall be in such form, subject to paragraph (3), as is laid down by that administering agency.

(3) The form of application shall—

- (a) except in a case where the applicant proposes to carry out the works himself—
 - (i) specify the name of an eligible contractor who it is proposed should carry out or arrange for the carrying out of the works; and
 - (ii) contain a declaration signed by or on behalf of that contractor that any necessary permission for the works has been obtained;
- (b) in a case where the applicant proposes to carry out the works himself, state that any necessary permission for the works has been obtained;
- (c) state that reasonable access to the dwelling in respect of which the application is made will be given to a representative of the administering agency to inspect the dwelling and the works; and
- (d) state that no payment in respect of the works which are the subject of the application is being applied for or has been made under the Homes Insulation Act 1978⁽⁶⁾ or section 521 of the Housing Act 1985⁽⁷⁾ or section 252 of the Housing (Scotland) Act 1987⁽⁸⁾ or Part VIII of the Local Government and Housing Act 1989⁽⁹⁾ or section 15 of the Act.

Work for which a grant may be made

5.—(1) A grant may be made in respect of work in a dwelling which provides—

- (a)
 - (i) insulation in any roof space, other than insulated additional roof space, including the insulation of any cold water tank and any water supply, overflow and expansion pipes; and
 - (ii) where there is no means of access to any roof space for the purpose of carrying out the work, such a means of access, including a permanent means of access, such provision being made at the same time as the provision of insulation in any roof space in accordance with sub-paragraph (a)(i); or
- (b) draughtproofing of external and internal doors and windows excluding kitchen and bathroom windows and insulation of any hot water tank or cylinder which is not already insulated by any means; or
- (c) insulation and draughtproofing as specified in sub-paragraphs (a) and (b); and
- (d) energy advice.

⁽⁶⁾ 1978 c. 48.
⁽⁷⁾ 1985 c. 68.
⁽⁸⁾ 1987 c. 26.
⁽⁹⁾ 1989 c. 42.

(2) The work shall comply with such standards, including standards of materials and workmanship, as are laid down from time to time by the administering agency for the area with the approval of the Secretary of State.

Dwellings eligible for a grant

6.—(1) Any dwelling is eligible for a grant in accordance with regulations 3 to 10 except, in respect of work specified in sub-paragraphs (a) and (c) of paragraph (1) of regulation 5, a dwelling in which there is or has been at any time, during the period when the applicant has been resident in the dwelling, insulation material of a thickness of more than 50 millimetres in all or any part of any roof space.

(2) A dwelling which is within the exception in paragraph (1) shall nonetheless be eligible for a grant if all the insulation material of a thickness of more than 50 millimetres in the roof space—

- (a) is insulating a water tank, cylinder, water supply pipe, or overflow or expansion pipe; or
- (b) is in insulated additional roof space.

Procedure after application to the network installer

7.—(1) Where an application has been made to the network installer for the locality under regulation 4, he shall consider whether there appears to be eligibility for grant.

(2) If the network installer is not satisfied that there is eligibility for grant, he shall so notify the applicant in writing, return the application to the applicant and inform him that he may send the application to the administering agency for the area for determination.

(3) If the network installer is satisfied that there is eligibility for grant, he shall—

- (a) send the application to the administering agency for the area for determination, and at the same time certify to that administering agency in writing that he has carried out such verification as to the eligibility for grant as may be laid down from time to time by that administering agency; and
- (b) decide whether, pending determination of the application by that administering agency, he is prepared to carry out the work on the basis that, subject to the liability of the applicant as described in (i) below, he will, in the event that that administering agency should not approve the grant, bear the cost of the work; and
 - (i) if he is so prepared, notify the applicant in writing that he is prepared to carry out the work on the basis that, unless the application for grant is not approved or the claim not paid by the administering agency for the area on grounds of a material misrepresentation, the applicant shall be liable to pay in respect of the work only the contribution as specified in column 2 of the table in regulation 9 together with such amount as has been agreed in writing between the applicant and the network installer before the making of the application as representing the amount by which the full cost of the works exceeds the sum of the grant and the contribution; or
 - (ii) if he is not so prepared, notify the applicant in writing that he is awaiting determination of the application by the administering agency for the area.

(4) For the purpose of this regulation “material misrepresentation” means any representation by or on behalf of the applicant in respect of any of the matters relating to eligibility for grant which is false in a material particular.

Procedure after application to the administering agency

8.—(1) Subject to paragraph (2), on receipt of an application made under regulation 4 the administering agency for the area—

- (a) in considering whether to approve a grant, shall determine whether there is eligibility for grant and, if there is, whether there are sufficient funds to make payment of the grant having regard to any amounts otherwise allocated or to be allocated in accordance with these Regulations; and
 - (b) shall exercise the function of approving grants in a manner which it considers is best calculated to ensure that claims for the payment of grant resulting from such approvals can be paid within the period referred to in sub-paragraph (c) of paragraph (1) of regulation 10.
- (2) Except in a case where the applicant proposes to carry out the works himself, the administering agency for the area shall not approve a grant unless it is satisfied that a contract for the carrying out of the works which contains terms specified by that administering agency has been entered into with the nominated contractor.
- (3) The administering agency for the area shall send written notification of whether grant has been approved—
- (a) to the nominated contractor; and
 - (b) except in a case where the application has been sent by a network installer pursuant to paragraph (3) of regulation 7 and the work done by the network installer by virtue of sub-paragraph (b)(i) of paragraph (3) of regulation 7 and the grant approved by that administering agency, to the applicant.
- (4) When notifying the applicant that grant has not been approved, the administering agency for the area shall inform the applicant as to the reasons.

Calculation of the size of grant

9.—(1) The amount of any grant in respect of works at a dwelling shall be determined in accordance with the following table and paragraphs (2) and (3)—

Table

(1) <i>Work under regulation</i>	(2) <i>Applicant's contribution</i>	(3) <i>Work carried out by applicant</i>	(4) <i>Work carried out by eligible contractor</i>
5(1)(a)	£10.70	£150.00	£188.00
5(1)(b)	£7.50	£83.00	£121.00
5(1)(c)	£16.00	£235.00	£289.00
5(1)(d)	Nil	No grant available	£10.00

- (2) Where the work is carried out by the applicant, the grant for the work specified in column 1 of the table shall be the lesser of—
- (a) the sum calculated by deducting from the cost of materials used, the contribution shown in column 2 of the table; and
 - (b) the figure shown in column 3 of the table.
- (3) Where the work is carried out by an eligible contractor, the grant for the work specified in column 1 of the table shall be the lesser of—
- (a) the sum calculated by deducting from the amount properly charged for the work, the contribution shown in column 2 of the table; and
 - (b) the figure shown in column 4 of the table.

Claim for and payment of grant

- 10.—(1) The conditions for payment of grant in respect of works in a dwelling are that—
- (a) the work in respect of which a grant was approved has been completed by the nominated contractor or any sub-contractor of his, by another eligible contractor approved by the administering agency for the area for the purpose of carrying out that work or, except where the work consists of energy advice, by the applicant himself;
 - (b) a claim in respect of that work has been made to the administering agency for the area;
 - (c) except where the work has been carried out by a network installer, the claim referred to in sub-paragraph (b) above has been made within such period from the date on which the grant was approved as the administering agency for the area may specify;
 - (d) the claim is in such form as is required by the administering agency for the area and contains—
 - (i) a declaration signed either by the applicant or by a person specified or of a description specified by that administering agency that the work has been carried out;
 - (ii) a declaration signed by or on behalf of the appropriate person that the work had not been started nor, where the applicant carried out the work himself, the materials purchased before notice was given in accordance with sub-paragraph (b)(i) of paragraph (3) of regulation 7 or received in accordance with paragraph (3) of regulation 8 as appropriate;
 - (iii) a declaration signed by or on behalf of the appropriate person that the work complies with the standards provided for in paragraph (2) of regulation 5; and
 - (iv) where energy advice has been given, a declaration signed by or on behalf of the appropriate person that the advice was given by a person possessing such qualifications as may have been laid down from time to time by the administering agency for the area with the approval of the Secretary of State; and
 - (e) in any case where the administering agency for the area has inspected the dwelling, it is satisfied that the work complies with the standards provided for in paragraph (2) of regulation 5.
- (2) Where the conditions for payment are satisfied, the administering agency for the area shall, at such time as it may determine, pay the grant—
- (a) in a case where the work has been carried out by a network installer, to the network installer; and
 - (b) in any other case to the applicant, provided that if the applicant so requests in writing that administering agency may pay the grant to any person or body of persons authorised by him to receive the payment.
- (3) Where the nominated contractor has carried out the work but the condition specified in sub-paragraph (e) of paragraph (1) is not satisfied and the applicant arranges for another eligible contractor (“the second contractor”) approved by the administering agency pursuant to sub-paragraph (a) of paragraph (1) to complete the work so that that condition is satisfied, the administering agency may (provided that the other conditions for payment are satisfied)—
- (a) pay to the second contractor the amount properly charged for the work done by him or the amount of grant calculated in accordance with regulation 9 whichever is the less; and
 - (b) pay to the nominated contractor any balance after deducting the amount paid to the second contractor from the amount of the grant calculated in accordance with regulation 9.
- (4) In this regulation “the appropriate person” means the eligible contractor who carried out or arranged for the carrying out of the work in respect of which a grant has been approved, or where the work has been carried out by the applicant himself, the applicant.

Buildings in multiple occupation

11.—(1) An administering agency may make grants in respect of works in buildings in multiple occupation in accordance with the provisions of this regulation and regulations 12 to 14.

(2) Subject to the provisions of paragraphs (3) to (5) a grant may be made in respect of work which—

- (a) is of the type specified in sub-paragraph (a) of paragraph (1) of regulation 5; or
- (b) provides draughtproofing of the external or internal doors or windows of any room used or intended for use as a bedroom, living room or dining room.

(3) Paragraph (2) of regulation 5 shall apply to the works specified in paragraph (2) of this regulation as it applies to the works specified in regulation 5.

(4) A building in multiple occupation is not eligible for a grant in respect of work specified in sub-paragraph (a) of paragraph (2) if there is or has at any time been, during the period when the applicant has been the person in control of the building, insulation material of a thickness of more than 50 millimetres in the whole of any roof space other than insulated additional roof space.

(5) No grant shall be made unless a grant has been approved or paid pursuant to regulations 3 to 10 in respect of works in at least half of the relevant dwellings in the building in which the building in multiple occupation is situated.

(6) In this regulation “person in control” in relation to a building in multiple occupation means a person who alone or jointly with others, is—

- (a) in England and Wales, a freeholder, lessee or tenant of the building and “lessee” includes a sub-lessee and “tenant” includes a sub-tenant;
- (b) in Scotland an owner or tenant of the building and owner includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking and “tenant” includes a sub-tenant;

and “relevant dwelling” means a dwelling occupied by persons who form a single household.

Buildings in multiple occupation: application for grant

12.—(1) An application for a grant in respect of works in a building in multiple occupation shall be made by the person in control of the building to the administering agency for the area save that where the applicant intends that the works are to be undertaken by the network installer for the locality the application shall be made to that network installer.

(2) An application shall be in writing, signed by the applicant, and shall be in such form, subject to paragraph (3), as is laid down by the administering agency for the area.

(3) The form of application shall—

- (a) specify the name of the eligible contractor who it is proposed should carry out or arrange for the carrying out of the works;
- (b) state that any necessary permission for the proposed works has been obtained;
- (c) state that reasonable access to the building in respect of which the application is made will be given to a representative of the administering agency to inspect the building and the works; and
- (d) contain the statement referred to in sub-paragraph (d) of paragraph (3) of regulation 4.

(4) In this regulation “person in control” in relation to a building in multiple occupation has the same meaning as in regulation 11.

Buildings in multiple occupation: procedure after application

13.—(1) Regulation 7 shall apply in relation to applications for grants made to the network installer for the locality under regulation 12 as it applies in relation to applications for grants made to the network installer for the locality under regulation 4, and in its application sub-paragraph (b) (i) of paragraph (3) of that regulation shall have effect as if the words “the contribution as specified in column 2 of the table in regulation 9 together with” were deleted and as if for the words “the sum of the grant and the contribution” there were substituted the words “the amount of the grant”.

(2) Regulation 8 shall apply in relation to applications for grant under regulation 12 as it applies in relation to applications for grant under regulation 4.

Buildings in multiple occupation: amount, claim for and payment of grant

14.—(1) The amount of any grant in respect of a building in multiple occupation shall be calculated by reference to—

- (a) such amount per square metre, in a case where the work is of the type specified in sub-paragraph (a) of paragraph (2) of regulation 11; and
- (b) such amount per metre, in a case where the work is of the type specified in sub-paragraph (b) of paragraph (2) of regulation 11,

as the administering agency for the area may from time to time specify.

(2) The conditions for payment of grant are that—

- (a) the work in respect of which a grant was approved has been completed by the nominated contractor or any sub-contractor of his, or by another eligible contractor approved by the administering agency for the area for the purpose of carrying out that work; and
- (b) the conditions specified in sub-paragraphs (b), (c), (d)(i) to (iii) and (e) of paragraph (1) of regulation 10 are satisfied.

(3) Paragraph (2) of regulation 10 shall apply to the payment of grant pursuant to this regulation as it applies to the payment of grant pursuant to regulation 10.

Network installers

15.—(1) The administering agency for any area shall, in accordance with criteria laid down from time to time by the Secretary of State—

- (a) invite applications for registration as a network installer;
- (b) determine the particular locality for which each network installer within its area is to be registered;
- (c) select and register as the network installer, for any particular locality within its area, a person or body of persons capable of carrying out, or arranging for the carrying out of, the work specified in sub-paragraphs (a), (b) and (c) of paragraph (1) of regulation 5.

(2) The administering agency shall establish procedures for the general oversight of the network installer and the verification of claims made, and information supplied, by him.

(3) Any registration may be terminated by the administering agency with the approval of the Secretary of State for reasonable cause.

Allocation of amounts to network installers

16.—(1) A network installer shall at the request of an administering agency submit a written estimate of the works (both those specified in paragraph (1) of regulation 5 and those specified in paragraph (2) of regulation 11) which he considers he is likely to carry out during any future period.

(2) An administering agency may, in respect of a future period specified by it, allocate and notify in writing to a network installer an amount which is to be the total sum available for grants in respect of works (both those specified in paragraph (1) of regulation 5 and those specified in paragraph (2) of regulation 11) to be carried out by the network installer and any sub-contractor of his during that period.

Administering agencies

17.—(1) The Secretary of State may in accordance with the following paragraphs appoint a person or body of persons to perform in any particular area such functions as he may confer upon that person or body, being functions specified by the Secretary of State for the purposes of, or otherwise in connection with, the making of grants (both in accordance with regulations 3 to 10 and in accordance with regulations 11 to 14).

(2) The Secretary of State may allocate to an administering agency sums which are to be available to that agency in any period for the purpose of making grants (both in accordance with regulations 3 to 10 and in accordance with regulations 11 to 14) in that period, and may re-allocate any sums so allocated.

(3) The appointment of, or the conferring of functions in addition to those contained in these Regulations upon an administering agency may be effected in whole or in part by or under a written contract entered into between the Secretary of State and that administering agency.

(4) The Secretary of State may include such terms and conditions in any contract under paragraph (3) as he may consider appropriate, and may include terms and conditions relating to all or any of the items specified in the Schedule.

(5) Nothing in these Regulations shall require the Secretary of State to allocate any sums to any administering agency and no administering agency shall allocate amounts or approve grants unless money for the purpose has been made available to it by the Secretary of State.

Revocation and transitional provisions

18.—(1) Subject to paragraph (2) the Home Energy Efficiency Grants Regulations 1990(10) are hereby revoked.

(2) Those regulations shall continue to apply—

- (a) in any case where an application for a grant was made to a network installer before 1st April 1992; and
- (b) in any case where an application for a grant was made to an administering agency before 1st April 1992 if a grant in respect of that application was approved before that date.

Department of Energy
29th February 1992

Mr Heathcoat-Amory
Parliamentary Under-Secretary of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We consent,

4th March 1992

Irvine Patnick
Nicholas Baker
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Regulation 17(4)

CONTRACTUAL ITEMS

A written contract between the Secretary of State and an administering agency may include provisions for all or any of the following—

- (a) the services to be provided by the administering agency;
- (b) the appointment and registration of network installers;
- (c) listing and removal from the list of persons or bodies of persons for the purpose of paragraph (b) of the definition of eligible contractor in regulation 2;
- (d) procedures for the general oversight of, and the verification of claims made, and information supplied, by persons carrying out work;
- (e) the design, production and dissemination of forms of application and claim for grant;
- (f) the setting of standards, including standards of materials and workmanship;
- (g) the specifying of the qualifications to be possessed, and the persons who are to possess them and the circumstances in which they are to be possessed, in respect of the giving of energy advice;
- (h) the allocation and payment of grants;
- (i) consultation and liaison with the Secretary of State and other persons or bodies of persons;
- (j) duration of the contract;
- (k) the payment of fees to the administering agency;
- (l) the accounting for grants and remuneration;
- (m) the collection, handling, storage and protection of data;
- (n) the recovery of sums due from the administering agency;
- (o) the liabilities of the parties under the contract;
- (p) assignment of obligations;
- (q) termination of—
 - (i) the contract with the administering agency; and
 - (ii) registration by the administering agency of a network installer;
- (r) the specifying of terms to be included in a contract pursuant to regulation 8(2);
- (s) arbitration;
- (t) notices under the contract.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the making of grants for the improvement of energy efficiency in dwellings occupied by persons on low income and certain buildings in multiple occupation; for the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

appointment of administering agencies to administer the making of grants; and for the registration of network installers capable of carrying out the work for which grants may be made.

Regulations 3 to 6 determine eligibility for a grant. Regulation 3 makes provision for the persons who can apply for a grant; regulation 4 for the form and manner of application; regulation 5 for the work for which a grant may be made; and regulation 6 for the dwellings eligible for a grant.

Regulations 7 and 8 provide for the handling of applications; and regulation 9 for the calculation of grants and applicants' contributions. Regulation 10 sets out the conditions for payment of a grant.

Regulations 11 to 14 make provision for grants for works in buildings in multiple occupation.

Regulations 15 and 16 provide for the registration by the administering agency of network installers; for the general oversight of these installers and for the allocation of amounts of money to be available for their work.

Regulation 17 together with the Schedule provides for the appointment, functions and funding of administering agencies.

These Regulations revoke and re-enact the Home Energy Efficiency Grants Regulations 1990 (S.I.1990/1971) with amendments. Among the amendments are the following:—

- (a) persons in receipt of disability working allowance may apply for grants (regulation 3(1));
- (b) the maximum grant and the applicant's contribution are increased by approximately 7% (except grants for energy advice) and the lower grant maxima where trainee labour is used no longer applies (regulation 9);
- (c) work may only be done by a network installer or a contractor listed by the administering agency or (except where the work consists of energy advice) by the applicant himself (regulation 10(1)(a)); and
- (d) new provisions are made in respect of works in buildings in multiple occupation (regulations 11 to 14).