
STATUTORY INSTRUMENTS

1995 No. 49

ENERGY CONSERVATION

**The Home Energy Efficiency Grants
(Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>12th January 1995</i>
<i>Laid before the House of Commons</i>	- - - -	<i>19th January 1995</i>
<i>Coming into force</i>	- -	<i>9th February 1995</i>

The Secretary of State, in exercise of the powers conferred upon him by section 15 of the Social Security Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, 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 (Amendment) Regulations 1995 and shall come into force on 9th February 1995.

Amendments

2. The Home Energy Efficiency Grants Regulations 1992⁽²⁾ shall be amended as follows—

(a) for regulation 3(2) (definitions) substitute—

“(2) For the purpose of this regulation a person shall not be treated as resident in a dwelling unless he is residing there as his only or main residence and—

“householder” means a person who, alone or jointly with others, is—

(a) in England and Wales, a freeholder or tenant and “tenant” includes a sub-tenant and a person who has—

(i) a protected occupancy or a statutory tenancy under the Rent (Agriculture) Act 1976⁽³⁾;

(ii) a statutory tenancy under the Rent Act 1977⁽⁴⁾;

(1) 1990 c. 27.
(2) S.I.1992/483; relevant amending instrument in S.I. 1994/637.
(3) 1976 c. 80.
(4) 1977 c. 80.

- (iii) a secure tenancy under Part IV of the Housing Act 1985⁽⁵⁾;
 - (iv) a licence to occupy which meets the conditions in sub-paragraphs (a) and (b) of paragraph 12 of Schedule 1 to that Act⁽⁶⁾ (almshouse licences); or
 - (v) an assured agricultural occupancy under Part I of the Housing Act 1988⁽⁷⁾; and
- (b) in Scotland, an owner or tenant and “owner” includes any person who under the Lands Clauses Acts⁽⁸⁾ would be enabled to sell and convey land to the promoters of an undertaking, and “tenant” includes a sub-tenant and a person who—
- (i) is a statutory tenant under section 3(1) of the Rent (Scotland) Act 1984⁽⁹⁾;
 - (ii) has entered into a contract to which Part VII of that Act applies;
 - (iii) has a licence to occupy a dwelling which, if the dwelling was situated in England and Wales, would meet the conditions in sub-paragraphs (a) and (b) of paragraph 12 of Schedule 1 to the Housing Act 1985 (almshouse licences); or
 - (iv) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993⁽¹⁰⁾; and
- “spouse” includes a person with whom the applicant is living as husband or wife. and
- (b) omit regulation 10A⁽¹¹⁾ (grant condition).

Signed by authority of the Secretary of State

11th January 1995

Robert Brannock Jones
Parliamentary Under Secretary of State,
Department of the Environment

We consent,

12th January 1995

Andrew Mitchell
Derek Conway
Two of the Lords Commissioners of Her
Majesty’s Treasury

⁽⁵⁾ 1985 c. 68.

⁽⁶⁾ Paragraph 12 was substituted by paragraph 12 of Schedule 6 to the Charities Act 1992 (c. 41).

⁽⁷⁾ 1988 c. 50.

⁽⁸⁾ Defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

⁽⁹⁾ 1984 c. 58; amended by section 46(1) of the Housing (Scotland) Act 1988 (c. 43).

⁽¹⁰⁾ 1993 c. 44.

⁽¹¹⁾ Regulation 10A was inserted by S.I. 1994/637.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Grants Regulations 1992, which provide for grants to improve energy efficiency in dwellings and certain buildings in multiple occupation, and for agencies to administer the making of grants.

Regulation 2(a) extends the definition of householder so that grants may additionally be paid to assured agricultural occupiers, protected occupiers, almshouse licensees whose licences meet certain conditions and to cottars. Drafting changes have also been made to simplify the definition.

Regulation 2(b) omits a requirement that a grant is to be subject to a condition for repayment where the work was not carried out or did not comply with specified standards.