

**2003 No. 2263**

**ENERGY CONSERVATION, ENGLAND**

**The Home Energy Efficiency Scheme (England)  
(Amendment) (No. 2) Regulations 2003**

<i>Made</i> - - - - -	<i>29th August 2003</i>
<i>Laid before the House of Commons</i>	<i>4th September 2003</i>
<i>Coming into force</i> - - - - -	<i>6th October 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by section 15 of the Social Security Act 1990(a) and with the consent of the Treasury, hereby makes the following Regulations:

**Title, commencement and application**

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) (Amendment) (No. 2) Regulations 2003 and shall come into force on 6th October 2003.

(2) These Regulations apply to England only.

**Amendment of the Home Energy Efficiency Scheme (England) Regulations 2000**

2.—(1) The Home Energy Efficiency Scheme (England) Regulations 2000(b) are amended as follows.

(2) In paragraph (1) of regulation 4 (persons who may apply for a grant)—

(a) omit the word “or” after sub-paragraph (d); and

(b) for sub-paragraph (e) substitute the following sub-paragraphs—

“(e) is in receipt of—

(i) child tax credit; or

(ii) working tax credit which includes a disability element,

(as provided for in the Tax Credits Act 2002(c)) and has a relevant income of less than £14,200; and for these purposes “relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002; or

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(a) 1990 c. 27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53). The functions of the Secretary of State under section 15 are, so far as exercisable in or as regards Scotland, devolved to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). As regards Wales, those functions are exercisable by the National Assembly for Wales concurrently with the Secretary of State; see the reference to the Social Security Act 1990 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 2000/1280, amended by S.I. 2002/115 and S.I. 2003/1017.

(c) 2002 c. 21; see section 11(3) and (4) of the Act for a definition of “disability element”.

(f) is, or is living with a spouse who is, in receipt of state pension credit (as provided for in the State Pension Credit Act 2002(a)) and has attained, or is living with a spouse who has attained, the age of 60.”.

(3) In paragraph (2) omit the words “working families tax credit”.

(4) In paragraph (3)(b) omit the words “and disabled persons tax credit (as provided for in Part VII of the 1992 Act)”.

(5) In paragraph (3) of regulation 6 (grant maximums) after “regulation 4(1)(c)” add “or (f)”.

Signed by authority of the Secretary of State

25th August 2003

*Whitty*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

We consent,

29th August 2003

*Joan Ryan*  
*Jim Murphy*  
Two of the Lords Commissioners of Her Majesty’s Treasury

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(a) 2002 c. 16.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Home Energy Efficiency Scheme (England) Regulations 2000 (S.I. 2000/1280, as amended) (“the 2000 Regulations”) enable the Secretary of State to make or arrange for the making of grant for the improvement of energy efficiency in dwellings occupied by persons on low incomes with children, elderly persons on low incomes and persons in receipt of benefit relating to ill health or disability. These Regulations amend the 2000 Regulations as follows.

Regulation 2 amends regulation 4 of the 2000 Regulations (persons who may apply for a grant) to alter the list of persons eligible to apply for a grant. Its effect is to remove from that list—

- a person who is in receipt of working tax credit which does not include a disability element; and
- a person who is, or who is living with a spouse who is, in receipt of disabled persons tax credit or working families tax credit.

Regulation 2 also adds to the list of persons eligible to apply for a grant a person who is, or who is living with a spouse who is, in receipt of state pension credit and has attained, or is living with a spouse who has attained, the age of 60; and amends regulation 6 of the 2000 Regulations (grant maximums) to provide that the maximum grant that may be paid in respect of a works application by such a person is £2,500.

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