

STATUTORY INSTRUMENTS

**2005 No. 1530**

**ENERGY CONSERVATION, ENGLAND**

The Home Energy Efficiency  
Scheme (England) Regulations 2005

<i>Made</i>	- - - -	<i>6th June 2005</i>
<i>Laid before the House of Commons</i>	- - - -	<i>9th June 2005</i>
<i>Coming into force</i>	- -	<i>1st July 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by section 15 of the Social Security Act 1990 <sup>M1</sup>, and with the consent of the Treasury, makes the following Regulations:

**Marginal Citations**

**M1** 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 \(S.I. 1999/672\)](#).

**Citation, commencement and extent** **E+W**

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) Regulations 2005 and shall come into force on 1<sup>st</sup> July 2005.

(2) These Regulations apply to England only.

**Interpretation** **E+W**

2. In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992 <sup>M2</sup>;

“the 2000 Regulations” means the Home Energy Efficiency Scheme (England) Regulations 2000 <sup>M3</sup>;

**F1**  
...

“administering agency” means, except in paragraph (2) of regulation 3, the scheme manager, person or body of persons for the time being appointed and responsible for the area in question under that regulation;

[<sup>F2</sup>“mobile home” means a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968) which is used as a dwelling for the purposes of Part I of the Local Government Finance Act 1992;]

“works” means any of the works [<sup>F3</sup>or materials] specified in regulation 5; and

“works application” means an application in which the applicant proposes that an administering agency will arrange for the carrying out of the works in respect of which a grant is sought.

#### Textual Amendments

- F1** Words in reg. 2 omitted (13.4.2011) by virtue of [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(2)(a)** (with reg. 4)
- F2** Words in reg. 2 inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(2)** (with reg. 4)
- F3** Words in reg. 2 substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(2)(b)** (with reg. 4)

#### Marginal Citations

- M2** 1992 c. 4; Part VII (income related benefits) was amended by the [Tax Credits Act 2002 \(c. 21\)](#) section 60. There are numerous other amendments to this Act; the latest was made by regulation 2 of [S.I. 2005/682](#), which amended Schedule 4 with effect on 11<sup>th</sup> April 2005.
- M3** [S.I. 2000/1280](#), as amended by [S.I. 2002/115](#), 2003/1017, 2003/2263 and 2004/2430.

### Powers of the Secretary of State **E+W**

3.—(1) The Secretary of State may impose such conditions on which grants may be made as she sees fit.

(2) The Secretary of State shall appoint one or more persons or bodies of persons, each such person or body to be known as an administering agency, to perform in an area specified in the appointment (which may be the whole of England) such functions as she may determine in connection with the making of grants, and shall exercise this function so that an administering agency is in place for each area in England.

(3) An appointment under paragraph (2) may be terminated by the Secretary of State.

[<sup>F4</sup>(4) For each financial year, the Secretary of State must allocate to an administering agency the sums which are to be available to that agency for the purpose of making grants in accordance with these Regulations in that year.]

[<sup>F5</sup>(5) In respect of an amount allocated to an administering agency under paragraph (4), the Secretary of State—

- (a) may re-allocate any such amount within a financial year; but
- (b) must not re-allocate any amounts which have already been allocated or provisionally allocated for the purpose of making grants in accordance with these Regulations.]

### Textual Amendments

- F4** Reg. 3(4) inserted (16.8.2010) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/1893\)](#), regs. 1(1), **2(2)**
- F5** Reg. 3(5) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(3)** (with reg. 4)

### Persons who may apply for a grant **E+W**

4.—<sup>F6</sup>(1) A works application for grant in respect of a dwelling may be entertained by the administering agency where the conditions in paragraphs (2) and (3) are met.

(2) The condition in this paragraph is that <sup>F7</sup>, except where the dwelling is a mobile home,] the dwelling in respect of which the works application is made has a SAP rating of <sup>F8</sup>63] or less.

(d) an income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007.

(3) The condition in this paragraph is that the works application is from a person (“P”) where—

- (a) P is the householder of the dwelling in respect of which the works application is made;
- (b) P occupies that dwelling as P’s only or main residence;
- (c) no works application has previously been made by P, and approved by the administering agency, in relation to another dwelling in the twelve month period immediately preceding the date on which the works application is made; and
- (d) on the date on which the works application is made paragraph (3A) applies.

<sup>F9</sup>(3A) This paragraph applies where P is, or is living with a partner who is, in receipt of—

- (a) child tax credit and has a relevant income of £15,860 or less;
- (b) income-related employment and support allowance and—
  - (i) is receiving a work-related activity or support component; or
  - (ii) has parental responsibility for a qualifying child; or
  - (iii) is in receipt of a qualifying component;
- (c) income-based job seeker’s allowance and—
  - (i) has parental responsibility for a qualifying child; or
  - (ii) is in receipt of a qualifying component;
- (d) income support and—
  - (i) has parental responsibility for a qualifying child; or
  - (ii) is in receipt of a qualifying component;
- (e) state pension credit;
- (f) working tax credit and has a relevant income of £15,860 or less and—
  - (i) has parental responsibility for a qualifying child; or
  - (ii) is in receipt of a disabled worker element or severe disability element; or
  - (iii) is aged 60 years or over.]]

(4) For the purposes of this regulation—

“householder” means a person who, alone or jointly with others, is a freeholder or a leaseholder with term of 21 years or more unexpired at the time of making the application for grant or a tenant, and

[<sup>F10</sup>“parental responsibility” has the same meaning as in section 3 of the Children Act 1989; “qualifying child” means, in relation to a person in receipt of an allowance, income support or working tax credit, a child who ordinarily resides with that person and who—

- (a) is under the age of 16; or
- (b) is 16 or over but under the age of 20 and in full-time education (other than higher education within the meaning of section 579(1) of the Education Act 1996);]

[<sup>F11</sup>“qualifying component” means—

- (a) an award of child tax credit which includes a disability or severe disability element for a child or young person;
- (b) a disabled child premium;
- (c) a disability premium, an enhanced disability premium, a severe disability premium, a pensioner premium, a higher pensioner premium or an enhanced pensioner premium;]

[<sup>F12</sup>“relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002;]

[<sup>F11</sup>“SAP rating” means the energy efficiency rating of a building determined in accordance with the Reduced Data Standard Assessment Procedure contained in the Government’s Standard Assessment Procedure for Energy Rating of Dwellings published by or on behalf of the Department for Energy and Climate Change and in force on 13<sup>th</sup> April 2011; and]

“tenant” includes a sub-tenant and a person who has—

- (a) <sup>M4</sup>a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976 ;
- (b) <sup>M5</sup>a statutory tenancy under the Rent Act 1977 ;
- (c) <sup>M6M7</sup>a secure tenancy under Part IV of the Housing Act 1985 or an introductory tenancy under Chapter I of Part V of the Housing Act 1996 ;
- (d) <sup>M8</sup>a licence to occupy which meets the conditions in paragraph 12(a) and (b) Schedule 1 to the Housing Act 1985 (almshouse licences); or
- (e) <sup>M9</sup>an assured agricultural occupancy under Part I of the Housing Act 1988 .

[<sup>F13</sup>(5) For the purposes of this regulation, “partner” means the spouse, civil partner or person with whom [<sup>F14</sup>P] lives as husband or wife or as civil partner.]

#### Textual Amendments

- F6** Reg. 4(1)-(3A) substituted for reg. 4(1)-(3) (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(3)(a)** (with reg. 4)
- F7** Words in reg. 4(2) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(4)(a)(i)** (with reg. 4)
- F8** Word in reg. 4(2) substituted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(4)(a)(ii)** (with reg. 4)
- F9** Reg. 4(3A) substituted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(4)(b)** (with reg. 4)
- F10** Words in reg. 4(4) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(4)(c)(i)** (with reg. 4)
- F11** Words in reg. 4(4) inserted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(3)(b)** (with reg. 4)
- F12** Words in reg. 4(4) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(4)(c)(ii)** (with reg. 4)

- F13** Reg. 4(5) substituted (10.8.2006) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/1953\)](#), regs. 1, **2(5)**
- F14** Word in reg. 4(5) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(3)(c)** (with reg. 4)

#### Marginal Citations

- M4** 1976 c. 80; sections 2 and 3 make provision for protected occupancy, and sections 4 and 5 for statutory tenancy. Section 3 has been amended by section 76(3) of the [Housing Act 1980 \(c. 51\)](#) and section 81 of and Schedule 8 to the [Civil Partnership Act 2004 \(c. 33\)](#), **section 4** by those provisions and section 155 and paragraph 72 of Schedule 23 to the [Rent Act 1977 \(c. 42\)](#) and sections 39 and 140 of and Schedule 4 (Part II) and Schedule 18 to the [Housing Act 1988 c. 50](#), and section 5 was last amended by sections 128 and 137 of and Schedule 6 to the [Criminal Justice and Police Act 2001 \(c. 16\)](#). There are other amendments to the 1976 Act not relevant to these Regulations.
- M5** 1977 c. 42, as last amended by paragraph 94 of Part 1 of Schedule 4 to the [Constitutional Reform Act 2005 \(c. 4\)](#).
- M6** 1985 c. 68, as last amended by paragraph 4 of the Schedule to [S.I. 2005/1379](#).
- M7** 1996 c. 52, as last amended by paragraphs 256 to 258 of Part 1 of Schedule 4 to the Constitutional Reform Act.
- M8** Paragraph 12 of Schedule 1 to 1985 c. 68 was amended by section 78(1) of and paragraph 12 of Schedule 6 to the [Charities Act 1992 \(c. 41\)](#).
- M9** 1988 c. 50, as last amended by paragraph 6 of the Schedule to [S.I. 2005/1379](#).

#### Purposes for which a grant may be approved **E+W**

5.—(1) [<sup>F15</sup>A works application for grant in respect of a dwelling] may be approved for one or more of the following purposes—

- (a) to provide insulation in any accessible roof space in the dwelling, including the insulation of any cold-water tank and any water supply, overflow and expansion pipes in such a space;
- (b) to provide insulation between the internal and external leaves of cavity walls of the dwelling;
- (c) to provide draught proofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision;
- (d) to provide insulation to any water heating system or to provide any part of such a system with insulation incorporated in it;
- (e) to provide gas room convector heaters with thermostat control;
- (f) to provide electric storage heaters;
- [<sup>F16</sup>(fa) to provide an electric fan heater in a bathroom of the dwelling where the dwelling is heated by electric storage heaters;]
- (g) to provide dual electric immersion water heaters with factory-insulated tank or electric or gas multipoint water heaters;
- (h) to provide timer controls for electric space and water heaters;
- (i) to improve the energy efficiency of, or replace any part of, or repair any space or water heating system installed in the dwelling;
- (j) to provide a mains gas [<sup>F17</sup>, liquefied petroleum gas] or oil-fired central heating system (including systems which generate electricity) with no more than six radiators;
- (k) to convert open solid fuel room fires to closed solid fuel room fires;

- (l) to provide a central heating system connected to the local community-heating grid, with no more than six radiators;
  - (m) to provide space or water heating systems which use energy from renewable sources including solar, wind and hydro-electric power and near renewable resources including ground and air heat.
- (2) Where a works application is approved for one or more of the purposes set out in paragraph (1), grant may also be approved for the provision of any of the following—
- [<sup>F18</sup>(a) services for the treatment or removal of asbestos where—
    - (i) the presence of asbestos in the dwelling was not known by the administering agency prior to the commencement of works for which grant was approved under paragraph (1); and
    - (ii) its treatment or removal is necessary for the purpose of enabling the completion those works;
  - (b) scaffolding where it is necessary for the purpose of carrying out the works for which grant has been approved under paragraph (1);
  - (c) services to connect the dwelling to the mains gas supply where—
    - (i) the works for which grant has been approved under paragraph (1) include the provision of a mains gas central heating system under paragraph (1)(j) or a central heating system under (1)(l);
    - (ii) the dwelling has no existing connection to the mains gas supply;
    - (iii) the supply of gas to the dwelling is necessary for the purpose of operating the heating system for which grant has been approved under paragraph (1); and
    - (iv) the connection to the mains gas supply is to be made under section 10 of the Gas Act 1986 (duty of a gas transporter to connect certain premises) and in relation to which costs or expenses are payable under or by virtue of that section;
  - (d) services for the removal of an oil tank from the dwelling where that oil tank is no longer required by virtue of the provision of works for which grant has been approved under paragraph (1);
  - (e) up to two portable electric heaters where, in the opinion of the administering agency, such provision is necessary to enable the dwelling to be habitable prior to the completion of the works for which grant has been approved under paragraph (1).]
- (3) For the purposes of this regulation, “roof space” means space between the roof of a dwelling and the ceiling of any room used or available for use for the purpose of living accommodation, that space not being wholly separated from the roof by any other room.

<sup>F19</sup>(4) .....

<b>Textual Amendments</b>	
<b>F15</b>	Words in reg. 5(1) substituted (13.4.2011) by <a href="#">The Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833)</a> , regs. 1(1), <b>3(4)(a)(i)</b> (with reg. 4)
<b>F16</b>	Reg. 5(1)(fa) inserted (13.4.2011) by <a href="#">The Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833)</a> , regs. 1(1), <b>3(4)(a)(ii)</b> (with reg. 4)
<b>F17</b>	Words in reg. 5(1)(j) inserted (13.4.2011) by <a href="#">The Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833)</a> , regs. 1(1), <b>3(4)(a)(iii)</b> (with reg. 4)
<b>F18</b>	Reg. 5(2)(a)-(e) substituted for reg. 5(2)(a)(b) (13.4.2011) by <a href="#">The Home Energy Efficiency Scheme (England) (Amendment) Regulations 2011 (S.I. 2011/833)</a> , regs. 1(1), <b>3(4)(b)</b> (with reg. 4)

**F19** Reg. 5(4) omitted (13.4.2011) by virtue of [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(4)(c)** (with reg. 4)

**Grant maximum** **E+W**

6. An administering agency shall not pay a total amount of grant in respect of a works application exceeding the following amounts—

- (a) except where paragraph (b) <sup>F20</sup>... applies, the amount properly charged for the works or [<sup>F21</sup>£3,500,] whichever is the less; <sup>F22</sup>...
- (b) where the work approved is to install oil fired central heating [<sup>F23</sup>or is for one or more of the purposes listed in regulation 5(1)(m),][<sup>F24</sup>or includes the treatment or removal of asbestos,] the amount properly charged for the works or [<sup>F25</sup>£6,000,] whichever is the less [<sup>F26</sup>; or
- <sup>F27</sup>(c) .....

**Textual Amendments**

- F20** Words in reg. 6(a) omitted (13.4.2011) by virtue of [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(5)(a)** (with reg. 4)
- F21** Sum in reg. 6(a) substituted (1.8.2009) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1816\)](#), regs. 1(1), **3(3)(a)** (with reg. 4(2))
- F22** Word in reg. 6 omitted (10.8.2006) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/1953\)](#), regs. 1, **2(8)(b)**
- F23** Words in reg. 6(b) inserted (1.8.2009) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1816\)](#), regs. 1(1), **3(3)(b)(i)** (with reg. 4(2))
- F24** Words in reg. 6(b) inserted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(5)(b)** (with reg. 4)
- F25** Sum in reg. 6(b) substituted (1.8.2009) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1816\)](#), regs. 1(1), **3(3)(b)(ii)** (with reg. 4(2))
- F26** Reg. 6(c) and word inserted (10.8.2006) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/1953\)](#), regs. 1, **2(8)(c)**
- F27** Reg. 6(c) omitted (13.4.2011) by virtue of [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(5)(c)** (with reg. 4)

**Additional grants** **E+W**

7.—(1) [<sup>F28</sup>A][<sup>F29</sup>person] may apply for an additional grant in respect of a dwelling for which grant has already been paid under either the 2000 Regulations or these Regulations, whether or not there has been a change of freeholder or leaseholder since grant was last paid, if the [<sup>F29</sup>person] meets the requirements of regulation 4 and, if applicable, satisfies the condition in paragraph (2) of this regulation.

(2) The condition referred to in paragraph (1) is that if the works application for additional grant is in respect of any one or more of the purposes in sub-paragraphs (a), (b), (e), (f), [<sup>F30</sup>(fa),] (g), (j) [<sup>F31</sup>, (l) or (m)] of regulation 5(1), the [<sup>F29</sup>person] has not previously received grant for that or those purposes, either under the 2000 Regulations or these Regulations.

(3) The amount of the additional grant [<sup>F32</sup>in respect of that dwelling] shall be determined at the date of the works application for additional grant and calculated as the grant maximum determined under regulation 6 less the amount of grant already paid in respect of the dwelling (whether to the

[<sup>F29</sup>person] or a previous freeholder or leaseholder) under either or both of the 2000 Regulations or these Regulations.

#### Textual Amendments

- F28** Word in reg. 7(1) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(6)(a)** (with reg. 4)
- F29** Word in reg. 7 substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(6)(b)** (with reg. 4)
- F30** Word in reg. 7(2) inserted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(6)(c)(i)** (with reg. 4)
- F31** Words in reg. 7(2) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(6)(c)(ii)** (with reg. 4)
- F32** Words in reg. 7(3) inserted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(6)(d)** (with reg. 4)

#### Grants received by instalments **E+W**

<sup>F33</sup>8. ....

#### Textual Amendments

- F33** [Reg. 8](#) omitted (13.4.2011) by virtue of [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(7)** (with reg. 4)

#### Application for, and payment of, grant **E+W**

9.—(1) A works application shall be made to the administering agency for the area in which the dwelling is situated.

(2) A works application shall be in writing, signed either by the [<sup>F34</sup>person making the application] or by a person specified or of a description specified by the administering agency and shall be in such form and contain such particulars, subject to paragraph (3), as are laid down by the administering agency.

(3) The works application shall contain the following—

- (a) particulars of the dwelling in respect of which the grant is sought;
- (b) information about the [<sup>F35</sup>person making the application] sufficient for the administering agency to check whether the [<sup>F36</sup>person] meets the criteria of eligibility set out in regulation 4;
- (c) a statement of the purposes for which the grant is sought;
- (d) a statement that reasonable access to the dwelling in respect of which the works application is made will be given to a representative of the administering agency to inspect the dwelling and carry out the works;
- (e) where the [<sup>F36</sup>person] wishes to receive grant over a period of time, a statement to that effect and the suggested period.

[<sup>F37</sup>(4) A works application must be refused where the sums allocated [<sup>F38</sup>or re-allocated] by the Secretary of State to the administering agency for the financial year in which the application falls to be determined have, in the opinion of the Secretary of State, been [<sup>F39</sup>allocated or] provisionally



allocated in respect of [<sup>F40</sup>works] applications which have already been approved in accordance with these Regulations.]

#### Textual Amendments

- F34** Words in reg. 9(2) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(8)(a)(i)** (with reg. 4)
- F35** Words in reg. 9(3)(b) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(8)(a)(i)** (with reg. 4)
- F36** Words in reg. 9 substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(8)(a)(ii)** (with reg. 4)
- F37** Reg. 9(4) substituted (16.8.2010) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/1893\)](#), regs. 1(1), **2(3)**
- F38** Words in reg. 9(4) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(5)(a)** (with reg. 4)
- F39** Words in reg. 9(4) inserted (12.9.2012) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2140\)](#), regs. 1(1), **3(5)(b)** (with reg. 4)
- F40** Word in reg. 9(4) substituted (13.4.2011) by [The Home Energy Efficiency Scheme \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/833\)](#), regs. 1(1), **3(8)(b)** (with reg. 4)

#### Revocation and transitional provisions **E+W**

**10.**—(1) Subject to paragraph (2), the following Regulations are revoked—

- (a) the 2000 Regulations;
- (b) the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2002 <sup>M10</sup> ;
- (c) the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2003 <sup>M11</sup>;
- (d) the Home Energy Efficiency Scheme (England) (Amendment) (No. 2) Regulations 2003 <sup>M12</sup>;
- (e) the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2004 <sup>M13</sup>.

(2) The 2000 Regulations shall, subject to paragraph (3), continue to apply to any case where an application for a grant was made to a scheme manager under those Regulations before 1<sup>st</sup> July 2005.

(3) Where a person has applied for a grant under the 2000 Regulations, but the application has not been approved or refused before these Regulations come into force, or, if the application has been approved but none of the works have been commenced, the administering agency shall, at the request of the applicant, treat the application as having been made under these Regulations.

#### Marginal Citations

- M10** [S.I. 2002/115](#).  
**M11** [S.I.2003/1017](#).  
**M12** [S.I. 2003/2263](#).  
**M13** [S.I. 2004/2430](#).

---

**Changes to legislation:** There are currently no known outstanding effects for the The Home Energy Efficiency Scheme (England) Regulations 2005. (See end of Document for details)

---

*Elliot Morley*  
Minister of State Department for Environment,  
Food and Rural Affairs

We consent,

*Gillian Merron*  
*Joan Ryan*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

---

## EXPLANATORY NOTE

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

These 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 or persons in receipt of benefit relating to ill health. These Regulations extend to England only. They revoke and re-enact, with changes, in so far as they apply to England, the Home Energy Efficiency Scheme Regulations 2000 (S.I. 2000/1280; the “2000 Regulations”).

Among the changes made by these Regulations are the following —

- (a) the qualifying cut-off point in relevant income for households in receipt of Working Tax and Child Tax Credit is increased to £15,050 (regulation 4(1)(e));
- (b) all eligible households under these Regulations will be eligible for either gas or oil-fired mains central heating where gas central heating is impractical (regulation 5(1)(j) and 6(b));
- (c) the maximum grant available under these Regulations is increased to £2,700, and £4,000 for households to be offered oil central heating (regulation 6);
- (d) where assistance has already been received in respect of a dwelling under the 2000 Regulations or these Regulations, it will also be able to apply, if eligible, for further assistance under these new Regulations (regulation 7); and
- (e) it is made clear that grant is paid to the administering agency (and not the applicant) regulation 9(4).

Regulation 10 contains revocation and transitional provisions. A person who applied for a grant under the 2000 Regulations may, where the works have not been commenced, have the application dealt with in accordance with these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Home Energy Efficiency Scheme (England) Regulations 2005.