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STATUTORY INSTRUMENTS

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**2022 No. 772**

**The Warm Home Discount (England and Wales) Regulations 2022**

**PART 7**

**Amendment of the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011**

**Amendment of the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011**

**31.**—(1) The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011(1) are amended as follows.

(2) In regulation 1—

- (a) in the heading, for “and commencement” substitute “, commencement and application”;
- (b) after paragraph (2), insert—

“(3) Regulation 2(3) to (6) applies only in relation to England and Wales.”.

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “domestic customer” substitute—

““domestic customer”—

- (a) in relation to England and Wales, means an owner or occupier of domestic premises in England or Wales who is supplied with electricity at those premises wholly or mainly for domestic purposes;
- (b) in relation to Scotland, means an owner or occupier of domestic premises in Great Britain who is supplied with electricity at those premises wholly or mainly for domestic purposes;”;

(ii) in the definition of “information direction” after “WHD Regulations” insert “or regulation 12(1) of the WHD (E&W) Regulations”;

(iii) for the definition of “scheme year” substitute—

““scheme year”—

- (a) in relation to England and Wales, has the meaning given in regulation 3(1) of the WHD (E&W) Regulations;
- (b) in relation to Scotland, has the meaning given in regulation 2(1) of the WHD Regulations;”;

(iv) omit the definition of “Warm Home Discount scheme”;

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(1) [S.I. 2011/1830](#), as amended by [S.I. 2015/652](#), [2016/806](#), [2019/1458](#) and paragraph 446 of Schedule 24 to the Sentencing Act 2020 (c. 17).

(v) after the definition of “the WHD Regulations”, insert—

““the WHD (E&W) Regulations” means the Warm Home Discount (England and Wales) Regulations 2022;”;

(b) after paragraph (2) insert—

“(3) Paragraph (4) applies where an individual (“I”) who would normally—

- (a) occupy domestic premises in England and Wales,
- (b) be a member of the same household as another person, or
- (c) live together with another person as if they were married or civil partners,

is staying in hospital or residing in a care home or hospice.

(4) Where this paragraph applies, I is to be treated for the purposes of these Regulations as continuing to occupy the relevant premises, or be a member of the relevant household or (as the case may be) live together with the relevant person, if—

- (a) where I is staying in hospital, the duration of I’s stay has not exceeded 52 weeks from the date on which I was admitted;
- (b) where I is residing in a hospice or care home, I’s residence there is temporary.

(5) For the purposes of paragraphs (3) and (4), “care home” and “hospice” have the meanings given by regulation 2(8) of the WHD (E&W) Regulations.

(6) For the purposes of these Regulations, where—

- (a) an individual (“I”) is an occupier of domestic premises at which electricity is supplied for domestic purposes, and
- (b) because I lacks the necessary capacity to arrange that supply, the electricity is supplied at those premises to another person (“A”) who is not I’s partner (whether or not A is also an owner or occupier of those premises),

I is to be treated as the person who is supplied with electricity at those premises.”.

(4) In regulation 3 (meaning of qualifying customer)—

(a) in paragraph (1), for sub-paragraph (c) substitute—

“(c) the relevant condition is met.”;

(b) after paragraph (1), insert—

“(1A) In this regulation “the relevant condition” means—

- (a) in relation to England and Wales, the condition in paragraph (1B);
- (b) in relation to Scotland, the condition in paragraph (2).

(1B) The condition in this paragraph is met if the domestic customer or the customer’s partner—

- (a) is in receipt of a guarantee credit or a savings credit (or both) on the relevant date, or
- (b) is—
  - (i) entitled to a guarantee credit or a savings credit (or both) on the relevant date, and
  - (ii) in receipt of that guarantee credit or savings credit, or, if they are entitled to both, at least one of those credits, on the date on which relevant information in relation to them is supplied by the Secretary of State pursuant to regulation 5(1)(b).”.

(5) In regulation 5 (disclosure of social security information by the Secretary of State)—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a), after “those Regulations” insert “or, as the case may be, a rebate notice (within the meaning given in regulation 8(1) of the WHD (E&W) Regulations”;
  - (ii) in sub-paragraph (b), after “that rebate”, insert “in accordance with the WHD Regulations or, as the case may be, the prescribed rebate in accordance with the WHD (E&W) Regulations”;
- (b) in paragraph (2), after “WHD Regulations” insert “or, as the case may be, the WHD (E&W) Regulations”.