
STATUTORY INSTRUMENTS

2022 No. 875

The Electricity and Gas (Energy
Company Obligation) Order 2022

PART 5

Qualifying actions

CHAPTER 3

In-fill measures

In-fill measures in flats

- 22.**—(1) A measure is a “flat in-fill measure” and meets the condition in this article if—
- (a) it is installed at a domestic premises which is a flat;
 - (b) it is one of the following measures—
 - (i) solid wall insulation;
 - (ii) insulation of a cavity wall;
 - (iii) a district heating connection;
 - (c) it is linked with one other measure (“the primary measure”) which is—
 - (i) the same kind of measure as the flat in-fill measure;
 - (ii) promoted by the same participant that promoted the flat in-fill measure; and
 - (iii) installed at separate domestic premises in the same block of flats (that is, a building which contains two or more flats) as the flat in-fill measure; and
 - (d) the primary measure with which the flat in-fill measure is linked is a qualifying action by virtue of any of articles 13 to 21.
- (2) For the purposes of paragraph (1)(c)—
- (a) a flat in-fill measure is linked with a primary measure if—
 - (i) the flat in-fill measure is completed during the three month period beginning with the day on which the primary measure is completed;
 - (ii) the flat in-fill measure is notified under article 43 on the same day as, or after, the notification of the primary measure under that article;
 - (iii) when notifying the flat in-fill measure under article 43, the participant includes information sufficient to enable the Administrator to identify the primary measure with which it is to be linked; and
 - (iv) the ECO4 project containing the primary measure does not include any primary measure that is already linked with another in-fill measure;
 - (b) a primary measure is the same kind of measure as a flat in-fill measure if—
 - (i) both are solid wall insulation;

- (ii) both are insulation of a cavity wall; or
 - (iii) both are district heating connections.
- (3) In this article, “flat”—
- (a) in respect of domestic premises in England and Wales, has the same meaning as in the Building Regulations 2010(1);
 - (b) in respect of domestic premises in Scotland, has the same meaning as in the Building (Scotland) Regulations 2004(2) and also includes a maisonette, as defined in those Regulations.

Commencement Information

II Art. 22 in force at 27.7.2022, see [art. 1\(1\)](#)

In-fill measures in houses

- 23.—**(1) A measure is a “house in-fill measure” and meets the condition in this article if—
- (a) it is installed at a house which is a domestic premises to which paragraph (2) applies;
 - (b) it is either—
 - (i) solid wall insulation; or
 - (ii) a district heating connection;
 - (c) it is linked with three other measures (“the primary measures”) which are—
 - (i) the same kind of measure as the house in-fill measure;
 - (ii) promoted by the same participant that promoted the house in-fill measure; and
 - (iii) installed at three separate domestic premises on the same street as the house in-fill measure; and
 - (d) the primary measures with which the house in-fill measure is linked are qualifying actions by virtue of any of articles [13](#) to [21](#).
- (2) This paragraph applies to domestic premises if—
- (a) where the measure installed is solid wall insulation, the pre-installation SAP band is band D, E, F or G; or
 - (b) where the measure installed is a district heating connection—
 - (i) a pre-installation EPC expresses the energy performance rating of the premises as band D, E, F or G; and
 - (ii) a relevant person confirms in writing that, to the best of that person’s knowledge and belief, no changes were made to the premises, after that pre-installation EPC was issued and before the measure was completed, which would increase the energy performance rating of the premises to band A, B or C.
- (3) For the purposes of paragraph (1)(c)—
- (a) a house in-fill measure is linked with the primary measures if—
 - (i) the house in-fill measure is completed during the three month period beginning with the day on which the last of the primary measures is completed;

(1) [S.I. 2010/2214](#). See regulation 2. There are amending instruments but none are relevant.

(2) [S.S.I. 2004/406](#). See regulation 2. There are amending instruments but none are relevant.

- (ii) the house in-fill measure is notified under article 43 on the same day as, or after, the notification of the primary measures under that article;
 - (iii) when notifying the house in-fill measure under article 43, the participant includes information sufficient to enable the Administrator to identify the primary measures with which it is to be linked; and
 - (iv) the ECO4 projects containing the primary measures do not include any primary measures that are already linked with another in-fill measure;
- (b) a primary measure is the same kind of measure as a house in-fill measure if—
- (i) both are solid wall insulation; or
 - (ii) both are district heating connections.
- (4) In this article—
- “house” means a domestic premises that is not a flat, where “flat” has the same meaning as in article 22(3);
- “pre-installation SAP band” means, in relation to domestic premises where a measure is installed, the SAP band which is determined for the premises pursuant to the RdSAP assessment performed in accordance with article 12(3)(b) before the day on which the measure is completed;
- “relevant person” means—
- (a) in relation to private domestic premises, an owner or occupier of the premises;
 - (b) in relation to social housing, the social landlord of the premises.

Commencement Information

I2 Art. 23 in force at 27.7.2022, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Energy Company Obligation) Order 2022, CHAPTER 3.