

2010 No. 453 (W. 49)

**ENERGY CONSERVATION,
WALES**

**The Home Energy Efficiency
Schemes (Wales) (Amendment)
Regulations 2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Scheme (Wales) Regulations 2007 (S.I. 2007/375 (W. 35)). The 2007 Regulations establish two grant schemes: the Home Energy Efficiency Scheme (“HEES”) and the Home Energy Efficiency Plus Scheme (“HEES Plus”). In addition to minor amendments, the following amendments of substance are made to the 2007 Regulations.

Regulation 4 amends the definition of “HEES” and “HEES Plus” so that the categories of works available under each Scheme are now set out in the Regulations; and so that the categories of works in respect of which grant can be paid in certain circumstances, is extended to include all of the works described in the 2007 Regulations. The extended categories of works will be available under HEES and HEES Plus if the dwelling which is the subject of a works application is privately owned or privately rented and if the area agency is satisfied that, using the methodology approved by the Secretary of State under the Building Regulations 2000 (S.I. 2000/2531), the dwelling is calculated to have a low energy performance rating; that is to say, an asset rating of 38 or less.

Regulation 6 adds solid wall insulation to the description of works for which grant can be paid. Regulation 6 also amends regulation 6 of the 2007 Regulations so that where a grant application has been approved for any of the main works described in regulation 6(1), a grant can also be approved for additional minor works to reduce or prevent the wastage of energy in a dwelling. To be eligible for grant, the minor works must be such that the area agency considers them to be practicable, cost-effective

and reasonable in the circumstance of the particular case in question.

Regulation 7 amends regulation 7 of the 2007 Regulations, which deals with the maximum amount of grant available under the schemes. The effect of the amendment is to prescribe £12,000 as the maximum amount of grant which can be made in respect of any one dwelling. The new grant maximum applies only in respect of a dwelling which is privately owned or privately rented and if the area agency is satisfied that, using the methodology approved by the Secretary of State under the Building Regulations 2000 (S.I. 2000/2531), the dwelling is calculated to have an energy performance rating which is poor; that is to say, an asset rating of 38 or less.

Regulation 8 makes transitional provision so that the amendments made by these Regulations apply to a grant application made before the date on which these Regulations come into force, if the decision to approve or reject the application in question falls to be made after that date.

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**ENERGY CONSERVATION,
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**The Home Energy Efficiency
Schemes (Wales) (Amendment)
Regulations 2010**

Made 24 February 2010

Laid before the National Assembly

for Wales 26 February 2010

Coming into force 22 March 2010

The Welsh Ministers, make the following Regulations in exercise of the power conferred on the Secretary of state by section 15 of the Social Security Act 1990⁽¹⁾, which is now exercisable by them in relation to Wales⁽²⁾.

Title commencement, application and interpretation

1.—(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2010.

(2) These Regulations come into force on 22 March 2010 and apply in relation to Wales.

⁽¹⁾ 1990 c. 27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).

⁽²⁾ The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) directed that the functions under section 15 were to be exercisable in relation to Wales by the National Assembly for Wales concurrently with the Secretary of State. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers in relation to Wales.

(3) In these Regulations, “the principal Regulations” means the Home Energy Efficiency Schemes (Wales) Regulations 2007(1).

Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 7.

Amendment of regulation 2 (interpretation)

3.—(1) In regulation 2 omit the definition of “HEES” and the definition of “HEES Plus”.

(2) In regulation 2, in the appropriate places, insert the following definitions—

““the 2007 Regulations” means the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007 No. 991);”;

““asset rating” has the meaning given in regulation 2(1) of the 2007 Regulations;”;

Addition of new regulation 2A

4. After regulation 2 insert—

“2A Meaning of “HEES” and “HEES Plus”

(1) Subject to paragraph (3), “HEES” (“*HEES*”) means the provision of works described in regulation 6(1)(a) to (h).

(2) Subject to paragraph (3), “HEES Plus” (“*HEES a Mwy*”) means the provision of works described in regulation 6(1)(a) to (l).

(3) In the case of a dwelling—

(a) which is privately owned or privately rented;
and

(b) in respect of which the area agency is satisfied that the asset rating is 38 or less,

“HEES” means the provision of works described in regulation 6(1); and “HEES Plus” means the provision of works described in regulation 6(1).

Amendment of regulation 5 (persons who may apply for a grant)

5.—(1) In regulation 5(1)(c) and (d), for “£15,460” substitute “£16,040”.

(2) For regulation 5(4)(d) substitute—

(1) S.I. 2007 No. 375 (W. 35).

“(d) a war disablement pension as defined by section 159B(6) of the Social Security Administration Act 1992 or a pension for disablement under Part II of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, or any award of war disablement pension which continues to have effect by virtue of Schedule 4, paragraph 8 to that Order, together with—

- (i) a mobility supplement under article 20 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 (including that article as applied by article 48A of that Scheme), or a payment intended to compensate for the non payment of such a supplement; or
- (ii) a payment under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act (constant attendance allowance).

Amendment of regulation 6 (purposes for which a grant may be approved)

6.—(1) In regulation 6(1)—

- (a) at the end of sub-paragraph (m), for “.”, substitute “;”.
- (b) after sub-paragraph (m) insert—

“(n) to provide solid wall insulation.

(2) In regulation 6(2)—

- (a) at the end of sub-paragraph (b), for “.”, substitute “;”;
- (b) after sub-paragraph (b) insert—

“(c) such minor works for the purposes of—

- (a) improving the thermal insulation of a dwelling; or
- (b) otherwise reducing or preventing the wastage of energy in a dwelling,

as the area agency considers in any particular case to be practicable, cost-effective and reasonable in the circumstances.”.

Amendment of regulation 7 (maximum amount of grant)

7.—(1) In regulation 7(1) for “An area agency may”, substitute—

“Subject to paragraph (1A), an area agency may”.

(2) After regulation 7(1) insert—

“(1A) In the case of a works application under HEES or HEES Plus which relates to a dwelling of the type described in regulation 2A(3), the maximum amount of grant which may be made in respect of any one such dwelling is £12,000.”

(3) In regulation 7(3) for “paragraphs (1) and (2)” substitute “paragraphs (1) to (2)”.

Transitional provision

8.—(1) The amendments made by these Regulations apply to a works application made before the date on which these Regulations come into force, where the decision to approve or reject that application falls to be made after that date.

Jane Davidson

Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

24 February 2010