SCOTTISH STATUTORY INSTRUMENTS

2004 No. 188

ENERGY CONSERVATION

The Home Energy Efficiency Scheme Amendment (Scotland) Regulations 2004

Made - - - -	*14th April 2004*
Laid before the Scottish Parliament - - - -	*16th April 2004*
Coming into force - -	*10th May 2004*

The Scottish Ministers in exercise of the powers conferred by section 15 of the Social Security Act 1990(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Home Energy Efficiency Scheme Amendment (Scotland) Regulations 2004 and shall come into force on 10th May 2004.

(2) These Regulations extend to Scotland only.

Amendment of the Home Energy Efficiency Scheme Regulations 1997

2. The Home Energy Efficiency Scheme Regulations 1997(**2**) are amended as follows.

3. In regulation 3A, after "purpose of" insert "replacing or upgrading a central heating system or".

4. In regulation 4(1)(d), for "£14,200" substitute "£14,600".

5. In regulation 15–

(a) after the definition of "central heating" insert–

> ""electric storage heater" means, any of the following which, in each case, was manufactured at least 20 years before the date of application–
>
> (a) a free-standing storage heater;
>
> (b) an electric fan-assisted storage warm air system;

(**1**) 1990 c. 27; section 15 was amended by the Housing Grants, Construction and Regeneration Act 1996 (c. 53), section 142. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain Treasury consent was revoked by section 55 of that Act.

(**2**) S.I. 1997/790 as amended by S.I. 1999/1018 and S.S.I. 2001/267, 2003/284 and 2003/529.

(c) an electric wired underfloor heating system, set in solid floors; or

(d) an electric ceiling heating system;.";

(b) after the definition of "energy advice" insert–

""inefficient central heating system" means–

(a) a central heating system that is unable to deliver the minimum temperature standard; or

(b) a central heating system that consists of or includes–

(i) a solid fuel boiler with a seasonal efficiency of less than 55%;

(ii) a natural gas boiler with a seasonal efficiency of 55% or less;

(iii) an oil-fired boiler with a seasonal efficiency of less than 65%; or

(iv) a gravity or semi-gravity solid fuel heating system which was manufactured at least 20 years before the date of application;

"minimum temperature standard" means a temperature of 23ºC in a living room and 18ºC in all other rooms sustained for at least 16 hours in every period of 24 hours;

"partial central heating system" means a system that does not provide warmth to one or more of the following rooms–

(a) the main living room;

(b) the main and any second bedroom;

(c) the main bathroom; and

(d) the main hallway;

"seasonal efficiency" means the efficiency of a boiler as determined using the Government's Standard Assessment Procedure for Energy Rating of Dwellings(**3**);";

(c) after the definition of "self-contained dwelling" insert–

""service occupancy" means occupancy as a tenant of a dwelling in terms of a contract of employment;".

6. In regulation 17 (persons who may apply for a grant)–

(a) after sub-paragraph (1)(b) insert–

"; or

(c) occupies the dwelling under a service occupancy and does not expect to cease so to occupy the dwelling within the period of twelve months beginning with the date on which the works would be completed";

(b) for sub-paragraph (3)(a) substitute–

"(a) (i) does not have a central heating system or has a central heating system that cannot function which it would be more reasonable to replace than to repair; or

(ii) has a partial central heating system or an inefficient central heating system;".

7. For regulation 19(1) (purposes for which grant may be approved) substitute–

(**3**) The Government's Standard Assessment Procedure for Energy Rating of Dwellings 2001 Edition SAP 2001 published on behalf of DEFRA by BRE 2001.