SCOTTISH STATUTORY INSTRUMENTS

# 2001 No. 267

# ENERGY CONSERVATION

## The Home Energy Efficiency Scheme Amendment (Scotland) Regulations 2001

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| *Made - - - -* | *23rd July 2001* |
| *Laid before the Scottish Parliament - - - -* | *25th July 2001* |
| *Coming into force - -* | *10th August 2001* |

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 interpretation**

**1.**—(1) These Regulations may be cited as the Home Energy Efficiency Scheme Amendment (Scotland) Regulations 2001 and shall come into force on 10th August 2001.

(2) These Regulations extend to Scotland only.

(3) In these Regulations "the principal Regulations" means the Home Energy Efficiency Scheme Regulations 1997(**2**).

**Amendment of principal Regulations**

**2.**—(1) The principal Regulations shall be amended as follows.

(2) Regulations 1 to 14 shall form Part I of the principal Regulations.

(3) In regulation 2, after "In", insert "this Part of".

(4) After regulation 3 insert–

> "**3A.** An application for a grant shall not be entertained under this Part of these Regulations for the purpose of providing a central heating system and any new fuel source to the dwelling to enable that system properly to function.".

(5) After regulation 14, insert–

(**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 removed by section 55 of that Act.

(**2**) S.I. 1997/790, as amended by S.I. 1999/1018.

# "Part II:

## Central Heating Programme

**15.** In this Part of these Regulations–

"central heating" means a system which provides warmth to 2 or more rooms in a dwelling through a series of connected radiators or ducts linked to a central boiler or from a series of electric storage heaters and controlled from one central point;

"energy advice" includes advice on reducing or preventing the wastage of energy in a dwelling;

"self-contained dwelling" means any part of a building which is occupied as a separate dwelling;

"spouse" includes any person who lives with the applicant as husband or wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex;

"works" means any of the works, materials or energy advice specified in regulation 19; and

"works application" means an application in which the applicant proposes that a programme manager will arrange for the carrying out of the works in respect of which a grant is sought.

### Powers of the Scottish Ministers

**16.**—(1) In making or arranging for the making of grant the Scottish Ministers may impose such conditions as they see fit.

(2) The Scottish Ministers may appoint a person or body of persons, known as the programme manager, to perform in any area such functions as they may determine in connection with the making of grant.

(3) The Scottish Ministers may pay grant to a person other than the applicant, where that person has been involved in providing the materials or in financing the work.

### Persons who may apply for a grant

**17.**—(1) An application for a grant for works in respect of a dwelling may be entertained from a person who, at the time the application is made, occupies the dwelling as that person's only or main residence, has so occupied the dwelling for at least one year, is aged 60 or over and–

(a) owns the dwelling or is the spouse of the person who owns the dwelling, 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 are completed; or

(b) occupies the dwelling under a Lease from a private individual or from a limited company which is not a registered housing association, 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 are completed.

(2) If the applicant occupies the dwelling as a tenant, the application may only be entertained if the landlord consents to the work.

(3) An application for a grant for work may only be entertained in respect of a dwelling which–