WELSH STATUTORY INSTRUMENTS

2010 No. 453 (W.49)

ENERGY CONSERVATION, WALES

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.

(3) In these Regulations, "the principal Regulations" ("*y prif Reoliadau*") means the Home Energy Efficiency Schemes (Wales) Regulations 2007(**3**).

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

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

""asset rating" ("*cyfraddiad ased*") 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" ("*HEES*") means the provision of works described in regulation 6(1); and "HEES Plus" ("*HEES a Mwy*") 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—

(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