STATUTORY RULES OF NORTHERN IRELAND

2009 No. 195

ENERGY CONSERVATION

The Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009

Made - - - -	*18th May 2009*
Coming into operation-	*1st July 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred on it by Article 17 of the Social Security (Northern Ireland) Order 1990(**1**) and now vested in it(**2**).

The Department of Finance and Personnel has consented to the making of these Regulations in accordance with Article 17(8) of that Order.

Citation and commencement

1. These Regulations may be cited as the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009 and shall come into operation on 1 July 2009.

Interpretation

2. In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**);

"administering agency" means a body appointed by the Department under regulation 3(2);

"benefit entitlement check" means a process to establish whether an applicant for a Warm Homes grant might be entitled to claim any social security benefit or tax credit;

"the Department" means the Department for Social Development;

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

"network installers" means bodies engaged to perform functions under these Regulations on behalf of the administering agency;

"public sector tenancy" means a tenancy granted by the Northern Ireland Housing Executive or a registered housing association;

(**1**) S.I. 1990/1511 (N.I. 15) Article 17 was amended by S.I. 1996/2879 (N.I. 21), Article 3.
(**2**) See S.R. 1997 No.391 and S.R. 1999 No.481, Article 6(e) and Schedule 4 Part V
(**3**) 1992 C. 7

"registered housing association" has the same meaning as in the Housing (Northern Ireland) Order 1992(**4**)

"Warm Homes grant" means a grant payable for any of the purposes set out in regulation 4(1);

"Warm Homes Plus grant" means a grant payable for any of the purposes set out in regulation 4(2);

"works" means any of the works, materials or energy advice specified in regulation 4.

Powers of the Department

3.—(1) In making or arranging for the making of any grant, the Department may impose such conditions as it sees fit.

(2) The Department may appoint an administering agency for Northern Ireland to perform such functions, either directly or through network installers, as may be conferred on it by the Department in connection with the making of Warm Homes grants and Warm Homes Plus grants.

Purposes for which grant may be approved

4.—(1) An application for a Warm Homes grant may be approved for one or more of the following purposes—

(a) to provide insulation in any accessible roof space in the dwelling, including the insulation of any cold water tank and any water supply, overflow and expansion pipes in such a space;

(b) to provide insulation between the internal and external leaves of cavity walls of the dwelling;

(c) to provide insulation to any water heating system or to provide any part of such a system with insulation incorporated in it.

(2) Where the Department, or its administering agency, considers further works are necessary and the household meets the conditions set out in regulation 5(2), a Warm Homes Plus grant may be approved for one or more of the following purposes—

(a) for any of the purposes set out at regulation 4(1) (a), (b) or (c) where the total cost of such works would exceed the maximum amount of grant payable under regulation 6(1);

(b) to provide a mains gas, oil or biomass central heating system;

(c) to convert an existing solid fuel central heating system, liquid petroleum gas heating system or electric storage heater system to a mains gas, oil or biomass central heating system;

(d) to provide a central heating system connected to the local community heating grid;

(e) to provide water heating systems that use energy from renewable sources, including solar panels;

(f) to provide insulation in homes of solid wall construction.

(3) Where an application is made for one or more of the purposes set out at paragraph (1), the householder may also receive a benefit entitlement check..

(4) Where an application is approved for one or more of the purposes set out at paragraph (1), the householder shall also be provided with energy advice.

(5) For the purposes of this regulation, "accessible roof space" means space between the roof of the dwelling and the ceiling of any room used or available for use for the purpose of living accommodation, where that space—

(**4**) S.I. 1992/1725 (N.I. 15)

(a) is not wholly separated from the roof by any other room; and

(b) is accessible through a properly constructed opening.

Persons to whom a grant may be made

5.—(1) Subject to paragraph (5), an application for a Warm Homes grant for works in respect of a dwelling may be entertained from a person who is the householder of the dwelling and occupies it as their only or main residence and who, at the time the application is made is, or is part of a couple where the other member of the couple is, in receipt of a benefit or tax credit to which paragraph (3) or paragraph (4) applies.

(2) Subject to paragraph (5), a Warm Homes Plus grant may be approved for such works set out at regulation 4(2) from a person who is the householder of the dwelling and occupies it as their only or main residence and who, at the time an application for a Warm Homes grant is made is, or is part of a couple where the other member of the couple is, in receipt of a benefit or tax credit to which paragraph (3) applies.

(3) This paragraph applies to—

(a) income support (within the meaning of section 123 of the 1992 Act);

(b) income-based job-seeker's allowance (within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995);(**5**)

(c) income-related employment and support allowance (within the meaning of section 1 of the Welfare Reform Act (Northern Ireland)2007;(**6**)

(d) state pension credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002)(**7**)

(e) housing benefit (within the meaning of section 129 of the 1992 Act);

(f) working tax credit (within the meaning of the Tax Credits Act 2002.

(4) This paragraph applies to—

(a) child tax credit (within the meaning of the Tax Credits Act 2002) where the applicant has a relevant income of less than £15,575 and for that purpose, "relevant income" has the same meaning as in Part 1 of the Tax Credits Act 2002;

(b) disability living allowance (under section 71 of the 1992 Act);

(c) attendance allowance, that is to say—

(i) an attendance allowance (under section 64 of the 1992 Act);

(ii) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Schedule 8 to the 1992 Act;

(iii) a payment made under Article 14, 15, 16, 43 or 44 of the Person Injuries (Civilians) Scheme 1983 or any analogous payment;

(iv) any payment based on need for attendance which is paid with a war disablement pension; or

(v) any payment intended to compensate for the non-payment of a payment, allowance or pension.

(5) This regulation shall not apply in relation to any person who occupies a dwelling under a public sector tenancy.

(**5**) S.I. 1995/2705 (N.I. 15); Article 3(4) was amended by paragraph 3(4) of Schedule 7 and Part V of Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (1999 No. 3147 (N.I. 11) and paragraph 131 of Schedule 24 to the Civil Partnership Act 2004 (c..3)

(**6**) 2007 c..2 (N.I.)

(**7**) 2002 c.14 (n.I.)