STATUTORY RULES OF NORTHERN IRELAND

2002 No. 56

ENERGY CONSERVATION

The Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2002

Made - - - - 19th February 2002

Coming into operation 1st April 2002

The Department for Social Development, in exercise of the powers conferred by Article 17(1), (2), (3), (4), (5), (6), (7) and (10) of the Social Security (Northern Ireland) Order 1990(**1**), and now vested in it(**2**), and of every other power enabling it in that behalf and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2002 and shall come into operation on 1st April 2002.

Interpretation

2. In these Regulations—

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

"the Department" means the Department for Social Development;

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

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

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

"scheme manager" means an administering agency appointed under regulation 3(2);

"spouse" includes a person with whom the applicant lives as his spouse;

"Warm Homes grant" means a grant payable for any of the purposes set out in regulation 5(1);

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

"Warm Homes Plus grant" means a grant payable for any of the purposes set out in regulation 5(2);

"works" means any of the works, materials or energy advice specified in regulation 5.

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, known as a scheme manager, to perform such functions as may be conferred on it by the Department in connection with the making of Warm Homes grants and Warm Homes Plus grants.

Persons who may apply for a grant

4.—(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 his only or main residence and who, at the time the application is made—

(a) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (3) applies, and who is, or is living with a spouse who is, in receipt of child benefit (under section 137 of the 1992 Act) in relation to a child under the age of sixteen; or

(b) is, or is living with a spouse who is, in receipt of a benefit to which paragraph (4) applies.

(2) Subject to paragraph (5), an application for a Warm Homes Plus 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 his only or main residence and who, at the time the application is made is, or is living with a spouse who is, in receipt of a benefit to which paragraph (3) applies and has attained, or is living with a spouse who has attained, the age of 60.

(3) This paragraph applies to housing benefit and income support (each as provided for in Part VII of the 1992 Act) and an income-based jobseeker's allowance (within the meaning of the Jobseekers (Northern Ireland) Order 1995(**5**)).

(4) This paragraph applies to—

(a) an 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 Personal Injuries (Civilians) Scheme 1983(**6**) or any analogous payment; or

(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 mentioned in heads (i) to (iv);

(b) a disability living allowance (under section 71 of the 1992 Act), working families tax credit (in respect of a family with a child under the age of 16) and disabled person's tax credit (each as provided for in Part VII of the 1992 Act)(**7**);

(c) a war disablement pension within the meaning of section 146(2) of the 1992 Act or under Article 10 of the Naval, Military and Air Forces etc. (Disablement and Death) Service

(**5**) S.I. 1995/2705 (N.I. 15)
(**6**) S.I. 1983/686; Article 16 was amended by S.I. 1984/1675
(**7**) Part VII of the 1992 Act was amended by the Tax Credits Act 1999 (c. 10)

Pensions Order 1983(**8**) so far as that Order is made otherwise than under the Air Force (Constitution) Act 1917(**9**), together with—

(i) a mobility supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(**10**) (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)(**11**) or a payment intended to compensate for the non-payment of such a supplement; or

(ii) a payment under Regulations made under paragraph 4(2)(*b*) of Schedule 8 to the 1992 Act (constant attendance allowance);

(d) housing benefit and income support (in each case where payment includes a disability premium as provided for in the Housing Benefit (General) Regulations (Northern Ireland) 1987(**12**) and the Income Support (General) Regulations (Northern Ireland) 1987(**13**)) and industrial injuries disablement benefit under sections 103 to 105 of the 1992 Act (where it includes constant attendance allowance).

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

(6) For the purposes of this regulation, "householder" means a person who, alone or jointly with others, occupies a dwelling as a freeholder, lessee or tenant other than a public sector tenant.

Purposes for which grant may be approved

5.—(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 draught proofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision;

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

(e) to provide radiator foils on external walls only where cavity wall insulation cannot be installed.

(2) An application for a Warm Homes Plus 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;

(**8**) S.I. 1983/883; Article 10 was amended by S.I. 1993/598 and S.I. 1996/1638
(**9**) 7 & 8 Geo. 5 c. 51
(**10**) S.I. 1983/883; Article 26A was added by S.I. 1983/1116 and amended by S.I. 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1995/766 and 1997/286
(**11**) S.I. 1983/686; Article 25A was added by S.I. 1983/1164 and amended by S.I. 1983/1540, 1986/628, 1990/1300, 1991/708, 1992/702, 1995/445 and 1997/812; Article 48A was added by S.I. 1984/1289
(**12**) S.R. 1987 No. 461
(**13**) S.R. 1987 No. 459