1994 No. 306

ENERGY CONSERVATION

Domestic Energy Efficiency Grants Regulations (Northern Ireland) 1994

Made . . . . . 4th August 1994

Coming into operation in accordance with regulation 1

The Department of Economic Development, in exercise of the powers conferred on it by Article 17(1), (2), (3), (4), (5), (6), (7) and (10) of the Social Security (Northern Ireland) Order 1990(**a**) and of every other power enabling it in that behalf, 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) 1994. Regulations 1, 2, 3, 16 and 18 and the Schedule shall come into operation on 1st September 1994 and the remaining regulations shall come into operation on 1st January 1995.

Interpretation

2. In these Regulations—

"administering agency" means a person or body of persons for the time being appointed as the service provider under regulation 18;

"applicant" means a person who has made an application under regulation 5 or, as the case may be, regulation 13;

"building in multiple occupation" has the meaning given to it by Article 17(4) of the Order;

"the Department" means the Department of Economic Development;

"energy advice" means advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings where work as specified in regulation 6(1)(*a*), (*b*) or (*c*) is, or is to be, carried out;

"grant" means a grant made in accordance with regulations 4 to 11 or, as the case may be, regulations 12 to 15;

"insulated additional roof space" means roof space which has been added to the dwelling or building in multiple occupation and in all or any part of which there is insulation material of a thickness of more than 50 millimetres;

(**a**) S.I. 1990/1511 (N.I. 15)

"internal door" includes any door or hatch to any roof space;

"network installer" means a person or body of persons for the time being registered for a locality under regulation 16;

"the Order" means the Social Security (Northern Ireland) Order 1990;

"roof space" means space between the roof of a dwelling or building in multiple occupation and the ceiling of any room which is used or available for use for the purpose of living accommodation and which is not wholly separated from the roof by any other room;

"works" means the work specified in regulation 6(1) or, as the case may be, regulation 12(2).

Purpose

3. A grant may be paid in accordance with these Regulations—

(*a*) towards the cost of carrying out work—

(i) for the purpose of improving the thermal insulation of dwellings, or

(ii) otherwise for the purpose of reducing or preventing the wastage of energy in connection with space or water heating in dwellings; and

(*b*) where any such work is, or is to be, carried out, towards the cost of providing persons with advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings.

Persons who may apply for grant

4.—(1) An application for a grant in respect of works in a dwelling may be made by a person—

(*a*) who is the householder of and is resident in the dwelling in respect of which the application is made; and

(*b*) who, or whose spouse with whom he or she is living, is, at the time of application, aged 60 or over or in receipt of disability living allowance, income support, family credit, disability working allowance or housing benefit within the meaning of Parts III and VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**).

(2) For the purpose of this regulation a person shall not be treated as resident in a dwelling unless he is residing there as his only or main residence; and

"householder" means a person who, alone or jointly with others, is a freeholder, lessee or tenant and "lessee" includes a sub-lessee and "tenant" includes a sub-tenant and, without prejudice to the generality of the term, includes a person who has a protected tenancy, a secure tenancy or a statutory tenancy;

(a) 1992 c. 7

"spouse" includes a person with whom the applicant is living as husband or wife.

Application for grant

5.—(1) An application for a grant in respect of works in a dwelling shall be made to a network installer for the locality, except where the applicant proposes to carry out the works himself in which case the application shall be made to the administering agency.

(2) An application shall be in writing, signed either by the applicant or by a person specified or of a description specified by the administering agency and shall be in such form, subject to paragraph (3), as is laid down by that agency.

(3) The form of application shall—

(*a*) except in a case where the applicant proposes to carry out the works himself,—

(i) specify the name of a network installer who it is proposed should carry out or arrange for the carrying out of the works, and

(ii) contain a declaration signed by or on behalf of that network installer that any necessary permission for the works has been obtained;

(*b*) in a case where the applicant proposes to carry out the works himself, state that any necessary permission for the works has been obtained;

(*c*) state that reasonable access to the dwelling in respect of which the application is made will be given to a representative of the administering agency to inspect the dwelling and the works; and

(*d*) state that no payment in respect of the works which are the subject of the application is being applied for or has been made under any scheme under the Housing (Northern Ireland) Order 1981(**a**) or any other similar schemes whereby insulation or draughtproofing has been provided and the costs defrayed out of public funds, except where—

(i) the works which were the subject of an application (in this regulation referred to as "the original application") have not been carried out to comply with the standards referred to in regulation 6(2),

(ii) the applicant did not state in the original application that he would himself carry out the works, and

(iii) the applicant has taken all reasonable steps (which he shall specify) to secure the carrying out of the works in accordance with those standards by the person who was specified in the original application as the person who was to carry out the works.

Work for which grant may be made

6.—(1) A grant may be made in respect of work in a dwelling which provides—

(a) S.I. 1981/156 (N.I. 3)

(*a*) insulation in any roof space, other than insulated additional roof space, including the insulation of any cold water tank and any water supply, overflow and expansion pipes; and, where there is no means of access to any roof space for the purpose of carrying out the work, such a means of access, including a permanent means of access, such provision being made at the same time as the provision of insulation in any roof space in accordance with this sub-paragraph; or

(*b*) draughtproofing of external and internal doors and windows excluding kitchen and bathroom windows and insulation of any hot water tank or cylinder which is not already insulated by any means; or

(*c*) insulation and draughtproofing as specified in sub-paragraphs (*a*) and (*b*); and

(*d*) energy advice.

(2) The work shall comply with such standards, including standards of materials and workmanship, as are laid down from time to time by the administering agency with the approval of the Department.

Dwellings eligible for grant

7.—(1) Any dwelling is eligible for a grant in accordance with regulations 4 to 11 except, in respect of work specified in regulation 6(1)(*a*) and (*c*), a dwelling in which there is or has been at any time, during the period when the applicant has been resident in the dwelling, insulation material of a thickness of more than 50 millimetres in all or any part of any roof space.

(2) A dwelling which is within the exception in paragraph (1) shall nonetheless be eligible for a grant if all the insulation material of a thickness of more than 50 millimetres in the roof space is—

(*a*) insulating a water tank, cylinder, water supply pipe or overflow or expansion pipe; or

(*b*) in insulated additional roof space.

Procedure after application to network installer

8.—(1) Where an application has been made to a network installer for the locality under regulation 5, he shall consider whether there appears to be eligibility for grant.

(2) If the network installer is not satisfied that there is eligibility for grant, he shall so notify the applicant in writing, return the application to the applicant and inform him that he may send the application to the administering agency for determination.

(3) If the network installer is satisfied that there is eligibility for grant, he shall—

(*a*) send the application to the administering agency for determination and at the same time certify to that agency in writing that he has carried out such verification as to the eligibility for grant as may be laid down from time to time by that agency; and

(*b*) decide whether, pending determination of the application by that agency, he is prepared to carry out the work on the basis that, subject to the liability of the applicant as described in head (i), he will, in the event that that agency should not approve the grant, bear the cost of the work; and

(i) if he is so prepared, notify the applicant in writing that he is prepared to carry out the work on the basis that, unless the application for grant is not approved or the claim not paid by that agency on grounds of a material misrepresentation, the applicant shall be liable to pay in respect of the work such amount as has been agreed in writing between the applicant and the network installer before the making of the application as representing the amount by which the full cost of the works exceeds the grant, or

(ii) if he is not so prepared, notify the applicant in writing that he is awaiting determination of the application by that agency.

(4) For the purpose of this regulation "material misrepresentation" means any representation by or on behalf of the applicant in respect of any of the matters relating to eligibility for grant which is false in a material particular.

Procedure after application to administering agency

9.—(1) Subject to paragraph (2), on receipt of an application made under regulation 5 or sent to the administering agency in accordance with regulation 8(2) or (3) the agency—

(*a*) in considering whether to approve a grant, shall determine whether there is eligibility for grant and, if there is, whether there are sufficient funds to make payment of the grant having regard to any amounts otherwise allocated or to be allocated in accordance with these Regulations; and

(*b*) shall exercise the function of approving grants in a manner which it considers is best calculated to ensure that claims for the payment of grant resulting from such approvals if made within the period referred to in regulation 11(1)(*d*) or in accordance with arrangements under regulation 17(3) can be paid.

(2) Except in a case where the applicant proposes to carry out the works himself, the administering agency shall not approve a grant unless it is satisfied that a contract for the carrying out of the works which contains terms specified by that agency has been entered into with the network installer.

(3) The administering agency shall send written notification of whether grant has been approved—

(*a*) except in a case where the applicant proposes to carry out the works himself, to the network installer; and

(*b*) except in a case where the application has been sent by a network installer in accordance with regulation 8(3) and the work done by the network installer by virtue of regulation 8(3)(*b*)(i) and the grant approved by that agency, to the applicant.