
WELSH STATUTORY INSTRUMENTS

2018 No. 319 (W. 60)

ENERGY CONSERVATION, WALES

**The Home Energy Efficiency Schemes
(Wales) (Amendment) Regulations 2018**

<i>Made</i>	- - - -	<i>6 March 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 March 2018</i>
<i>Coming into force</i>	- -	<i>1 April 2018</i>

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 and interpretation

1.—(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 1 April 2018.

(3) In these Regulations, “the principal Regulations” (“*y prif Reoliadau*”) means the Home Energy Efficiency Schemes (Wales) Regulations 2011(3).

Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 6.

Amendment of regulation 2 (interpretation)

3. In regulation 2 (interpretation)—

(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) provided 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 and free from the requirement for Treasury consent. 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. 2011/656 (W. 94), as amended by S.I. 2013/2843 (W. 270).

- (a) in the definition of “asset rating” (“*dosbarthiad ased*”), for “Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007”, substitute “Energy Performance of Buildings (England and Wales) Regulations 2012(4)”;
- (b) omit the definition of “partial grant application” (“*cais am grant rhannol*”).

Amendment of regulation 5 (eligibility criteria)

- 4. In regulation 5 (eligibility criteria)—
 - (a) in paragraph (2)(c), for “38” substitute “54”;
 - (b) after paragraph (2) insert—
 - “(3A) A works application may not be made in respect of a dwelling where—
 - (a) a works application has previously been made in respect of the same dwelling;
 - (b) the application has been approved;
 - (c) the carrying out of works in relation to that application has been completed.”;
 - (c) omit paragraph (3).

Amendment of regulation 6 (purposes for which a grant may be approved)

- 5. In regulation 6(1) (purposes for which a grant may be approved), after sub-paragraph (n), insert—
 - “(na) the provision of low energy light bulbs”.

Amendment of regulation 7 (maximum amount of grant)

- 6. In regulation 7 (maximum amount of grant)—
 - (a) after paragraph (2)(b) omit “and”;
 - (b) after paragraph (2)(b) insert—
 - “(ba) by reference to the asset rating of a dwelling; and
 - (bb) by reference to whether a dwelling is or is not connected to the gas network.”;
 - (c) omit paragraph (2)(c).

Transitional provisions

- 7. The principal Regulations as in force immediately before the date on which these Regulations come into force continue to apply on and after that date in relation to a works application or a partial grant application made and approved before that date.

6 March 2018

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Schemes (Wales) Regulations 2011 (S.I. 2011/656 (W. 94)) (“the principal Regulations”).

Regulation 3 updates the list of definitions in the principal Regulations. It updates the meaning of “asset rating” and removes the definition of “partial grant application”.

Regulation 4 updates the eligibility criteria under the principal Regulations. It removes provision for partial grant applications, updates the minimum asset rating a dwelling must have to be eligible for a works application and provides that a dwelling which has previously had works carried out in relation to a works application will not be eligible to make further applications.

Regulation 5 provides for the provision of low energy light bulbs under the principal Regulations.

Regulation 6 updates the methodology by which the Welsh Ministers may determine maximum levels of grants under the principal Regulations.

Regulation 7 provides for transitional provision in respect of ongoing applications approved prior to the coming into force of these Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. A regulatory impact assessment has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.