Draft Regulations laid before Parliament under section 105(3) of the Energy Act 2008 (c. 29), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

ENERGY

The Boiler Upgrade Scheme (Amendment to the Energy Act 2008 etc.) Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 100(1), (2)(c) and (5) of the Energy Act 2008(**a**).

In accordance with section 105(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 100(7) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

In accordance with section 148A of the Government of Wales Act 2006(**b**)the Secretary of State has consulted the Welsh Ministers on regulation 3.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Boiler Upgrade Scheme (Amendment to the Energy Act 2008 etc.) Regulations 2026.

(2) These Regulations come into force on the day after the day on which they are made.

(3) Regulation 2 extends to England and Wales and Scotland.

(4) Regulation 3 extends to England and Wales.

Amendments to section 100 of the Energy Act 2008

2. In the Energy Act 2008, in section 100(4), after paragraph (h), insert—

"(ha) thermal energy storage systems (but only if the source of stored energy is wholly or in part a renewable source within that meaning).".

(**a**) 2008 c. 32. Section 100 was amended by section 51 of the Infrastructure Act 2015 (c. 7) and by S.I. 2011/2195. By virtue of section 105(3A) and (3B), these Regulations attract the affirmative procedure.
(**b**) 2006 c. 32. Section 148A was inserted by the Wales Act 2017 (c. 4), section 55(1).

Amendments to the Boiler Upgrade Scheme (England and Wales) Regulations 2022

3.—(1) Regulation 22 of the Boiler Upgrade Scheme (England and Wales) Regulations 2022(**a**) is amended as follows.

(2) In paragraph (1), after "it may take one", insert "or a combination".

(3) In paragraph (2), at the end, insert ", provided that the total amount does not exceed the sum of those payments referenced at paragraph (1)".

(4) In paragraph (3)—

(a) in the opening words, for "either" substitute "any",

(b) for sub-paragraph (c), substitute—

"(c) where applicable, the amount that must be repaid,",

(c) after sub-paragraph (c), insert—

"(ca) where applicable, the amount that will be recovered by the offsetting,".

[Name of Minister]
Parliamentary Under-Secretary of State
Department for Energy Security and Net Zero

(**a**) S.I. 2022/565.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 100 of The Energy Act 2008 ("the Act") and make minor amendments to the Boiler Upgrade Scheme (England and Wales) Regulations 2022 S.I. 2022/565 ("the 2022 Regulations").

Regulation 2 modifies the list of sources of energy and technologies set out in section 100(4) of the Act to include thermal energy storage systems.

Regulation 3 amends the 2022 Regulations, which established the Boiler Upgrade Scheme ("BUS"). BUS is a renewable heat incentive scheme to facilitate and encourage the use of heat pumps and biomass boilers to provide space and water heating in domestic properties and small non-domestic properties. BUS supports the installation of heat pumps and biomass boilers through a grant mechanism provided that they do not replace an existing renewable heating system.

Regulation 22 is amended to clarify that the administrator is permitted to take one, or a combination of the actions available to them under that regulation, provided that the total amount sought by the administrator does not exceed the sum of the payments due.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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