STATUTORY INSTRUMENTS

# 2010 No. 1893

# ENERGY CONSERVATION, ENGLAND

## The Home Energy Efficiency Scheme (England) (Amendment) Regulations 2010

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| *Made - - - -* | *19th July 2010* |
| *Laid before Parliament* | *26th July 2010* |
| *Coming into force - -* | *16th August 2010* |

The Secretary of State, in exercise of the powers conferred by section 15 of the Social Security Act 1990(**a**), with the consent of the Treasury, makes the following Regulations:

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Home Energy Efficiency Scheme (England) (Amendment) Regulations 2010 and come into force on 16th August 2010.

(2) These Regulations apply to England only.

**Amendment of the Home Energy Efficiency Scheme (England) Regulations 2005**

**2.**—(1) The Home Energy Efficiency Scheme (England) Regulations 2005(**b**) are amended as follows.

(2) In regulation 3, after paragraph (3) insert—

"(4) For each financial year, the Secretary of State must allocate to an administering agency the sums which are to be available to that agency for the purpose of making grants in accordance with these Regulations in that year.".

(3) In regulation 9, for paragraph (4) substitute—

(**a**) 1990 c.27. Section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c.53). The functions of the Secretary of State under section 15 are, so far as exercisable in or as regards Scotland, devolved to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46); see the Home Energy Efficiency Scheme (Scotland) Regulations 2009 (S.S.I. 2009/48). As regards Wales, the functions are exercisable by Welsh Ministers concurrently with the Secretary of State by virtue of paragraphs 30 and 32(2) of Schedule 11 to the Government of Wales Act 2006 (c.32) (read in conjunction with the reference to the Social Security Act 1990 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)). See also the Home Energy Efficiency Scheme (Wales) Regulations 2007 (S.I. 2007/375).

(**b**) S.I. 2005/1530, to which there are amendments not relevant to these Regulations.

"(4) A works application must be refused where the sums allocated by the Secretary of State to the administering agency for the financial year in which the application falls to be determined have, in the opinion of the Secretary of State, been provisionally allocated in respect of work applications which have already been approved in accordance with these Regulations.".

*Gregory Barker*
Minister of State
19th July 2010 Department of Energy and Climate Change

We consent,

*Michael Fabricant*
*Brooks Newmark*
Two of the Lords Commissioners of
19th July 2010 Her Majesty's Treasury

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Home Energy Efficiency Scheme (England) Regulations 2005 ("the 2005 Regulations").

Regulation 2(2) inserts a new regulation 3(4) into the 2005 Regulations. Under regulation 3(4) the Secretary of State must allocate to the administering agency for each financial year the money which is to be available to the agency for the purpose of making grant payments in accordance with the 2005 Regulations.

Regulation 2(3) substitutes a new regulation 9(4) into the 2005 Regulations. The new regulation 9(4) requires the administering agency to refuse an application for a grant where the sums allocated by the Secretary of State for the financial year in respect of which the application falls to be determined have already been awarded in respect of works applications which have been approved in accordance with the 2005 Regulations.

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