D R A F T S T A T U T O R Y I N S T R U M E N T S

2017 No.

ELECTRICITY, GAS

The Electricity and Gas (Energy Company Obligation) (Amendment) Order 2017

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by sections *** of the *** Act ***, makes the following Order:

Citation, commencement and amendment of the 2014 Order

1.—(1) This Order may be cited as the Electricity and Gas (Energy Company Obligation) (Amendment) Order 2017 and comes into force on the day after the day on which this Order is made.

(2) The Electricity and Gas (Energy Company Obligation) Order 2014 is amended as follows.

Amendments to article 2(1) of the 2014 Order (interpretation)

2.—(1) Article 2(1) is amended as follows.

(2) After the definition of "carbon saving community qualifying action" insert—

""certified", in relation to a person installing a measure means, certified—

(a) as conforming to the Publicly Available Specification in respect of the measure,

(b) by a certification body or organisation accredited to EN 45011 or EN ISO/IEC 17065:2012;".

(3) After the definition of "cost score" insert—

""deemed score qualifying action" means a qualifying action which is not a SAP scored qualifying action;".

(4) After the definition of "electricity licence-holder" insert—

""excess CSCO action" has the meaning given in article 26(3A);".

(5) After the definition of "heating qualifying action" insert—

""help to heat group" means a group of persons where each person in the group is in receipt of at least one of the benefits in Schedule 1A and meets any conditions in relation to that benefit which are specified in that Schedule;".

(6) After the definition of "$MtCO_2$" insert—

""new building" means a building erected on or after 1st April 2017;".

(7) For the definition of "new supplier" substitute—

""new 2015 supplier" and "new 2016 supplier" have the meanings given in article 4(3) and (3A);".

(8) In the definition of "notification period"—

(a) at the end of sub-paragraph (a) omit "and";

(b) at the end of sub-paragraph (b) insert "and"; and

(c) after sub-paragraph (b) insert—

"(c) 1st January 2016 to 31st December 2016 for phase 3,".

(9) In the definition of "phase"—

(a) for "two phases" substitute "three phases";

(b) at the end of sub-paragraph (a) omit "and"; and

(c) after sub-paragraph (b) insert—

"(c) the twelve months ending with 31st March 2018 ("phase 3");".

(10) After the definition of "phase" insert—

""phase 3 party cavity wall insulation" means the insulation of a cavity wall, where—

(a) the insulation is installed on or after 1st April 2017, and

(b) the wall divides a premises from other premises under different occupation;

"post-June 2016 regular score measure" means a heating qualifying action which—

(a) is installed on or after 1st July 2016, and

(b) in the case of the replacement of a qualifying boiler fuelled by mains gas, is the subject of a notification under article 20(5) which has not been cancelled;".

(11) For the definition of "provisional solid wall minimum requirement" substitute—

""provisional solid wall minimum requirement" means the amount determined for a supplier in respect of phase 1, 2 or 3 under article 7(2);".

(12) For the definition of "Publicly Available Specification" substitute—

""Publicly Available Specification" means—

(a) in relation to a measure installed on or before 31st March 2017, the Publicly Available Specification 2030:2014, Edition 1,

(b) in relation to a measure installed between 1st April 2017 and [ ]—

(i) the Publicly Available Specification 2030:2014, Edition 1, or

(ii) the Publicly Available Specification 2030:2016,

(c) in relation to a measure installed on or after [ ], the Publicly Available Specification 2030:2016;".

(13) For the definition of "Reduced Data Standard Assessment Procedure" substitute—

""Reduced Data Standard Assessment Procedure" means—

(a) in relation to a measure installed on or before 31st March 2017, the Government's Reduced Data Standard Assessment Procedure for energy ratings of dwellings (2012 Edition, version 9.92),

(b) in relation to a measure installed on or after 1st April 2017, the Government's Reduced Data Standard Assessment Procedure for energy ratings of dwellings ([ ] Edition, version [ ]);

"regular score minimum requirement" means, subject to article 11A, the amount determined for a supplier under article 7;".

(14) After the definition of "relevant in-use factor" insert—

""relevant local authority", in relation to a measure or a qualifying action, means a local authority for the area within which the measure or qualifying action is installed, and for this purpose, "local authority" means—

(a) a county council,

(b) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

(c) a district council,

(d) a London Borough Council,

(e) the Common Council of the City of London,

(f) the Council of the Isles of Scilly,

(g) a county borough council,

(h) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;".

(15) For the definition of "relevant year" substitute—

""relevant year" means 2014, 2015 or 2016;".

(16) After the definition of "SAP 2009" insert—

""SAP scored qualifying action" means a qualifying action which is—

(a) installed on or before 31st March 2017, or

(b) a connection of premises to a district heating system;".

(17) For the definition of "Standard Assessment Procedure" substitute—

""Standard Assessment Procedure" means—

(a) in relation to a measure installed on or before 31st March 2017, the Government's Standard Assessment Procedure for energy rating of dwellings (2012 Edition, version 9.92),

(b) in relation to a measure installed on or after 1st April 2017, the Government's Standard Assessment Procedure for energy rating of dwellings ([ ] Edition, version [ ]);".

(18) In the definition of "total carbon emissions reduction obligation"—

(a) after "in respect of a supplier," insert "and subject to article 11A,"; and

(b) for sub-paragraph (b) substitute—

"(b) for phase 2 and for phase 3, which have been determined for the supplier under article 7;".

(19) In the definition of "total home heating cost reduction obligation", for "phases 1 and 2" substitute "phases 1, 2 and 3".

(20) After the definition of "total home heating cost reduction obligation" insert—

""total provisional solid wall minimum requirement" means, in respect of a supplier and subject to article 11A, the sum of the provisional solid wall minimum requirements which have been determined for the supplier in respect of phases 1, 2 and 3;".

Amendments to article 3 of the 2014 Order (overall targets)

3.—(1) In article 3(1), omit sub-paragraphs (a) and (c).

(2) After article 3(1), insert—

"(1A) For the period 1st April 2015 to 31st March 2018 the overall—

(a) carbon emissions reduction target is [15.4] $MtCO_2$;

(b) home heating cost reduction target is £[5.54]bn cost savings.".

Amendments to article 4 of the 2014 Order (definition of supplier)

4.—(1) In article 4(3), for "new supplier" substitute "new 2015 supplier".

(2) After article 4(3) insert—

"(3A) A new 2016 supplier is a supplier to whom paragraph (1) applies for the first time on 31st December 2016.".

Amendment to article 5 of the 2014 Order (group companies)

5. In article 5(2), after "determined" insert "according to whether the licence-holder was a group company".

Amendment to article 6 of the 2014 Order (notification by suppliers of domestic customers and energy supplied)

6. At the end of article 6(8) insert—

"(c) phase 3, 1st March 2017.".

Amendments to article 7 of the 2014 Order (determining a supplier's obligations)

7.—(1) For paragraphs (4) and (5) of article 7 substitute—

"(3A) Except where paragraph (6) or (7) applies, a supplier's regular score minimum requirement for phase 3 is, in £bn,—

$$[0.77] \times H$$

where "H" is the home heating cost reduction obligation, in £bn, determined under paragraph (1) for the supplier in respect of phase 3.

(4) A determination under paragraph (1) of a supplier's obligations and under paragraph (2) of a supplier's provisional solid wall minimum requirement must be notified to the supplier—

(a) for phase 1 and 2, by no later than the last day of February prior to the commencement of the phase;

(b) for phase 3, by no later than 31st March 2017.

(5) In respect of a supplier to whom paragraph (6) or (7) applies, the Administrator must notify the supplier of the obligations and provisional solid wall minimum requirement—

(a) for phase 1 and 2, by no later than the last day of February prior to the commencement of the relevant phase;

(b) for phase 3, by no later than 31st March 2017.".

(2) In article 7(6), for "and the requirement in paragraph (2)" substitute ", the requirement in paragraph (2) and the requirement in paragraph (3A)".

(3) In article 7(7), for "and the requirement in paragraph (2)" substitute ", the requirement in paragraph (2) and the requirement in paragraph (3A)".

Amendment to article 8 of the 2014 Order (determining obligations for a supplier who is not a member of a group)

8. At the end of the table in article 8(a) insert the following row—

"Phase 3	[3] $MtCO_2$	–	£[1.84]bn	[0.74] $MtCO_2$ "

Transfer of obligations

9. After article 11 insert—

"**Transfer of obligations**

11A.—(1) All or part of a supplier's obligation may be transferred from that supplier ("A") to another supplier ("B") ("a transfer") if the transfer is approved by the Administrator.

(2) A and B must—

(a) apply for approval in writing to the Administrator by no later than 30th September 2017; and

(b) provide to the Administrator such information as the Administrator may reasonably require.

(3) An application under this article must identify—

(a) which obligation the application relates to ("the transferring obligation"); and

(b) the amount of that obligation that A intends to transfer to B ("the transfer amount").

(4) The Administrator must approve the transfer if it is satisfied that—

(a) having regard to section 30O of the Gas Act 1986 and section 27O of the Electricity Act 1989 (maximum amount of penalty or compensation), the transfer is not likely to adversely affect the Administrator's ability to enforce the requirements placed on B under this Order;

(b) if the transfer were approved—

(i) it would not result in A or B's total provisional solid wall minimum requirement being greater than their total carbon emissions reduction obligation; and

(ii) it would not result in A or B's regular score minimum requirement being greater than their total home heating cost reduction obligation; and

(c) the transfer amount does not exceed A's transferring obligation.

(5) If a transfer is approved—

(a) for the purposes of Parts 4 and 5 of this Order, A's transferring obligation is to be treated as reduced by the transfer amount and B's transferring obligation is to be treated as increased by the transfer amount; and

(b) the Administrator must notify A and B of their revised transferring obligation.

(6) If the Administrator decides not to approve a transfer it must—

(a) notify A of any reasons for that decision relating to A; and

(b) notify B of any reasons for that decision relating to B.

(7) In this article, "obligation" means a supplier's—

(a) total carbon emissions reduction obligation;

(b) total provisional solid wall minimum requirement;

(c) total home heating cost reduction obligation; or

(d) regular score minimum requirement.".

Amendments to article 12 of the 2014 Order (achievement of carbon emissions reduction obligation)

10.—(1) In article 12(1), for "31st March 2017" substitute "31st March 2018".

(2) At the end of article 12(3)(b), omit "and".

(3) After article 12(3)(b), insert—

"(ba) in respect of a measure installed on or after 1st April 2017 at a new building, installed after the premises were first occupied as domestic premises;

(bb) in respect of a measure referred to in the Publicly Available Specification and installed on or after 1st April 2017, installed by a person who is certified in relation to the measure; and".

(4) In article 12(3)(c), after "except in respect of" insert "a measure installed on or after 1st April 2017 or".

(5) In article 12(4)(c)(iii), after "exterior facing" insert "or it is phase 3 party cavity wall insulation".

Amendment to article 13 of the 2014 Order (a supplier's solid wall minimum requirement)

11. In article 13(1), for the definition of "A" substitute—

""A" is the supplier's total provisional solid wall minimum requirement;".

Amendments to article 16 of the 2014 Order (achievement of home heating cost reduction obligation)

12.—(1) In article 16(1), for "31st March 2017" substitute "31st March 2018".

(2) For article 16(2) and (3) substitute—

"(2) Subject to paragraphs (6) to (7A), a supplier must—

(a) achieve its total home heating cost reduction obligation by promoting heating qualifying actions; and

(b) in meeting that obligation, promote the installation of post-June 2016 regular score measures so that the supplier achieves at least the regular score minimum requirement which applies to the supplier.

(3) Subject to paragraphs (4) and (5), a heating qualifying action is the installation of a measure at domestic premises which results in the reduction in the cost of heating those premises to 21 degrees Celsius in the main living areas and 18 degrees Celsius in all other areas and which—

(a) in the case of a measure installed on or before 31st March 2017, is installed at private domestic premises occupied by a member of the affordable warmth group;

(b) in the case of a measure installed on or after 1st April 2017, meets the condition in paragraph (3A) and is installed at—

(i) private domestic premises which are occupied by a member of the help to heat group;

(ii) private domestic premises which meet the condition in paragraph (3B); or

(iii) E, F or G social housing and is a measure which meets the condition in paragraph (3C).

(3A) For the purposes of paragraph (3)(b), a measure meets the condition in this paragraph if the measure is—

(a) installed at a building that is not a new building; or

(b) installed at premises which were first occupied as domestic premises before the measure was installed.

(3B) For the purposes of paragraph (3)(b)(ii), private domestic premises meet the condition in this paragraph if a relevant local authority has—

(a) been consulted on the installation of a heating qualifying action at the premises; and

(b) stated in writing that, in the opinion of the local authority, the premises are occupied by a household—

(i) living in fuel poverty;

(ii) at risk of living in fuel poverty; or

(iii) living on a low income and vulnerable to the effects of living in a cold home.

(3C) For the purposes of paragraph (3)(b)(iii), a measure meets the condition in this paragraph if it is—

(a) installed to improve the insulating properties of domestic premises;

(b) a measure for the generation of heat by means of a source of energy or technology mentioned in section 100(4) of the Energy Act 2008;

(c) the installation of a central heating system in domestic premises which at no point prior to the installation were heated by—

(i) a central heating system; or

(ii) an electric storage heater; or

(d) a relevant district heating connection to domestic premises which at no point prior to the connection—

(i) had a working central heating system; or

(ii) were heated by an electric storage heater.".

(3) At the beginning of article 16(5)(a) insert "where the installation is carried out on or before 31st March 2017 or is not referred to in the Publicly Available Specification,".

(4) After article 16(5)(a) insert—

"(aa) where the installation is carried out on or after 1st April 2017 and referred to in the Publicly Available Specification, by a person certified in relation to the installation;".

(5) After article 16(7) insert—

"(7A) No more than Z% of a supplier's total home heating cost reduction obligation may be achieved by measures which are heating qualifying actions by virtue of paragraph (3)(b)(ii).

(7B) In paragraph (7A), "Z" is—

$$\frac{[10] \times A}{B}$$

where—

"A" is the home heating cost reduction obligation determined for the supplier under article 7(1) in respect of phase 3; and

"B" is the sum of the home heating cost reduction obligations which have been determined for the supplier under article 7(1) in respect of phases 1, 2 and 3.".

(6) For article 16(9) substitute—

"(9) In this article—

"central heating system" means a system which provides warmth to two or more rooms through a series of connected heat emitters linked to a central boiler or some other heat source and controlled from one central point;

"E, F or G social housing" means domestic premises described in Schedule 4A; and

"private domestic premises" means domestic premises other than—

(a) in relation to a measure installed on or before 31st March 2017, premises described in Part 1 of Schedule 4;

(b) in relation to a measure installed on or after 1st April 2017, premises described in Part 2 of Schedule 4.".

Amendments to article 17 of the 2014 Order (notifications of qualifying actions)

13.—(1) At the beginning of article 17(1) insert "Subject to paragraph (3A),".

(2) After article 17(3) insert—

"(3A) A supplier may notify a completed qualifying action ("the late action") after the date required by paragraph (1) ("the original deadline") if—

(a) following receipt of an application under paragraph (4), the Administrator has extended the period for notifying the late action and the notification is made within that extended period; or

(b) the late action—

(i) falls within the 5% notification threshold for the supplier;

(ii) was completed on or after 1st April 2017; and

(iii) is notified before the end of the fourth calendar month after the calendar month in which the late action was completed.

(3B) For the purposes of paragraph (3A)(b)(i), a late action falls within the 5% notification threshold for a supplier if, at the time the late action is notified to the Administrator, the result of the following formula is less than or equal to 0.05—

$$\frac{A-B}{C}$$

where—

(a) "A" is the number of qualifying actions (also counting the late action) which were—

(i) completed in the same calendar month as the late action; and

(ii) notified by the supplier after the original deadline;

(b) "B" is the number of qualifying actions which were—

(i) completed in the same calendar month as the late action;

(ii) the subject of an application under paragraph (4) which resulted in the Administrator extending the period for notifying the action ("the extended period"); and

(iii) notified by the supplier after the original deadline and within the extended period; and

(c) "C" is the greater of one or the number of qualifying actions which were—

(i) completed in the same calendar month as the late action; and

(ii) notified by the supplier on or before the original deadline.".

(3) For articles 17(5) and (6) substitute—

"(5) Following receipt of an application under paragraph (4), the Administrator may extend the period for notifying the late action for such period as it thinks fit provided that—

(a) details of why the supplier is seeking an extension of time to notify the late action are provided in the application; and

(b) in the case of an action completed on or before 31st March 2017, the reason for the application is one other than an administrative oversight on the part of the supplier.

".

(4) In article 17(8)—

(a) before the definition of "overall obligation period" insert—

""new supplier" means a new 2015 supplier or a new 2016 supplier;";

(b) in the definition of "overall obligation period"—

(i) in sub-paragraph (a) for "31st March 2017" substitute "31st March 2018";

(ii) for sub-paragraph (b) substitute—

"(b) for a new 2015 supplier, the period beginning with 1st April 2016 and ending with 31st March 2018;

(c) for a new 2016 supplier, the period beginning with 1st April 2017 and ending with 31st March 2018;";

(c) in the definition of "relevant calendar month" for "April 2017" substitute "April 2018".

Amendments to article 18 of the 2014 Order (determining the carbon saving for a qualifying action)

14.—(1) In article 18(1), for the first reference to "qualifying action" substitute "SAP scored qualifying action".

(2) After article 18(1) insert—

"(1A) The carbon saving for a deemed score qualifying action notified under article 17 is calculated in accordance with the formula in paragraph (1)(a) where—

(a) "A" is the carbon dioxide equivalent saving for the qualifying action, determined in accordance with a methodology published by the Administrator under article 24A; and

(b) "B" has the same meaning as in paragraph (1)(a).".

(3) In article 18(2), for "the qualifying action" substitute "a SAP scored qualifying action".

Amendments to article 19 of the 2014 Order (determining the cost score for a qualifying action)

15.—(1) In article 19(1)(a), after "sub-paragraph" insert "(ab),".

(2) After article 19(1)(a) insert—

"(ab) in the case of a deemed score qualifying action, other than a case where sub-paragraph (b) or (c) applies, by determining the cost saving for the qualifying action in accordance with a methodology published by the Administrator under article 24A;".

Amendments to article 20 of the 2014 Order (determining the cost score for a qualifying boiler repair and replacement)

16.—(1) For article 20(1) substitute—

"(1) Subject to paragraph (3) and articles 21 and 23, the cost score for the repair or replacement of a qualifying boiler must be determined—

(a) in the case of a SAP scored qualifying action, in accordance with the following formula—

$$(A - B) \times N$$

(b) in the case of a deemed score qualifying action, in accordance with a methodology published by the Administrator under article 24A (and before publishing that methodology the Administrator must have regard to the formula in sub-paragraph (a) as well as to the other matters listed in article 24A(2)).".

(2) After article 20(2) insert—

"(3) Subject to article 21, where the replacement of a qualifying boiler is the subject of a notification under paragraph (5) which has not been cancelled, the cost score for that qualifying action must be determined—

(a) in the case of a SAP scored qualifying action, in accordance with the following formula—

$$(C - B) \times N$$

(b) in the case of a deemed score qualifying action, in accordance with a methodology published by the Administrator under article 24A (and before publishing that methodology the Administrator must have regard to the formula in sub-paragraph (a) as well as to the other matters listed in article 24A(2)).

(4) In paragraph (3)—

"B" and "N" have the meaning given in paragraph (2); and

"C" is the cost of heating the premises ("P") where the replaced boiler is situated and, where applicable, the cost of heating water at P as determined in accordance with—

(a) the Standard Assessment Procedure or (but only if the replacement was carried out in Scotland) SAP 2009;

(b) the Reduced Data Standard Assessment Procedure; or

(c) an appropriate methodology for calculating the cost savings approved by the Administrator under article 24,

where the calculation is based on the presence of a working heating system in P immediately before the replacement of the boiler took place.

(5) A supplier may notify the Administrator in writing that the cost score for the replacement of a qualifying boiler is to be calculated in accordance with paragraph (3).

(6) A notification under paragraph (5) must—

(a) be received by the Administrator on or before 30th June 2018;

(b) be made in respect of the replacement of a qualifying boiler—

(i) fuelled by mains gas; and

(ii) credited against the total home heating cost reduction obligation of the supplier making the notification; and

(c) include such information relating to the qualifying action as the Administrator may from time to time require.

(7) Not later than 30th June 2018, a supplier may by notice to the Administrator in writing cancel a notification under paragraph (5) made in respect of a qualifying action credited against the supplier's total home heating cost reduction obligation (whether or not the notification under paragraph (5) was made by that supplier).".

Amendments to article 22 of the 2014 Order (determining the cost score for a qualifying electric storage heater repair and replacement)

17.—(1) For article 22(1) substitute—

"(1) This article applies where a heating qualifying action is—

(a) the repair of a qualifying electric storage heater; or

(b) the replacement of a qualifying electric storage heater by another electric storage heater.

(1A) Where this article applies, the cost score for the heating qualifying action must be determined—

(a) in the case of a SAP scored qualifying action, in accordance with the following formula—

$$(A - B) \times N$$

(b) in the case of a deemed score qualifying action, in accordance with a methodology published by the Administrator under article 24A (and before publishing that methodology the Administrator must have regard to the formula in sub-paragraph (a) as well as to the other matters listed in article 24A(2)).".

(2) In article 22(2), for "paragraph (1)" substitute "paragraph (1A)".

Amendments to article 24 of the 2014 Order (approval of an appropriate methodology for the carbon saving or cost saving)

18.—(1) In the heading to article 24, at the end insert "attributable to a SAP scored qualifying action".

(2) In article 24(1), for "qualifying action" substitute "SAP scored qualifying action".

Methodology for the carbon saving or cost saving attributable to a deemed score qualifying action

19. After article 24 insert—

"**Methodology for the carbon saving or cost saving attributable to a deemed score qualifying action**

24A.—(1) The Administrator must publish a methodology for the purposes of determining the carbon saving or the cost score to be attributed to a deemed score qualifying action.

(2) Before publishing a methodology under paragraph (1), the Administrator must—

(a) have regard to the methodology in the Standard Assessment Procedure and the Reduced Data Standard Assessment Procedure; and

(b) have regard to the desirability of such a methodology being easy to use.".

Amendments to article 26 of the 2014 Order (transfers of qualifying actions)

20.—(1) In article 26(2)(a), for "30th April 2017" substitute "30th June 2018".

(2) For article 26(3) substitute—

"(3) The Administrator must approve a transfer unless—

(a) B has indicated that it intends the qualifying action to be credited towards a different obligation to the one it is credited against at the time the application is made and the Administrator is not satisfied that the qualifying action meets the applicable requirements in articles 12 to 16 in respect of that different obligation;

(b) the application is made on or after 1st July 2017, the qualifying action is credited against A's total carbon saving community obligation at the time the application is made and the Administrator is not satisfied that the qualifying action is an excess CSCO action; or

(c) the application is made on or after 1st July 2017 and B has indicated that it intends the qualifying action to be credited towards B's total carbon saving community obligation.

(3A) An excess CSCO action is a qualifying action which—

(a) at the time the application is made, is credited against A's total carbon saving community obligation;

(b) is not required by A to meet its total carbon saving community obligation.".

Amendments to article 30 of the 2014 Order (transfers of surplus actions)

21.—(1) In article 30(2)(a), for "30th April 2017" substitute "30th June 2018".

(2) For article 30(3) substitute—

"(3) The Administrator must approve a transfer unless—

(a) D has indicated that it intends S to be credited towards a different obligation to the one it is credited against at the time the application is made and the Administrator is not satisfied that S meets the applicable requirement in article 27(3)(c) in respect of that different obligation;

(b) the application is made on or after 1st July 2017 and S is credited against C's total carbon saving community obligation at the time the application is made; or

(c) the application is made on or after 1st July 2017 and D has indicated that it intends S to be credited towards D's total carbon saving community obligation.".

Amendments to article 31 of the 2014 Order (final determination and reporting)

22.—(1) In article 31(2), for "30th April 2017" substitute "30th June 2018".

(2) For article 31(3) substitute—

"(3) The Administrator must approve an application in respect of Q if—

(a) it is satisfied that Q meets the applicable requirements in articles 12 to 16 in respect of that different obligation;

(b) where the application is made on or after 1st July 2017 and Q is credited against a supplier's total carbon saving community obligation at the time the application is made, the Administrator is satisfied that Q is an excess CSCO action; and

(c) where the application is made on or after 1st July 2017, it is not an application for Q to be credited towards a supplier's total carbon saving community obligation.

(3A) The Administrator must approve an application in respect of S if—

(a) it is satisfied that S meets the applicable requirements in article 27(3)(c) in respect of that different obligation; and

(c) where the application is made on or after 1st July 2017, it is not an application for S to be credited towards a supplier's total carbon saving community obligation.".

(3) For article 31(4) substitute—

"(4) The Administrator must notify the supplier of its determination—

(a) under paragraph (1)(b), no later than 30th September 2017;

(b) under paragraph (1)(a) and (c), no later than 30th September 2018.".

(4) In article 31(6), for "2017" substitute "2018".

Amendment to article 33 of the 2014 Order (publication of energy savings achieved by suppliers)

23. In article 33(1), for "2016 and 2017" substitute "2016, 2017 and 2018".

Help to heat group eligibility

24. After Schedule 1 insert—

"SCHEDULE 1A

Article 2

HELP TO HEAT GROUP ELIGIBILITY

1. The benefits referred to in the definition of help to heat group in article 2 are—

(a) income-related employment and support allowance;

(b) income-based jobseeker's allowance;

(c) income support;

(d) guarantee credit (and for this purpose, "guarantee credit" is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002);

(e) a tax credit and the condition as to income in paragraph 2 is met; or

(f) universal credit and the condition as to income in paragraph 6 is met.

2. Where a person is awarded tax credit pursuant to—

(a) a single claim, the condition as to income is that the person has a total income which does not exceed the amount set out in the first row of Table 1 in the column corresponding to the number of qualifying children for which the person is responsible;

(b) a joint claim, the condition as to income is that the person has a joint total income which does not exceed the amount set out in the second row of Table 1 in the column corresponding to the number of qualifying children for which the person awarded the child tax credit or working tax credit is responsible.

Table 1

Type of claim	*Number of qualifying children for which the person is responsible:*				
	0	*1*	*2*	*3*	*4 or more*
Single claim	£	£	£	£	£
Joint claim	£	£	£	£	£

3. In paragraph 2, "total income" means [ ].

4. For the purposes of paragraph 2, whether a person is responsible for a qualifying child is to be determined in accordance with regulation 3 of the Child Tax Credit Regulations 2002.

5. In paragraphs 2 and 3, the following have the same meaning as in Part 1 of the Tax Credits Act 2002—

(a) "joint claim";

(b) "relevant income"; and

(c) "single claim".

6. Where a person awarded universal credit is—

(a) a single claimant, the condition as to income is that, in any of the twelve preceding assessment periods, the total income received by the claimant does not exceed the amount set out in the first row of Table 2 in the column corresponding to the number of children or qualifying young persons for which the person is responsible;

(b) a joint claimant, the condition as to income is that, in any of the twelve preceding assessment periods, the total income received by the joint claimants does not exceed the amount set out in the second row of Table 2 in the column corresponding to the number of children or qualifying young persons for which the person awarded the universal credit is responsible.

Table 2

Type of claimant	*Number of children or qualifying young persons for which the person is responsible:*				
	0	*1*	*2*	*3*	*4 or more*
Single claimant	£	£	£	£	£
Joint claimant	£	£	£	£	£

7. In paragraph 6, "total income", in relation to an assessment period, means [ ].

8. For the purposes of paragraph 6, whether a person is responsible for a child or qualifying young person is to be determined in accordance with regulation 4 of the Universal Credit Regulations 2013.

9. In paragraphs 6 and 7, the following have the same meaning as in paragraph 4 of Schedule 1—

(a) "assessment period";

(b) "earned income";

(c) "joint claimants"; and

(d) "single claimant".

10. In this Schedule, "tax credit" means child tax credit or working tax credit.".

Amendment to Schedule 2 to the 2014 Order (in-use factors)

25. In the table in Schedule 2, for the row referring to "insulation of a cavity wall" substitute—

"Insulation of a cavity wall (other than phase 3 party cavity wall insulation)	35%
Phase 3 party cavity wall insulation	15%"

Amendments to Schedule 4 to the 2014 Order (domestic premises which are not private domestic premises)

26.—(1) Before paragraph 1 of Schedule 4 insert—

"PART 1

Measures installed on or before 31st March 2017".

(2) In paragraph 1(1) of Schedule 4, at the beginning insert "In relation to a measure installed on or before 31st March 2017,".

(3) In paragraph 1(2) of Schedule 4, at the beginning insert "In relation to a measure installed on or before 31st March 2017,".

(4) After paragraph 1 of Schedule 4, insert—

"PART 2

Measures installed on or after 1st April 2017

2.—(1) In relation to a measure installed on or after 1st April 2017, domestic premises in England or Wales are not "private domestic premises" if—

(a) the relevant interest in those premises is registered as belonging to a social landlord and the condition in sub-paragraph (3) is met; or

(b) if no relevant interest in the premises has been registered—

(i) the premises are let by a social landlord other than under a lease granted pursuant to Part V of the Housing Act 1985; and

(ii) the condition in sub-paragraph (3) is met.

(2) In relation to a measure installed on or after 1st April 2017, domestic premises in Scotland are not "private domestic premises" if—

(a) the relevant interest in the premises is registered as belonging to a social landlord and the condition in sub-paragraph (3) is met; or

(b) if no relevant interest in the premises has been registered—

(i) the premises are let by a social landlord other than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987, as modified by section 84A of that Act; and

(ii) the condition in sub-paragraph (3) is met.

(3) The condition in this sub-paragraph is that the premises are let at below the market rate.

(4) Sub-paragraphs (4) and (5) of paragraph 1 apply for the purposes of this paragraph as they apply for the purposes of paragraph 1.".

Domestic premises which are E, F or G social housing

27. After Schedule 4 insert—

"SCHEDULE 4A Article 16(9)

DOMESTIC PREMISES WHICH ARE E, F OR G SOCIAL HOUSING

1. In relation to a measure installed on or after 1st April 2017, domestic premises in England or Wales are "E, F or G social housing" if the premises are let below the market rate and—

(a) the relevant interest in those premises is registered as belonging to a social landlord and the condition in paragraph 3 or 4 is met; or

(b) if no relevant interest in the premises has been registered—

(i) the premises are let by a social landlord other than under a lease granted pursuant to Part V of the Housing Act 1985; and

(ii) the condition in paragraph 3 or 4 is met.

2. In relation to a measure installed on or after 1st April 2017, domestic premises in Scotland are "E, F or G social housing" if the premises are let below the market rate and—

(a) the relevant interest in the premises is registered as belonging to a social landlord and the condition in paragraph 3 or 4 is met; or

(b) if no relevant interest in the premises has been registered—

(i) the premises are let by a social landlord other than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987, as modified by section 84A of that Act; and

(ii) the condition in paragraph 3 or 4 is met.

3. The condition in this paragraph is that a post-installation EPC expresses the energy performance rating of the premises as being below band D.

4. The condition in this paragraph is that—

(a) a pre-installation EPC expresses the energy performance rating of the premises as being below band D; and

(b) the social landlord has confirmed in writing that, to the best of its knowledge and belief, no changes were made to the premises, after the pre-installation EPC was issued and before the measure was installed, which would increase the energy performance rating of the premises to band D or above.

5. For the purposes of this Schedule—

(a) in respect of premises in England or Wales, a relevant interest is registered if it is registered in the register of title maintained by Her Majesty's Land Registry;

(b) in respect of premises in Scotland, a relevant interest is registered if it is—

(i) registered in the Land Register of Scotland; or

(ii) recorded in the Register of Sasines.

6. In this Schedule—

"energy performance certificate"—

(a) in relation to premises in England and Wales, has the meaning given in the Energy Performance of Buildings (England and Wales) Regulations 2012,

(b) in relation to premises in Scotland, has the meaning given in the Energy Performance of Buildings (Scotland) Regulations 2008;

"energy performance rating"—

(a) in relation to premises in England and Wales, has the meaning given in regulation 11 of the Energy Performance of Buildings (England and Wales) Regulations 2012,

(b) in relation to premises in Scotland, has the same meaning as "energy performance indicator" in the Energy Performance of Buildings (Scotland) Regulations 2008(**a**);

"owner" has the same meaning as in Schedule 4;

"post-installation EPC" in relation to a premises where a measure is installed, means an energy performance certificate for the premises that was issued after the measure was installed;

"pre-installation EPC" in relation to a premises where a measure is installed, means an energy performance certificate for the premises that is the most recent of any energy performance certificate for the premises issued before the measure was installed;

"relevant interest" and "social landlord" have the same meanings as in Schedule 4.".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in Great Britain.

(**a**) See regulation 2(1).