

SL(6)470 – The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations amend the Home Energy Efficiency Schemes (Wales) Regulations 2011 (the “2011 Regulations”) to amend the eligibility criteria for grant support available to low-income households living in the least energy efficient homes in Wales (EPC rating of E or less) by:

- Extending eligibility to lower income households who are not in receipt of means-tested benefits;
- Including job-seeker’s allowance to the list of eligible means-tested benefits;
- Extending eligibility to dwellings with an EPC rating of D or less where the applicant is either on means-tested benefits or from a lower income household and the applicant has a chronic respiratory, circulatory or mental health condition; and
- Removing the restriction on repeat applications, opening up the possibility of further grants to eligible dwellings that have previously benefitted from grants under the 2011 Regulations.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Regulation 4(b) of these Regulations amends the definition of “*means-tested benefit*” in regulation 2 of the 2011 Regulations. The existing definition in the 2011 Regulations, in the Welsh text, uses the letters of the English alphabet (rather than the Welsh alphabet) for the numbering of its paragraphs as a result of the substitution made by regulation 3 of the Home



Energy Efficiency Schemes (Wales) (Amendment) Regulations 2013 (S.I. 2013/2843 (W.270)). The amendment made by these Regulations continues the pattern of using the English alphabet in the Welsh text.

These Regulations may have been an opportunity to correct that error, rather than continuing the use of the English alphabet for divisions where the Welsh alphabet should be used.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Regulation 6 of these Regulations substitutes text in regulation 9(1)(a)(ii) of the 2011 Regulations with the words “*sub-paragraph (i)*”. However, this description is incorrect and should instead refer to “*paragraph (i)*”.

Additionally, there is an existing historical error in regulation 9(1)(a) of the 2011 Regulations where an incorrect reference is made to “*paragraph (b)*”, rather than “*sub-paragraph (b)*”. These Regulations may have been an opportunity to correct that error.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The transitional provision at regulation 7 uses the term “*works application*”. However, that term is not defined for the purpose of these Regulations, although it is defined in regulation 2 of the 2011 Regulations.

Whilst we take the view that this lack of definition does not interfere with the interpretation of that transitional provision, was consideration given to defining that term for the purpose of these Regulations (for example, by reference to regulation 2 of the 2011 Regulations), in order to aid accessibility?

Welsh Government response

Merit Scrutiny point 1:

This point is noted. However, we do not intend to make any amendment at this stage. Regulation 2 of the principal Regulations has been drafted in this way since 2013 and the drafting does not, in our view, create any uncertainty or lack of clarity to the reader such that any amendment is required.

Merit Scrutiny point 2:

We note the merit points concerning regulation 6 of the Regulations and the historical error in regulation 9(1)(a) of the principal Regulations. However, we do not think the current drafting creates any uncertainty or lack of clarity to the reader such that any amendments are required at this stage, but these errors will be corrected the next time the principal Regulations are amended.

Merit Scrutiny point 3:



This point is noted. However, we consider the drafting is clear and does not require any amendment.

Legal Advisers

Legislation, Justice and Constitution Committee

21 March 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee