



## ENERGY EFFICIENCY (NO. 2) SCHEME 2022

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Statutory Document No. 2022/0339



*Financial Provisions and Currency Act 2011*

## **ENERGY EFFICIENCY (NO. 2) SCHEME 2022<sup>1</sup>**

*Approved by Tynwald: 13 December 2022*  
*Coming into Operation in accordance with paragraph 2*

The Department of Environment, Food and Agriculture makes the following Scheme, with the concurrence of the Treasury,<sup>1</sup> under section 3 of the Financial Provisions and Currency Act 2011.

### **PART 1 – INTRODUCTORY**

#### **1 Title**

This Scheme is the Energy Efficiency (No. 2) Scheme 2022.

#### **2 Commencement**

If approved by Tynwald, this Scheme comes into operation on the day after it is approved.<sup>2</sup>

#### **3 Interpretation**

In this Scheme —

“**the Act**” means the Financial Provisions and Currency Act 2011;

“**applicant**” means a person who has applied for home energy efficiency assistance under this Scheme;

“**application**” means an application for home energy efficiency assistance;

“**charity**” has the same meaning as given to it in section 4 of the Charities Registration and Regulation Act 2019;

“**data protection legislation**” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018<sup>3</sup>;

<sup>1</sup> As required under section 3(2)(b) of the Financial Provisions and Currency Act 2011.

<sup>2</sup> Section 3(7) states that Schemes under section 3(1) must not come into operation unless approved by Tynwald.

<sup>3</sup> SD 2018/0145

“**the Department**” means the Department of Environment, Food and Agriculture;

“**eligible premises**” means a residential premises situated in the Island;

“**home energy efficiency assistance**” means —

- (a) a voucher;
- (b) directly provided home efficiency materials;
- (c) a grant;
- (d) a Previous Scheme Top-up Payment; or
- (e) any two or more of the foregoing,

issued under this Scheme;

“**home energy efficiency materials**” means a product, material or service which is intended to either, reduce the amount of energy used by a household or increase the efficiency of the energy used by a household and includes LED lightbulbs and loft insulation;

“**flat**” means a separate set of domestic premises, whether or not on the same floor —

- (a) forming part of a building; and
- (b) either the whole or a material part of which lies above or below some other part of the building;

“**personal data**” has the meaning given in the GDPR and LED Implementing Regulations 2018<sup>4</sup>;

“**Previous Scheme Top-up Payment**” has the meaning given in paragraph 13;

“**residential premises**” means any building used wholly, or partially as a domestic dwelling and includes a flat;

“**state pension**” means any of the following —

- (a) any category of retirement pension under Part II of the Social Security Contributions and Benefits Act 1992 (of Parliament) as that Act applies to the Island;
- (b) any graduated retirement benefit under sections 35 and 36 of the National Insurance (Isle of Man) Act 1971 as that Act is continued in force by the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 as those regulations apply to the Island;
- (c) Manx state pension under Part 1 of the Pensions Act 2014 (of Parliament) as that Act applies to the Island;
- (d) state pension under Part 1 of the Pensions Act 2014 (of Parliament) as that Act has effect in Great Britain;
- (e) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 (of the Northern Ireland Assembly); and

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<sup>4</sup> SD 2018/0145

“war disablement pension” has the same meaning given to it in the Income Support (General) (Isle of Man) Regulations 2000, as in operation from time to time.

## PART 2 – ELIGIBILITY

### 4 Eligibility to apply

A person is eligible to apply under this Scheme only if the person –

- (a) satisfies at least one of the conditions set out in paragraph 5;
- (b) is the owner, tenant or occupier of the eligible premises to which the application relates; and
- (c) is ordinarily resident at the eligible premises to which the application relates.

### 5 Eligibility Conditions

- (1) Condition 1 is that the applicant is in receipt of –
  - (a) any one or more of the following under the Social Security Contributions and Benefits Act 1992 (of Parliament) as it applies to the Island –
    - (i) attendance allowance;
    - (ii) carer’s allowance;
    - (iii) disability living allowance;
    - (iv) employed person’s allowance;
    - (v) income support;
    - (vi) short-term incapacity benefit or long-term incapacity benefit;
  - (b) “income-based jobseeker’s allowance” under the Jobseekers Act 1995 (of Parliament) as it applies to the Island;
  - (c) the rate of child benefit provided for under regulation 8(2)(a) of the Child Benefit (Rates) Regulations 2013;
  - (d) a war disablement pension.
- (2) Condition 2 is that the weekly income of the applicant and, where applicable, every other person within the applicant’s household, does not exceed the median weekly amount for full-time employment as specified by the most recent Isle of Man Earnings Report.<sup>5</sup>
- (3) Condition 3 is that the aggregate income of the applicant’s household does not exceed £60,000 per year.<sup>2</sup>

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<sup>5</sup> As published in accordance with Statistics Act 1999, by Statistics Isle of Man.

- (4) In subparagraphs (2) and (3) “income” means gross income.

## 6 Eligible premises

The Department will not provide home energy efficiency assistance in respect of any premises other than eligible premises.

## PART 3 – APPLICATIONS

### 7 Applications

- (1) A person desirous of receiving home energy efficiency assistance will be considered by the Department for such assistance only if the person submits to the Department an application in accordance with this Part.
- (2) An application must –
  - (a) relate to eligible premises;
  - (b) be made in writing (including electronically) on the approved form;
  - (c) contain the applicant’s name, address, postcode and contact information;
  - (d) be accompanied by a declaration by the applicant stating all information supplied in the application is correct to the best of the knowledge and belief of the applicant or, where there are more than one applicant, each of them.
- (3) Following receipt of an application the Department may require from an applicant information relating to –
  - (a) the eligibility of the applicant (and where applicable, the applicant’s household) under this Scheme; and
  - (b) where the applicant applies for a Previous Scheme Top-up Payment, previous support provided under an existing Scheme referred to in paragraph 13.
- (4) Where the Department requires documentation and information, an application is properly made only when all the documentation and information has been provided.
- (5) For the purposes of this Scheme, a person is deemed to be a member of an applicant’s household if –
  - (a) they are ordinarily resident at the same eligible premises of the applicant; and
  - (b) they are aged 18 or over.

## **8 Review of determination of applications**

- (1) Where the Department has rejected an application, the applicant may request that the Department review its decision.
- (2) A request for a review must be made in writing within one month of the date of notification of the decision.
- (3) The Department will —
  - (a) reconsider the application with all reasonable dispatch; and
  - (b) promptly and in writing notify the applicant of the outcome of that reconsideration, setting out the reasons therefor.

## **PART 4 – PROVISION OF HOME ENERGY EFFICIENCY ASSISTANCE**

### **9 Home energy efficiency assistance under this Scheme**

- (1) Where the Department is satisfied that an application meets the criteria herein specified, its approval of the application will be either with or without conditions, and any such conditions will be specified in the written notification of the approval with which the Department will furnish the applicant.
- (2) Regardless of whether or not conditions are imposed under subparagraph (1), the Department will provide to the successful applicant any one or more of the following —
  - (a) a voucher, subject to paragraph 10;
  - (b) home energy efficiency materials, subject to paragraph 11;
  - (c) a Previous Scheme Top-up Payment, subject to paragraph 13.

### **10 Vouchers**

- (1) A voucher, —
  - (a) is redeemable only —
    - (i) at an authorised supplier; and
    - (ii) against home energy efficiency materials;
  - (b) is not valid for any in-store concessions offered by an authorised supplier; and
  - (c) cannot be sold or exchanged for money.
- (2) Where an authorised supplier is in receipt of a voucher issued under this Scheme the authorised supplier must —
  - (a) keep of a copy of —
    - (i) any invoice or receipt supplied to an applicant; and

- (ii) any document from which the total value of home efficiency materials supplied under this Scheme can be ascertained;
- (b) supply to the Department a summary of the information in subparagraph (a) as soon as reasonably practicable.
- (3) Following the receipt of information under subparagraph (2)(b), the Department will reimburse to the authorised supplier the value of home efficiency materials supplied by that authorised supplier as a result of the redemption of vouchers.
- (4) A voucher must be redeemed within the period specified on the voucher.
- (5) In this paragraph “authorised supplier” means a company, registered charity or organisation authorised by the Department to supply and install home energy efficiency materials.

## 11 Direct provision of home energy efficiency materials

Where the Department opts to proceed in accordance with paragraph 9(2)(b), the Department will do so by acting directly or through a person appointed by it.

## 12 Grants to Charities

- (1) A registered charity may apply to the Department for a grant.
- (2) The Department will provide a grant to a registered charity only after the Department has approved the charity’s written application that contains the following information —
  - (a) the name of the charity, as registered in accord with the Charities Regulations 2020<sup>6</sup>;
  - (b) the IOM charity number, as allotted to the charity under section 13(1)(b) of the Charities Registration and Regulation Act 2019;
  - (c) in relation to conducting the activities mention in sub-paragraph (3) —
    - (i) the home energy efficiency materials the charity intends to procure;
    - (ii) the process the charity intends to use to procure home energy efficiency materials;
    - (iii) by what means the charity intends to distribute any home energy efficiency materials.
- (3) A grant under this paragraph will be —
  - (a) made only for the purpose of enabling the registered charity to procure, store, distribute and install home energy efficiency materials on behalf of the Department; and

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<sup>6</sup> SD 2020/0060



- (b) of a sum no greater than that which will meet the reasonable costs of conducting those activities.

### 13 Previous Scheme Top-up Payment

- (1) Where an application indicates the applicant has received a grant or support that resulted in the installation of loft insulation under –
  - (a) Green Living Grant Scheme 2021<sup>7</sup>;
  - (b) Energy Efficiency Scheme 2018<sup>8</sup>,the applicant may receive a grant called a “Previous Scheme Top-up Payment”.
- (2) Where an applicant seeks a Previous Scheme Top-up Payment under this paragraph, the applicant must provide to the Department –
  - (a) any invoice; and
  - (b) other relevant documents,pertaining to the previous grant or support referred to in subparagraph (1).

### 14 Maximum amount of home energy efficiency assistance

- (1) Subject to subparagraphs (2) and (3), the total value of home energy efficiency assistance a person receives under this scheme will not exceed £800.<sup>3</sup>
- (2) Where a person meets the conditions in –
  - (a) paragraphs 5(1) (a)(i), (ii), (iii), or (vi);<sup>4</sup>
  - (b) paragraph 5(1)(d); or
  - (c) paragraphs 5(2) or 5(3) and is also in receipt of a state pension,the total value of home energy efficiency assistance will not exceed a value of £1,325, £525 of which will be reserved for the installation of home energy efficiency materials.<sup>5</sup>
- (3) Despite subparagraph (2), where a person –
  - (a) meets the conditions in –
    - (i) paragraphs 5(1) (a)(ii), (iii), or (vi);
    - (ii) paragraph 5(1)(d); or
    - (iii) paragraphs 5(2) or 5(3) and is also in receipt of a state pension; and
  - (b) is a tenant of or occupies an eligible premises owned by a Department or Local Authority,

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<sup>7</sup> SD 2021/0132

<sup>8</sup> SD 2018/0174

the total value of home energy efficiency assistance that person receives under this scheme will not exceed £800.<sup>6</sup>

- (4) Notwithstanding subparagraphs (1), (2) and (3), the maximum number of items a person may receive is as specified in the Schedule.

## **PART 5 – POWERS, AND RECOVERY AND REPAYMENT**

### **15 Breach of obligations**

Potential courses of action by the Department if –

- (a) any information furnished to the Department by the applicant is false, incomplete or misleading;
- (b) the applicant is in breach of any requirement or condition to which he or she is subject to under this Scheme;
- (c) the whole or part of the financial assistance provided duplicates an amount paid in relation to an asset pursuant to a policy of insurance or by way of damages or other compensation,

include those specified in paragraph 16.

### **16 Potential courses of action by the Department**

- (1) In the event of an occurrence specified in paragraph 15, potential courses of action referred to therein are that the Department will –
  - (a) withhold the whole or any part of the home energy efficiency assistance given to the beneficiary;
  - (b) suspend or terminate the home energy efficiency assistance given to the beneficiary; and
  - (c) take steps to recover the whole or any part of the home energy efficiency assistance already given to the beneficiary.
- (2) Before pursuing any course of action specified in sub-paragraph (1), the Department will –
  - (a) give the beneficiary a written explanation of the reasons for the step proposed to be taken;
  - (b) afford the beneficiary an opportunity to make written representations; and
  - (c) consider such representations.
- (3) The Department will notify the beneficiary of any decision to pursue a course of action under sub-paragraph (1).
- (4) For the purposes of this paragraph, “beneficiary” means the person who has been given home energy efficiency assistance as a consequence of this Scheme or whose application for home energy efficiency assistance has been accepted by the Department.

**17 Recovery and repayment**

- (1) Where a person provides false, incomplete, or misleading information in connection with an application, the person shall be liable for the repayment or recovery of any home energy efficiency assistance supplied to the applicant.
- (2) Any recovery or repayment undertaken as a result of sub-paragraph (1) shall be recoverable as a civil debt due to the Department.

**18 Discretion**

An officer of the Department who is involved in the operation of this Scheme may exercise discretion –

- (a) in respect of the determination of any applications made under this Scheme;
- (b) to increase the maximum values of assistance referred to in paragraph 14.

**PART 6 – RECORD KEEPING AND PROCESSING OF PERSONAL DATA****19 Record keeping**

- (1) A person (“P”) granted home energy efficiency assistance under this Scheme must, subject to subparagraphs (2) and (3), keep any invoice, receipt, account or other document relating to any support, assistance or grant given under this Scheme for a period not less than 12 months.
- (2) If for any reason –
  - (a) P transfers to another person the original of any document that P is required to keep under subparagraph (1); and
  - (b) such a transfer occurs within the period specified in subparagraph (1),it is sufficient compliance with that subparagraph for P to keep a copy of that document for that period.
- (3) If for any reason the leasehold or freehold of an eligible premises, which has been granted home energy efficiency assistance under this Scheme, is transferred, P must ensure the successor to the leasehold or freehold, possess copies of the documentation referred to in subparagraph (1).
- (4) Subparagraph (1) does not apply in any case where a document to which that subparagraph relates has been removed by any person lawfully authorised to remove it.

**20 Processing of personal data**

A person's (P's) personal data may be processed for the purposes, and subject to the conditions, specified in this Scheme.

**PART 7 – OFFENCE****21 Offence**

A person who provides false, incomplete, or misleading information in connection with an application commits an offence.

Maximum penalty (summary) – 6 months custody, a fine not exceeding level 5 on the standard scale, or both.

**PART 8 – ADMINISTRATION, GUIDANCE AND FINANCE****22 Guidance**

(1) The Department will publish information to serve as guidance with respect to the manner in which powers are to be exercised under this Scheme.

(2) That guidance will, in particular, cover –

- (a) the application process;
- (b) the information and documentation required as part of the application process or as part of the conditions of the making of a grant under the Scheme;
- (c) the types of recommended home energy efficiency materials;
- (d) the payment process, including payment timings;
- (e) record-keeping;
- (f) how the discretion, granted under paragraph 18, may be exercised.

**23 Finance**

Any home energy efficiency assistance or any other expenses attributable to this Scheme are to be paid from the Climate Change Fund.

**PART 9 – AMENDMENTS AND REVOCATION****24 Amendment of the Energy Efficiency Scheme 2018**

The Energy Efficiency Scheme 2018<sup>9</sup> is amended as follows –

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<sup>9</sup> SD 2018/0174

- (a) for paragraph 4(5) substitute –
  - ▣(5) The maximum amount of grant payable under this Scheme is £1,000 per eligible premises. ▣;
- (b) for paragraph 5(1)(a) substitute –
  - ▣(a) the weekly income of the applicant and, where applicable, every other person within the applicant’s household, does not exceed the median weekly amount for full-time employment as specified by the most recent Isle of Man Earnings Report. ▣;
- (c) in the table in Part 2 of the Schedule to the Scheme omit the columns headed “Allowable percentage” and “Maximum grant”.

## 25 Revocation of Energy Efficiency Scheme 2022

The Energy Efficiency Scheme 2022<sup>10</sup> is revoked.

MADE

9 DECEMBER 2022

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<sup>10</sup> SD 2022/0328

**SCHEDULE**[Paragraph 14(3)]<sup>7</sup>**MAXIMUM NUMBER OF ITEMS PER APPLICANT**

<b>Item</b>	<b>Maximum quantity per applicant</b>
Draught excluder brush strip for external doors	2
Self-Adhesive “E” Strip (in 5 metre roll)	6
Letterplate Seal & Flap	1
Chimney draft excluder	1
General Purpose Radiator Foil Insulation (of a size no more than 500mm x 4m)	4
Pipework insulation (in one metre lengths)	10
Thermostatic Radiator Valves	10
An insulating jacket for domestic hot water storage cylinders	1
LED light bulbs	10
Rolls of Loft insulation (of either 200mm, 170mm or 100mm thickness)	20
Smart heating thermostat	1
General Purpose Radiator Reflector (of a size no more than 800mm x 550mm) <sup>8</sup>	4

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Subpara (3) amended by SD2023/0334.

<sup>3</sup> Subpara (1) amended by SD2023/0334.

<sup>4</sup> Para (a) amended by SD2023/0334.

<sup>5</sup> Subpara (2) amended by SD2023/0334.

<sup>6</sup> Subpara (3) amended by SD2023/0334.

<sup>7</sup> Cross-reference amended by SD2023/0334.

<sup>8</sup> Entry inserted by SD2023/0334.