

# Energy Company Obligation (ECO2)

Guidance note

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June 2015



## Guidance note: private domestic premises

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documents to be made available on request

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# 1. Introduction

**This document is aimed to assist suppliers and the supply chain in satisfying the premises requirement of the Home Heating Cost Reduction Obligation (HHCRO). The requirement is to deliver measures to private domestic premises. Private domestic premises are domestic premises that are, in general, not owned or let by a social landlord.<sup>1</sup>**

The private domestic premises requirement is specified in the Electricity and Gas (Energy Company Obligation) Order 2014<sup>2</sup> and the ECO2 Guidance: Delivery<sup>3</sup>; further in this document referred to as the ECO2 Guidance and ECO2 Guidance: Delivery and the Order, respectively.

This document explains the different ways to satisfy the premises requirement and which documents can be used to show this. We have produced this document in response to queries from suppliers, installers, managing agents and customers following introduction of the ECO2 Order.

This document reflects the Order and the ECO2 Guidance in force at the date of publication and is correct based on our knowledge at this time. It is the supplier's responsibility to ensure that the documents submitted to us on request are in line with the ECO2 legislation and the ECO2 Guidance.

This document illustrates a number of ways to prove the premises requirement, but this does not encompass all possibilities.



Key information throughout the document is highlighted. They are there as a reminder and should be read in context with the rest of the document.

For any more help and queries about private domestic premises, please contact the ECO operations team at [eco@ofgem.gov.uk](mailto:eco@ofgem.gov.uk).

<sup>1</sup> Throughout the guidance note we refer to 'social landlord' as one entity. See chapter 'Identifying social landlords'. See Appendix 2 for extracts from different pieces of legislation defining what a 'social landlord' is as determined in England, Scotland and Wales respectively

<sup>2</sup> <http://www.legislation.gov.uk/ukSI/2014/3219/contents/made>

<sup>3</sup> <https://www.ofgem.gov.uk/publications-and-updates>

## 2. What are private domestic premises?

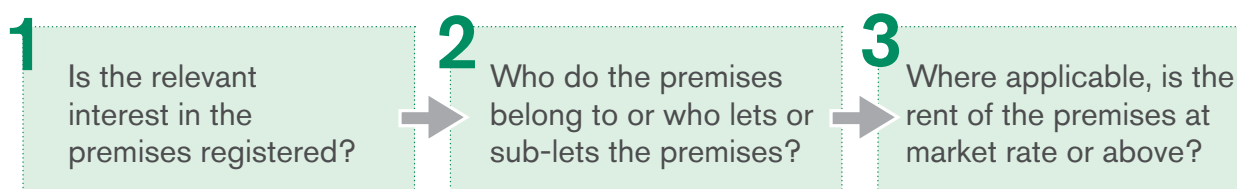
Under the Home Heating Cost Reduction Obligation (HHCRO), a supplier must promote heating qualifying actions to members of the affordable warmth group (AWG) that occupy private domestic premises.<sup>4</sup>

### i. OVERVIEW



Private domestic premises must meet the conditions of domestic premises set out in chapter 2 of the ECO2 Guidance: Delivery.

Broadly, there are three questions that will help you determine whether premises are private domestic premises:



You must first of all search the land registry<sup>5</sup> to see if the relevant interest of the premises is registered on the land registry. If they are registered, you then need to determine if they are registered to a social landlord. See chapter 'Identifying social landlords'.

If the premises are not on the land registry, you can use other documents such as tenancy agreements, Ofgem templates<sup>6</sup> or mortgage statements to show that premises are private domestic premises. These must be accompanied by proof of residence to prove that the customer lives at the premises, where applicable.

In instances where it is not clear if premises are owned or leased by an individual or a company or other type of corporate entity, you will need to identify if they are owned or leased by a social landlord. If they are owned or leased by a social landlord, you will need to also show that the rent is at or above market rate. See chapter 'Identifying social landlords' on how to determine if premises are owned or leased by a social landlord. If the rent proves to be below market rate, then the premises are not private domestic premises and thus are not eligible under HHCRO.



The 'relevant interest' is the legal right to occupy the premises. In England and Wales the relevant interest may be freehold, leasehold or sub-leasehold. In Scotland, the relevant interest may be that of the owner or the lessee or the sub-lessee.

A relevant interest is 'registered' where it is registered with the land registry i.e. Her Majesty's Land Registry in England and Wales, or the Land Register of Scotland and the Register of Sasines in Scotland<sup>7</sup>.

<sup>4</sup> Regulation 16 of the Order

<sup>5</sup> Throughout this document we refer to Her Majesty's Land Registry, the Land Register of Scotland and the Register of Sasines as 'the land registry' or 'the land registry search'

<sup>6</sup> Throughout the document we refer to Ofgem templates. These are HHCRO Templates to satisfy the premises requirement available on our website: <https://www.ofgem.gov.uk>

<sup>7</sup> For England and Wales: the Land Register maintained by Her Majesty's Land Registry <https://eservices.landregistry.gov.uk> For Scotland: Land Registry of Scotland or the Register of Sasines: <https://www.ros.gov.uk/>

## ii. MOBILE HOMES

Mobile homes qualify as private domestic premises, as we assume that social landlords would not be renting out mobile homes. You would only need to provide proof that somebody lives there. This person does not have to be the AWG member.<sup>8</sup> You need to use proof of residence<sup>9</sup> dated within 18 months before the completion of the measure to show somebody lives at the premises. You could also use benefit letters of the AWG member dated within the given timeframe.

## iii. DOCUMENTS: GENERAL POINTS TO NOTE

You should note the following when collecting evidence to prove the premises requirement:

- Documents should be from official organisations (eg bank or mortgage society) or government departments, with the exception of Ofgem templates and tenancy agreements
- The necessary information on the documents should be clearly visible
- The dates on the documents should fit within the given timeframe as indicated throughout this guidance note
- Letters or other documents that include other pieces of personal information not relevant to ECO should be redacted. We do not need to see the cost of the premises, the amount of mortgage outstanding, bank details or anything else that does not affect the eligibility of the premises requirement
- Suppliers should ensure that the data they collect complies with all applicable data protection laws. A supplier should also ensure that any member of the supply chain acting on its behalf complies with the data protection laws<sup>10</sup>, and
- We may need to audit suppliers' compliance with their legislative requirements up to and after the end of the scheme. Suppliers must ensure that they are able to make documents available for the purpose of an audit or other compliance check at any time before 30 September 2017 as stated in the ECO2 Guidance: Delivery.

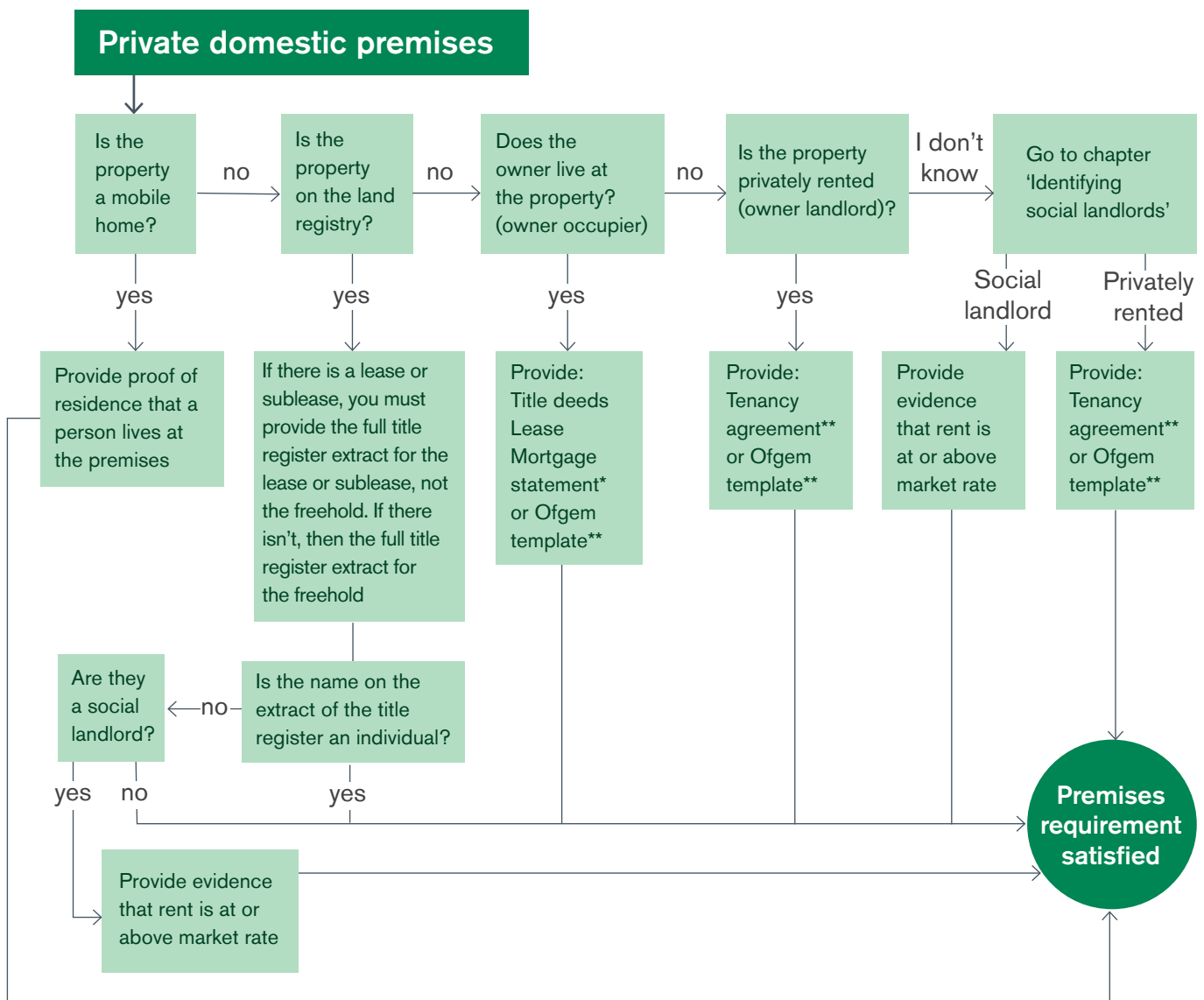
<sup>8</sup> There are separate requirements for the AWG member. Please refer to our AWG Guidance note for more information: <https://www.ofgem.gov.uk/publications-and-updates/>

<sup>9</sup> See chapter 'Proof of residence' for a list

<sup>10</sup> See chapter 'Fair Processing' for more information in ECO2 Guidance: Administration

#### iv. PRIVATE DOMESTIC PREMISES FLOWCHART

This flowchart shows how to identify private domestic premises, and some of the documents that you would need to prove the premises requirement. It is a basic overview and you should read this in conjunction with the ECO2 Order, ECO2 Guidance and this guidance note.



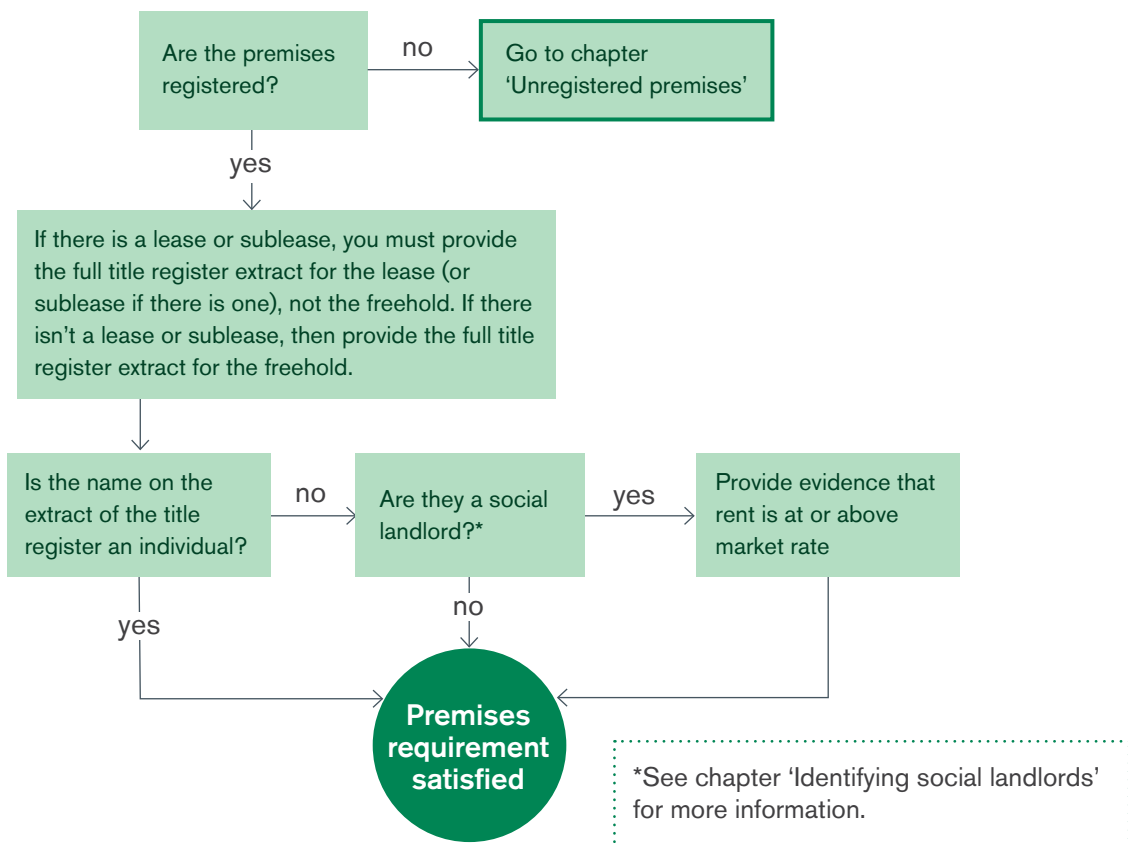
\*If dated older than within 18 months before the completion of the measure, must be accompanied by proof of residence dated within 18 months before the completion of the measure.


\*\*Must be accompanied by proof of residence dated within 18 months before the completion of the measure.

### 3. Registered premises

This chapter outlines how to show that the relevant interest of the premises is registered on the land registry and what evidence you would need to provide to prove the private domestic premises meet the premises requirement. The frequently asked questions section addresses some queries raised by the suppliers and the supply chain.

#### i. REGISTERED PREMISES FLOWCHART



 Documents that show who owns or rent the premises must relate to the person who has the current right to occupy those premises. An owner may be a freeholder, a leaseholder or a sub-leaseholder.<sup>11</sup> A tenant may be a leaseholder or a sub-leaseholder.

Generally, where the land registry shows that the freehold, leasehold or sub-leasehold interest is registered to an individual person, we will accept this as proof that the premises are privately owned. However, if it is unclear whether the premises are privately owned, eg the relevant interest is registered by a company, a trust or other form of corporation and not an individual, you must use other means to ensure that that entity is not a social landlord. See chapter 'Identifying social landlords'.

<sup>11</sup> Or in Scotland, the owner's interest or right, lessee's interest or the sub-leaseholder.

If the relevant interest registered on the land registry is that of a social landlord, the premises may still be private domestic premises if they are rented at market rate or above. See chapter 'Determining market rate' for more information.



Private domestic premises must also meet the conditions of a 'domestic premises' set out in chapter 2 of the ECO2 Guidance: Delivery.

## ii. HOW TO PROVIDE EVIDENCE

You must be able to provide evidence that you have searched for the particular premises using:

- For England and Wales<sup>12</sup>: the Land Register maintained by Her Majesty's Land Registry
- For Scotland<sup>13</sup>: the Land Register of Scotland or the Register of Sasines



The search must be dated no more than 18 months before the completion of the measure.

When you go to Her Majesty's Land Registry (for England and Wales), you will need to enter a postcode into the field shown to find out if the premises are registered. You will not need to pay for this first type of search.

### Find a property

Required fields are marked by \*

\*House no/name:

\*Postcode:

[>> Detailed enquiry](#)  
[>> Map enquiry](#)  
[>> Land Registry-INSPIRE ID enquiry](#)

To access the Land Register of Scotland or the Register of Sasines for Scotland, you will need to set up an online account to access the online service 'registers direct'. As you have to pay for searches, it may be easier to search by street, rather than postcode. This is also because premises in Scotland may not be registered with a postcode. If premises are not on the Land Register, it is likely that they will be on the Register of Sasines. There is a helpful step-by-step tutorial for using the online Register Direct services in Scotland.<sup>14</sup>

<sup>12</sup> For England and Wales: the Land Register maintained by Her Majesty's Land Registry: <https://eservices.landregistry.gov.uk/>

<sup>13</sup> For Scotland: Land registry of Scotland or the Register of Sasines: <https://www.ros.gov.uk/>

<sup>14</sup> <https://www.ros.gov.uk/services/online-services/registers-direct/training-materials>



The following applies to England, Wales and Scotland. If the relevant interest of the premises is registered, you may see a screen similar to this:

### Find a property - search results

Your enquiry has found 1 property - the results are listed below  
You may wish to [modify your search](#) or make a [new enquiry](#).

**1 Example Street, Cambridgeshire, CAA**

<b>Tenure:</b> Leasehold	<b>Price Paid/Value Stated Data:</b> Yes	Information available
<b>Tenure:</b> Freehold	<b>Price Paid/Value Stated Data:</b> No	Information available

This shows the premises are registered and there is a leasehold interest as well as a freehold interest. If there is a lease or a sublease, you will need to extract the document that will show who has the current relevant interest.<sup>15</sup> For example, if there is a freehold and leasehold interest, you would extract the full title register for the leasehold. This is to ensure that whoever has the interest furthest down the chain is not a social landlord.<sup>16</sup>

When you do the initial search, if it is clear that the premises are not registered (see chapter 'Unregistered premises') you must be able to provide a screenshot of this upon request (without redacting address details) to show that the premises are not registered, as well as evidence that the private domestic premises meet the premises requirement.

If you have difficulty understanding terms used on the Land Registry (such as 'A Caution' illustrated to the right), please refer to the Land Registry's Glossary<sup>17</sup> for assistance in the first instance.

**5 Example Street, Cambridgeshire, CA1 1AA**

<b>Tenure:</b> A Caution	<b>Price Paid/Value Stated Data:</b> No	Information available
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### iii. REGISTERED PREMISES FAQs

#### What do you need to see on the land registry extract?

You must provide the full title register extract<sup>18</sup> for the relevant freehold or leasehold interest. This is because we need to determine the address of the premises and who it is registered to, as well as whether or not it has been leased out to another party.

<sup>15</sup> See Appendix 1 for an example

<sup>16</sup> See FAQ question 3 for an example

<sup>17</sup> <https://eservices.landregistry.gov.uk/>

<sup>18</sup> See Appendix 1 for an example

### Can the date of the land registry extract be later than the date of completion of the measure date?

Generally, we would expect the land registry extract to be dated before the completion of the measure. However, the search may be dated after the measure was completed. This is to encompass eventualities such as misplacing the full title land registry extract.

In these circumstances, the search must show that the date on which the relevant interest was acquired (eg date when the premises were leased) was prior to the completion of the measure. The name of the customer should also be the same as that of the leaseholder or freeholder on the land registry. You can then assume the owner has not changed in the period in between. You can find this in the 'Proprietorship Register' section of the extract:

#### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

1 (20.07.1982) PROPRIETOR: JONATHON SMITH and JOHN DOE  
of 1 Example Street, Cambridgeshire, CA1 AAA.

### What if the land registry extract says that the premises have been leased?

Towards the end of the land registry extract there may be a 'schedule of notices of leases' section (see below). If the dates show that the premises are currently being leased, you will need to identify whether the landlord is a 'social landlord'.<sup>19</sup> If you cannot retrieve the full title register extract from the land registry, see chapter 'Unregistered premises'.

#### Schedule of notices of leases

1	17.03.2009	1 Example Street (Ground Floor and Basement)	10.03.2009 12 years from 19.02.2009	ABC123456
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<sup>19</sup> See chapter 'Identifying social landlords' for more information on how to determine if the landlord is a social landlord

### **Do I need to provide proof of residence with a land registry extract?**

No, unlike ECO, we do not require proof of occupancy for the owner as we only want to determine whether premises are owned by a social landlord or not. If you are using evidence other than land registry searches, proof of residence may be required. See 'Unregistered premises' for more details.

### **Is the land registry title number itself sufficient as evidence?**

No, we require a full title register extract<sup>20</sup> from the land registry of the premises naming the freeholder or leaseholder.

### **What if the house is under shared ownership with a social landlord?**

Where premises are subject to a shared ownership arrangement between a private individual and a social landlord, we consider this arrangement to be private domestic premises as the private individual is a 'freeholder' or 'owner' of the premises. You would still need the full title register extract to show this.

### **What do I need to provide if the land is registered on the land registry, but it is the plot that is registered rather than the premises?**

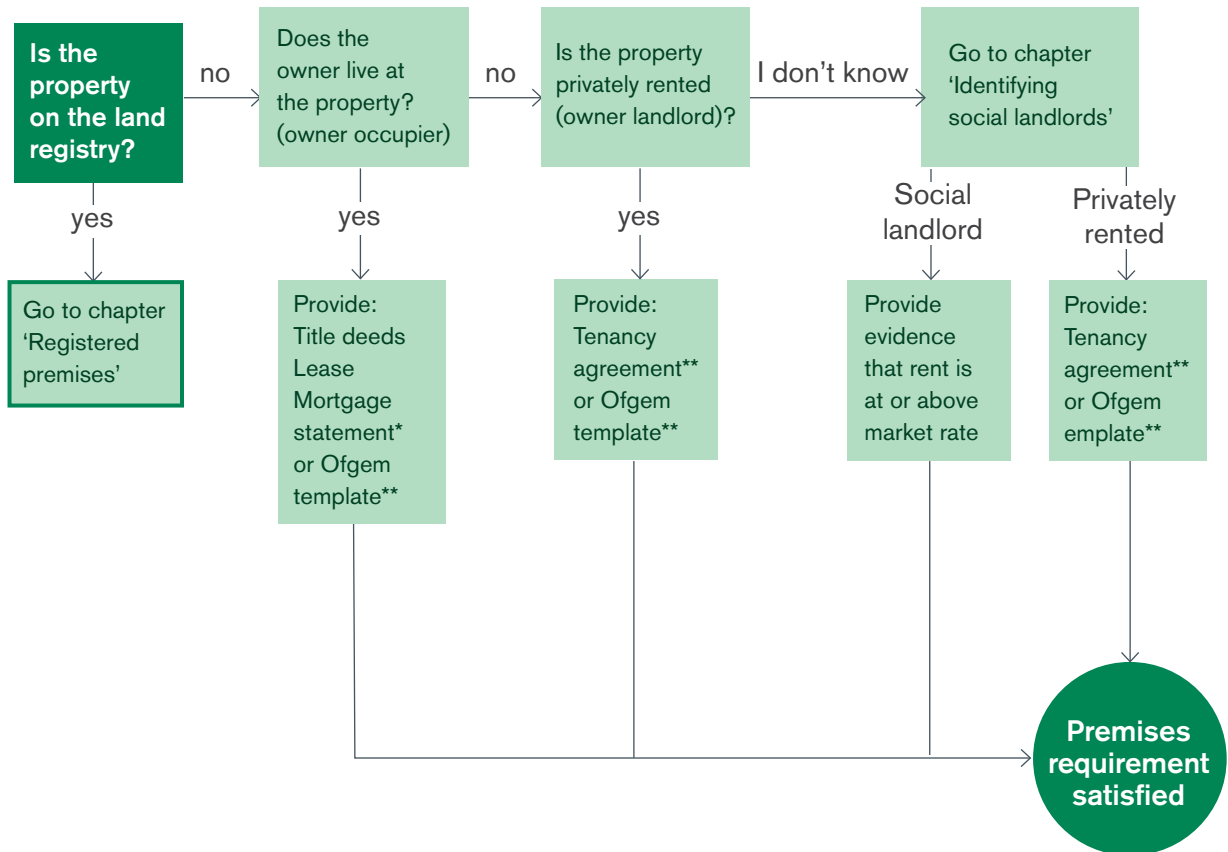
You must ensure that the address where the measure will be installed matches the general address (eg street name/area) of the plot on the land registry. To do this, you must accompany the full title register extract with proof of residence. The address on the proof of residence must match the address on the land registry, with the addition of building name or number and postcode. If the person living at the premises is an owner-occupier, you will need to ensure the name on the land registry matches the name on the proof of residence.

<sup>20</sup> See Appendix 1 for an example

<sup>21</sup> See 'Proof of residence'

# 4. Unregistered premises

## i. UNREGISTERED PREMISES FLOW CHART



\*If dated older than within 18 months before the completion of the measure, must be accompanied by proof of residence dated within 18 months before the completion of the measure.

\*\*Must be accompanied by proof of residence dated within 18 months before the completion of the measure.

If the relevant interest in the premises is not registered on the land registry you will need to provide evidence of this upon request. You can do this by taking a screenshot of the search to show that the search has come up with zero results (highlighted in yellow):

2 Example Street, Cambridgeshire CA1 AAA		
Tenure: n/a	Price Paid/Value Stated Data: n/a	No information available

Unregistered premises are private domestic premises if:

- a the premises are privately owned or privately rented
- b the premises are let under a lease granted under the 'Right to Purchase' scheme in Scotland
- c the premises are let under a lease granted under the 'Right to Buy' or 'Right to Acquire' schemes in England or Wales<sup>22</sup>, or
- d the premises are let by a social landlord at or above market rate.

## i. EVIDENCE REQUIREMENTS

For premises where no relevant interest is registered, it is helpful to first establish who has the right to occupy the premises:

- a the person who owns the premises - 'the owner-occupier', or
- b the person who rents premises to a tenant - 'the owner-landlord'.

When you have identified who has the current right to occupy, you can then determine what documents you will need to prove that these private domestic premises meet the premises requirement. You may need to accompany these with proof of residence<sup>23</sup> to authenticate some of the documents that show who has the current right to occupy the premises. The name on the document(s) that shows who has the current right to occupy must be the same as the name on the proof of residence.

This table shows what documents we'll accept as evidence to show who has the current right to occupy the premises. It also confirms which documents need to be accompanied by proof of residence and which must be dated within 18 months before the completion of the measure.

Owner-occupiers	Dated within 18 months	Proof of residence required?
a title deed	No	No
a mortgage statement for the premises which is addressed to the owner-occupier	Yes	No, if mortgage statement is dated within 18 months of the completion of the measure.
a completed Ofgem template - a declaration from a professional third party <sup>23</sup> confirming they hold the title deeds for the premises and those deeds name the occupier as the freeholder/leaseholder or following an investigation, the title deeds have been lost or destroyed and they are satisfied that the occupier is the freeholder/leaseholder	No	Yes

<sup>22</sup> The leases for these premises, which show they are under either 'Right to Buy', 'Right to Purchase' or 'Right to Acquire' schemes, can be used as evidence that the premises are private domestic premises

<sup>23</sup> See chapter 'Proof of residence' for a list

<sup>24</sup> We consider 'professional third party' to be solicitors, land conveyors, bankers, accountants, mortgage lenders or equivalent

Owner-landlords	Dated within 18 months	Proof of residence required?
a written tenancy agreement between the owner landlord and the tenant which demonstrates that the named tenant lives there	No	Yes
a completed Ofgem template - if the written tenancy agreement has expired or if there is no tenancy agreement signed by both landlord and tenant confirming the occupancy agreement <sup>25</sup>	No	Yes

If there is a written tenancy agreement between the owner-landlord and the tenant that states that the named tenant lives there, and you are providing an extract, you must ensure that the extract shows:

- a the address of the premises
- b the term of the tenancy, and
- c the names and signatures of the tenant and landlord.



If the documents listed prove inconclusive<sup>26</sup>, ie that the name belongs to a corporation or another type of entity, you must be able to prove that it is not a social landlord.<sup>27</sup>

You may come across other legal documents that show who has the current right to the premises. We will accept the following if the relevant interest of the premises is not registered:

- Conveyance documents
- Deeds
- Grant of admission

We will accept these and other legal declarations that explicitly state that the person owns the premises. If a legal document states that the person owns the premises at the given address where a measure is going to be installed and there is no contradictory evidence that the premises are leased, this would be sufficient.

Please note that this is not an exhaustive list. If you come across any other document(s) that you think satisfy the private domestic premises requirement, please email us at [eco@ofgem.gov.uk](mailto:eco@ofgem.gov.uk).

<sup>25</sup> <https://www.ofgem.gov.uk/publications-and-updates>

<sup>26</sup> Inconclusive in this context means unsure if the interest in the premises is privately owned or by a social landlord

<sup>27</sup> See chapter 'Identifying social landlords'

### iii. PROOF OF RESIDENCE

In certain instances (as described in this guidance note), you will need to accompany documents that show who has the relevant interest in the premises with proof of residence. This is to authenticate documents provided. We will accept these documents as proof of residence:

- a council tax letter or a letter from the council
- a utility bill, or phone bill
- a mortgage statement or a bank statement
- an extract from the electoral register<sup>28</sup>
- benefit letters,<sup>29</sup> or
- a letter from the NHS.



Proof of residence must be dated within 18 months before the completion of the measure.

If you would like to use any other official documents, you must agree it with us before installing the measure.

### iv. UNREGISTERED PREMISES FAQs

**The owner of the premises is deceased and the customer has inherited the premises. Is a 'Grant of Administration' document enough evidence to confirm owner occupier?**

The Grant of Administration document must expressly state that the ownership of the premises has been passed on to the customer. This would then be sufficient evidence. This evidence is only acceptable for owner-occupiers.

**Can you accept conveyance documents as proof of ownership?**

Yes, we will accept conveyance documents to demonstrate ownership, provided the premises are not on the land registry. The document must clearly state the address of the premises, and the name(s) of the owner(s). This evidence is only acceptable for owner-occupiers.

<sup>28</sup> See Appendix 1 for an example

<sup>29</sup> See the AWG Guidance note for details <https://www.ofgem.gov.uk/publications-and-updates>

**The conveyance document or land title deeds only reference the plot before the house was built. Is this sufficient to prove the relevant interest in private domestic premises?**

No. If the conveyance document states a general area or street that matches the address of the installation, it must be accompanied by proof of residence for the occupant. The proof of residence must have the same name of the person and the same address as the conveyance document, with the addition of building name or number and postcode. This evidence is only acceptable for owner-occupiers.



## 5. Identifying social landlords

Whether the premises are registered or not, the owner or landlord of those premises may be a social landlord. This chapter outlines how you can identify whether the owner or landlord is a social landlord.



Identifying if the owner or landlord is a social landlord of the premises is not sufficient evidence to show who has the relevant interest or the right to occupy the premises. You will still have to satisfy the premises requirement, irrespective of what you have determined. You would, for example need to provide a tenancy agreement or an Ofgem template on request.

The definition of a social landlord<sup>30</sup> is set out in Schedule 4 of the ECO2 Order and includes any bodies that fall under the following definitions:

### For England and Wales:

- i. a local housing authority, within the meaning of section 1 of the Housing Act 1985
- ii. a housing association, within the meaning of section 5 of the Housing Act 1985
- iii. a housing trust, within the meaning of section 6 of the Housing Act 1985, or
- iv. a charity, within the meaning of section 1 of the Charities Act 2011.

### For Wales only:

- i. a person listed in section 80(1) of the Housing Act 1985, or
- ii. a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.

### For Scotland:

- i. a person so described in section 165 of the Housing (Scotland) Act 2010.

### i. WAYS OF DETERMINING WHETHER PREMISES ARE OWNED BY A SOCIAL LANDLORD

If a land registry search has proved inconclusive<sup>31</sup> or it shows premises are owned by a company or other type of entity, then you need to confirm whether this entity is a social landlord. Below are details of some of the registers you can use to find information on social landlords in England, Scotland and Wales. Please note that these registers do not hold an exhaustive list and they may not be completely up to date.

#### England:

- The Homes and Communities agency provide a list of registered providers of social housing. This can be accessed at: <https://www.gov.uk/government/publications>
- The charity commission holds a register of organisations that have been recognised as charitable in law. Not all charities must register. The register can be accessed at: <http://www.charitycommission.gov.uk/showcharity>

<sup>30</sup> See extracts from relevant pieces of legislation in Appendix 2

<sup>31</sup> Inconclusive in this context means unsure if premises are privately owned or by a social landlord

**Wales:**

- The Welsh Ministers maintain a public register of social landlords. The register can be accessed at: <http://wales.gov.uk/topics/housingandcommunity/housing>

**Scotland:**

- The Scottish Housing Regulator maintains a register of social landlords. The register can be accessed at: <http://www.esystems.scottishhousingregulator.gov.uk>

If you have discovered that the private domestic premises are owned or leased by a social landlord, you then need to provide data showing the private domestic premises were rented at or above market rate.<sup>32</sup> If the rent is below market rate, then the premises requirement is not met and the customer would not be eligible under HHCRO, but they may be eligible under CSCO or CERO.

<sup>32</sup> See chapter 'Determining market rate' for more information

## 6. Determining market rate

In instances where private domestic premises are rented by a social landlord, you will need to provide evidence that the rent paid by the occupier is not below the market rate.



If you have determined that the customer's rent is at or above market rate, you will still have to satisfy the premises requirement. You would, for example need to provide a tenancy agreement or Ofgem templates on request.

### i. ENGLAND

We consider market rate to be any monthly rent that is equal to or greater than the 'lower quartile value' for premises with the same number of bedrooms in the most recent table of VOA Private Rental Market Statistics<sup>33</sup> for the administrative area that the premises are located in. You may see a table similar to this:

#### Private Rental Market Statistics

Table 2:1: Summary of 'Room' monthly rents recorded between 1 October 2013 and 20 September 2014 by administrative area for England

[Table notes and footnotes](#)

Area	Count of rents	Mean	Room		
			Lower quartile	Median	Upper quartile
<b>ENGLAND</b>	<b>35,125</b>	<b>363</b>	<b>303</b>	<b>347</b>	<b>390</b>
<b>NORTH EAST</b>	<b>971</b>	<b>290</b>	<b>256</b>	<b>282</b>	<b>338</b>
County Durham UA	168	327	282	347	364
Darlington UA	65	291	282	282	303
Hartlepool UA	-	-	-	-	-
Middlesbrough UA	302	288	256	264	342
Northumberland UA	23	354	347	347	368
Redcar and Cleveland UA	14	356	325	330	347
Stockton-on-Tees UA	-	-	-	-	-
Tyne and Wear (Met County)	391	265	238	273	303
Gateshead	38	309	270	290	325
Newcastle upon Tyne	190	295	273	282	325
North Tyneside	-	-	-	-	-
South Tyneside	12	243	165	260	303
Sunderland	147	225	195	217	238
<b>NORTH WEST</b>	<b>6,203</b>	<b>316</b>	<b>282</b>	<b>321</b>	<b>347</b>
Blackburn with Darwen UA	23	242	238	238	238
Blackpool UA	133	349	325	364	390
Cheshire East UA	424	298	260	282	325

<sup>33</sup> <https://www.gov.uk/government/statistics/private-rental-market-statistics>

## ii. SCOTLAND AND WALES

We consider market rate to be any monthly rent that is equal to or lower than the 30th percentile market<sup>34</sup> rent for premises with the same number of bedrooms in the Broad Rental Market area (BRMA) the premises are located in.

- **Scotland:** The 30th percentile of market rents can be found in column 3 of the Local Housing Allowance (LHA) methodology table<sup>35</sup> (found at the bottom of the page). You may see a table similar to this:

BRMA	LHA rate from April 2014 - March 2015	30th percentile market results September 2014	April 2014 LHA rate uplifted by 4% or 1%	LHA rates for April 2015 - March 2016
<b>Aberdeen and Shire</b>				
1 Bedroom Shared	£72.72	£80.77	£75.63	£75.63
1 Bedroom	£122.36	£144.23	£127.25	£127.25
2 Bedroom	£156.00	£184.62	£162.24	£162.24
3 Bedroom	£177.83	£207.69	£184.94	£184.94
4 Bedroom	£226.89	£300.00	£235.97	£235.97
<b>Argyll and Bute</b>				
1 Bedroom Shared	£59.00	£63.46	£61.36	£61.36
1 Bedroom	£84.00	£84.23	£84.84	£84.23

<sup>34</sup> The 30th percentile is a mathematical value which represents the level of rent where around 3 in 10 premises are let at or below LHA. The list of rents is a representative sample of private sector rents paid across the BRMA, including those from the lower end through to the upper ends of each rental market

<sup>35</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent/tenants/Local-Housing-Allowance/figures>

- **Wales:** The 30th percentile of market rents can be found in column 2 of the Local Housing allowance table.<sup>36</sup>  
You may see a table similar to this:

<b>Broad Rental Market Area (BRMA)</b>	<b>Column 1 Current rates for Apr 2014- Mar 2015</b>	<b>Column 2 Percentile from list of rents</b>	<b>Column 3 Current rates uplifted by 1%</b>	<b>Column 4 Current rates uplifted by 4%</b>	<b>Column 5 New LHA rates for Apr 2015- Mar 2016</b>
<b>95000 North West Wales</b>					
Shared Accommodation	249.98	260.71	252.50		252.50
1 Bedroom	307.21	325.89	310.29		310.29
2 Bedroom	393.33	417.14	397.29		397.29
3 Bedroom	475.02	492.53	479.31		579.31
4 Bedroom	573.57	594.99	579.31		579.31
<b>95100 North Clwyd</b>					
Shared Accommodation	230.30	282.44	232.60	239.51	239.51
1 Bedroom	374.62	374.62	351.10		347.62
2 Bedroom	449.99	449.99	454.51		449.99
3 Bedroom	531.68	550.02	536.98		536.98
4 Bedroom	650.00	651.79	656.52		651.79
<b>95200 Flintshire</b>					
Shared Accommodation	254.54	249.85	257.11		249.85

Where the rent is lower than these figures, and you think that the rent is in fact at or above market rate, you could provide us with alternative statistics to prove this. However, these must be approved by us before installation of a measure takes place.

If the rent is below market rate, then the premises requirement is not met and the customer would not be eligible under HHCRO, but they may be eligible under CSCO or CERO.

<sup>36</sup> <http://wales.gov.uk/topics/housing-and-regeneration/welfare-reform/rentofficers/publications/?lang=en>

# Appendix 1

This appendix provides some examples of the evidence that you can provide for the purpose of satisfying the premises requirement.

We have tried to indicate whether the documents used as examples are compliant or not. We have highlighted certain parts of the document that need to be considered when determining the premises requirement.

This is not an exhaustive list of the documents that can be used as evidence. This is a sample of documents that should provide clarity on what our requirements are.

We have decided not to include other kinds of evidence, such as conveyance documents or title deeds, as these documents come in many shapes and forms. We encourage you to evaluate each document individually as described in this guidance note to determine if premises are private domestic premises.

For further clarification on whether or not a document is eligible, please refer to the ECO2 Order and the ECO2 Guidance: Delivery or contact the ECO team at [ECO@ofgem.gov.uk](mailto:ECO@ofgem.gov.uk).

## Example documents

- i. Full land registry extract for England and Wales
- ii. Full land registry extract for Scotland
- iii. Electoral register

i. Full land registry extract for England and Wales

Title Number: 123456

This title is dealt with by Land Registry, Croydon Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'official Copy' of the register is admissible in evidence in a court to the same extent as an official copy. A person is entitled to be identified by the register if he or she is not a mistake in an official copy.

Date of extract should be dated no more than 18 months prior to the completion of the measure

This extract shows information current on 30 JAN 2015 at 16:00 on the account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

<b>Title Number:</b>	: 123456
<b>Address of Property</b>	: 1 Example Street, Cambridgeshire, CA1 AAA
<b>Price Stated</b>	: Not Available
<b>Registered Owner(s)</b>	: JANE BLOGGS of 27 Peter of 2 Example Street, Cambridgeshire, CA1 AAA JOE SMITH of 2 Example Street,
<b>Lender(s)</b>	: None

Address must match the address notified to Ofgem

If the name is an individual, we will assume it does not belong to a social landlord. If a corporation, the supplier should check against relevant registers

**Title Number: 123456**

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 30 JAN 2015 at 16:13:56. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be identified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

**A: Property Register**

This register describes the land and estate comprised in the title.

**CAMBRIDGESHIRE**

- 1 (11.11.1929) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 1 Example Street, Cambridgeshire, CAA 1AA.
- 2 That part of the subsoil under the land tinted pink on the filed plan which forms part of the deep Tube shelters and underground access works which became vested in the Minister of Works by virtue of the Underground Works (London) Act 1956 has been removed from this title and registered under Title LN123456.
- 3 (17.03.2009) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

**B: Proprietorship Register**

This register specifies the class of title and identifies the owner. It contains entries that affect the right disposal.

**Title absolute**

- 1 (20.04.1994) PROPRIETOR: JANE BLOGGS of 2 Example Street, Cambridgeshire and 2DD and JOE SMITH of 2 Example Street, Cambridgeshire
- 2 (01.10.1984) RESTRICTION: No disposition by a sole proprietorship company (being a trust corporation) under which capital money is received shall be valid except under an order of the register or of the Court.

If extract is dated after the completion of measure, we will use the date the premises was bought by the relevant persons. If bought before the completion of measure, we will assume the premises had not changed hands in the period in-between

**C: Charges Register**

This register contains any charges and other matters that affect the land.

- 1 A Transfer of the land in this title dated September 1936 made between (1) Jonathon Bloggs and (2) Shop Investments Limited contains the following covenants:-
  - 2 "We said shop Investments Limited hereby covenant with the said Jonathon Bloggs for the benefit of the neighbouring properties of the vendor but not so as to be liable in respect of any breach non-performance or non-observance of this covenant which may occur after we shall have parted with all interest in the premises hereby transferred that the premises hereby transferred shall not be used for the business of an Oil and Colourman or as a Domestic Stores."
- (17.03.2009) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.  
The leases grant and reserve easements as therein mentioned.



Title Number: 123456


Schedule of notices of leases

1	17.03.2009	1 Example Street (Ground Floor and Basement)	12 y 19.0
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If premises are leased, the supplier should provide a full title register land registry extract of the leaseholder

End of register

ii. Full land registry extract for Scotland



## Registers Direct - Land Register: View Title 123456

**Search Summary**

**Date:** 15/16/2010 Date of search must be no more than 18 months prior to the completion of measure

**Search No.:** 2010-06708527 977

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**Sasine Search Sheet**

### A. PROPERTY SECTION

<b>Title Number:</b>	123456	<b>Date of First Registration:</b>	04/08/2000
<b>Date Title Sheet updated to:</b>	19/06/2009	<b>Date of Land Certificate updated to:</b>	04/08/2000
<b>Hectarage Code:</b>	0	<b>Interest:</b>	PROPRIETOR
<b>Map Reference:</b>	NS1111NE		

**Description**

Subjects 1 EXAMPLE STREET, GLASGOW, G11 1AA edged red on the plan. Together with a right in common with all adjoining proprietors to all common walls, mutual parts, wall or fences serving the whole of said subjects.

Address must match the address where the measure was installed

*This is a Quick Copy which reflects the position at the date the Title Sheet was last updated.  
It does not have the evidential status of an Office Copy.*

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### B. PROPRIETORSHIP SECTION

<b>Title Number:</b>	123456	<b>Deed Number:</b>	DMB67320
<b>Date of Registration</b>	04/08/2000	<b>Proprietor</b>	<b>Consent</b>
		JANE BLOGGS and JOE SMITH both 1 Example Street, Glasgow, G11 1AA equally between them and the survivor of them.	£225

There are in respect of the subjects in this Title no subsisting occupancy rights in terms of the Matrimonial Homes (Family Protection)(Scotland) Act 1981 of spouses of persons who were formerly entitled to the said subjects.

If extract is dated after the completion of measure, we will use the date the premises was bought by the relevant persons. If bought before the completion of measure, we will assume the premises had not changed hands in the period in-between

If the name is an individual, we will assume it does not belong to a social landlord. If a corporation, the supplier should check against relevant registers to establish it is not a social landlord

### iii. Electoral register

Name	Address	Other Occupants	Electoral Roll	Director Info	Length of Occupance	Neighbours	Property Price
<a href="#">Joe Bloggs</a> Age guide: 25-29	1 Example Street, Glasgow, G11 1AA <a href="#">Full Address</a>	Jane Bloggs	2005-15	✓	✓	✓	✓ <a href="#">View</a>

Name must match name on document showing the premises requirement is met (eg land registry extract)

Address must match address of installation being notified to Ofgem

Date must be within 18 months prior to the completion of the measure

## Appendix 2

This Appendix consists of extracts directly from different pieces of legislation as outlined below for England, Scotland and Wales that state the various definitions of a 'social landlord' that we refer to in this guidance note.



These extracts are correct at the time of publication. It is the supplier's responsibility to keep up to date with any legislative changes referred to in this chapter. We do not commit to keeping this chapter up to date.

### i. ENGLAND AND WALES:

#### **Local Housing Authority:**

In section 1 of the Housing Act 1985 "local housing authority" means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council, or the Council of the Isles of Scilly'



#### **Housing Association:**

In section 5 of the Housing Act 1985 "housing association" means a society, body of trustees or company—

'(a) which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, and

(b) which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital.'

In this Act "fully mutual", in relation to a housing association, means that the rules of the association—

(a) restrict membership to persons who are tenants or prospective tenants of the association, and

(b) preclude the granting or assignment of tenancies to persons other than members;

and "co-operative housing association" means a fully mutual housing association which is a society registered under the Industrial and Provident Societies Act 1965'

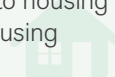
(3) In this Act "self-build society" means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members' own labour.'

(4) In this Act "registered social landlord" means—

(a) a housing association registered in the register maintained by the Housing Corporation under section 1 of the Housing Act 1996, or

(b) a housing association registered in the register maintained by the Secretary of State]] under section 1 of the Housing Act 1996, subject as follows.

(5) References to registered social landlords include, where the context so permits, references to housing associations registered in the register maintained by Scottish Homes under section 3 of the Housing Associations Act 1985 (Scottish registered housing associations)'




### **A Housing Trust:**

In section 6 of the Housing Act 1985 “housing trust” means a corporation or body of persons which:

‘(a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or

(b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds for charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.’



### **A Charity:**


In section 1 of the Charities Act 2011 meaning of “charity” is:

‘(1) For the purposes of the law of England and Wales, “charity” means an institution which—

(a) is established for charitable purposes only, and

(b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

(2) The definition of “charity” in subsection (1) does not apply for the purposes of an enactment if a different definition of that term applies for those purposes by virtue of that or any other enactment.’




## ii. WALES ONLY:

### **A person listed in section 80(1) of the Housing Act 1985:**

‘The landlord condition.

(1) The landlord condition is that the interest of the landlord belongs to one of the following authorities or bodies—

- a local authority,
  - a development corporation,
  - a housing action trust
  - an urban development corporation, in the case of a tenancy falling within subsections (2A) to (2E), the Homes and Communities Agency or the Welsh Ministers (as the case may be),
  - housing co-operative to which this section applies.’
- 

**A body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996:**

'The register of social landlords.

(1) The Relevant Authority shall maintain a register of social landlords which shall be open to inspection at all reasonable times.

(1A) In this Part "the Relevant Authority" means the Housing Corporation or the Secretary of State, as provided by section 56.

(1B) The register maintained by the Housing Corporation shall be maintained at its head office.'

Meaning of "the **Relevant Authority**":

'(1) In this Part "the Relevant Authority" means the Housing Corporation or the Secretary of State, as follows.

(2) In relation to a registered social landlord, or a body applying for such registration, which is—

(a) a registered charity which has its address for the purposes of registration by the Charity Commissioners in Wales,

(b) an industrial and provident society which has its registered office for the purposes of the Industrial and Provident Societies Act 1965 in Wales, or

(c) a company registered under the Companies Act 1985 which has its registered office for the purposes of that Act in Wales,

"the Relevant Authority" means the Secretary of State.

(3) In relation to any other registered social landlord or body applying for such registration, "the Relevant Authority" means the Housing Corporation.

(4) Nothing in this Part shall be construed as requiring the Housing Corporation and [the Secretary of State] to establish the same criteria for registration as a social landlord, or otherwise to act on the same principles in respect of any matter in relation to which they have functions under this Part.'



**iii. SCOTLAND:**

In section 165 of the Housing (Scotland) Act 2010:

"social landlord" means a registered social landlord, local authority landlord or a local authority which provides housing services.'





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Glasgow G2 2BA  
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