



GREEN LIVING GRANT SCHEME 2021

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Statutory Document No. 2021/0132



Financial Provisions and Currency Act 2011

GREEN LIVING GRANT SCHEME 2021

Approved by Tynwald:

Coming into Operation:

1 October 2021

The Department for Enterprise, with the concurrence of the Treasury¹, makes the following Scheme under section 3 of the Financial Provisions and Currency Act 2011.

PART 1 – INTRODUCTORY

1 Title

This Scheme is the Green Living Grant Scheme 2021.

2 Commencement

If approved by Tynwald², this Scheme comes into operation on 1 October 2021.

3 Interpretation

In this Scheme —

“**accredited**”, in relation to a contractor, means listed on the website of Construction Isle of Man³ as being qualified to carry out a particular recommended measure;

“**applicant**” means a person who has applied for a grant under this Scheme;

“**application**” means an application for an MHEA grant or a Green Living grant, as the case may be;

“**approved grant**” means an amount of grant approved by the Department under paragraph 8 (consideration of applications) for the carrying out of a Manx Home Energy Audit or a recommended measure;

¹ Treasury concurrence is required under section 3(2)(b) of the Financial Provisions and Currency Act 2011 and section 10 of the Treasury Act 1985.

² Tynwald approval is required under section 3(7) of the Financial Provisions and Currency Act 2011.

³ www.constructioniom.im.

- “**asset rating**” means an indicator of energy performance specified on an MHEA certificate, ranging from A to G (where A is high and G is low) and determined from the amount of energy estimated to meet the different needs associated with a standardised use of a building;
- “**authorised person**” means any person authorised by the Department in writing either generally or specifically for the purposes of the Scheme;
- “**building**” has the same meaning as in the Building Control Act 1991;
- “**completion certificate**” means a certificate issued by a building authority under regulation 21 of the Building Regulations 2014⁴;
- “**Construction Isle of Man**” means the representative body for the construction industry in the Island, created by the joining together of the Isle of Man Construction Federation, the Isle of Man Construction Forum, the Chamber of Commerce Construction Committee and Think Construction;
- “**contractor**” means a person who is contracted to carry out work to implement a recommended measure;
- “**Department**” means the Department for Enterprise;
- “**domestic energy assessor**” means a person contracted by the Department to carry out a Manx Home Energy Audit;
- “**eligible premises**” means premises that are eligible for a grant under this Scheme by virtue of paragraph 6 (eligible premises);
- “**energy performance**”, in relation to premises, means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the premises, which includes, amongst other things, energy used for heating, cooling, ventilation, hot water and lighting;
- “**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;
- “**grant**” means a Green Living grant or an MHEA grant;
- “**Green Living grant**” has the meaning given in paragraph 4(2) (grants to be made);
- “**indicative cost**” means the higher figure in the range of costs specified on an MHEA certificate for the carrying out of a recommended measure listed on the MHEA certificate;
- “**landlord**” has the meaning given in section 3 of the Landlord and Tenant Act 1954;

⁴ SD 2014/0165, as amended by SD 2019/0276 and SD 2020/0042.

“**Manx Home Energy Audit**” means an assessment of the energy performance of premises by a domestic energy assessor;

“**MHEA certificate**” means a certificate of energy performance for premises issued by a domestic energy assessor on completion of a Manx Home Energy Audit;

“**MHEA grant**” has the meaning given in paragraph 4(1) (grants to be made);

“**partner**”, in relation to a person’s (E’s) eligibility to apply for a grant or to an applicant, means a person living with E or the applicant as if the person were E’s or the applicant’s spouse or civil partner;

“**premises**” includes a flat;

“**recommended measure**” means a measure listed on an MHEA certificate that is recommended by a domestic energy assessor for the cost-effective improvement of the energy performance of the premises to which the MHEA certificate relates;

“**residential premises**” means any building used wholly or mainly as a domestic dwelling other than a flat;

“**valid**”, in relation to an MHEA certificate, means an MHEA certificate –

- (a) which is the most recently issued certificate for the premises to which a Green Living grant relates; and
- (b) which was issued no more than 10 years before the date that an application for such a grant is made to the Department; and

“**Voluntary Landlord Registration Scheme**” means the voluntary scheme for the registration of landlords of residential premises (including flats) introduced by the Department of Infrastructure in 2013.

PART 2 – ASSISTANCE BY WAY OF GRANT

4 Grants to be made

- (1) Subject to the provisions of this Scheme, the Department may, on an application made in accordance with this Scheme, make a grant (an “MHEA grant”) of up to 100% of the cost of a Manx Home Energy Audit.
- (2) Subject to the provisions of this Scheme, the Department may, on an application made in accordance with this Scheme, make a grant (a “Green Living grant”) of not more than 50% of the indicative cost for all or any one or more of the recommended measures in respect of an eligible premises.
- (3) The combined total of MHEA grant and Green Living grant made in respect of an eligible premises must not exceed £6,000.
- (4) Despite subparagraph (2), the Department, where it considers it reasonable to do so having regard to the particulars of any application,

may provide assistance by way of a Green Living grant that exceeds the limitations prescribed in that subparagraph.

- (5) The Department may limit in each financial year the total amount of MHEA grant and the total amount of Green Living grant payable —
 - (a) in the Island;
 - (b) to specific areas of the Island as determined by the Department; or
 - (c) for specific activities as determined by the Department.

PART 3 — ELIGIBILITY

5 Eligibility to apply

- (1) Subject to the provisions of this Scheme, a person is eligible to apply for an MHEA grant or a Green Living grant if the person —
 - (a) is the owner of the eligible premises to which the application relates or a person acting on the owner's behalf; or
 - (b) is a tenant or occupier of the eligible premises to which the application relates and has the written consent of the owner of those premises to make the application.
- (2) A person is eligible to apply for an MHEA grant or a Green Living grant if the person is registered with the Department of Infrastructure under the Voluntary Landlord Registration Scheme or other voluntary or statutory scheme for the registration of landlords in circumstances where —
 - (a) the person is the landlord of the eligible premises to which the application relates; and
 - (b) the landlord is eligible or required to be so registered.
- (3) In addition to the requirements of subparagraphs (1) and (2) —
 - (a) the owner of the eligible premises referred to in subparagraph (1)(a); or
 - (b) the tenant or occupier referred to in subparagraph 1(b),is only eligible for a Green Living Grant if that person's income, together with that of the person's spouse, civil partner, or partner, does not exceed £112,000 per annum for the income tax year preceding that in which the application is submitted.
- (4) A person may receive an MHEA grant under this Scheme for no more than 6 eligible premises.
- (5) A person may receive a Green Living grant under this Scheme for no more than 6 eligible premises.
- (6) The Department may make a grant under this Scheme on an application made by a person specified in subparagraph (1) who would otherwise be

precluded under either or both of subparagraphs (2) or (3) from applying for the grant, if it deems it reasonable to do so.

- (7) In subparagraph (3) —
- (a) “income tax year” has the meaning given in section 120 of the Income Tax Act 1970; and
 - (b) “income” means income before deducting income tax allowances.

6 Eligible premises

- (1) Subject to the provisions of this Scheme, to be eligible premises for an MHEA grant or a Green Living grant, the premises must —
- (a) be in the Isle of Man;
 - (b) be residential premises or a flat;
 - (c) not be owned by a Department, local authority, Statutory Board, housing association or housing trust; and
 - (d) not be premises in respect of which a grant has already been made.
- (2) In addition to the requirements of subparagraph (1), to be eligible premises for a Green Living grant the premises must —
- (a) have a valid MHEA certificate; and
 - (b) have an asset rating of D or below indicated on that MHEA certificate.
- (3) In addition to the requirements of subparagraphs (1) and (2), premises that —
- (a) were granted planning approval for their erection as part of a single planning approval for multiple buildings; and
 - (b) were given a completion certificate within one year of the date of an application,
- are not eligible premises.
- (4) In this paragraph —
- (a) “**erection**” does not include extension, alteration and re-erection;
 - (b) “**housing association**” has the meaning given by section 11 of the Housing (Miscellaneous Provisions) Act 1976; and
 - (c) “**housing trust**” means a corporation or body of persons that is required by its governing instrument —
 - (i) to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation; or
 - (ii) to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact, pursuant to those charitable purposes, uses the whole, or substantially the

whole, of its funds for the purpose of providing housing accommodation.

PART 4 – APPLICATIONS

7 Application for a grant

- (1) An application for a grant under this Scheme must –
 - (a) be submitted by an applicant in relation to eligible premises;
 - (b) be made in writing and in such form as the Department may provide;
 - (c) contain the information requested by the Department in relation to the application; and
 - (d) be accompanied by such documentation and supplementary information as may be required by the Department to support the provision of the information described in subparagraph (c).
- (2) For the purposes of subparagraph (1)(c), the information requested by the Department may include –
 - (a) the applicant’s name, address, postcode and contact information;
 - (b) the details of the premises to which the application relates, including the address of those premises;
 - (c) proof of ownership of the premises to which the application relates or proof of that owner’s consent for an application (where applicable);
 - (d) proof that the premises to which the application relates are eligible premises; and
 - (e) in the case of an application for a Green Living grant –
 - (i) proof that the applicant meets the eligibility requirements specified in paragraph 5(3); and
 - (ii) the information contained in any valid MHEA certificate relevant to the premises to which the application relates.
- (3) The Department may require from the applicant and, insofar as necessary the applicant’s spouse, civil partner or partner, authority to contact the Treasury for verification that information or documentation provided in support of the applicant’s eligibility to apply for a grant under paragraph 5(3) is accurate.
- (4) The Department may request the verification specified in subparagraph (3) from the Treasury, and the Treasury may provide that verification for the purposes specified in that subparagraph.

- (5) An application is properly made only when all the documentation and information required by the Department has been provided and is factually correct and where appropriate has been or may be verified.

8 Consideration of applications

- (1) The Department must consider every application that has been properly made and must inform the applicant of its decision in writing.
- (2) The Department may, as it thinks fit –
 - (a) defer a decision regarding any application until the applicant has provided to the Department any further information that the Department may reasonably request;
 - (b) refuse to approve the making of an MHEA grant or Green Living grant in relation to any application;
 - (c) approve the making of an MHEA grant in relation to an application, with or without conditions;
 - (d) approve the making of a Green Living grant in relation to an application, with or without conditions;
 - (e) approve the making of such additional amount of grant as permitted under paragraph 4(4) as it considers reasonable for the purposes of a grant made under this Scheme.
- (3) Without prejudice to subparagraph (2)(b), the Department may refuse to approve the making of a grant if –
 - (a) the application for the grant is made by a person who is not eligible to apply for the grant under paragraph 5(2) or (3); and
 - (b) the Department determines that it is not appropriate to exercise its discretion under paragraph 5(6) to consider the making of a grant on the application.
- (4) The Department must refuse to approve the making of a grant if –
 - (a) the applicant is precluded from receiving the grant by virtue of paragraph 5(1);
 - (b) the applicant has applied, and received approval, for the maximum number of grants permitted under paragraph 5(4) or (5);
 - (c) the application for the grant is made in respect of premises that are not eligible premises; or
 - (d) the Department has reached the limit of the total amount of the MHEA grant or the Green Living grant for a particular financial year under paragraph 4(5).
- (5) No monies are payable in respect of a grant under this Scheme if the application for the grant is not approved by the Department.
- (6) If the Department refuses to approve the making of a grant, it must notify the applicant in writing of the reasons for its decision.

- (7) If the Department approves the making of an MHEA grant in relation to an application, the Department must send the applicant a notice in writing specifying —
- (a) that, subject to the provisions of the Scheme, the approved grant will be paid to the domestic energy assessor carrying out the Manx Home Energy Audit for which the grant is made;
 - (b) any conditions of the grant;
 - (c) the circumstances in which the approved grant (or part of it) may be withheld, suspended, terminated or recovered under this Scheme; and
 - (d) any other details the Department considers necessary to enable arrangements to be made for the carrying out of the Manx Home Energy Audit for which the grant is made.
- (8) If the Department approves the making of a Green Living grant in relation to an application, the Department must send the applicant a notice in writing specifying —
- (a) the recommended measures for which the grant is available;
 - (b) the approved amount of grant available for those recommended measures;
 - (c) to whom, subject to the provisions of this Scheme, the approved grant is payable;
 - (d) the period within which the Department must receive an invoice from a contractor or the applicant for carrying out those recommended measures;
 - (e) any conditions of the grant; and
 - (f) the circumstances in which the approved grant (or part of it) may be withheld, suspended, terminated or recovered under this Scheme.
- (9) In any case where the applicant is not the owner of the premises to which the application relates —
- (a) the Department must give a copy of any notice given under subparagraphs (6) to (8) to the owner of the premises; and
 - (b) a notice given under subparagraph (8) must specify that making of the grant is conditional upon the Department receiving the written consent of the owner to the making of the grant on the terms set out in the notice.
- (10) Any approval of the making of a grant on an application may be varied or withdrawn by the Department with the written consent of the applicant.

PART 5 – PAYMENT OR WITHOLDING ETC. OF GRANTS

9 Conditions of a grant

- (1) Any approval of a grant under this Scheme may be made subject to such conditions that the Department thinks fit.
- (2) Without prejudice to the generality of subparagraph (1), the Department may specify any of the following as a condition to which the approval of a grant may be subject –
 - (a) that a recommended measure for which the grant is made must be carried out by an accredited contractor;
 - (b) that a copy of a valid MHEA certificate for the premises to which the application for the grant relates is provided to the Department;
 - (c) the priority order in which recommended measures must be carried out in respect of the premises for which the grant is made;
 - (d) the period of time within which the Department must receive an invoice from the applicant or a contractor (as the case may be) for carrying out a recommended measure;
 - (e) in the case of an application for a Green Living grant, that the applicant has obtained all of the necessary statutory consents for the applicable recommended measures (including, but not limited to, planning approval);
 - (f) that an authorised person be permitted, on request and at a reasonable time, entry to the premises to which the application or approved grant relates for the purposes of –
 - (i) inspecting work relating to a recommended measure for which the grant is payable; and
 - (ii) determining whether or not an applicant, domestic energy assessor or contractor has complied with the conditions of the grant;
 - (g) that –
 - (i) the applicant for the grant; or
 - (ii) any domestic energy assessor or contractor to whom the grant is or may be payable,provide the Department or authorised person with any information or documentation required by the Department or authorised person under paragraph 15 (information).

10 Breach of obligations

- (1) The Department may exercise any of the powers in paragraph 11 (Department's powers) in relation to an approved grant if any of the following apply –

- (a) any information furnished to the Department by —
 - (i) the applicant for the grant; or
 - (ii) a domestic energy assessor or contractor (as the case may be) to whom the grant is payable (in whole or in part),
is false, incomplete or misleading;
- (b) the applicant for the grant, or a domestic energy assessor or contractor to whom the grant is payable (in whole or in part) is in breach of any condition to which that person is subject under this Scheme;
- (c) the Department considers that the Manx Home Energy Audit or recommended measure for which the grant was made appears not to have been carried out satisfactorily;
- (d) the whole or part of any Green Living grant provided —
 - (i) is for work for which financial assistance has been or will be paid out of public funds other than by way of a Green Living grant; or
 - (ii) is for work for which damages or other compensation has been or will be paid pursuant to a policy of insurance or otherwise;
- (e) the applicant informs the Department in writing that the applicant wishes to withdraw the application for the grant;
- (f) the domestic energy assessor or contractor to whom the grant (in whole or in part) is payable informs the Department in writing that the domestic energy assessor or contractor (as the case may be) wishes to withdraw from operating under the Scheme.

11 Department's powers

- (1) The powers of the Department referred to in paragraph 10(1) (breach of obligations) are to —
 - (a) withhold the whole or any part of a grant;
 - (b) suspend or terminate the payment of a grant;
 - (c) recover on demand the whole or any part of a grant already paid.
- (2) Before exercising any of the powers specified in subparagraph (1) the Department must —
 - (a) give the applicant for the approved grant, and a domestic energy assessor or contractor (as the case may be) to whom the grant or any part of it is payable, a written explanation of the reasons for the proposed action;
 - (b) afford the applicant, and the domestic energy assessor or contractor (as the case may be) an opportunity to make written

representations within such time as the Department considers reasonable in respect of the proposed action; and

- (c) consider such representations.
- (3) The Department must, as soon as reasonably practicable, notify the applicant for the grant, and the domestic energy assessor or contractor (as the case may be) of its decision in writing, following its compliance with subparagraph (2), to exercise any of its powers under subparagraph (1).

12 Payment of grants

Subject to paragraphs 9 (conditions of a grant), 10 (breach of obligations) and 11 (Department's powers), the Department must pay –

- (a) the amount of an approved MHEA grant to a domestic energy assessor within 30 days of the Department receiving –
 - (i) a copy of the MHEA certificate issued by the domestic energy assessor for the premises for which the grant was approved; and
 - (ii) an invoice issued by the domestic energy assessor for the Manx Home Energy Audit of the premises for which the grant was approved;
- (b) the amount of an approved Green Living grant which was made in respect of a recommended measure to the applicant for the grant or a contractor (as the case may be), within 30 days of the Department receiving –
 - (i) an invoice for the carrying out by the applicant or contractor of that recommended measure for which the grant was approved; and
 - (ii) where an authorised person is to visit, or has visited, premises for the purposes specified in paragraph 9(2)(f), confirmation from that authorised person that the recommended measure has been carried out satisfactorily and conditions of the grant complied with.

13 Recovery of financial assistance

- (1) In any circumstance where an amount falls to be paid to the Department by virtue of any action taken under this Scheme, it is recoverable as a debt due to the Department.
- (2) Recovery under paragraph 11(1)(c) (Department's powers) is in addition to any action the Department may take under paragraph 18 (offence).

14 Review of decision and appeals

- (1) Where the Department has –

- (a) refused to approve the making of a grant in relation to an application; or
- (b) exercised any of its powers in paragraph 11 (Department's powers),

the applicant making the application for the relevant grant, and any domestic energy assessor or contractor affected (as the case may be) may request that the Department review its decision.

- (2) A request for a review must state the grounds on which the review is requested and be made in writing within one month of the date of notification of the decision.
- (3) The Department must appoint an officer of the Department (other than an officer involved in the original decision under paragraph 8 (consideration of applications) or the decision to exercise the powers in paragraph 11 (Department's powers)), or an officer of another Department, to review the decision and must notify the person who sought the review and the applicant (if not that person), of the outcome of that review.
- (4) A person who has requested a review of a decision under subparagraph (1) and who is not satisfied with the outcome of the review of the decision under subparagraph (3) may appeal the decision by way of the making of a complaint to a court of summary jurisdiction.
- (5) The period within which an appeal to a court of summary jurisdiction under subparagraph (4) may be brought is one month from the date on which notice of the decision was served under subparagraph (3) on the person wishing to make the appeal.
- (6) The applicant (if not the person making the appeal) and the Department must be notified of any appeal made under subparagraph (4).

PART 6 — INFORMATION

15 Information

- (1) The Department or an authorised person may, for the purposes of carrying out the Department's or authorised person's functions under this Scheme, require —
 - (a) an applicant whose application for a grant has been approved; or
 - (b) a domestic energy assessor or contractor to whom an approved grant is payable,

to provide the Department or the authorised person with such information or documentation about any Manx Home Energy Audit or recommended measure for which the approved grant is payable as the Department or authorised person reasonably may require and which is in the possession

or control of the applicant, domestic energy assessor or contractor (as the case may be).

- (2) Where the Department or authorised person requires information under subparagraph (1), the person from whom it is required must give it to the Department or authorised person within such period as the Department may reasonably determine.

16 Record keeping

- (1) An applicant whose application for a grant has been approved must, subject to subparagraphs (4) and (5), keep any invoice, account or other document relating to an approved grant, or any work in connection with which such an approved grant is made, for the period of 6 years beginning with the day on which the applicant receives a notice in writing of approval for the making of the grant from the Department.
- (2) A contractor must, subject to subparagraphs (4) and (5), keep any invoice, account or other document relating to a recommended measure for which a grant under this Scheme is payable for the period of 6 years beginning with the day on which that contractor is commissioned to carry out such work by an applicant whose application for a grant has been approved.
- (3) A domestic energy assessor must, subject to subparagraphs (4) and (5), keep any invoice, account or other document relating to a Manx Home Energy Audit for which a grant under this Scheme is payable for the period of 6 years beginning with the day on which that domestic energy assessor is commissioned to carry out such work by the Department.
- (4) If in the normal course of business —
 - (a) an applicant, domestic energy assessor or contractor transfers to another person the original of any document that the person is required to keep under subparagraph (1) or (2); and
 - (b) such a transfer occurs within the period specified in subparagraph (1) or (2) (as applicable),it is sufficient compliance with that subparagraph for the applicant, domestic energy assessor or contractor to keep a copy of that document for that period.
- (5) 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.

17 MHEA certificates

A domestic energy assessor who issues an MHEA certificate pursuant to an MHEA grant under this Scheme must ensure that a copy of the certificate is given to the applicant for the grant and to the Department as soon as reasonably practicable.

PART 7 – OFFENCE

18 Offence

A person who provides false, incomplete, or misleading information in connection with an application commits an offence, which is punishable on summary conviction by a fine of level 5 on the standard scale.

PART 8 – GUIDANCE

19 Guidance

- (1) The Department may publish information to serve as guidance with respect to the manner in which powers are to be exercised under this Scheme.
- (2) That guidance may, in particular, cover –
 - (a) the criteria and conditions of eligibility for the payment of an MHEA grant or a Green Living grant;
 - (b) the qualifications required of a domestic energy assessor for carrying out a Manx Home Energy Audit;
 - (c) the qualifications required of a contractor for carrying out a recommended measure;
 - (d) the types of recommended measures;
 - (e) the application process;
 - (f) 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;
 - (g) the payment process, including payment timings;
 - (h) the review process;
 - (i) the terms and conditions for the Scheme.

MADE 25 JUNE 2021

A handwritten signature in black ink, appearing to read 'LAURENCE SKELLY', written in a cursive style.

LAURENCE SKELLY
Minister for Enterprise

*EXPLANATORY NOTE**(This note is not part of the Scheme)*

This Scheme provides for grants to be made for a Manx Home Energy Audit and towards the carrying out of measures intended to increase the energy performance of domestic premises.

The Scheme sets out the eligibility criteria for grants and how an application must be made. It specifies certain information that may be required from an applicant and that applications may require supporting documentation. The Department may need to be able to verify certain information supplied by the applicant regarding an applicant's income position. Authority from the applicant or the applicant's spouse, civil partner or partner may be required for these purposes.

In addition, the Scheme provides for the imposition by the Department of conditions on the award of a grant.

The Department may withhold, terminate or seek to recover a grant or a portion of that grant if any of the circumstances set out in paragraph 10(1) (breach of obligations) apply. The Scheme provides that a grant may be conditional on the applicant permitting an inspection by an authorised person in order to inspect the standard of any work carried out and to determine compliance with any conditions for the making of the relevant grant.

The Scheme also creates an offence of providing false, incomplete or misleading information in connection with an application for a grant under the Scheme.