
DRAFT STATUTORY INSTRUMENTS

2015 No.

**The Energy Efficiency (Private Rented Property)
(England and Wales) Regulations 2015**

PART 3

Minimum level of energy efficiency

CHAPTER 1

Interpretation of Part 3

Domestic PR property

19.—(1) For the purposes of this Part, “domestic PR property” means a property which falls within section 42(1)(a) of the Act, subject to paragraph (2).

(2) A property is not a domestic PR property if—

- (a) it was not required, and is not part of a building which was required, to have an energy performance certificate⁽¹⁾ by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, and
- (b) it is not required, and is not part of a building which is required, to have an energy performance certificate by the Building Regulations 2010 or the EPB Regulations.

Non-domestic PR property

20.—(1) For the purposes of this Part, “non-domestic PR property” means a property which falls within section 42(1)(b) of the Act, subject to paragraphs (2) and (3).

(2) A property is not a non-domestic PR property if—

- (a) it was not required, and is not part of a building which was required, to have an energy performance certificate by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, and
- (b) it is not required, and is not part of a building which is required, to have an energy performance certificate by the Building Regulations 2010 or the EPB Regulations.

(3) A property is not a non-domestic PR property if it is let—

- (a) on a tenancy granted for a term certain not exceeding six months, unless—
 - (i) the tenancy agreement contains provision for renewing the term or for extending it beyond six months from its beginning, or

(1) “Energy performance certificate” has the meaning given in sections 43(4) and 49(4) of the Act. That is, by virtue of section 42(3) of the Act, the meaning given in the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991). Those Regulations were revoked and replaced by the Energy Performance of Buildings (England and Wales) Regulations 2012, regulation 2(1) of which contains the definition of energy performance certificate.

- (ii) at the time when the tenancy is granted, the tenant has been in occupation for a continuous period which exceeds 12 months, or
- (b) on a tenancy granted for a term certain of 99 years or more.

Landlord and tenant

21. For the purposes of this Part—

- (a) “tenant” means a person to whom—
 - (i) a domestic PR property is let on a tenancy which falls within section 42(1)(a) of the Act, or
 - (ii) a non-domestic PR property is let,
- (b) “landlord” means a person who lets, or proposes to let—
 - (i) a domestic PR property on a tenancy which falls within section 42(1)(a) of the Act, or
 - (ii) a non-domestic PR property.

Sub-standard property

22. For the purposes of this Part—

- (a) a domestic PR property, or a non-domestic PR property, is “sub-standard” where the valid energy performance certificate expresses the energy performance indicator of the property as being below the minimum level of energy efficiency,
- (b) “minimum level of energy efficiency”, in relation to a domestic PR property and a non-domestic PR property, means an energy performance indicator of band E,
- (c) an energy performance certificate for a property is “valid” where—
 - (i) it was entered on the register required to be maintained by regulation 27(1) of the EPB Regulations no more than 10 years before the date on which it is relied on for the purposes of these Regulations, and
 - (ii) no other energy performance certificate for the property has since been entered on that register.