

*Draft Regulations laid before Parliament under section 52(4)(b) of the Energy Act 2011, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2016 No. 0000

**ENERGY CONSERVATION,
ENGLAND AND WALES**

**The Energy Efficiency (Private Rented Property)
(England and Wales) (Amendment) Regulations 2016**

Made - - - - [] 2016

Coming into force in accordance with regulation 1

The Secretary of State for Energy and Climate Change makes the following Regulations in exercise of the powers conferred by sections 43(1) and (4), 44, 45(1), (2), (4), (5)(a) and (b) and (d) to (f), and (6)(a) to (c), 49(1) and (4), 50, 51(1) to (3), (4)(a) and (b) and (d) to (f), (5)(a) to (c), and 52(1) of the Energy Act 2011⁽¹⁾.

In accordance with section 52(7)(2) of the Energy Act 2011 the Secretary of State has consulted with the Welsh Ministers.

In accordance with section 52(4)(b) of the Energy Act 2011 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2016, and come into force on the day after the day on which they are made.

Amendment of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

2. The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015⁽³⁾ are amended as follows.

3. In regulation 1—

(1) [2011 c.16](#).

(2) Section 52(7) requires the Secretary of State to consult with Welsh Ministers before making regulations under Chapter 2 of Part 1 of the Energy Act 2011 which apply to domestic PR properties situated in Wales.

(3) [S.I. 2015/962](#).

- (a) in paragraph (2) omit “, and Part 3 comes into force on 1st October 2016”,
- (b) after paragraph (2) insert—
 - “(3) Part 3 comes into force—
 - (a) on 1st April 2017 in relation to non-domestic PR property,
 - (b) on 1st October 2017 in relation to domestic PR property.”.

Date

Name
Parliamentary Under Secretary of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the 2015 Regulations”) introduce measures to improve the energy efficiency of certain private rented property in England and Wales.

Part 3 of the 2015 Regulations prescribes a minimum level of energy efficiency for private rented properties, and introduces a prohibition on letting private rented properties which fall below that standard (“sub-standard property”). It provides that, subject to prescribed exemptions, the landlord of a sub-standard property must not: (a) grant a new tenancy of the property after 1st April 2018, or (b) continue to let the property after 1st April 2020 (in the case of domestic private rented property), or after 1st April 2023 (in the case of non-domestic private rented property).

Part 3 was to come into force on 1st October 2016, to enable landlords seeking to rely on a prescribed exemption when letting a sub-standard property, to register that exemption prior to the prohibition on letting sub-standard private rented properties coming into effect.

These Regulations amend the coming into force date of Part 3, so that it comes into force on 1st April 2017 in relation to non-domestic private rented properties, and on 1st October 2017 in relation to domestic private rented properties. This has the effect of changing the date from which landlords may register exemptions.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.