



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

### CHAPTER 2

#### PRIVATE RENTED SECTOR: ENGLAND AND WALES

#### *Tenants' energy efficiency improvements regulations*

#### **48 Sanctions for the purposes of tenants' energy efficiency improvements regulations**

- (1) Tenants' energy efficiency improvements regulations may include provision for the purpose of securing compliance with requirements imposed on landlords by or under the regulations.
- (2) Provision falling within subsection (1) includes, in particular, provision for a tenant to apply to a court or tribunal for a ruling that a landlord has not complied with a requirement imposed by or under the regulations.
- (3) Where the regulations make provision for a tenant to make an application such as is mentioned in subsection (2), the provision may, in particular, include provision—
  - (a) as to the jurisdiction of the court or tribunal to which an application may be made;
  - (b) as to the grounds on which an application may be made;
  - (c) as to the procedure for making an application (including any fee which may be payable);
  - (d) as to the powers of the court or tribunal to which an application is made (including as to costs which may be awarded);

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*Status: This is the original version (as it was originally enacted).*

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- (e) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.
- (4) Where the regulations make provision for a tenant to make an application such as is mentioned in subsection (2), the regulations must also include provision for a right of appeal by the tenant or landlord against any decision of a court or tribunal on an application.
- (5) Provision falling within subsection (4) includes, in particular, provision—
- (a) as to the jurisdiction of the court or tribunal to which an appeal may be made;
  - (b) as to the grounds on which an appeal may be made;
  - (c) as to the procedure for making an appeal (including any fee which may be payable);
  - (d) suspending the effect of the decision being appealed against, pending determination of the appeal;
  - (e) as to the powers of the court or tribunal to which an appeal is made;
  - (f) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.
- (6) The provision referred to in subsection (5)(e) includes provision conferring on the court or tribunal to which an appeal is made power—
- (a) to confirm the decision;
  - (b) to quash the decision;
  - (c) to make a different decision;
  - (d) to remit the decision or any matter relating to the decision to the person who made it;
  - (e) to award costs.
- (7) If the Secretary of State considers it appropriate for the purpose of, or in consequence of, any provision falling within—
- (a) subsection (3)(a), (c), (d) or (e), or
  - (b) subsection (5)(a), (c), (e) or (f),
- tenants' energy efficiency improvements regulations may revoke or amend any subordinate legislation in so far as the subordinate legislation extends to England and Wales.
- (8) In this section “subordinate legislation” has the meaning given in section 21(1) of the Interpretation Act 1978 and includes an instrument made under a Measure or Act of the National Assembly for Wales.