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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 ([S.I. 962/2015](#)) (“the 2015 Regulations”).

The 2015 Regulations introduced 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, being an energy performance indicator of band E, and prohibits landlords from letting out private rented properties which fall below that standard (“sub-standard property”). Part 3 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).

These Regulations make changes to Part 3 of the 2015 Regulations, largely in relation to domestic properties.

Regulations 3 to 6 add to the definition of “relevant energy efficiency improvements” so that the financing of such improvements may also be achieved either partly or wholly through a landlord contribution, where the total cost of the improvements is a maximum of £3,500.

In some cases where the landlord has not previously installed improvements and has registered an exemption against doing so, regulations 7 to 9 reduce the length of time a landlord can wait before complying with the Regulations or registering a further exemption.

An ancillary change is made to the Schedule by regulations 15 and 16 to specify what evidence must be provided should a landlord claim an exemption because the cost of the improvements would exceed £3,500.

Regulations 10 and 11 remove the ability of domestic landlords to claim an exemption from the 2015 Regulations on the grounds that confirmation for a green deal plan under regulation 36 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 ([S.I. 2012/2079](#)) could not be obtained from the tenant. There are consequential changes in regulations 12, 14 and 17.

Regulation 13 clarifies that where a landlord registers an exemption because the current tenant of the property does not consent to an improvement, that exemption will only remain valid for as long as that tenant remains the tenant. This applies both to domestic and non-domestic properties.

A full impact assessment of the effect that this instrument will have on the costs of business will be published alongside the Explanatory Memorandum on the [legislation.gov.uk](#) website.