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STATUTORY INSTRUMENTS

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**2006 No. 1459**

**The Private Tenancies (Northern Ireland) Order 2006**

**PART II**

**OBLIGATIONS OF LANDLORDS AND TENANTS**

*[<sup>F1</sup>Energy efficiency*

**[<sup>F1</sup>Energy efficiency of dwelling-houses let under a private tenancy**

- 11G.**—(1) The Department may by regulations provide that a person may not—
- (a) grant a private tenancy of a dwelling-house to which paragraph (2) applies;
  - (b) continue to let out under a private tenancy a dwelling-house to which paragraph (2) applies.
- (2) This paragraph applies to a dwelling-house—
- (a) in relation to which there is an energy performance certificate, and
  - (b) that falls below such level of energy efficiency (as demonstrated by the energy performance certificate) as is provided for by the regulations.
- (3) Regulations under paragraph (1) may provide for the granting to a person, in respect of a dwelling-house, of—
- (a) an exemption on the ground that the dwelling-house is of such description as is provided for in the regulations;
  - (b) an exemption that is to have effect for a period of time and is subject to the condition that specified works or measures for improving efficiency in the use of energy in the dwelling-house are carried out within that period (an “improvement exemption”);
  - (c) an exemption on such other grounds as may be provided for in the regulations.
- (4) In paragraph (3)—
- (a) “exemption” means an exemption from a prohibition imposed under paragraph (1);
  - (b) “specified” means specified in the improvement exemption.
- (5) Regulations that provide for exemptions by virtue of paragraph (3) may include, in particular, provision—
- (a) for exemptions to be granted by a prescribed person or prescribed persons (the “authority”);
  - (b) about the making of applications to the authority (including provision about the evidence which must or may be provided with applications);
  - (c) for exemptions to have effect for a specified period of time (including provision for the authority to determine that period);

- (d) for a limit on the estimated cost of works or measures that may be specified in an improvement exemption (including a limit set by reference to the value of the dwelling-house or any other prescribed circumstances);
  - (e) for the authority to maintain a publicly-accessible register of exemptions granted;
  - (f) about appeals to a prescribed person or body against decisions regarding exemptions (including provision about how such appeals may be disposed of and the effect of any exemption pending the determination of an appeal);
  - (g) about the inspection of dwelling-houses for the purposes of an application for an exemption or for the purposes of an appeal;
  - (h) in a case where an application or appeal is made in respect of a dwelling-house which is (on the date the application or appeal is made) let under a private tenancy, for the applicant or appellant to be exempt from a prohibition imposed under paragraph (1)(b) in respect of the dwelling-house pending the determination of the application or appeal;
  - (i) about the consequences of providing false or misleading information in an application to the authority or in proceedings on an appeal (including provision creating criminal offences or invalidating exemptions);
  - (j) for a person who acquires an estate in a dwelling-house which is (on the date of the acquisition) let under a private tenancy to be exempt from a prohibition imposed under paragraph (1)(b) in respect of that dwelling-house for a prescribed period of time.
- (6) The regulations may provide that if—
- (a) a person is granted an improvement exemption, and
  - (b) the person complies with prescribed conditions regarding the giving of notice to any tenant of the dwelling-house, or with such other conditions as may be prescribed,
- works or measures specified in the exemption are to be regarded, for the purposes of Article 12, as works that the person is under a duty to execute.

(7) The regulations may also include such supplementary, incidental or consequential provision as the Department considers appropriate, including provision modifying any statutory provision.

(8) In this Article—

“private tenancy” does not include a protected tenancy or a statutory tenancy;

“energy performance certificate” means—

- (a) an energy performance certificate within the meaning given by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008, or
- (b) such other statutory document issued for the purpose of determining or recording the energy performance or efficiency of a dwelling-house as may be prescribed.

(9) In paragraph (8) “statutory document” has the meaning given by section 1(e) of the Interpretation Act (Northern Ireland) 1954.]

#### **Textual Amendments**

- F1** Arts. 11G, 11H and cross-heading inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), s. 14(2)(e), [Sch. 2 para. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, Section 11G.