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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**The Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020**

**PART 4**

**Enforcement Authorities and Compliance**

**Enforcement authorities**

**15.**—(1) In these Regulations “enforcement authority” in relation to a domestic PR property means the local authority for the area in which the domestic PR property is situated.

(2) An enforcement authority must enforce compliance with the requirements of this Part in relation to properties in its area.

**Authorised officers**

**16.** Except for the purposes of this regulation, where an enforcement authority appoints an authorised officer to exercise its powers under this Part, any reference to an “enforcement authority” is to be read as including a reference to that authorised officer.

**Compliance notices**

**17.**—(1) An enforcement authority may serve a notice (a “compliance notice”) on L where L appears to it to be, or to have been at any time within the 12 months preceding the date of service of the compliance notice, in breach of regulation 6, requesting such information as it considers necessary to enable it to monitor compliance with these Regulations.

(2) A compliance notice may in particular request L to produce for inspection originals, or copies, of the following—

- (a) the energy performance certificate for the property which was valid at the time the property was let,
- (b) any other energy performance certificate for the property in L’s possession,
- (c) any current tenancy agreement under which the property is let,
- (d) any qualifying assessment in relation to the property,
- (e) any other document which the enforcement authority considers necessary to enable it to carry out its functions under this Part,

and may request L to submit copies of any of them for registration on the PRS Exemptions Register.

(3) A compliance notice must specify—

- (a) the name and address of the person to whom the documents or other information required must be provided, and
- (b) the date by which they must be provided, which must be no less than one month from the date of service of the compliance notice.

(4) L must—

(a) comply with the compliance notice, and

(b) allow the enforcement authority to take copies of any original document produced.

(5) A compliance notice may be varied or revoked in writing at any time by the enforcement authority that issued it.

(6) An enforcement authority may take into account any information held by it, whether or not provided to it in accordance with this regulation, in determining whether L has complied with these Regulations.