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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 3**

**Exemptions**

**Cost cap exemption**

**12.**—(1) Subject to paragraph (5), regulation 6 does not apply in respect of a domestic PR property—

- (a) during the period beginning on 1 October 2020 and ending on 31 March 2022 in the circumstances set out in paragraph (2),
  - (b) during any period after 31 March 2022 in the circumstances set out in paragraph (3).
- (2) The circumstances referred to in paragraph (1)(a) are—
- (a) the actual costs exceed £5,000,
  - (b) no outstanding relevant energy efficiency improvement can be made to property without the sum of the actual costs and the cost to the landlord of making an outstanding relevant energy efficiency improvement exceeding £5,000, or
  - (c) no outstanding relevant energy efficiency improvement can be made to property without the cost to the landlord of making an outstanding relevant energy efficiency improvement exceeding £5,000.
- (3) The circumstances referred to in paragraph (1)(b) are—
- (a) the actual costs exceed £10,000,
  - (b) no outstanding relevant energy efficiency improvement can be made to property without the sum of the actual costs and the cost to the landlord of making an outstanding relevant energy efficiency improvement exceeding £10,000, or
  - (c) no outstanding relevant energy efficiency improvement can be made to property without the cost to the landlord of making an outstanding relevant energy efficiency improvement exceeding £10,000.
- (4) In this regulation and in paragraph 3 of schedule 2—
- (a) “actual costs” means the cost of installation of qualifying energy efficiency improvements to the domestic PR property incurred by a landlord, including expenditure financed by relevant financial assistance but not including expenditure financed by a grant from the Scottish Ministers for that purpose,
  - (b) “qualifying energy efficiency improvement” in relation to a domestic PR property means—

- (i) in respect of the period beginning on 1 October 2020 and ending on 31 March 2022, any energy efficiency improvement made to the property on or after 1 April 2020 and before 1 April 2022, and
  - (ii) in respect of any period after 31 March 2022, any energy efficiency improvement made to the property on or after 1 April 2020,
  - (c) “relevant financial assistance” means financial assistance for the purpose of making energy efficiency improvements provided by means of a loan from the Scottish Ministers or as mentioned in subparagraphs (b)(i) to (iii) of the definition of “relevant energy efficiency improvements” in section 55(4) of the Act,
  - (d) where the cost of making an outstanding relevant energy efficiency improvement to a property would be shared between the landlord and other persons, the cost to the landlord is the share of that cost which the landlord would be liable to pay in respect of the property.
- (5) The exemption in paragraph (1) only applies, and the landlord may only rely on the exemption, if the relevant information relating to the exemption has been submitted for registration in accordance with regulation 14(4) and schedule 2.