
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

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

PART 5

Penalties

Defence – availability of financial assistance

20. L is not liable to a penalty charge served under regulation 18(1)(a) in respect of the letting of sub-standard domestic PR property without having made relevant energy efficiency improvements to that property if—

- (a) the relevant energy efficiency improvements are identified in an energy performance certificate and its related recommendations report, and
- (b) L has made an application to the Scottish Ministers for a grant or loan for the purpose of making such relevant energy efficiency improvements to the property and—
 - (i) the application has been refused,
 - (ii) the application has yet to be determined,
 - (iii) the application has been granted but the financial assistance to be provided by virtue of the grant or loan, as the case may be, has not yet been made available to L.