

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

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

PART 2

Minimum level of energy efficiency

Prohibition on letting of sub-standard property

6.—(1) A landlord of a sub-standard domestic PR property must not let the property, or part of the property on or after 1 October 2020, unless—

- (a) there are no relevant energy efficiency improvements that can be made to the property,
- (b) all the relevant energy efficiency improvements for the property have been made, or
- (c) one or more of the exemptions in Part 3, applies.

(2) Paragraph (1) does not—

- (a) during the period beginning on 1 October 2020 and ending on 31 March 2022, prohibit a landlord from continuing to let a sub-standard domestic PR property under an existing tenancy to a person who is an existing tenant,
- (b) during the period beginning on 1 April 2022 and ending on 31 March 2025, prohibit a landlord from continuing to let a domestic PR property to a person who is an existing tenant if the energy performance indicator of the property indicates that the energy efficiency or performance of the property is rated as being E or above.

(3) For the purposes of this regulation—

- (a) “let the property” (cognate terms being construed accordingly) means—
 - (i) to grant a new tenancy which falls within section 54(1)(a) of the Act,
 - (ii) to let the property on a tenancy which falls within section 54(1)(a) of the Act as a result of an extension or renewal of an existing tenancy, or
 - (iii) to continue to let the property on a tenancy which falls within section 54(1)(a) of the Act,
- (b) “existing tenancy” means, in respect of a domestic PR property—
 - (i) in relation the period beginning on 1 October 2020 and ending on 31 March 2022, a tenancy under which the tenant has a right to occupy that property on 30 September 2020, and
 - (ii) in relation the period beginning on 1 April 2022 and ending on 31 March 2025, a tenancy under which the tenant has a right to occupy that property on 31 March 2022,
- (c) “existing tenant” means—
 - (i) for the purposes of paragraph (2)(a) is a person who is a tenant of the property on 30 September 2020 or a person who is the tenant of the property after that date by

virtue of an assignation, or partial assignation, of rights in respect of the existing tenancy,

- (ii) the purposes of paragraph (2)(b) is a person who is a tenant of the property on 31 March 2022 or a person who is the tenant of the property after that date by virtue of an assignation, or partial assignation, of rights in respect of the existing tenancy.