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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Energy Efficiency (Private Rented Property)  
(England and Wales) Regulations 2015**

**PART 2**

**Tenants' energy efficiency improvements**

**CHAPTER 1**

**Interpretation of Part 2**

**Domestic PR property**

**5.—**(1) For the purposes of this Part, “domestic PR property” means a property which falls within section 42(1)(a) of the Act<sup>(1)</sup>, subject to paragraph (2).

(2) A property is not a domestic PR property if it is, or forms part of, a building—

- (a) which falls within regulation 5(1)(c) of the EPB Regulations, or
- (b) to which regulations 6 and 7 of those Regulations do not apply, by virtue of regulation 8 of those Regulations.

**Relevant energy efficiency improvements**

**6.—**(1) For the purposes of paragraph (a) in the definition of “relevant energy efficiency improvements” in section 46(4) of the Act, a relevant energy efficiency improvement is an energy efficiency improvement which—

- (a) falls within sub-paragraph (a) of the definition of “energy efficiency improvement” in regulation 2(1) and is listed in the Schedule to the Green Deal (Qualifying Energy Improvements) Order 2012<sup>(2)</sup>, or
- (b) falls within sub-paragraph (b) of the definition of “energy efficiency improvement” in regulation 2(1).

(2) For the purposes of paragraph (b)(iv) in the definition of “relevant energy efficiency improvements” in section 46(4) of the Act, an energy efficiency improvement is a relevant energy efficiency improvement where the cost of the improvement—

- (a) can be wholly financed, at no cost to the landlord, by means of funding provided by central government, a local authority or any other person,
- (b) can be wholly funded by the tenant making the tenant’s request, or

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(1) The Energy Efficiency (Domestic Private Rented Property) Order 2015 (S.I. 2015/xxxx) made under section 42(1)(a)(iii) specifies additional categories of tenancy for the purposes of section 42(1)(a) of the Act.  
(2) [S.I. 2012/2105](#), amended by [2014/2020](#).

- (c) can be wholly financed by a combination of two or more of the financial arrangements in sub-paragraphs (a) and (b), and paragraph (b)(i) and (ii) in the definition of “relevant energy efficiency improvements” in section 46(4) of the Act.

### **Landlord and tenant**

#### **7. In this Part—**

- (a) subject to regulation 9(1) and (2), “tenant” means—
  - (i) a person to whom a domestic PR property is let under a tenancy which falls within section 42(1)(a) of the Act,
  - (ii) any other person with a leasehold interest in a domestic PR property, other than a person who derives title to the domestic PR property from a tenant falling within sub-paragraph (i),
- (b) “landlord”—
  - (i) in relation to a tenant falling within paragraph (a)(i), means a person who lets the domestic PR property to that tenant,
  - (ii) in relation to a tenant falling within paragraph (a)(ii), means a person from whom that tenant directly derives title to the domestic PR property,
- (c) “superior landlord” means any person from whom a landlord of a domestic PR property derives title to the domestic PR property.