
DRAFT STATUTORY INSTRUMENTS

2015 No.

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

PART 2

Tenants' energy efficiency improvements

CHAPTER 2

**Request for consent to the making of relevant energy
efficiency improvements to domestic PR property**

Landlord's initial and full response to tenant's request

12.—(1) Where the landlord intends to serve a counter proposal in accordance with regulation 13, the landlord must—

- (a) no later than one month after the date of service of the tenant's request, serve a notice (a "landlord's initial response") on the tenant which complies with paragraph (6),
- (b) where the landlord intends to serve a counter proposal which specifies an energy efficiency improvement which may not be made without the consent of a superior landlord—
 - (i) no later than one month after the date of service of the tenant's request, serve copies of the tenant's request and the landlord's initial response on the superior landlord, and
 - (ii) no later than two months after the date of service of the tenant's request, serve a copy of the intended counter proposal on the superior landlord requesting the superior landlord's consent to the making of the energy efficiency improvements specified in the intended counter proposal, and
- (c) no later than four months after the date of service of the tenant's request, serve a notice ("a landlord's full response") on the tenant which complies with paragraphs (8) and (11).

(2) Where one, or both, of paragraphs (4) and (7) applies in relation to a relevant energy efficiency improvement specified in a tenant's request, the landlord must—

- (a) no later than one month after the date of service of the tenant's request, serve a landlord's initial response on the tenant which complies with paragraph (6), and
- (b) no later than three months after the date of service of the tenant's request, serve a landlord's full response on the tenant which complies with paragraphs (8) and (11).

(3) In any case not falling within paragraphs (1) and (2), the landlord must, no later than one month after the date of service of the tenant's request, serve a landlord's full response on the tenant which complies with paragraphs (8) and (11).

(4) This paragraph applies in any case where a landlord consents to one or more relevant energy efficiency improvements specified in a tenant's request which may not be made without the consent of a superior landlord.

(5) Where paragraph (4) applies, the landlord must serve on the superior landlord—

- (a) no later than one month after the date of service of the tenant's request, copies of the tenant's request and any supporting documents, and the landlord's initial response, and
 - (b) no later than three months after the date of service of the tenant's request, a copy of the landlord's full response.
- (6) The landlord's initial response must state—
- (a) whether one, or both, of paragraphs (4) and (7) applies (where relevant),
 - (b) where paragraph (4) applies, which of the relevant energy efficiency improvements specified in the tenant's request are those that fall within paragraph (4),
 - (c) where paragraph (4) applies, confirm that the superior landlord has been served with a copy of the tenant's request,
 - (d) whether the landlord intends to serve a counter proposal in accordance with regulation 13, and
 - (e) that the landlord will serve a full response.
- (7) This paragraph applies in any case where the landlord wishes to obtain evidence or advice before deciding whether to consent to one or more of the relevant energy efficiency improvements specified in the tenant's request, as a result of one or more of the following—
- (a) the tenant's request was not accompanied by a report specified in regulation 8(2)(c),
 - (b) the tenant's request specifies a relevant energy efficiency improvement which falls within any of paragraphs (d), (n) or (v) of the Schedule to the Green Deal (Qualifying Energy Improvements) Order 2012, and the landlord intends to obtain a written opinion from a relevant person or a person specified in regulation 10(4)(b) as to whether that energy efficiency improvement is an appropriate energy efficiency improvement for the domestic PR property,
 - (c) the landlord intends to rely on the exemption in regulation 16,
 - (d) the tenant's request specifies a relevant energy efficiency improvement in relation to which third party consent has not been given.
- (8) The landlord's full response must—
- (a) state in relation to each of the relevant energy efficiency improvements specified in the tenant's request—
 - (i) whether the landlord consents to the making of that relevant energy efficiency improvement, and
 - (ii) where paragraph (4) applies, whether the superior landlord has consented to the making of that relevant energy efficiency improvement,
 - (b) where the landlord consents to the making of a relevant energy efficiency improvement which is to be funded wholly or partly through a green deal plan, state whether the landlord will give any confirmation which must be obtained from the landlord by virtue of regulation 36 of the Framework Regulations, and
 - (c) be accompanied by any counter proposal made in accordance with regulation 13.
- (9) In any case where the landlord, and where relevant any superior landlord, consents to the making of all the relevant energy efficiency improvements specified in the tenant's request, the landlord may serve a notice on the tenant (with the landlord's full response or, where paragraph (4) applies no later than two weeks after the date of service of the superior landlord's response, whichever is the later)—
- (a) stating that the landlord wishes to make those relevant energy efficiency improvements,

- (b) specifying the date by which the landlord proposes to make those relevant energy efficiency improvements, which must be no later than six months from the date of service of that notice,
- (c) seeking any confirmation which must be obtained from the tenant by virtue of regulation 36 of the Framework Regulations in relation to any green deal plan with which the landlord proposes to fund the making of the relevant energy efficiency improvements, and
- (d) confirming that the landlord has obtained any other third party consent.

(10) Where—

- (a) a notice under paragraph (9) is served and
- (b) the tenant gives any confirmation referred to in paragraph (9)(c) which is required,

the tenant may not make the relevant energy efficiency improvements specified in the tenant's request unless the landlord fails to make them by the date specified in paragraph (9)(b).

(11) In any case where—

- (a) the landlord does not give consent to the making of a relevant energy efficiency improvement specified in the tenant's request, on the grounds that—
 - (i) the improvement is not a relevant energy efficiency improvement,
 - (ii) the tenant's request has not been validly served,
 - (iii) regulation 10(3) or (4) applies,
 - (iv) one, or both, of the exemptions in Chapter 3 applies, orfor any other reason, or
- (b) the landlord refuses to give any confirmation which must be obtained from the landlord by virtue of regulation 36 of the Framework Regulations,

the landlord's full response must state that the consent or the confirmation (as the case may be) is not given, set out the landlord's reasons, and be accompanied by any relevant supporting evidence.