
DRAFT STATUTORY INSTRUMENTS

2015 No.

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

PART 3

Minimum level of energy efficiency

CHAPTER 4

Exemptions – domestic and non-domestic PR property

Temporary exemption in certain circumstances

33.—(1) Subject to paragraph (5), regulations 23 and 27 do not apply to a landlord until six months after whichever is the later of—

- (a) the date on which the landlord becomes, or continues to be, the landlord of that property by virtue of any of the circumstances set out in paragraph (2), or
- (b) the date on which an order falling within paragraph (2)(f) is made.

(2) The circumstances referred to in paragraph (1) are—

- (a) the grant of a lease pursuant to a contractual obligation,
- (b) a tenant's insolvency, by virtue of the landlord having been the tenant's guarantor,
- (c) the landlord having been a guarantor, or a former tenant, who has exercised the right to obtain an overriding lease of a property pursuant to section 19 of the Landlord and Tenant (Covenants) Act 1995(1),
- (d) the deemed creation of a new lease by operation of law,
- (e) the grant of a new lease pursuant to the provisions of Part 2 of the Landlord and Tenant Act 1954(2),
- (f) the grant of a lease by order of the court not falling within sub-paragraph (e).

(3) Subject to paragraph (5), regulation 23(2)(b) and regulation 27(2)(b) do not apply to a person until six months from the date on which the person becomes the landlord by virtue of the circumstances set out in paragraph (4).

(4) The circumstances referred to in paragraph (3) are—

- (a) the landlord became the landlord of the domestic PR property, or non-domestic PR property (as the case may be), on purchasing an interest in that property, and
- (b) on the date of the purchase, the property was let on an existing tenancy.

(5) A landlord may rely on a temporary exemption in paragraph (1) or paragraph (3) only where the landlord has registered information in accordance with regulation 36(2).

(1) 1995 c.30.
(2) 1954 c.56.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory
Instrument: *The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 No. 962*
