

# ENERGY ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Energy Efficiency**

#### **Chapter 2: Private Rented Sector (England and Wales)**

#### **Tenants' energy efficiency improvements regulations**

#### **Section 46: Tenants' energy efficiency improvements regulations**

130. This section gives the Secretary of State powers to make tenants' energy efficiency improvements regulations in respect of England and Wales. *Subsection (1)* requires the Secretary of State to make regulations for the purpose of ensuring that a landlord of a property caught by the regulations does not unreasonably refuse a tenant's request for the making of relevant energy efficiency improvements.
131. *Subsection (2)* describes the tenant's request which a landlord must not unreasonably refuse as a request for the consent to the making of such relevant energy efficiency improvements as are identified in the request.
132. *Subsection (4)* defines matters such as "landlord" and "tenant" and 'relevant energy efficiency improvements' in the same way as in subsection (4) of section 43. *Subsection (5)* requires the Secretary of State to ensure that the tenants' energy efficiency regulations come into force no later than 1 April 2016.

#### **Section 47: Further provision about tenants' energy efficiency improvements regulations**

133. *Subsection (1)* describes the further provision that may be included in the tenants' energy efficiency regulations. Regulations can deal with the form, content and service of the request by the tenant and the response from the landlord. They may also set out exemptions from any requirement imposed by or under the regulations. Provision may also be made about how any requirement imposed by or under the regulations must be evidenced.
134. *Subsection (2)* provides further detail about the type of provision which may be made relating to exemptions. In this context, further provision may be made relating to the necessary permissions or consents which may be necessary before relevant energy efficiency improvements are permissible or about the likely negative impact on the value of a property of complying with the requirement to undertake relevant energy efficiency improvements.
135. *Subsection (3)* sets out examples of the kind of further provision that may be made in regulations relating to the evidence required to demonstrate the application of an exemption or that a property falls outside the scope of any regulations made.

*These notes refer to the Energy Act 2011 (c.16)  
which received Royal Assent on 18 October 2011*

***Section 48: Sanctions for the purposes of tenants' energy efficiency improvements regulations***

136. *Subsection (1)* of this section enables the Secretary of State to make provision in the regulations for the purpose of securing that landlords comply with any requirements imposed by or under the tenants' energy efficiency improvements regulations.
137. *Subsection (2)* enables the Secretary of State to make provision for a tenant to make an application to a court or tribunal for a ruling that a landlord has not complied with a requirement imposed by the regulations.
138. *Subsections (3) to (8)* describe in greater detail the type of provision which the Secretary of State may make in relation to matters such as the tenant's application to a court or tribunal, the procedure for making such an application, the grounds upon which an application may be made, the powers of the court or tribunal and how a landlord or tenant may appeal against any decision of a court or tribunal.