



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

### CHAPTER 1

#### GREEN DEAL

##### *Disclosure of green deal plan etc*

## **12 Disclosure of green deal plan etc in connection with sale or letting out**

- (1) This section applies where—
  - (a) a green deal property, or a lease of such a property, is to be sold, or
  - (b) a green deal property is to be let out—
    - (i) under a tenancy or licence agreement, and
    - (ii) on the basis that the prospective tenant or licensee is to be liable for paying the energy bills for the property.
- (2) The seller or prospective landlord or licensor must, in relation to the document, or each document, required to be produced or updated as mentioned in section 8(4)—
  - (a) obtain the document or, if the requirement to produce or update the document has not yet been complied with, produce a document containing the same information in connection with the green deal plan as that document would have contained, and
  - (b) provide the document free of charge to any prospective buyer, tenant or licensee at the specified time.
- (3) An obligation under subsection (2) may be discharged by an agent.
- (4) For the purposes of subsection (2) a person becomes a prospective buyer, tenant or licensee in relation to a property when the person—

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- (a) requests any information about the property from the seller, prospective landlord or licensor or an agent for the purpose of deciding whether to buy or let the property,
  - (b) makes a request to view the property for the purpose mentioned in paragraph (a), or
  - (c) makes an offer, whether oral or written, to buy or let the property.
- (5) For the purposes of this section—
- (a) an agent is a person acting on behalf of a seller or prospective landlord or licensor in the sale or letting out of a property;
  - (b) a property is a green deal property if there is a green deal plan in respect of the property and payments are still to be made under that plan;
  - (c) specified, in relation to a time, means specified in regulations made by the Secretary of State.
- (6) The Secretary of State may make regulations specifying cases or circumstances in which subsection (2) does not apply.

### **13 Disclosure of green deal plan in connection with other transactions etc**

- (1) This section applies where—
- (a) there is to be a transaction or other arrangement in respect of a green deal property (not falling within section 12(1)), and
  - (b) the transaction or arrangement is of a description specified in regulations made by the Secretary of State.
- (2) The regulations may require a person of a description specified in the regulations to—
- (a) obtain a document required to be produced or updated as mentioned in section 8(4) or, if the requirement to produce or update such a document has not yet been complied with, produce a document containing the same information in connection with the green deal plan as that document would have contained, and
  - (b) provide the document free of charge to a person of a description specified in the regulations at the time so specified.
- (3) The regulations may provide for an obligation imposed on a person by virtue of subsection (2) to be discharged by a person acting on the person's behalf.
- (4) In this section the reference to a green deal property is to be read in accordance with section 12(5)(b).

### **14 Acknowledgment of green deal plan on sale or letting out**

- (1) This section applies where—
- (a) a green deal property, or a lease of such a property, is to be sold, or
  - (b) a green deal property is to be let out—
    - (i) under a tenancy or licence agreement which is in writing, and
    - (ii) on the basis that the prospective tenant or licensee is to be liable for paying the energy bills for the property.
- (2) The seller or prospective landlord or licensor must secure that the contract for sale or tenancy or licence agreement includes an acknowledgment by the buyer, tenant or

licensee that the bill payer at the property is liable to make payments under the green deal plan and that certain terms of that plan are binding on the bill payer.

- (3) Subsections (4) and (5) apply where the green deal property is in England or Wales.
- (4) An acknowledgment required by subsection (2) must be in the form prescribed in regulations made by the Secretary of State.
- (5) The Secretary of State may make regulations specifying cases or circumstances in which subsection (2) does not apply.
- (6) Subsections (7) and (8) apply where the green deal property is in Scotland.
- (7) The acknowledgment required by subsection (2) must be in the form prescribed in regulations made by the Scottish Ministers.
- (8) The Scottish Ministers may make regulations specifying cases or circumstances in which subsection (2) does not apply.
- (9) In this section references to a green deal property are to be read in accordance with section 12(5)(b).

## **15 Acknowledgment of green deal plan in connection with other transactions etc**

- (1) This section applies where—
  - (a) there is to be a transaction or other arrangement in respect of a green deal property (not falling within section 14(1)), and
  - (b) the transaction or arrangement is of a description specified in regulations made under this subsection by the Secretary of State.
- (2) Regulations under subsection (1) may require a person of a description specified in the regulations to secure, at a time and in a document so specified, that an acknowledgment is made by a person of a description so specified that—
  - (a) the bill payer at the property is liable to make payments under the green deal plan, and
  - (b) certain terms of that plan are binding on the bill payer.
- (3) Where the green deal property is in England or Wales, regulations made by the Secretary of State under this subsection may provide for any acknowledgment required by virtue of subsection (2) to be in the form prescribed in the regulations under this subsection.
- (4) Where the green deal property is in Scotland, regulations made by the Scottish Ministers under this subsection may provide for any acknowledgment required by virtue of subsection (2) to be in the form prescribed in the regulations under this subsection.
- (5) In this section references to a green deal property are to be read in accordance with section 12(5)(b).

## **16 Sanctions for non-compliance with obligations under sections 12 to 15**

- (1) The Secretary of State may make regulations—
  - (a) for the purpose of securing compliance with the obligations set out in section 12 or 14 or imposed by virtue of regulations under section 13 or 15;

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- (b) as to the consequences of non-compliance with the obligations.
- (2) The regulations may, in particular, include provision—
- (a) as to sanctions for non-compliance with the obligations (including the imposition of a civil penalty);
  - (b) enabling the Secretary of State to require a green deal provider to suspend or cancel the liability of a bill payer to make payments under a green deal plan;
  - (c) enabling the Secretary of State to require a green deal provider to refund any such payments that have already been made;
  - (d) enabling the Secretary of State to require a seller, a prospective landlord or licensor or another person to pay compensation to a green deal provider in respect of any such suspension, cancellation or refund.