
STATUTORY INSTRUMENTS

2015 No. 962

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

PART 3

Minimum level of energy efficiency

CHAPTER 2

Domestic PR property falling below the minimum level of energy efficiency

Prohibition on letting of sub-standard property

23.—(1) A landlord of a sub-standard domestic PR property must not let the property unless regulation 25, or one or more of the exemptions in Chapter 4, applies.

(2) For the purposes of paragraph (1), “let the property” means—

- (a) on or after 1st April 2018, grant a new tenancy which falls within section 42(1)(a) of the Act, or let the property on such a tenancy as a result of an extension or renewal of an existing tenancy, or
- (b) on after 1st April 2020, continue to let the property on such a tenancy.

Relevant energy efficiency improvements

24.—(1) Subject to paragraph (2), for the purposes of paragraph (a) in the definition of “relevant energy efficiency improvements” in section 43(4) of the Act, a relevant energy efficiency improvement is an energy efficiency improvement—

- (a) which—
 - (i) 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, and
 - (ii) is identified as a recommended improvement for that property in a green deal report, a recommendation report, or a report prepared by a surveyor, or
- (b) which falls within sub-paragraph (b) of the definition of “energy efficiency improvement” in regulation 2(1).

(2) An 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 is not a relevant energy efficiency improvement where the landlord has obtained a written opinion from—

- (a) a relevant person, or
- (b) an independent installer of the energy efficiency improvement in question who meets the relevant installer standards,

advising that it is not an appropriate improvement, due to its potential negative impact on the fabric or structure of the domestic PR property, or the building of which it forms part, and the landlord has registered information in accordance with regulation 36(2).

(3) For the purposes of paragraph (b)(iv) in the definition of “relevant energy efficiency improvements” in section 43(4) of the Act, an energy efficiency improvement is a relevant energy efficiency improvement where the cost of purchasing and installing it—

- (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, or
- (b) can be wholly financed by a combination of two or more of the financial arrangements in paragraph (a), and paragraph (b)(i) to (iii) in the definition of “relevant energy efficiency improvements” in section 43(4) of the Act.

Relevant energy efficiency improvements undertaken

25.—(1) Subject to paragraph (2), this regulation applies where—

- (a) the landlord of a sub-standard domestic PR property has made all the relevant energy efficiency improvements for the property, or
- (b) there are no relevant energy efficiency improvements that can be made to the property.

(2) This regulation applies for a period of five years starting with the date on which the landlord registers information in accordance with regulation 36(2).

Sub-standard property let in breach of these Regulations

26. In any case where a landlord lets, or continues to let, a domestic PR property in breach of regulation 23, that breach does not affect the validity or enforceability of any provision of the tenancy.