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## STATUTORY INSTRUMENTS

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# 2015 No. 962

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

### PART 3

#### Minimum level of energy efficiency

#### CHAPTER 5

#### Enforcement Authorities and Compliance – domestic and non-domestic PR property

##### **Enforcement authorities**

**34.**—(1) In this Part “enforcement authority”—

- (a) in relation to a domestic PR property means a local authority,
- (b) in relation to a non-domestic PR property means a local weights and measures authority<sup>(1)</sup>.

(2) An enforcement authority must enforce compliance with the requirements of this Part in relation to properties in its area.

##### **Authorised officers**

**35.** Where an enforcement authority appoints an authorised officer of that enforcement authority to exercise its powers under this Chapter, except in this regulation any reference to an “enforcement authority” is to be read as including a reference to that authorised officer of that enforcement authority.

##### **PRS Exemptions Register**

**36.**—(1) The Secretary of State must establish and maintain a system (the “PRS Exemptions Register”) which enables—

- (a) information to be registered in accordance with paragraph (2) or regulation 37(2),
- (b) the Secretary of State and enforcement authorities to access information registered on it, and held on it, as necessary to enable them to carry out their functions under these Regulations, and
- (c) the Secretary of State to publish the following information relating to any domestic PR property, or non-domestic PR property, in respect of which information has been registered in accordance with paragraph (2)—
  - (i) the address of the property,
  - (ii) where the landlord is not an individual, the name of the landlord,

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<sup>(1)</sup> A local weights and measures authority is defined in section 69(1) and (2) of the Weights and Measures Act 1985 (c.72). Section 69(2) was amended by paragraph 75 of Schedule 16 to the Local Government (Wales) Act 1994 (c.19).

- (iii) the exemption relied on,
- (iv) a copy of the valid energy performance certificate for the property,
- (v) the date on which information was registered in accordance with paragraph (2), and
- (d) every enforcement authority to publish information in accordance with regulation 39.

(2) In any case where a landlord of a sub-standard domestic PR property, or a sub-standard non-domestic PR property, wishes to rely on one or more of the following regulations, the landlord must register the information set out in the Schedule on the PRS Exemptions Register—

- (a) regulation 24(2),
- (b) regulation 25,
- (c) regulation 28(2),
- (d) regulation 29,
- (e) regulation 31(1),
- (f) regulation 32(1),
- (g) regulation 33(1) or (3).

### **Compliance notices**

**37.**—(1) An enforcement authority may, on or after 1st April 2018, serve a notice (a “compliance notice”) on L where L appears to it to be, or to have been at any time within the 12 months preceding the date of service of the compliance notice, in breach of one or more of the following—

- (a) regulation 23,
- (b) regulation 27,

requesting such information as it considers necessary to enable it to monitor compliance with this Part.

(2) A compliance notice may in particular request L to produce for inspection originals, or copies, of the following—

- (a) the energy performance certificate for the property which was valid at the time the property was let,
- (b) any other energy performance certificate for the property in L’s possession,
- (c) any current tenancy agreement under which the property is let,
- (d) any qualifying assessment in relation to the property,
- (e) any other document which the enforcement authority considers necessary to enable it to carry out its functions under this Part,

and may request L to register copies of any of them on the PRS Exemptions Register

(3) A compliance notice must specify—

- (a) the name and address of the person to whom the documents or other information required must be provided, and
- (b) the date by which they must be provided which must be no less than one month from the date on which the compliance notice is served.

(4) L must—

- (a) comply with the compliance notice, and
- (b) allow the enforcement authority to take copies of any original document produced.

(5) A compliance notice may be varied or revoked in writing at any time by the enforcement authority that issued it.

(6) An enforcement authority may take into account any information held by it, whether or not provided to it in accordance with this regulation, in determining whether L has complied with this Part.