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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 2**

**Tenants' energy efficiency improvements**

**CHAPTER 2**

**Request for consent to the making of relevant energy  
efficiency improvements to domestic PR property**

**Circumstances in which a request for consent to relevant energy efficiency improvements  
may not be made**

**9.—(1)** A tenant falling within regulation 7(a)(i) is not a tenant for the purposes of regulation 8(1)

- (a) after that tenant has served notice ending the tenancy,
- (b) within three months before the expiry of a fixed term tenancy, where that tenant has notified the landlord that that tenant intends to vacate the domestic PR property on the expiry of the term,
- (c) where—
  - (i) the landlord has served a notice ending the tenancy, including a notice seeking possession served under section 8 or section 21 of the Housing Act 1988(1), or a notice to quit, and
  - (ii) possession proceedings may be brought in reliance on the notice,
- (d) where the landlord has commenced proceedings against that tenant for possession of the domestic PR property, or for a breach of the tenancy agreement, and—
  - (i) those proceedings have not been resolved, or
  - (ii) the Court has made an order for possession of the domestic PR property,
- (e) where that tenant has, within the preceding six months, arranged for any energy efficiency improvement to be made to the domestic PR property pursuant to a green deal plan, or
- (f) where that tenant has, within the preceding six months, made a tenant's request in relation to the domestic PR property in respect of which one, or both, of the exemptions in Chapter 3 applied.

**(2)** A tenant falling within regulation 7(a)(ii) is not a tenant for the purposes of regulation 8(1)—

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(1) 1988 c.50. Section 8 was amended by section 151 of the Housing Act 1996 (c.52) and by section 97(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c.12). Section 21 was amended by paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 (c.42), by sections 98 and 99 of the Housing Act 1996, by paragraph 9 of Schedule 11 to the Housing and Regeneration Act 2008 (c.17), by section 15(2) of the Anti-social Behaviour Act 2003 (c.38), and by section 164 of the Localism Act 2011.

- (a) after that tenant has entered into an agreement to transfer that tenant's interest in the property,
- (b) within three months before the expiry of that tenant's leasehold interest in the property, or
- (c) where the landlord has commenced proceedings against that tenant for forfeiture of the lease, or for a breach of the lease, and—
  - (i) those proceedings have not been resolved, or
  - (ii) the Court has made an order confirming the forfeiture and no relief from forfeiture has been granted, or
- (d) where that tenant has, within the preceding six months, made a tenant's request in relation to the domestic PR property in respect of which one, or both, of the exemptions in Chapter 3 applied.