
DRAFT STATUTORY INSTRUMENTS

2015 No.

**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

Landlord's duty not to unreasonably refuse a tenant's request

10.—(1) Subject to regulations 13(5)(a) and 14(3), where a landlord is served with a tenant's request, the landlord must not unreasonably refuse consent to the making of a relevant energy efficiency improvement specified in the tenant's request.

(2) A landlord's refusal of consent is not unreasonable where—

- (a) paragraph (3) applies,
- (b) paragraph (4) applies,
- (c) the landlord relies, or intends to rely, on an exemption in Chapter 3.

(3) This paragraph applies where—

- (a) another tenant submitted a tenant's request to that landlord in relation to the same domestic PR property within the six months preceding the date of service of the tenant's request, and the landlord complied with the requirements of these Regulations in relation to that other tenant's request,
- (b) a notice has been served on the landlord or the superior landlord, and remains in force, in relation to the domestic PR property, or the building of which it forms part—
 - (i) under section 20, section 21, or section 43, of the Housing Act 2004(1), or
 - (ii) under section 265(1) to (4), of the Housing Act 1985(2), or
- (c) a declaration has been made in relation to the domestic PR property, or the building of which it forms part, under section 289 of the Housing Act 1985(3).

(1) **2004 c.34.** These are enforcement actions that may be taken by a local housing authority in relation to category 1 hazards and category 2 hazards (as defined in section 2 of that Act). Section 20 provides for the service of prohibition orders in respect of category 1 hazards, section 21 provides for the service of prohibition orders in respect of category 2 hazards, and section 43 provides for the service of emergency prohibition orders in respect of category 1 hazards.

(2) **1985 c.68.** These are demolition orders that may be made by a local housing authority in relation to category 1 hazards and category 2 hazards. Section 265 was substituted by section 46 of the Housing Act 2004.

(3) This is a declaration by a local housing authority that an area is a clearance area made, inter alia, as a result of the existence of category 1 or category 2 hazards. Section 289 was amended by paragraph 25 of Schedule 9, and paragraph 70 of Schedule 11 to, the Local Government and Housing Act 1989, and by section 47 of, and paragraph 19 of Schedule 15 and Schedule 16 to, the Housing Act 2004.

(4) This paragraph applies where the relevant energy efficiency improvement falls within any of paragraphs (d), (n) or (v) of the Schedule to the Green Deal (Qualifying Energy Improvements) Order 2012(4), and the landlord has obtained a written opinion from—

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

advising that it is not an appropriate energy efficiency 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.

(4) That is, “(d) cavity wall insulation”, “(n) external wall insulation systems”, and “(v) internal wall insulation systems (for external walls)”.