

Energy Efficiency Regulations 2015

Regulation 23: Prohibition on letting of sub-standard property

A landlord of a sub-standard domestic property must not let the property unless he has made all the relevant energy efficiency improvements for the property, or there are no relevant energy efficiency improvements that can be made to the property, or one or more of the exemptions applies. A “tenancy” is one which is an assured tenancy for the purposes of the Housing Act 1988 or is a regulated tenancy for the purposes of the Rent Act 1977.

Where a landlord appears to it to be, or to have been at any time within the preceding 12 months, in breach of regulation 23 “Prohibition on letting of sub-standard property”, the Council may under **Regulation 37** serve a compliance notice on a landlord requesting such information as it considers necessary to enable it to monitor compliance.

The Council may serve a penalty notice on a landlord in any case where it is satisfied that the landlord is, or has been at any time in the 18 months preceding the date of service of the penalty notice, in breach of one or more of regulations 23 or 37 imposing a financial penalty, a publication penalty, or both a financial penalty and a publication penalty.

The “publication penalty” means publication for a minimum period of 12 months, or such longer period as the the Council may decide, on the Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

Where the landlord has registered false or misleading information under regulation 36

A financial penalty not exceeding £1,000, and (b) the publication penalty

Where the landlord has breached regulation 23 and, at the time the penalty notice is served has, or had, been in breach for less than three months

A financial penalty not exceeding £2,000, and (b) the publication penalty

Where the landlord has failed to comply with a compliance notice in breach of regulation 37

A financial penalty not exceeding £2,000, and (b) the publication penalty

Where the landlord has breached regulation 23 and, at the time the penalty notice is served has, or had, been in breach for three months or more

A financial penalty not exceeding £4,000, and (b) the publication penalty

Where the Council imposes financial penalties on the landlord in relation to a breach of regulation 23 **the total of the financial penalties imposed on the landlord must be no more than £5,000.**

The amount of an unpaid financial penalty is recoverable from the landlord as a debt owed to the Council unless the notice has been withdrawn or quashed.

The process for determining the financial penalty to be imposed has two steps.

Seriousness of the offence (the more serious the offence the higher the penalty).

Decide which seriousness band the offence sits within, according to the chart

Offence	Band 1	Band 2	Band 3
Energy Efficiency Regulations 2015	Registered false or misleading information	Breach for less than three months; failed to comply with a compliance notice	Breach for three months or more

Level of severity

Low	£400	£800	£2,500
Medium	£600	£1,200	£3,000
High	£800	£1,600	£3,500
Very high	£1,000	£2,000	£4,000

The level of severity within the allotted band determines the level of the financial penalty