

Energy Bill [HL]

AMENDMENT
TO BE MOVED
ON REPORT

After Clause 200

LORD FOSTER OF BATH

After Clause 200, insert the following new Clause –

“Energy performance regulations relating to existing premises

- (1) Within six months of the passing of this Act the Secretary of State must make regulations –
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an energy performance certificate (EPC) of at least Band C by 31 December 2028;
 - (b) amending the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise the cost cap to £10,000.
- (2) Exemptions to subsection (1) apply where –
 - (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C;
 - (c) another exemption specified in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has been registered in the Private Rented Sector (PRS) Exemptions Register.
- (3) Within six months of the passing of this Act the Secretary of State must make regulations –
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 to enable local authorities to give notice to landlords that they wish to inspect a property in relation to those Regulations, requesting permissions from landlords and any tenants in situ at the time to carry out an inspection at an agreed time;
 - (b) to expand the scope of the current PRS Exemptions Register and redesign it as a database covering properties’ compliance with or exemptions from EPCs;

- (c) to require a post-improvement EPC to be undertaken to demonstrate compliance;
 - (d) to require a valid EPC be in place at all times while a property is let;
 - (e) to raise the maximum total of financial penalties to be imposed by a local authority on a landlord of a domestic private rented sector property in relation to the same breach and for the same property to £30,000 per property and per breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- (4) The Secretary of State may make regulations to—
- (a) enable tenants in the private rented sector to request that energy performance improvements are carried out where a property is in breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015;
 - (b) make provision for a compensation mechanism where a tenant is paying higher energy bills as a result of a property not meeting the required standard.
- (5) Regulations under this section are subject to the affirmative procedure.”

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