



Energy Act 2011

2011 CHAPTER 16

PART 1

ENERGY EFFICIENCY

CHAPTER 2

PRIVATE RENTED SECTOR: ENGLAND AND WALES

Introductory

42 Meaning of “domestic PR property” and “non-domestic PR property”: England and Wales

(1) For the purposes of this Chapter—

(a) a property is a “domestic private rented property” if, subject to subsection (2), it is let—

(i) under a tenancy which is an assured tenancy for the purposes of the Housing Act 1988,

(ii) under a tenancy which is a regulated tenancy for the purposes of the Rent Act 1977,^{F1}...

[^{F2}(ia) under a tenancy which is a standard contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016 (anaw 1)) except where—

(i) the standard contract is a supported standard contract (within the meaning given by section 143 of the Renting Homes (Wales) Act 2016), or

(ii) the interest of the landlord belongs to His Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department, or]

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2011, Section 42. (See end of Document for details)

- (iii) under a tenancy which is specified for the purposes of this subsection in an order made by the Secretary of State;
- (b) a property is a “non-domestic private rented property” if it—
 - (i) is situated in England and Wales,
 - (ii) is let under a tenancy, and
 - (iii) is not a dwelling.
- (2) But a property is not a domestic private rented property if—
 - (a) it is low cost rental accommodation within the meaning of section 69 of the Housing and Regeneration Act 2008 and the landlord is a private registered provider of social housing,
 - (b) it is low cost home ownership accommodation within the meaning of section 70 of that Act, ^{F3} ...
 - (c) the landlord is a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996 [^{F4}, or]
 - [^{F5}(d) if the landlord is a community landlord (within the meaning of section 9 of the Renting Homes (Wales) Act 2016.)]
- (3) In subsection (1)(b) “dwelling” has the meaning given by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991) (“the Energy Performance Regulations”).
- (4) A domestic private rented property is referred to in this Chapter as a “domestic PR property”.
- (5) A non-domestic private rented property is referred to in this Chapter as a “non-domestic PR property”.

Textual Amendments

- F1** Word in s. 42(1)(a)(ii) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **32(2)(a)**
- F2** S. 42(1)(iia) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **32(2)(b)**
- F3** Word in s. 42(2)(b) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **32(3)(a)**
- F4** Word in s. 42(2)(c) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **32(3)(b)**
- F5** S. 42(2)(d) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **32(3)(c)**

Commencement Information

- I1** S. 42 in force at 26.3.2015 by [S.I. 2015/880](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2011, Section 42.