

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2020 No.**

**The Energy Efficiency (Domestic Private  
Rented Property) (Scotland) Regulations 2020**

**PART 3**

**Exemptions**

**Consent exemption**

**10.**—(1) Subject to paragraph (2), regulation 6 does not apply if the landlord has been unable to make relevant energy efficiency improvements to the property to increase the energy performance indicator for the property so that the property meets or exceeds the minimum level of energy efficiency as a result of—

- (a) the current tenant refusing consent to any relevant energy efficiency improvement being made, or the landlord having been unable to obtain that consent despite reasonable efforts having been made by the landlord to obtain that consent,
- (b) within the preceding five years, third party consent having been—
  - (i) refused, or
  - (ii) granted subject to a condition with which the landlord cannot reasonably comply, or
- (c) a failure to obtain third party consent despite reasonable efforts having been made by the landlord to obtain that consent within the preceding five years.

(2) The exemption in paragraph (1) only applies, and the landlord may only rely on the exemption, if the relevant information relating to the exemption has been submitted for registration in accordance with regulation 14(4) and schedule 2.