
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Green Deal Framework (Disclosure,
Acknowledgment, Redress etc.) Regulations 2012

PART 5

Estimates of savings and conditions relating to the plan

CHAPTER 2

Conditions as to the amount of instalments and period
of the plan, the terms of the plan and other matters

Owner under regulation 36

37.—(1) For the purposes of regulation 36, a person is an owner if, subject to paragraph (3), that person meets one or more of the descriptions in paragraph (2).

(2) The descriptions referred to in paragraph (1) are that the person is—

- (a) a relevant title holder;
- (b) a landlord under a lease of the property; or
- (c) a licensor under a licence of the property.

(3) A person who would otherwise be an owner by virtue of paragraph (2) is not an owner if that person is—

- (a) a mortgagee not in possession of the property;
- (b) a landlord under a relevant lease of the property; or
- (c) a person who has only a beneficial interest in the property.

(4) In paragraph (3)(b), a “relevant lease” means a lease—

- (a) granted for a fixed term which exceeds 21 years;
- (b) where, at the time the confirmation is sought, the unexpired term exceeds the payment period; and
- (c) which does not contain a right to terminate the lease by the landlord or tenant.

(5) For the purposes of paragraph (4)(c), a right to terminate a lease does not include a right of re-entry or forfeiture or, in Scotland, a right of irritancy.