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STATUTORY INSTRUMENTS

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**2012 No. 2079**

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

**PART 7**

**Confirmation and disclosure and acknowledgment**

**CHAPTER 2**

**Disclosure and acknowledgment of green deal plans**

**Intended occupation under transactions or arrangements to be entered into**

- 43.** Regulation 44 applies in relation to a green deal property where—
- (a) a person (“A”) intends that a transaction or arrangement is to be entered into under which another person (“B”) is to have a right to occupy the property;
  - (b) the intended transaction or arrangement does not—
    - (i) fall within section 12(1); or
    - (ii) include a transfer of ownership from A to B;
  - (c) A intends that—
    - (i) the transaction or arrangement will be made in writing; and
    - (ii) A will be a party to the transaction or arrangement;
  - (d) A intends that B will—
    - (i) start to occupy the property under the transaction or arrangement within three years of the transaction or arrangement being entered into; and
    - (ii) be the bill payer at the property whilst in that occupation; and
  - (e) at the time the green deal plan for the property was entered into, B did not provide a confirmation under regulation 36.

**Disclosure and acknowledgment in circumstances described in regulation 43**

- 44.—(1)** Where this regulation applies, A must—
- (a) free of charge, provide B with—
    - (i) the disclosure document for the property; or
    - (ii) if the obligation in section 8(4) has not yet been complied with, a document containing the same information in connection with the green deal plan as the disclosure document would have contained; and

- (b) secure that B acknowledges in writing(1) that, as the bill payer, B will be—
  - (i) liable to pay green deal instalments; and
  - (ii) bound by the terms of the green deal plan which bind a bill payer(2).
- (2) The requirement in paragraph (1)(a) must be satisfied—
  - (a) no later than seven days before the transaction or arrangement is to be entered into; or
  - (b) where compliance with sub-paragraph (a) is not practicable, as soon as practicable before the transaction or arrangement is to be entered into.
- (3) The requirement in paragraph (1)(b) must be satisfied as soon as practicable before the transaction or arrangement is to be entered into.

### **Intended transfers of ownership**

- 45.** Regulation 46 applies in relation to a green deal property where—
- (a) a person (“C”) intends that a transaction or arrangement is to be entered into under which ownership of the property or a lease of the property is to be transferred to another person (“D”);
  - (b) the intended transaction or arrangement does not fall within section 12(1);
  - (c) C intends that—
    - (i) the transaction or arrangement will be made in writing; and
    - (ii) C will be a party to the transaction or arrangement; and
  - (d) at the time the green deal plan for the property was entered into, D did not provide a confirmation under regulation 36.

### **Disclosure and acknowledgment in circumstances described in regulation 45**

- 46.—**(1) Where this regulation applies, C must—
- (a) free of charge, provide D with—
    - (i) the disclosure document for the property; or
    - (ii) if the obligation in section 8(4) has not yet been complied with, a document containing the same information in connection with the green deal plan as the disclosure document would have contained; and
  - (b) secure that the document which effects the transfer of ownership to D includes an acknowledgment(3) by D that, as the bill payer at the property, D will be—
    - (i) liable to pay green deal instalments; and
    - (ii) bound by the terms of the green deal plan which bind a bill payer(4).
- (2) The requirement in paragraph (1)(a) must be satisfied—
- (a) no later than seven days before the transaction or arrangement is to be entered into; or

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(1) In respect of England and Wales, the Secretary of State has prescribed the form that the acknowledgment required by this regulation must take. See the Green Deal (Acknowledgment) Regulations 2012 (S.I. 2012/1661), which were made under section 15(3) of the Act. The Scottish Ministers have prescribed the form of acknowledgment for Scotland. See the Green Deal (Acknowledgment) (Scotland) Regulations 2012 (S.S.I. 2012/214), which were made under section 15(4) of the Act.

(2) The terms of the plan which bind a bill payer are set out in regulation 40.

(3) In respect of England and Wales, the Secretary of State has prescribed the form that the acknowledgment required by this regulation must take. See the Green Deal (Acknowledgment) Regulations 2012 (S.I. 2012/1661), which were made under section 15(3) of the Act. The Scottish Ministers have prescribed the form of acknowledgment for Scotland. See the Green Deal (Acknowledgment) (Scotland) Regulations 2012 (S.S.I. 2012/214), which were made under section 15(4) of the Act.

(4) The terms of the plan which bind a bill payer are set out in regulation 40.

- (b) where compliance with sub-paragraph (a) is not practicable, as soon as practicable before the transaction or arrangement is to be entered into.

### **Oral tenancies and unwritten licence agreements**

**47.** Regulation 48 applies in relation to a green deal property where—

- (a) a person (“E”) intends that a tenancy or licence agreement is to be entered into under which another person (“F”) is to have a right to occupy the property;
- (b) E does not intend that the tenancy or licence agreement will be made in writing;
- (c) E intends that—
  - (i) F will start to occupy the property under the tenancy or licence agreement within six months of the tenancy or licence agreement being entered into;
  - (ii) F will be the bill payer at the property whilst in that occupation; and
  - (iii) E will be a party to the tenancy or licence agreement; and
- (d) at the time the green deal plan for the property was entered into, F did not provide a confirmation under regulation 36.

### **Acknowledgment in circumstances described in regulation 47**

**48.**—(1) Where this regulation applies, E must secure that F acknowledges in writing<sup>(5)</sup> that, as the bill payer at the property, F will be—

- (a) liable to pay green deal instalments; and
- (b) bound by the terms of the green deal plan which bind a bill payer<sup>(6)</sup>.

(2) The acknowledgment required by paragraph (1) must be given before F starts to occupy the property under the tenancy or licence agreement.

### **Transactions or arrangements to change bill payers**

**49.** Regulation 50 applies in relation to a green deal property where—

- (a) a person (“G”) intends that there is to be a transaction or arrangement under which G agrees with another person (“H”) that H is to become the bill payer at the property;
- (b) the intended transaction or arrangement does not fall within section 12(1) or regulation 43, 45 or 47;
- (c) G intends that G will be a party to the transaction or arrangement; and
- (d) at the time the green deal plan for the property was entered into, H did not provide a confirmation under regulation 36.

### **Disclosure and acknowledgment in circumstances described in regulation 49**

**50.**—(1) Where this regulation applies, G must—

- (a) free of charge, provide H with—
  - (i) the disclosure document for the property; or

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<sup>(5)</sup> In respect of England and Wales, the Secretary of State has prescribed the form that the acknowledgment required by this regulation must take. See the Green Deal (Acknowledgment) Regulations 2012 (S.I. 2012/1661), which were made under section 15(3) of the Act. The Scottish Ministers have prescribed the form of acknowledgment for Scotland. See the Green Deal (Acknowledgment) (Scotland) Regulations 2012 (S.S.I. 2012/214), which were made under section 15(4) of the Act.

<sup>(6)</sup> The terms of the plan which bind a bill payer are set out in regulation 40.

- (ii) if the obligation in section 8(4) has not yet been complied with, a document containing the same information in connection with the green deal plan as the disclosure document would have contained; and
- (b) secure that H acknowledges in writing that, as the bill payer at the property, H will be—
  - (i) liable to pay green deal instalments; and
  - (ii) bound by the terms of the green deal plan which bind a bill payer<sup>(7)</sup><sup>(8)</sup>.
- (2) The requirement in paragraph (1)(a) must be satisfied—
  - (a) no later than seven days before the transaction or arrangement is to be entered into; or
  - (b) where compliance with sub-paragraph (a) is not practicable, as soon as practicable before the transaction or arrangement is to be entered into.
- (3) The requirement in paragraph (1)(b) must be satisfied as soon as practicable before the transaction or arrangement is to be entered into.

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<sup>(7)</sup> The terms of the plan which bind a bill payer are set out in regulation 40.

<sup>(8)</sup> In respect of England and Wales, the Secretary of State has prescribed the form that the acknowledgment required by this regulation must take. See the Green Deal (Acknowledgment) Regulations 2012 (S.I. 2012/1661), which were made under section 15(3) of the Act. The Scottish Ministers have prescribed the form of acknowledgment for Scotland. See the Green Deal (Acknowledgment) (Scotland) Regulations 2012 (S.S.I. 2012/214), which were made under section 15(4) of the Act.