
STATUTORY INSTRUMENTS

2017 No. 490

**The Electricity and Gas (Energy Company
Obligation) (Amendment) Order 2017**

Amendments to Schedule 4 to the 2014 Order (domestic premises which are not private domestic premises)

27.—(1) Before paragraph 1 of Schedule 4 insert—
“PART 1

Installations completed on or before 31st March 2017”.

(2) In paragraph 1(1) of Schedule 4, at the beginning insert “In relation to an installation completed on or before 31st March 2017,”.

(3) In paragraph 1(2) of Schedule 4, at the beginning insert “In relation to an installation completed on or before 31st March 2017,”.

(4) After paragraph 1 of Schedule 4, insert—

“PART 2

Installations completed on or after 1st April 2017

2.—(1) In relation to an installation completed on or after 1st April 2017, domestic premises in England or Wales are not “private domestic premises” if the premises are let below the market rate and—

- (a) the relevant interest in those premises is registered as belonging to a social landlord;
or
- (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to Part 5 of the Housing Act 1985(1).

(1) 1985 c.68. Part 5 was amended by Schedule 10 to the Insolvency Act 1985 (c. 65), sections 2, 4, 8 of and Schedule 5 to the Housing and Planning Act 1986 (c.63), Schedule 23 to the Housing (Scotland) Act 1987 (c.26), section 1 of and the Schedule to the Land Registration Act 1988 (c.3), sections 83, 122, 124, 126, 127 of and Schedule 17 to the Housing Act 1988 (c.50), sections 104, 105, 108 to 120 of and Schedules 21 and 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), Schedule 8 to the Family Law Act 1996 (c.27), Schedule 18 to the Housing Act 1996 (c.52), Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), the Statute Law (Repeals) Act 1998 (c.43), Schedule 5 to the Commonhold and Leasehold Reform Act 2002 (c.15), Schedule 1 to the Anti-Social Behaviour Act 2003 (c.38), Schedules 8 and 30 to the Civil Partnership Act 2004 (c.33), sections 180 to 190, 192, 193 of and Schedule 16 to the Housing Act 2004 (c.34), Schedule 15 to the Countryside and Rights of Way Act 2000 (c.37), Schedules 11 and 13 to the Land Registration Act 2002 (c.9), Schedule 14 to the Police and Justice Act 2006 (c.48), sections 304, 306, 191, 307 of and Schedule 16 to the Housing and Regeneration Act 2008 (c.17), sections 31 and 32 of the Housing (Wales) Measure 2011 (nawm 5), Schedules 19 and 22 to the Localism Act 2011 (c. 20), section 100 of and Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c.12), section 28 of the Deregulation Act 2015 (c.20), Schedule 4 to the Housing and Planning Act 2016 (c.22), S.I. 1990/434, S.I. 1993/651, S.I. 1996/2325, S.I. 1997/74, S.I. 1997/627, S.I. 2001/3649, S.I. 2009/1941, S.I. 2010/844, S.I. 2010/866, S.I. 2012/2404 and S.I. 2016/481. There were other amendments which are not relevant.

- (2) In relation to an installation completed on or after 1st April 2017, domestic premises in Scotland are not “private domestic premises” if the premises are let below the market rate and—
- (a) the relevant interest in the premises is registered as belonging to a social landlord; or
 - (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987(2), as modified by section 84A of that Act(3).
- (3) Sub-paragraphs (4) and (5) of paragraph 1 apply for the purposes of this paragraph as they apply for the purposes of paragraph 1.”.

(2) 1987 c.26. Sections 61 to 84 were amended by sections 3 and 65 of, and Schedules 2, 8, 9 and 10 to, the Housing (Scotland) Act 1988 (c.43), sections 168 and 176 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989 (c.42), sections 144, 145, 157 of, and Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c.28), Schedules 13 and 14 to the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), Schedule 18 to the Government of Wales Act 1998 (c.38), sections 42 to 49, 51 and 108 of, and Schedule 10 to, the Housing (Scotland) Act 2001 (asp 10), Schedule 7 to the Water Industry (Scotland) Act 2002 (asp 3), sections 140 to 144 of the Housing (Scotland) Act 2010 (asp 17), section 113 of the Housing (Scotland) Act 2006 (asp 1) and S.I. 2000/2040. Sections 61 to 81 and 84 are repealed by section 1 of the Housing (Scotland) Act 2014 (asp 14), subject to savings made by S.S.I. 2014/264.

(3) Section 84A was inserted by section 178 of the Local Government and Housing Act 1989 (c.42). It was amended by paragraph 13 of Schedule 10 to the Housing (Scotland) Act 2001. Section 84A is repealed by section 1 of the Housing (Scotland) Act 2014, subject to savings made by S.S.I. 2014/264.