

# Draft Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations: (Scottish Government Consultation)

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only England, Northern Ireland and Wales.

## 1. Executive Summary

The Scottish Government has launched a consultation on the implementation of Minimum Energy Efficiency standards (MEES) in the Private Rented Sector (PRS), requiring properties to meet EPC Heat Retention Rating (HRR) Band C by 2028 for new tenancies and 2033 for all tenancies. Local authorities are proposed as the enforcement bodies with responsibilities including compliance monitoring, managing exemptions, and issuing penalties. This consultation has significant implications for councils' regulatory and operational roles, and direct input is essential to ensure the framework is workable, proportionate, and aligned with local delivery.

Responses are due by Friday 29<sup>th</sup> of August 2025, [Click here](#) for information and to submit your response. [Click here](#) to read the full consultation report.

## 2. Overview

### Scottish Government Consultation on Minimum Energy Efficiency Standards in the Private Rented Sector

The Scottish Government is consulting on proposals to introduce Minimum Energy Efficiency Standards (MEES) in the domestic Private Rented Sector (PRS), using existing powers under the Energy Act 2011.

Improving the energy efficiency of Scotland's housing has been a long-standing government priority. Draft MEES regulations were previously consulted on in 2019 and approved by the Scottish Parliament in 2020, but were subsequently withdrawn due to the Covid-19 pandemic. At the time, Ministers committed to revisiting and relaunching these proposals.

While MEES have been in place for the social rented sector since 2014, the PRS continues to lag behind, with 48% of properties currently rated EPC band D or below. Notably, 14% fall into the E, F or G bands, the highest proportion of any housing tenure. This is contributing to significantly higher rates of fuel poverty in the PRS, which stands at 44%, compared to lower rates in more energy-efficient homes.

The Scottish Government now proposes that, where feasible, all privately rented homes achieve an Energy Performance Certificate (EPC) Heat Retention Rating (HRR) of band C— from 2028 for new tenancies and by 2033 for all PRS properties. These regulations aim to improve housing quality, reduce energy costs for tenants, and support the transition to zero-emissions heating.

The consultation seeks views on the practical implementation of these proposals, including:

- Enforcement mechanisms and evidentiary requirements;
- The design of cost cap exemptions;
- Integration with existing area-based schemes and support programmes.

Local authorities will play a vital role in delivering and enforcing these standards. Their responsibilities are expected to include:

- Monitoring compliance and issuing enforcement notices;
- Administering the exemptions framework;

Responses from local authorities and stakeholders are critical to ensuring that the final regulations are workable, proportionate, and aligned with local capacity. Feedback will look to inform the development of a robust and fair regulatory framework that helps meet Scotland's net zero and fuel poverty targets.

### 3. Consultation question

The consultation questions are categorised below, the questions in bold are of particular relevance to local authorities:

- The Minimum Standard (1Q)
- Demonstrating Compliance with existing or reformed EPCs (1Q)
- Backstop Date: 2033 (1Q)
- In force date and earlier phased action: 2028 (1Q)
- Tenancies in Scope (1Q)
- Short-term Holiday Lets (1Q)
- Exemptions and Cost Cap (5Q)
- Support (2Q)
- **Monitoring and Enforcement (1Q)**
- **Penalties (1Q)**
- Amendment to primary legislation: Energy Act 2011 (1Q)
- Impact Assessments (1Q)

#### Monitoring and Enforcement

14. Do you agree that Local Authorities should be responsible for monitoring and compliance of these regulations?

#### Penalties

15. Do you agree with the proposed level of financial penalties to support compliance with the regulations?

### 4. APSE Comment

APSE encourages our members in Scotland to engage fully with the consultation on the implementation of the Minimum Energy Efficiency standards (MEES) in the Private Rented Sector (PRS). As outlined earlier in the briefing, local authorities are proposed as the enforcement bodies with responsibilities including compliance monitoring, managing exemptions, and issuing penalties. Therefore, this consultation has significant implications for councils' regulatory and operational roles, and direct input is important to ensure the framework is workable, proportionate, and aligned with local delivery.

APSE Scotland held its most recent Climate Change and Renewables Network meeting on Tuesday 10 June and we were delighted to have Annie Howden, Heat Strategy Team Leader for Scottish Government and Fergus Tickell, Regional Energy Strategic Planning Manager of NESO in attendance to speak. This meeting included a discussion around the consultation, to access the presentations from the day [click here](#)

The above network provides the opportunity for local authority managers, officers and councillors to share best practice on local authority climate change and renewables. As well as providing the opportunity to hear from a range of expert speakers in the field, such as Annie and Fergus. These meetings are free to attend for APSE members and all past presentations are available online [here](#), with upcoming meetings listed [here](#). This Network provides a space for local authorities to discuss and debate all areas related to these services and we would encourage all to engage and participate.

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Networks are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE network meetings and would like to be added to our list of our contacts for your service area, please email [enquiries@apse.org.uk](mailto:enquiries@apse.org.uk)

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