
STATUTORY INSTRUMENTS

2016 No. 284

**BUILDING AND BUILDINGS,
ENGLAND AND WALES**

**The Energy Performance of Buildings (England
and Wales) (Amendment) Regulations 2016**

Made - - - - 10th March 2016

Laid before Parliament 15th March 2016

Coming into force in accordance with regulation 1(2)

The Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 74 of the Energy Act 2011⁽³⁾.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016.

(2) These regulations come into force on 6th April 2016, except as provided in paragraphs (3) and (4).

(3) Regulations 18 and 19 come into force on 1st June 2016.

(4) Regulations 3(b), 20 and 22 come into force on 1st October 2016.

(5) These Regulations extend to England and Wales.

Amendment of the Energy Performance of Buildings (England and Wales) Regulations 2012

2. The Energy Performance of Buildings (England and Wales) Regulations 2012⁽⁴⁾ are amended in accordance with the following regulations.

(1) [S.I. 2008/301](#).

(2) [1972 c.68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c.7](#)).

(3) [2011 c.16](#).

(4) [S.I. 2012/3118](#), as amended by [S.I. 2013/10](#); [S.I. 2013/181](#); [S.I. 2013/603](#); [S.I. 2014/880](#); [S.I. 2015/609](#) and [S.I. 2015/1681](#).

Amendments to regulation 2

3. In regulation 2 (interpretation)—

- (a) for the definition “asset rating” substitute—
 - ““asset rating” means an energy performance indicator determined from the amount of energy estimated to meet the different needs associated with a standardised use of a building;”;
- (b) omit the definition “authorised recipient”;
- (c) in the definition “bulk access data” after “regulation 27(2)” insert “, (3) or (4B)”;
- (d) for the definition “display energy certificate” substitute—
 - ““display energy certificate” means a certificate which—
 - (a) complies with regulation 15; or
 - (b) in the case of a certificate issued in respect of an excluded building under regulation 15A, complies with regulation 15A(2);”
- (e) after the definition “energy from renewable sources” insert the following definition—
 - ““energy performance” in relation to a building means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;”;
- (f) in the definition “energy performance certificate”—
 - (i) omit “or” after paragraph (b),
 - (ii) after paragraph (b) insert—
 - “(ba) in the case of a certificate issued in respect of an excluded building under regulation 9A, complies with the requirements of regulation 9A(2) of these Regulations; or”, and
 - (iii) in paragraph (c) before “complies” add “in the case of a certificate entered on the register before 6th April 2016”;
- (g) after the definition “energy performance certificate” insert the following definition—
 - ““excluded building” means a building owned, occupied or used by or for the purposes of—
 - (a) the Security Service, the Secret Intelligence Service or the Government Communications Headquarters;
 - (b) any of the armed forces;
 - (c) the Royal Family;
 - (d) a prison;
 - (e) a contracted out prison within the meaning of the Criminal Justice Act 1991(5); or
 - (f) a young offender institution;”;
- (h) for the definition “inspection report” substitute—
 - ““inspection report” means a report—
 - (a) issued by an energy assessor in accordance with regulation 19(1); or

- (b) in the case of a report issued in respect of an excluded building, issued by an energy assessor in accordance with regulation 19A(2);
- (i) for the definition “operational rating” substitute—
 - ““operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period;”;
- (j) in the definition “report reference number”—
 - (i) after “energy performance certificate” insert “issued by an energy assessor under regulation 9”, and
 - (ii) after “display energy certificate” insert “issued by an energy assessor under regulation 15”.

Amendment of regulation 4

- 4. For regulation 4(5)(a) (recommendation reports) substitute—
 - “(a) “building element” means a controlled service or fitting or a thermal element within the meaning of those expressions in regulation 2(1) and (3) respectively of the Building Regulations 2010(6).”.

Insertion of regulation 7A

- 5. After regulation 7 (energy performance certificates on marketing) insert—

“Energy performance certificates on construction

- 7A.—(1) This regulation applies where—
 - (a) a building is erected; or
 - (b) a building is modified so that it has a greater or lesser number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation.
- (2) The person carrying out the building work must—
 - (a) give an energy performance certificate for the building to the owner of the building;
 - (b) give to the local authority notice to that effect; and
 - (c) include in that notice the reference number under which the energy performance certificate has been registered in accordance with regulation 27(4), except in the case of an energy performance certificate issued under regulation 9A (energy performance certificates in respect of excluded buildings).
- (3) The energy performance certificate and notice must be given not later than five days after the building work has been completed.”.

Amendment of regulation 9

- 6. In regulation 9 (energy performance certificates)—
 - (a) in paragraph (1)—

(6) [S.I. 2010/2214](#). There are amendments, but none is relevant to this provision.

- (i) at the beginning insert “Subject to paragraph (6),”
- (ii) for subparagraph (a) substitute—
 - “(a) show the asset rating of the building, calculated and expressed in accordance with the methodology approved by the Secretary of State under regulation 24 of the Building Regulations 2010;”
- (iii) in subparagraph (b) for “such as a current legal standard or benchmark” substitute “in order to make it possible to compare and assess the energy performance of the building”; and
- (b) after paragraph (5) add—
 - “(6) This regulation does not apply to an energy performance certificate to which regulation 9A applies.”

Insertion of regulation 9A

7. After regulation 9 (energy performance certificates) insert—

“Energy performance certificates in respect of excluded buildings

- 9A.**—(1) This regulation applies where—
- (a) a building in relation to which an energy performance certificate is requested to be issued is an excluded building; and
 - (b) the person who requests the energy performance certificate—
 - (i) notifies the energy assessor (whether in writing or otherwise) that the building is an excluded building; and
 - (ii) requests (whether in writing or otherwise) that the energy performance certificate is issued under this regulation.
- (2) An energy performance certificate issued under this regulation must—
- (a) comply with the requirements set out in subparagraphs (a) to (e) of regulation 9(1), other than the requirement in subparagraph (e)(i) (reference number under which data entered onto register); and
 - (b) be valid for the purposes of this Part in accordance with paragraph (4).
- (3) An energy performance certificate must not contain any information or data (except the address of the building) from which a living individual (other than the energy assessor or energy assessor’s employer) can be identified.
- (4) An energy performance certificate issued under this regulation is only valid for the purposes of this Part if—
- (a) it was issued no more than 10 years before the date on which it is made available; and
 - (b) no other energy performance certificate for the building has since been issued under this regulation or entered onto the register.
- (4) Where this regulation applies, the energy assessor must not enter any data relating to the building onto the register.
- (5) Certification for building units may be based—
- (a) for a non-residential building, on a common certification of the whole building for blocks with a common heating system; or
 - (b) on the assessment of another representative building unit in the same block.

(6) Certification for a building which consists of a single dwelling may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality if such correspondence is guaranteed by the energy assessor issuing the energy performance certificate.”.

Amendment of regulation 10

- 8.** In regulation 10(1)(c) (display of energy performance certificates)—
- (a) in subparagraph (i) after “6” add “or 7A”; and
 - (b) in subparagraph (ii) before “regulation” add “in the case of certificate entered on the register before 6th April 2016,”.

Amendment of regulation 11

- 9.—(1)** In regulation 11 (statement of energy performance indicator)—
- (a) in the heading to the regulation for “indicator” substitute “rating”; and
 - (b) in paragraphs (2) and (3) for “indicator” substitute “rating”.

Amendment of regulation 15

- 10.** In regulation 15 (display energy certificates)—
- (a) number the existing provision as paragraph (1);
 - (b) at the beginning insert “Subject to paragraph (2),”;
 - (c) after “display energy certificate” insert “issued under this regulation”;
 - (d) for subparagraph (a) substitute—
 - “(a) subject to regulation 16, show the operational rating of the building, calculated and expressed in accordance with the methodology approved by the Secretary of State under regulation 24 of the Building Regulations 2010, relating to the period of 12 months ending no earlier than three months before the nominated date;”;
 - (e) in subparagraph (b) for “expressed” substitute “shown”;
 - (f) in subparagraph (c) for “such as a current legal standard or benchmark” substitute “in order to make it possible to compare and assess the energy performance of the building”; and
 - (g) after paragraph (1) insert—
 - “(2) This regulation does not apply to a display energy certificate issued under regulation 15A.”.

Insertion of regulation 15A

- 11.** After regulation 15 (display energy certificates) insert—

“Display energy certificates for excluded buildings

- 15A.—(1)** This regulation applies where—
- (a) a building in relation to which a display energy certificate is requested to be issued is an excluded building; and
 - (b) the person who requests the display energy certificate—

- (i) notifies the energy assessor (whether in writing or otherwise) that the building is an excluded building; and
 - (ii) requests (whether in writing or otherwise) that the display energy certificate is issued under this regulation.
- (2) A display energy certificate issued under this regulation must comply with the requirements of subparagraphs (a) to (e) of regulation 15(1), other than the requirement in paragraph (e)(i) (reference number under which data entered onto register).
- (3) Where this regulation applies, the energy assessor must not enter any data relating to the building onto the register.”.

Amendment of regulation 19

12. In regulation 19 (reports)—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (4),”; and
 - (b) after paragraph (3) insert—
 - “(4) This regulation does not apply to inspection reports issued under regulation 19A.”.

Insertion of regulation 19A

13. After regulation 19 (reports) insert—
- “Reports in respect of excluded buildings**
- 19A.—**(1) This regulation applies where—
- (a) a building in relation to which an inspection report is requested to be issued is an excluded building; and
 - (b) the person who requests the inspection report—
 - (i) notifies the energy assessor (whether in writing or otherwise) that the building is an excluded building; and
 - (ii) requests (whether in writing or otherwise) that the inspection report is issued under this regulation.
- (2) Where an energy assessor undertakes an inspection of the system under regulation 18 he must make a written report of the inspection and give it to the relevant person as soon as practicable after completing the inspection.
- (3) An inspection report issued under this regulation must comply with the requirements of paragraphs (2) and (3) of regulation 19, other than the requirement in paragraph (3)(a) (reference number under which data entered onto register).
- (4) Where this regulation applies, the energy assessor must not enter any data relating to the building onto the register.”.

Amendment of regulation 22

14. In regulation 22(3) (accreditation schemes) for subparagraph (g) substitute—
- “(g) for requiring the sets of data from which there may be produced energy performance certificates (other than data relating to a certificate issued under regulation 9A), display energy certificates (other than data relating to a certificate issued under regulation 15A), recommendation reports (other than one to which

regulation 27(7) applies) and inspection reports (other than data relating to a certificate issued under regulation 19A) prepared by members of the scheme to be entered onto the relevant register maintained by the Secretary of State pursuant to regulation 27; and”.

Amendment of regulation 27

15. In regulation 27 (registration of certificates etc)—

(a) in paragraph (1)—

(i) at the beginning insert “Subject to paragraph (6),”

(ii) omit “and” at the end of subparagraph (b),

(iii) and after subparagraph (c) add—

“; and

(d) recommendation reports”;

(b) after paragraph (4A) insert—

“(4B) An energy assessor who issues a recommendation report (whether as part of an energy performance certificate under regulation 9(1)(d) or as a separate document) must ensure that the data that is required to be included in the report by regulation 4(2) (recommendation reports) is entered onto the relevant register before the assessor gives the report to the person who requested that it be issued.”; and

(c) after paragraph (5) add—

“(6) This regulation does not apply to—

(a) an energy performance certificate issued under regulation 9A (energy performance certificates in respect of excluded buildings);

(b) a display energy certificate issued under regulation 15A (display energy certificates in respect of excluded buildings);

(c) an inspection report issued under regulation 19A (inspection reports in respect of excluded buildings); or

(d) a recommendation report to which paragraph (7) applies.

(7) This paragraph applies to a recommendation report which—

(a) is included in an energy performance certificate issued under regulation 9A (energy performance certificates in respect of excluded buildings);

(b) is issued in relation to a building together with a display energy certificate issued in relation to that building under regulation 15A (display energy certificates in respect of excluded buildings).”.

Amendment of regulation 28

16. In regulation 28 (fees for entering data onto the register)—

(a) in paragraph (a), for “£1.27” substitute “£2.07”; and

(b) in paragraph (b) for “£11.66” substitute “£12.82”.

Amendment of regulation 30

17. In regulation 30 (disclosure of general access data)—

(a) in paragraph (2)—

- (i) at the end of subparagraph (b) omit the full stop and insert “; and”;
- (ii) for subparagraph (c) substitute—
 - “(c) subject to paragraph (2ZA), no opt-out is in effect in respect of the data.”, and
- (iii) omit subparagraph (d);
- (b) after paragraph (2) insert—
 - “(2ZA) The condition in paragraph (2)(c) does not apply where the request—
 - (a) is for data that is required to be included in a display energy certificate; or
 - (b) includes the report reference number of the valid energy performance certificate that relates to the building.”;
- (c) in paragraph (2A)—
 - (i) in subparagraph (a) for “, (c) and (d)” substitute “and (c)”, and
 - (ii) in subparagraph (b) for “, (c) and (d)” substitute “and (c)”.
- (d) in paragraph (3)—
 - (i) at the end of subparagraph (a), omit “; and”, and
 - (ii) omit subparagraph (b).

Insertion of regulation 30A

- 18.** After regulation 30 (disclosure of general access data) insert—

“Publication of bulk access data on a website

30A.—(1) Subject to paragraph (2), the keeper of the register may publish on a website such items of bulk access data relating to any building appearing on the register as are specified in Schedule B1.

(2) The keeper of the register may not publish any data under this regulation in relation to which an opt-out is in effect in accordance with regulation 30(3).”.

Insertion of Schedule B1

- 19.** After Schedule A1 insert Schedule B1 as set out in the Schedule to these Regulations.

Revocation of regulation 31 and schedule 1

- 20.** Regulation 31 (disclosure of bulk access data) and Schedule 1 are revoked.

Amendment of regulation 32

- 21.** In regulation 32 (disclosure by keeper of the register)—
- (a) in paragraph (1) at the end of subparagraph (d) insert—
 - “; or
 - (e) to the Office for National Statistics for statistical or research purposes”;
 - (b) in paragraph (2A), for the opening words preceding subparagraph (a) substitute—
 - “(2A) Where the keeper of the register discloses general access data or bulk access data to the Secretary of State or to the Office for National Statistics for statistical or

research purposes, such data may be published by the Secretary of State or the Office of National Statistics (as the case may be) if—”; and

- (c) in paragraph (8) omit subparagraph (a).

Revocation of regulation 33

- 22. Regulation 33 (fee for disclosure of bulk access data) and Schedule 2 are revoked.

Amendment of regulation 34

- 23. In regulation 34 (enforcement authorities)—
 - (a) in paragraph (2)—
 - (i) after “7(5)” insert “, 7A(2), 7A(3)”, and
 - (ii) omit “, and the EPC construction duty”; and
 - (b) omit paragraphs (3) to (5).

Amendment of regulation 34A

- 24. In regulation 34A (enforcement and local authority buildings)—
 - (a) in paragraph (1)—
 - (i) after “7(5)” insert “, 7A(2), 7A(3)”,
 - (ii) omit “, or to the EPC construction duty”;
 - (b) in paragraph (2)—
 - (i) after “7(5)” insert “, 7A(2), 7A(3)”,
 - (ii) omit “and the EPC construction duty”;
 - (c) in paragraph 3(a)—
 - (i) after “7(5)” insert “, 7A(2), 7A(3)”,
 - (ii) omit “and the EPC construction duty”; and
 - (iii) omit paragraph (8).

Amendment of regulation 35

- 25. In regulation 35 (power to require production of documents)—
 - (a) in paragraph (1)—
 - (i) after “6” insert “, 7A”, and
 - (ii) omit “, or the EPC construction duty,”; and
 - (b) omit paragraphs (7) to (9).

Amendment of regulation 36

- 26. In regulation 36 (penalty charge notices)—
 - (a) in paragraph (1)—
 - (i) after “7(5)” insert “, 7A(2), 7A(3)”, and
 - (ii) omit “or the EPC construction duty,”; and
 - (b) omit paragraphs (8) to (10).

Amendment of regulation 38

27. In regulation 38 (penalty amount)—

(a) in paragraph (1)—

(i) for “or 7(5), or of the EPC construction duty” substitute “7(5), 7A(2), or 7A(3)”, and

(ii) omit paragraph (4).

Signed by authority of the Secretary of State for Communities and Local Government

James Wharton
Parliamentary Under Secretary of State
Department for Communities and Local
Government

10th March 2016

SCHEDULE

Regulation 19

“SCHEDULE B1

Regulation 30A

Specified data items for online publication

1. In this Schedule, “residential building” means premises in England or Wales consisting of a single dwelling, including ancillary land.

2. For data from which an energy performance certificate for a residential building may be produced, the data items specified are—

- (a) the address (including the postcode),
- (b) the energy rating,
- (c) the potential energy rating,
- (d) the building type and built form,
- (e) the inspection date,
- (f) the local authority area,
- (g) the constituency and county where the building is located,
- (h) the date the data were entered onto the register,
- (i) the transaction type,
- (j) the current environmental impact rating,
- (k) the potential environmental impact rating,
- (l) the current energy consumption,
- (m) the potential energy consumption,
- (n) the current CO² emissions,
- (o) the current CO² emissions per floor area,
- (p) the potential CO² emissions,
- (q) the current lighting cost,
- (r) the potential lighting cost,
- (s) the current heating cost,
- (t) the potential heating cost,
- (u) the current hot water cost,
- (v) the potential hot water cost,
- (w) the total floor area,
- (x) the energy tariff,
- (y) whether the building is connected to the gas network,
- (z) the floor level,
- (aa) whether the building is on the top floor (for flats),
- (bb) if the building is a flat not on the top floor the storey count for the building,
- (cc) the energy tariff,
- (dd) the proportion of the windows which are multi-glazed,
- (ee) the types of glazing and the area glazed,
- (ff) the number of extensions to the building,

- (gg) the number of habitable rooms,
- (hh) the number of heated rooms,
- (ii) the floor height,
- (jj) the main fuel type,
- (kk) the number of open fireplaces,
- (ll) any recommended improvements included in the latest recommendation report under regulation 9(1)(d),
- (mm) the hot water heating source,
- (nn) the energy efficiency of the hot water heating source,
- (oo) the environmental efficiency of the hot water heating source,
- (pp) the description of the main heating system,
- (qq) the energy efficiency of the main heating system,
- (rr) the environmental efficiency of the main heating system,
- (ss) the description of the main heating controls,
- (tt) the energy efficiency of the main heating controls,
- (uu) the environmental efficiency of the main heating controls,
- (vv) the description of the secondary heating system,
- (ww) the energy efficiency of the secondary heating system,
- (xx) the environmental efficiency of the secondary heating system,
- (yy) the description of the floor,
- (zz) the energy efficiency of the floor,
- (aaa) the environmental efficiency of the floor,
- (bbb) the description of the windows,
- (ccc) the energy efficiency of the windows,
- (ddd) the environmental efficiency of the windows,
- (eee) the description of the walls,
- (fff) the energy efficiency of the walls,
- (ggg) the environmental efficiency of the walls,
- (hhh) the description of the roof,
- (iii) the energy efficiency of the roof,
- (jjj) the environmental efficiency of the roof,
- (kkk) the description of the lighting,
- (lll) the energy efficiency of the lighting,
- (mmm) the environmental efficiency of the lighting,
- (nnn) the proportion of low energy lighting,
- (ooo) the number of wind turbines,
- (ppp) whether there is a heat loss corridor,
- (qqq) the length of any unheated corridor,
- (rrr) the description of any photovoltaic supply,
- (sss) the description of any mechanical ventilation system,

- (ttt) whether solar water heating is present, and
 - (uuu) the unique property reference number assigned to the building.
- 3.** For data from which an energy performance certificate for a building other than a residential building may be produced, the data items specified are—
- (a) the address (including the postcode),
 - (b) the energy rating,
 - (c) the potential energy rating,
 - (d) the building type,
 - (e) the inspection date,
 - (f) the local authority area,
 - (g) the constituency and county where the building is located,
 - (h) the date the data were entered onto the register,
 - (i) the transaction type,
 - (j) the benchmark against other new build or existing properties as appropriate,
 - (k) whether the building is a level 3, 4 or 5 building,
 - (l) the main heating fuel,
 - (m) the description of any other fuel,
 - (n) whether the building is air-conditioned,
 - (o) whether an air-conditioning system inspection has been requested,
 - (p) the estimated and actual rated output of the air-conditioning system,
 - (q) whether the building has specialised energy requirements,
 - (r) the energy from renewable sources (if any) used by the building,
 - (s) the floor area,
 - (t) the current CO² emissions per floor area,
 - (u) the unique property reference number assigned to the building,
 - (v) the standard emission rate of the building,
 - (w) the typical emission rate of the building,
 - (x) the target emission rate of the building,
 - (y) any recommended improvements included in the latest recommendation report under regulation 9(1)(d), and
 - (z) the description of the building environment.
- 4.** For data from which a display energy certificate may be produced, the data items specified are—
- (a) the address (including the postcode),
 - (b) the current energy rating,
 - (c) the energy rating for any previous years,
 - (d) the building type,
 - (e) the inspection date,
 - (f) the local authority area,
 - (g) the constituency and county where the building is located,

- (h) the date the data were entered onto the register,
 - (i) the unique property reference number assigned to the building,
 - (j) the benchmark category,
 - (k) the lodged code for the type of building,
 - (l) the main heating fuel,
 - (m) the description of any other fuel,
 - (n) whether the building is air-conditioned,
 - (o) whether an air-conditioning system inspection has been requested,
 - (p) the estimated and actual rated output of the air-conditioning system,
 - (q) whether the building has specialised energy requirements,
 - (r) the energy from renewable sources (if any) used in the building,
 - (s) the floor area,
 - (t) the description of the building environment,
 - (u) the proportion of CO² emissions attributable to electricity used in the building,
 - (v) the proportion of CO² emissions from energy used to heat the building,
 - (w) the proportion of CO² emissions from energy from renewable sources (if any) used in the building,
 - (x) the annual thermal fuel usage of the building,
 - (y) the typical thermal fuel usage of the building,
 - (z) the annual electricity fuel usage of the building,
 - (aa) the typical electricity fuel usage of the building,
 - (bb) the proportion of thermal fuel from renewable sources (if any) for the building,
 - (cc) the proportion of electricity from renewable sources (if any) for the building, and
 - (dd) the CO² emissions in previous years from electricity use, heating and renewable sources (if any) for the building.
5. For data from which an inspection report may be produced, the data items specified are—
- (a) the address (including the postcode),
 - (b) the building type,
 - (c) the inspection date,
 - (d) the local authority area,
 - (e) the constituency and county where the building is located,
 - (f) the date the data were entered onto the register,
 - (g) the unique property reference number assigned to the building,
 - (h) the complexity level of the building,
 - (i) whether an F-Gas compliant report has been provided,
 - (j) the total effective rated output of the air-conditioning system,
 - (k) the treated floor area of the air-conditioning system,
 - (l) the total estimated refrigerant charge of the air-conditioning system,
 - (m) whether the inspection has been undertaken using a sample of components of larger air-conditioning systems,

- (n) whether the air-conditioning system is sub-metered,
- (o) the description of any sub-systems inspected,
- (p) the description of any refrigerant types, and
- (q) the age of the main components of the system.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118, as amended by S.I. 2013/10; S.I. 2013/181; S.I. 2013/603; S.I. 2014/880; S.I. 2015/609 and S.I. 2015/1681) (“the Principal Regulations”), which implement Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (recast) (OJ No L 153, 18.6.2010, p. 13) (“the Directive”).

Regulation 5 consolidates regulation 29 (energy performance certificates) of the Building Regulations 2010 (S.I. 2010/2214, as amended by S.I. 2011/1515, S.I. 2011/3058, S.I. 2012/809, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/181, S.I. 2013/1105, S.I. 2013/1959, S.I. 2014/579 and S.I. 2015/767), which is being revoked elsewhere, as new regulation 7A. This requires persons carrying out building work consisting of the erection of a building, or certain conversions of buildings, to give an energy certificate to the building owner, and notify the local authority to that effect. Regulations 4, 8 and 23 to 27 make amendments consequential upon regulation 5.

Regulations 7, 11, 13 and 15(c) make provision, in new regulations 9A, 15A and 19A and in amendments to regulation 27, in respect of energy performance certificates, display energy certificates, the recommendation reports accompanying those certificates, and the register relating to those documents kept under regulation 27 (“the register”). The new provisions are to the effect that none of those documents should be entered on the register if it is issued in respect of an excluded building, as defined in regulation 3(g), inserting that definition in regulation 2. Regulations 10(a), (b) and (g), 12 and 14 make amendments consequential upon regulations 7, 11, 13 and 15.

Regulation 15(a) and (b) amends regulation 27 to provide expressly that data required to be included in a recommendation report under regulation 4(2) must be entered on the register and that recommendation reports may be produced from the register. Regulation 16 amends fees for entering data onto the register.

Regulations 17 to 22 amend the provisions in Part 6 of the Principal Regulations for disclosure of data by the keeper of the register. The effect of the amendment to regulation 30 by regulation 17(a) and (b) is to allow general access data, the data shown on a certificate or report to be disclosed notwithstanding an opt-out by the owner or occupier of the building concerned in response to a request accompanied by the reference number under which a certificate has been registered.

Regulations 20, 22 and 3(b) revoke the existing provision in relation to bulk access data, the whole set of data entered onto the register, and regulations 18 and 19 replace it with a new regulation 30A and a new schedule allowing the keeper of the register to publish on a website the items of bulk access data specified in new Schedule B1 (as set out in the Schedule to these Regulations).

Regulation 21 amends regulation 32 to allow the keeper of the register to disclose data to the Office for National Statistics in addition to other named bodies and the Secretary of State, but only for

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

statistical or research purposes, and allows the Secretary of State and the Office for National Statistics to republish data disclosed to them for those purposes.

Regulation 3 amends a number of definitions in regulation 2 in connection with the amendments described above. In addition, Regulations 3(a), (e) and (i), 6, 9 and 10(d) to (f) add and amend various provisions concerning energy performance certificates and display energy certificates to clarify their implementation of the requirements of the Directive.

A privacy impact assessment for the provisions relating to disclosure of information from the register is available with the explanatory memorandum for these Regulations at www.legislation.gov.uk/. A copy is also available from the Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF. A full impact assessment has not been produced for this instrument as no, or minimal, impact on the public, private or voluntary sectors is foreseen in relation to the other provisions of these Regulations.