

2014 No. 880

BUILDING AND BUILDINGS, ENGLAND AND WALES

**The Energy Performance of Buildings (England and Wales)
(Amendment) Regulations 2014**

<i>Made</i> - - - -	<i>31st March 2014</i>
<i>Laid before Parliament</i>	<i>2nd April 2014</i>
<i>Coming into force</i> - -	<i>6th April 2014</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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 that Act and by section 74 of the Energy Act 2011(c).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 6th April 2014.

(3) These Regulations extend to England and Wales only.

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

2. The Energy Performance of Buildings (England and Wales) Regulations 2012(d) are amended as set out in regulations 3 to 12.

3. In regulation 4 (recommendation reports)—

(a) in paragraph (4)(b)(i), for “nominated date applying to the report is before 9th January 2013, seven years or” substitute “total useful floor area of the building is over 1,000m², seven years from the nominated date applying to the report; and”;

(b) in paragraph (4)(b)(ii), for “where” substitute “in the case of any other building, ten years from” and omit “is on or after 9th January 2013, ten years.”; and

(c) in sub-paragraph (5)(a), for “building envelope” substitute “building element”.

4. In regulation 9(4)(b) (energy performance certificates), for “apartment or” substitute “building”.

(a) S.I. 2008/301. This instrument, which came into force on 15 March 2008, revoked the previous designation of the Secretary of State in relation to the energy performance of buildings in Article 2 of S.I. 2004/3328.

(b) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) 2011 c.16.

(d) S.I. 2012/3118.

5. In regulation 11(statement of energy performance indicator)—

- (a) in paragraph (2), for “asset rating” substitute “energy performance indicator”; and
- (b) after paragraph (2) insert—

“(3) In this regulation “energy performance indicator” means an indication of the energy efficiency of a building or building unit, calculated using the methodology approved by the Secretary of State under regulation 24 of the Building Regulations 2010(a) and expressed on a scale of A+ to G, (or A to G in the case of a building that is a dwelling), with G representing the least energy efficient rating.”

6. In regulation 14(2)(b) (duties relating to display energy certificates and recommendation reports), delete “less than”.

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

- (a) in paragraph (a), for “£1.67”, substitute “£1.30”; and
- (b) in paragraph (b), for “£11.81”, substitute “£9.73”.

8. In regulation 32 (disclosure by keeper of register)—

- (a) after paragraph (2) insert—

“(2A) Where the keeper of the register discloses bulk access data to the Secretary of State for statistical or research purposes in relation to energy efficiency or the use, generation or saving of energy, such bulk access data may be published by the Secretary of State if—

- (a) the data is published in anonymised form; and
- (b) the data does not include any information revealing the report reference number for an energy performance certificate.

(2B) In paragraph (2A) “anonymised form” means that the data is in a form calculated to prevent the data from being identified as relating to a particular person or building.”; and

- (b) after paragraph (4) insert—

“(5) The keeper of the register may disclose to a person who operates an accreditation scheme approved by the Secretary of State under regulation 22—

- (a) any document entered onto the register; and
- (b) any associated data.

(6) Any document or data which is disclosed under paragraph (5)—

- (a) may only be disclosed to the operator of the accreditation scheme through which the energy assessor entered the document or data on the register; and
- (b) shall not include any green deal information or any information revealing the report reference number for an energy performance certificate relating to a green deal property.

(7) The keeper of the register may disclose bulk access data, which relates to a dwelling, to—

- (a) the Gas and Electricity Markets Authority (“the Authority”);
- (b) the Secretary of State; and
- (c) a person acting on behalf of the Authority or the Secretary of State;

for the purposes of enabling the Authority or the Secretary of State to carry out any function in relation to a scheme established under section 100 of the Energy Act 2008(b).

(8) Any data disclosed under paragraph (7) shall not include any—

- (a) information revealing the location of an excluded building (or any information from which the location of such a building can be deduced); or

(a) S.I. 2010/2214.

(b) 2008 c.32.

- (b) information revealing the address or postcode of an identifiable person where an opt-out has effect under regulation 30.”

9. In regulation 34(2) (enforcement authorities), after “7(5)” insert “10(2), 11(2)”.

10. In regulation 35(9) (power to require production of documents), for “(4)” substitute “(8)”.

11. In regulation 36 (penalty charge notices)—

- (a) in paragraph (1), after “7(5)” insert “10(2), 11(2)”;
- (b) in paragraph (10), for “(4)” substitute “(9)”.

12. In regulation 38 (penalty amount)—

- (a) in paragraph (1)(c), after “regulation” insert “10(2) or”;
- (b) in paragraph 1(e), after “regulation” insert “11(2) or”;
- (c) in paragraph 4(c), for “paragraph (4)” substitute “sub-paragraph (b)”.

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

Stephen Williams

Parliamentary Under Secretary of State

Department for Communities and Local Government

31st March 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (“the Principal Regulations”) to set revised fees for entering documents onto the register which the Secretary of State is required to maintain under regulation 27 of the Principal Regulations.

These Regulations also make amendments to the enforcement provisions in Part 7 of the Principal Regulations to provide an enforcement mechanism for regulations 10 and 11 of the Principal Regulations, which contain duties which were not previously enforceable, due to a drafting oversight.

Regulation 8 of these Regulations makes amendments to regulation 32 of the Principal Regulations to allow the keeper of the register to disclose documents or data to the operator of the accreditation scheme through which the energy assessor entered the documents or data onto the register. An amendment is also made to regulation 32 to set out that where the keeper of the register discloses bulk access data to the Secretary of State for certain research and statistical purposes relating to energy efficiency, the Secretary of State may publish such bulk access data in anonymised form. A further amendment is made to regulation 32 of the Principal Regulations to allow the keeper of the register to disclose certain bulk access data to the Gas and Electricity Markets Authority (“the Authority”), the Secretary of State and a person acting on behalf of the Authority or the Secretary of State, for the purposes of carrying out a function in relation to a scheme established under section 100 of the Energy Act 2008 (a scheme to facilitate and encourage renewable generation of heat).

These Regulations also make a number of minor amendments to correct drafting errors in the Principal Regulations.

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