STATUTORY RULES OF NORTHERN IRELAND

2008 No. 170

The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008

PART 2

DUTIES TO PRODUCE ENERGY PERFORMANCE CERTIFICATES

Purposes for which certificates and recommendation reports may be disclosed

10.—(1) Where any person has in his possession or control a document to which this regulation applies, it is an offence for that person to disclose, or permit the disclosure of, the document or any information derived from it except in the circumstances specified in paragraph (2).

(2) Those circumstances are—

(a) where the disclosure is necessary to comply with any duty imposed by these Regulations;

(b) where the disclosure is authorised by Part 6;

(c) where the disclosure is by or to an enforcement authority for a purpose legitimately connected to their duty under regulation 31(2);

(d) where the disclosure is for a legitimate purpose connected with a prospective buyer's or tenant's decision whether to buy or rent the building;

(e) where the disclosure is for a legitimate purpose related to the making of improvements to the energy efficiency of the building;

(f) where the disclosure is by or to an accreditation scheme operator for a purpose legitimately connected to its accreditation functions;

(g) where the disclosure is by the Department for—

(i) the purpose of enabling it to monitor the application and enforcement of, and compliance with, the duties imposed by these Regulations; or

(ii) statistical or research purposes,

provided that no particular property is identifiable from the information disclosed; or

(h) where the disclosure is for the purpose of—

(i) preventing or detecting crime;

(ii) apprehending or prosecuting offenders;

(iii) establishing, exercising or defending legal rights; or

(iv) complying with an order of a court.

(3) Paragraph (1) does not apply to any disclosure of a document or any information derived from it by any person who, at the time of the disclosure, is, or is acting on behalf of, an owner or tenant of the building to which the document relates.

(4) This regulation applies to the following documents—

(a) an energy performance certificate or a copy of such a certificate; and

(b) a recommendation report or a copy of such a report,

and any data collected by an energy assessor for the purposes of preparing these documents shall be treated as part of these documents for the purposes of this regulation.

(5) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.