

EXPLANATORY MEMORANDUM TO

The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2019

2019 No. 76

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 SR 2008 No 170 (as amended)("the principal Regulations"), which came into operation on 30 June 2008. The overall objective of the principal Regulations is to promote awareness of the energy efficiency of buildings through the production and display of certificates and reports in conformity with the recast EU Directive 2010/31/EU on the Energy Performance of Buildings ("the Directive"). Articles 2(1), 2(3), 2(4), 2(8), 2(9), 2(12), 2(15), 2(17), 3, 11(1), 11(2), 11(3), 11(4), 11(8), 12, 13, 15(1), 15(3), 16, 17, 18(1), 20 and 27 of the Directive are implemented through the principal Regulations.
- 2.2. The Regulations made under this Statutory Rule regularise the charging of fees for lodging data onto the Northern Ireland Energy Performance Certificate (EPC) Register for the production and display of certificates and reports. This should also help facilitate any revised or separate fees necessary for Northern Ireland, which may be necessary in future.

3. Background

- 3.1. The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 originally implemented parts of Directive 2002/91/EC on the Energy Performance of Buildings which came into force on 16 December 2002. This Directive's objective was to promote the improvement of the energy performance of buildings within the European Community taking into account outdoor climatic and local conditions as well as indoor climate requirements and cost-effectiveness.
- 3.2. The Directive came into force on 19 May 2010. The purpose of the Directive is to extend the scope of the original 2002 Directive, strengthen certain provisions, and clarify other aspects. It also gives the public sector a lead role in improving the energy efficiency of its building stock.
- 3.3. In the United Kingdom, transposition of the Directive was taken forward on a regional basis as a significant part of compliance required an amendment to building regulations which is a devolved responsibility.

England, Wales, Scotland and Northern Ireland each set their own building regulations.

- 3.4. From the introduction of the original principal Regulations in 2008 the same fee charges that are set in the equivalent Regulations in England and Wales have been charged in Northern Ireland through a joint contract arrangement. The current fee, set in 2018, is £1.86 for domestic and £9.84 for non-domestic lodgements.
- 3.5. Powers to legislatively provide for NI lodgement fees may no longer be readily available after UK withdrawal from the EU and this provision may be required in future arrangements. These Regulations therefore both legally regularise the charging of the current fee, prior to the UK's withdrawal from the EU, and facilitate any revised or separate fees for Northern Ireland lodgements that may become necessary in future.

4. Consultation

- 4.1. As these regulatory changes are considered to be of no, or minimal impact, with no change to existing working practices, a formal public consultation has not been undertaken.

5. Equality Impact

- 5.1. A screening exercise was undertaken which indicated that an Equality Impact Assessment was not required.

6. Regulatory Impact

- 6.1. The Department considers that, given the nature of the proposals, there will be no costs or no savings, or negligible costs or savings on business, charities, social economy enterprises or the voluntary sector.
- 6.2. The Department does not consider that the proposals will place any further impact on Accreditation schemes and their Energy assessors, in the production and display of certificates and reports.
- 6.3. The Department does not consider that the proposals will place any further significant impact on District Councils in carrying out a statutory duty to enforce the regulations within their district.

7. Financial Implications

- 7.1. None

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that the amended Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. A transposition note has been deemed unnecessary as these regulations are linked to existing requirements rather than newly transposing Articles from the Directive.

10. Parity or Replicatory Measure

- 10.1. These Regulations have been made subsequent to The Energy Performance of Buildings (England and Wales)(Amendment) Regulations

2018 (S.I. 2018 No. 362) which amended regulation 28 of the equivalent Regulations to set fees for entering data onto the England and Wales EPC Registers.

11. Additional Information

11.1. Not applicable.