
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 389

**The Energy Performance of Buildings
(Scotland) Amendment Regulations 2008**

Amendment of Regulations

2.—(1) The Energy Performance of Buildings (Scotland) Regulations 2008(1) are amended in accordance with paragraph (2).

(2) In regulation 17 (penalty charge notices)—

(a) after paragraph (2) insert—

“(2A) In addition to the limitations imposed by paragraph (2), a penalty charge notice may not be given in respect of a breach of any duty under regulation 5 occurring on or before 31st March 2009 where—

- (a) the owner has made a request for an energy performance certificate within a period of 7 days after the relevant time; and
- (b) the owner has made the energy performance certificate available to a prospective buyer or prospective tenant within a period of 9 days after obtaining the certificate.”; and

(b) after paragraph (8) insert—

“(9) In paragraph (2A)(a)—

- (a) the reference to a request has the same meaning as in regulation 18(2); and
- (b) “the relevant time” has the same meaning as in regulation 18(3).”.

(1) [S.S.I. 2008/309](#); which further transposed Articles 4(3) and 7 of Directive [2002/91/EC](#) of the European Parliament and of the Council on the energy performance of buildings, and comes into force on 4th January 2009.