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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 208**

**The Energy Performance of Buildings (Scotland)  
Amendment (No. 2) Regulations 2012**

**Energy performance certificates on sale or rent**

5. For regulation 5 (energy performance certificates on sale or rent) substitute—

“5.—(1) Where a building or building unit is to be sold or let the owner must make a copy of a valid energy performance certificate for the building or building unit and of the related recommendations report available for inspection free of charge to a prospective buyer or a prospective tenant.

(2) Where a building or building unit is sold or let the owner must provide a copy of a valid energy performance certificate and of the related recommendations report free of charge to the buyer or tenant.

(3) The energy performance certificate to be made available for inspection under paragraph (1) or provided under paragraph (2) is the most recent valid certificate obtained in respect of the building or building unit.

(4) Any reference in this regulation to the letting of a building or building unit does not include the renewal of an existing lease with the same tenant.

(5) This regulation does not apply at any time before the construction of a building or building unit has been completed.”