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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**

**Advertisement for sale or let of a building or building unit**

6. After regulation 5 (energy performance certificates on sale or rent) insert—

**“Advertisement for sale or let of a building or building unit**

**5A.**—(1) Subject to paragraph (2), where a building or building unit is offered for sale or let, the owner of the building or building unit must ensure that any advertisement in commercial media offering the building or building unit for sale or let, as the case may be, states the energy performance indicator for that building or building unit.

(2) Where—

- (a) a building unit is offered for sale or let; and
- (b) the energy performance certificate for that building unit is based on certification in accordance with regulation 6(4),

the advertisement in commercial media may state the energy performance indicator included in that certificate.

(3) In this regulation “advertisement in commercial media” means any of the following:

- (a) an advertisement in a newspaper or a magazine;
- (b) an advertisement transmitted electronically, including by means of the internet; or
- (c) an advertisement by way of written particulars of a building or building unit.

(4) In this regulation “written particulars” means—

- (a) in relation to a building or building unit to be sold, any written description of the property which includes at least two of the following—
  - (i) a photograph of the building or building unit or any room in the building or building unit;
  - (ii) a floor plan of the building or building unit;
  - (iii) the size of the rooms in the building or building unit; or
  - (iv) the measured area of the building or building unit; and
- (b) in relation to a building or building unit to be let, any written description of the property which includes at least two of the following—
  - (i) a photograph of the building or building unit or any room in the building or building unit;
  - (ii) a floor plan of the building or building unit;
  - (iii) the size of the rooms in the building or building unit; or
  - (iv) the proposed rent,

and reference to written particulars or a written description includes particulars or a description given or made available electronically.”.