
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 12

**The Energy Performance of Buildings
(Scotland) Amendment Regulations 2013**

Citation and commencement

1. These Regulations may be cited as the Energy Performance of Buildings (Scotland) Amendment Regulations 2013 and come into force on 27th January 2013.

Amendment of the Energy Performance of Buildings (Scotland) Regulations 2008

2. The Energy Performance of Buildings (Scotland) Regulations 2008(1) are amended in accordance with regulations 3 to 11.

Interpretation

3.—(1) In regulation 2 (interpretation)—

- (a) in the definition of “energy performance data” after “report” insert “and for the purposes of regulations 11 to 14 includes the report reference number relating to that energy performance certificate”;
- (b) after the definition of “Framework Regulations” insert—

““green deal information” means the information relating to a green deal plan specified in Schedule 2;”;
- (c) after the definition of “green deal plan” insert—

““green deal property” means a property in respect of which there is a green deal plan and payments are still to be made under that green deal plan;

“green deal provider” means a person who is authorised by the Secretary of State in accordance with Part 2 of the Framework Regulations to act as a green deal provider;”;
- (d) for the definition of “green deal relevant person” substitute—

““green deal relevant person” means—

 - (a) a green deal provider; or
 - (b) a person who is authorised as a green deal assessor certification body in accordance with Part 2 of the Framework Regulations;”;and
 - (e) after the definition of “owner” insert—

““payment period” has the meaning given in regulation 2(1) of the Framework Regulations;”.

Energy performance certificates

4. In regulation 6 (energy performance certificates)—

- (a) in paragraph (1)(e) after “unit” insert “or produced from data entered on a register following a request for disclosure of that certificate made by virtue of regulation 12”;
- (b) after paragraph (1) insert—
 - “(1A) Where the building or building unit to which the energy performance certificate relates is a green deal property the energy performance certificate must (in addition to the information specified in paragraph (1)(a) to (d)) contain a statement that green deal information relating to that building or building unit is contained in the recommendations report.”;
- (c) for paragraph (2) substitute—
 - “(2) An energy performance certificate and the related recommendations report cease to be valid—
 - (a) for the purposes of complying with the green deal disclosure obligations, on expiry of the period of one year from the date on which the document was issued or from the date on which it was produced from a register by virtue of regulation 12, as the case may be;
 - (b) for all other purposes, on the expiry of a period of 10 years from the date on which the document was issued.”; and
- (d) after paragraph (6) insert—
 - “(7) In this regulation, “green deal disclosure obligations” means the obligations to provide an energy performance certificate and recommendations report by virtue of section 12 of the Energy Act 2011 and Part 7 of the Framework Regulations.”.

Recommendations report

- 5. In regulation 6A (recommendations report)—
 - (a) in paragraph (1)—
 - (i) omit “and” following sub-paragraph (a); and
 - (ii) at the end of sub-paragraph (b) insert—
 - “; and
 - (c) where the building or building unit to which the recommendation report relates is a green deal property, green deal information for every green deal plan in respect of that building or building unit”;
 - (b) in paragraph (2) after “unit” insert “or green deal information”; and
 - (c) after paragraph (2) insert—
 - “(3) A recommendations report must not contain any information relating to a green deal plan for which the payment period has finished.”.

Registration of green deal information

- 6. In regulation 10 (registration of energy performance data)—
 - (a) in paragraph (5)(b) before “must” insert “subject to paragraph (5A),”; and
 - (b) after paragraph (5) insert—
 - “(5A) Green deal information entered on the register may be altered where that information is updated or further updated by the green deal provider in accordance with the Framework Regulations.”.

Disclosures generally

7. In regulation 11 (disclosures generally) for “regulation 12 or 13” substitute “or required to do so by regulations 12 to 14A”.

Disclosure of data relating to a particular green deal property

8. After regulation 12A(2)(b) (disclosure of data relating to a particular building or building unit) insert—

- “(ba) the data does not include any—
- (i) green deal information; or
 - (ii) information revealing the report reference number relating to an energy performance certificate for a green deal property;”.

Disclosures of bulk access data

9. After regulation 13(2)(c) (disclosure of bulk access data) insert—

- “(ca) the data does not include any—
- (i) green deal information; or
 - (ii) information revealing the report reference number relating to an energy performance certificate for a green deal property;”.

Disclosure of green deal information

10. After regulation 14 (disclosure of data) insert—

“Disclosure of green deal information

14A.—(1) The keeper of a register must when requested to do so disclose green deal information—

- (a) to an enforcement authority for the purposes of their duty to enforce these Regulations; or
- (b) to the Secretary of State, a person acting on behalf of the Secretary of State or the Green Deal Ombudsman for the purpose of enabling that person to carry out any function under or in connection with Part 8 of the Framework Regulations.

(2) In this regulation, “Green Deal Ombudsman” has the meaning given in regulation 2(1) of the Framework Regulations.”.

Information relating to green deal properties

11. After Schedule 1 (disclosure of data) insert Schedule 2 as set out in the Schedule to these Regulations.

St Andrew’s House,
Edinburgh
22nd January 2013

DEREK MACKAY
Authorised to sign by the Scottish Ministers