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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 146**

**The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016**

**PART 2**

**Assessment of Energy Performance**

**Action plans on sale or rent of non-domestic buildings**

**5.—(1)** Where a building or building unit to which these Regulations apply is to be sold or is to be let by the owner of the building or building unit, the owner must—

- (a) make a copy of the action plan for the building or building unit available for inspection free of charge to a prospective buyer or a prospective tenant; and
- (b) ensure that the energy improvement data relating to that action plan has already been sent to the relevant register in accordance with regulation 14.

(2) Where a building or building unit is sold or let a copy of the action plan for the building or building unit must be provided free of charge by the seller to the buyer or, as the case may be, by the owner to the tenant.

(3) The action plan to be made available under paragraph (1) or provided under paragraph (2) is the most recent action plan issued in respect of the building or building unit.

(4) Paragraphs (1) to (3) do not apply if the sale or lease of the building or building unit is an exempt transaction.

(5) In this regulation—

“exempt transaction” means—

- (a) the sale or lease of a building or building unit at any time before the construction of that building or building unit has been completed;
- (b) the lease of a building or building unit—
  - (i) on a short term lease; and
  - (ii) where the building or building unit has not been let by the owner during the period of 36 weeks immediately preceding the period of lease under that short term lease;or
- (c) the renewal of an existing lease with the same tenant; and

“short term lease” means a lease for a period of not more than 16 weeks and which does not include an option, right or obligation to extend the period of lease for a total period of longer than 16 weeks.