
STATUTORY INSTRUMENTS

2007 No. 991

**The Energy Performance of Buildings (Certificates and
Inspections) (England and Wales) Regulations 2007**

PART 5

Energy Assessors

Accreditation schemes

25.—(1) An energy assessor must be a member of an accreditation scheme approved by the Secretary of State.

(2) The terms of approval of any accreditation scheme may be limited in relation to—

- (a) the categories of building for which members may produce certificates; and
- (b) the types of air-conditioning systems members may inspect.

(3) Before approving an accreditation scheme the Secretary of State must be satisfied that the scheme contains adequate provision—

- (a) for ensuring that members of the scheme carry out consistent and accurate energy assessments in an independent manner;
- (b) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to carry out energy assessments;
- (c) for requiring members of the scheme to prepare energy performance certificates, recommendation reports, display energy certificates and advisory reports using a standard form for each type of document;
- (d) for ensuring that a code is produced and published as regards the conduct required of its members;
- (e) for indemnity arrangements in relation to relevant persons and prospective or actual buyers or tenants;
- (f) for facilitating the resolution of complaints against members of the scheme;
- (g) for requiring energy performance certificates, recommendation reports, display energy certificates and advisory reports produced by members of the scheme to be entered on the relevant register maintained by the Secretary of State pursuant to regulation 31; and
- (h) for the keeping of a register of the members of the scheme.

Related party disclosures

26. An energy assessor must include in an energy performance certificate a declaration of any personal or business relationship (other than in relation to producing the certificate) that he has with —

- (a) the person who commissioned the certificate;
- (b) any person on whose behalf the certificate was commissioned; and
- (c) any person who he believes—

- (i) has or may have a personal or business relationship with a person referred to in paragraph (a) or (b); or
- (ii) has or may have an interest in the building.

Duty of care

- 27.**—(1) Energy assessors must carry out energy assessments with reasonable care and skill.
- (2) The duty imposed by paragraph (1) shall be enforceable by the following persons—
- (a) the relevant person;
 - (b) in the case of an energy performance certificate and recommendation report, any prospective or actual buyer or tenant during the period of validity of the certificate; and
 - (c) in the case of a display energy certificate and advisory report, the occupier of the building.
- (3) Any cause of action arising in relation to the duty imposed by paragraph (1) is deemed not to be an action founded on tort for the purposes of the Limitation Act 1980(1).

Right to copy documents

28. Any person may, for the purpose of complying with any duty imposed by these Regulations, copy or issue a copy of any document produced by an energy assessor.

Meaning of energy assessment

- 29.** In this Part, a reference to “energy assessment” includes a reference to—
- (a) the preparation and issuing of energy performance certificates;
 - (b) the preparation and issuing of recommendation reports;
 - (c) the preparation and issuing of display energy certificates;
 - (d) the preparation and issuing of advisory reports;
 - (e) the preparation and issuing of inspection reports;
 - (f) the carrying out of any inspections undertaken for the purposes of preparing any of the documents referred to in paragraphs (a) to (e).

(1) 1980 c.58.