

---

STATUTORY INSTRUMENTS

---

**2007 No. 991**

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

**PART 2**

Duties relating to energy performance certificates

**Purposes for which certificates and recommendation reports may be disclosed**

**14.**—(1) Where any person has in his possession or control a document to which this regulation applies, it is an offence for that person to disclose, or permit the disclosure of, the document or any information derived from it except in the circumstances specified in paragraph (2).

(2) Those circumstances are—

- (a) where the disclosure is necessary to comply with—
  - (i) any duty imposed by these Regulations; or
  - (ii) any duty imposed by Part 5 of the Housing Act 2004 or any regulations made under that Part;
- (b) where the disclosure is authorised by Part 7;
- (c) where the disclosure is for a purpose legitimately connected with a prospective buyer's or tenant's decision whether to buy or rent the building;
- (d) where the disclosure is by or to an accreditation scheme operator for a purpose legitimately connected to its accreditation functions;
- (e) where the disclosure is by or to an enforcement authority for a purpose legitimately connected to their duty under regulation 38(2);
- (f) where the disclosure is by or to the Secretary of State for—
  - (i) the purpose of enabling her to monitor the application and enforcement of, and compliance with, the duties imposed by these Regulations; or
  - (ii) statistical or research purposes,provided that no particular property is identifiable from the information disclosed;
- (g) where the disclosure is for the purpose of—
  - (i) preventing or detecting crime;
  - (ii) apprehending or prosecuting offenders;
  - (iii) establishing, exercising or defending legal rights; or
  - (iv) complying with an order of a court.

(3) Paragraph (1) does not apply to any disclosure of a document or any information derived from it by any person who, at the time of the disclosure, is, or is acting on behalf of, an owner or tenant of the building to which the document relates.

(4) This regulation applies to the following documents—

- (a) an energy performance certificate or a copy of such a certificate; and
- (b) a recommendation report or a copy of such a report,

and any data collected by an energy assessor for the purposes of preparing such a document shall be treated as part of that document for the purposes of this regulation.

(5) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.