
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 6

Energy Efficiency Requirements

Application of energy efficiency requirements

- 21.**—(1) The energy efficiency requirements apply to—
- (a) the erection of any building of a kind falling within this paragraph;
 - (b) the extension of any such building, other than an extension to which paragraph (4) applies; and
 - (c) the carrying out of any work to or in connection with any such building or extension.
- (2) A building falls within paragraph (1) if it—
- (a) is a roofed construction having walls;
 - (b) uses energy to condition the indoor climate; and
 - (c) does not fall within one or more of the categories listed in paragraph (3).
- (3) The categories referred to in paragraph (2)(c) are—
- (a) buildings which are—
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹⁾;
 - (ii) in a conservation area designated in accordance with section 69 of that Act; or
 - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979⁽²⁾,where compliance with the energy efficiency requirements would unacceptably alter their character or appearance;
 - (b) buildings which are used primarily or solely as places of worship;
 - (c) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
 - (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50m².
- (4) This paragraph applies to any extension of a building falling within class 7 in Schedule 2 except a conservatory or porch—
- (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window; or
 - (b) into which the building's heating system has been extended.

(1) 1990 c.9.

(2) 1979 c.46; section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c.47).

(5) In this regulation, the following terms have the same meaning as in European Parliament and Council Directive [2002/91/EC](#) of 16 December 2002 on the energy performance of buildings⁽³⁾—

- (i) “industrial sites”;
- (ii) “low energy demand”;
- (iii) “non-residential agricultural buildings”;
- (iv) “places of worship”;
- (v) “stand-alone”;
- (vi) “total useful floor area”;
- (vii) “workshops”.

Requirements relating to a change to energy status

22. Where there is a change to a building’s energy status, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1.

Requirements relating to thermal elements

23.—(1) Where a person intends to renovate a thermal element, such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of paragraph L1(a)(i) of Schedule 1.

(2) Where a thermal element is replaced, the new thermal element shall comply with the requirements of paragraph L1(a)(i) of Schedule 1.

Methodology of calculation and expression of energy performance

24.—(1) The Secretary of State shall approve—

- (a) a methodology of calculation of the energy performance of buildings, including methods for calculating asset ratings and operational ratings of buildings; and
- (b) ways in which the energy performance of buildings, as calculated in accordance with the methodology, shall be expressed.

(2) In this regulation—

“asset rating” means a numerical indicator of the amount of energy estimated to meet the different needs associated with a standardised use of the building; and

“operational rating” means a numerical indicator of the amount of energy consumed during the occupation of a building over a period of time.

Minimum energy performance requirements for new buildings

25. The Secretary of State shall approve minimum energy performance requirements for new buildings, in the form of target CO₂ emission rates, which shall be based upon the methodology approved pursuant to regulation 24.

(3) OJ No. L1, 4.1.2003, p.65, as amended by Regulation (EC) No. 1137/2008 of the European Parliament and of the Council (OJ No. L311, 21.11.2008, p.1).

CO₂ emission rates for new buildings

26. Where a building is erected, it shall not exceed the target CO₂ emission rate for the building that has been approved pursuant to regulation 25.

CO₂ emission rate calculations

27.—(1) This regulation applies where a building is erected and regulation 26 applies.

(2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—

- (a) the target CO₂ emission rate for the building,
- (b) the calculated CO₂ emission rate for the building as designed, and
- (c) a list of specifications to which the building is to be constructed.

(3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—

- (a) a notice which specifies—
 - (i) the target CO₂ emission rate for the building,
 - (ii) the calculated CO₂ emission rate for the building as constructed, and
 - (iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(c), and if not a list of any changes to those specifications; or
- (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority are authorised to accept, as evidence that the requirements of regulation 26 have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the CO₂ emission rate.

Consequential improvements to energy performance

28.—(1) Paragraph (2) applies to an existing building with a total useful floor area over 1,000m² where the proposed building work consists of or includes—

- (a) an extension;
- (b) the initial provision of any fixed building services; or
- (c) an increase to the installed capacity of any fixed building services.

(2) Subject to paragraph (3), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(3) Nothing in paragraph (2) requires work to be carried out if it is not technically, functionally and economically feasible.

Energy performance certificates

29.—(1) This regulation applies where—

- (a) a building is erected(4); or
 - (b) a building is modified so that it has a greater or lesser number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation.
- (2) The person carrying out the work shall—
- (a) give an energy performance certificate for the building to the owner of the building; and
 - (b) give to the local authority notice to that effect, including the reference number under which the energy performance certificate has been registered in accordance with regulation 30(4).
- (3) The energy performance certificate and notice shall be given not later than five days after the work has been completed.
- (4) An energy performance certificate must—
- (a) express the asset rating of the building in a way approved by the Secretary of State under regulation 24;
 - (b) include a reference value such as a current legal standard or benchmark;
 - (c) be issued by an energy assessor who is accredited to produce energy performance certificates for that category of building; and
 - (d) include the following information—
 - (i) the reference number under which the certificate has been registered in accordance with regulation 30(4);
 - (ii) the address of the building, or in the case of a portable building the address of the owner;
 - (iii) an estimate of the total useful floor area of the building;
 - (iv) the name of the energy assessor who issued it;
 - (v) the name and address of the energy assessor's employer, or, if self-employed, the name under which the assessor trades and the assessor's address;
 - (vi) the date on which it was issued; and
 - (vii) the name of the approved accreditation scheme of which the energy assessor is a member.
- (5) The energy performance certificate must be accompanied by a recommendation report containing recommendations for the improvement of the energy performance of the building, issued by the energy assessor who issued the energy performance certificate.
- (6) Certification for apartments or units designed or altered for separate use in blocks may be based—
- (a) except in the case of a dwelling, on a common certification of the whole building for blocks with a common heating system; or
 - (b) on the assessment of another representative apartment or unit in the same block.
- (7) Where—
- (a) a block with a common heating system is divided into parts designed or altered for separate use; and
 - (b) one or more, but not all, of the parts are dwellings,

(4) Regulation 9 of [S.I. 2007/991](#) contains a requirement to provide an energy performance certificate five days after the completion of construction work on certain buildings exempt from these Regulations.

certification for those parts which are not dwellings may be based on a common certification of all the parts which are not dwellings.

Energy assessors

30.—(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 the categories of building for which members may produce certificates.

(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 and recommendation reports using a standard form for each type of document;
- (d) for ensuring the production and publication of a code as regards the conduct required of its members;
- (e) for indemnity arrangements in relation to owners 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 and recommendation reports produced by members of the scheme to be entered on the relevant register referred to in paragraph (4); and
- (h) for the keeping of a register of the members of the scheme.

(4) An energy assessor who issues an energy performance certificate and recommendation report must ensure they are entered onto the relevant register maintained by the Secretary of State in accordance with regulation 31 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007⁽⁵⁾ before giving them to the person who requested them.

Related party disclosures

31. 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 the energy assessor has with—

- (a) the person who commissioned the certificate; and
- (b) any person who the energy assessor believes—
 - (i) has or may have a personal or business relationship with the person who commissioned the certificate; or
 - (ii) has or may have an interest in the building.

Duty of care

32.—(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—

(5) [S.I. 2007/991](#), amended by [S.I. 2008/2363](#).

- (a) the owner; and
 - (b) any prospective or actual buyer or tenant of the building during the period of validity of the certificate.
- (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⁽⁶⁾.

Right to copy documents

33. Any person may, for the purpose of complying with any duty imposed by these Regulations or the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, copy or issue a copy of any document produced by an energy assessor.

Application of building regulations to educational buildings and buildings of statutory undertakers

34.—(1) The requirements specified in paragraph (2) shall apply to educational buildings and buildings of statutory undertakers (notwithstanding section 4(1) of the Act⁽⁷⁾).

(2) Those requirements are—

- (a) the requirements of regulation 26; and
- (b) in circumstances where such a building has a total useful floor area over 1000m² and undergoes a major renovation, the requirements of—
 - (i) regulation 4(1)(a) to the extent that it requires compliance with the requirements of Part L of Schedule 1; and
 - (ii) regulations 23 and 28.

(3) In this regulation, “education buildings and buildings of statutory undertakers” means buildings which—

- (a) fall within paragraph (a), (b) or (c) of section 4(1) of the Act;
- (b) are roofed constructions having walls;
- (c) use energy to condition the indoor climate; and
- (d) do not fall within one or more of the following categories—
 - (i) buildings and monuments officially protected as part of a designated environment or because of their special architectural or historic merit, where compliance with the requirements would unacceptably alter their character or appearance;
 - (ii) buildings used as places of worship and for religious activities;
 - (iii) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
 - (iv) stand-alone buildings with a total useful floor area of less than 50m².

(4) Terms used in this regulation and in European Parliament and Council Directive [2002/91/EC](#) of 16 December 2002 on the energy performance of buildings have the same meaning in this regulation as in the Directive.

⁽⁶⁾ [1980 c.58](#).

⁽⁷⁾ Section 4(1) was amended by Part 1 of Schedule 6 to the Airports Act [1986 \(c.31\)](#), paragraph 59 of Schedule 37 to the Education Act [1996 \(c.56\)](#), Schedule 31 to the School Standards and Framework Act [1998 \(c.31\)](#), paragraph 6 of Schedule 21 to the Education Act [2002 \(c.32\)](#) and Part 2 of the Schedule to [S.I. 2001/4050](#), and is prospectively repealed by section 5(a) of and the Schedule to the Sustainable and Secure Buildings Act [2004 \(c.22\)](#).

Interpretation of Part 6

35.—(1) In this Part—

“building” means the building as a whole or parts of it that have been designed or altered to be used separately;

“energy assessor” means an individual who is a member of an accreditation scheme approved by the Secretary of State in accordance with regulation 30; and

“recommendation report” means the report required by regulation 29(5).

(2) 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; and
- (c)** the carrying out of any inspections undertaken for the purposes of preparing energy performance certificates or recommendation reports.