
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (“the 2007 Regulations”).

Regulations 4 and 5 ensure the continued implementation in England and Wales of article 7 of Directive [2002/91/EC](#) of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings ([2002/91/EC](#), OJ No L 1, 4.1.2003, p65) (“the Directive”). The Directive lays down the requirements for the production of energy performance certificates (“EPCs”) when buildings are constructed, sold or rented out and for the display of such certificates in large public buildings.

Where regulation 6 (providing energy information with particulars) of the 2007 Regulations applies, an energy performance certificate must be attached to the written particulars for the building. Where the address had been omitted from the written particulars, regulation 4 of these regulations enables the person providing written particulars to attach to those particulars a copy of the first page of an EPC from which the keeper of the register has omitted the address of the building. This does not apply in relation to residential property.

Regulation 5 of these Regulations amends regulation 7 (buildings to be demolished) of the 2007 Regulations to provide an exemption to regulations 5A and 6 where a building that is not a dwelling is suitable for demolition. Regulation 7 of the 2007 Regulations already provides an exemption for dwellings that are suitable for demolition.

Regulations 3 and 7 to 10 of these Regulations amend the 2007 Regulations to introduce new data requirements for information contained on registers kept by the Secretary of State (or a person on the Secretary of State’s behalf) pursuant to regulation 31 of the 2007 Regulations.

Regulation 3 introduces new definitions of “authorised recipient”, “bulk access data”, “general access data”, “green deal relevant person”, “green deal plan”, “keeper of the register”, “personal data” and “register” for the purposes of the 2007 Regulations.

Regulation 8 modifies regulation 31 of the 2007 Regulations so that a register maintained under regulation 31 of those Regulations is described as a register of data rather than a register of documents as previously.

Regulation 9 substitutes new regulations 32 to 37 for the corresponding provisions in the 2007 Regulations. The effect of these amendments is that data entered onto a register pursuant to regulation 31 will be categorised as “general access data” or “bulk access data”. The former category may be disclosed to any person if the conditions in the new regulation 34(2) are met. The latter, if it relates to a display energy certificate may be disclosed to any person, or otherwise may only be disclosed to an “authorised recipient” if the conditions in the new regulation 35(2) are met. These conditions include that disclosure must be for a purpose set out in Part 1 of the new Schedule 2, and that disclosure must be made subject to the conditions set out in Part 2 of that Schedule. A further condition is that a fee must be paid to the keeper of the register, calculated in accordance with new regulation 37 and Schedule 3.

The new regulation 36 makes general provision for the disclosure of general access data and bulk access data for certain purposes.

Regulations 6 and 11 make amendments to the requirements for the content of energy performance certificates in the 2007 Regulations, and in the Building Regulations 2010.

Status: This is the original version (as it was originally made).

Regulation 13 provides that a review carried out pursuant to the “sunsetting” provision in the Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations 2011 (“the 2011 Regulations”) is to include within its scope the amendments made by these Regulations.

The amendments made by these Regulations come into force at the same time as those made by the 2011 Regulations, save for the amendments made by regulations 2(5)(e) and 3(6) and (7) of the 2011 Regulations, which are revoked by regulation 12 of these Regulations.

A transposition note setting out how the 2007 Regulations implement Articles 7 to 10 of the Directive and an impact assessment of the effect the 2011 Regulations will have on the costs of business and the public and voluntary sectors is available from the Climate Change and Sustainable Buildings Division (Tel: 0303 44 41836) Fax: 0303 44 43313; e-mail: epc.enquiry@communities.gsi.gov.uk or on the Department’s website www.communities.gov.uk.

An impact assessment has been prepared in relation to the Energy Performance Certificate data provisions of this instrument. It is available from the Climate Change and Sustainable Buildings Division (Tel: 0303 44 41836; Fax: 0303 44 43313; e-mail epc.enquiry@communities.gsi.gov.uk) or from the Department’s website www.communities.gov.uk. Other costs to business of the amendments made in this instrument were addressed in the impact assessment for the 2011 Regulations, which is available with those regulations at www.legislation.gov.uk.