
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 2

The Energy Savings Opportunity Scheme

CHAPTER 3

Lead assessors

Lead assessors

11. In these Regulations “lead assessor” means an individual whose name appears on an approved register.

Approval bodies and approved registers

12.—(1) The scheme administrator must determine whether an individual meets the competence requirements (the “competence requirements”) set out in Publicly Available Specification 51215 (“the PAS”)(1), in accordance with this regulation and regulation 13.

(2) The scheme administrator must consider an application by a professional body for a determination that the individuals on a register maintained by that body meet the competence requirements.

(3) Where the scheme administrator is not satisfied that a register is a register of individuals who meet the competence requirements, it must make a determination to that effect and notify the professional body maintaining that register accordingly.

(4) Where the scheme administrator is satisfied that a register is a register of individuals who meet the competence requirements, it must make a determination to that effect and notify the professional body maintaining that register accordingly, and—

- (a) “approved register” means a register which the scheme administrator has determined is a register of individuals who meet the competence requirements, and
- (b) “approval body” means a professional body that maintains an approved register.

(5) The scheme administrator must publish a list of approved registers (the “approved list”) by 5th December 2014, and must keep that list up to date in accordance with regulation 13.

(6) An approval body must—

- (a) take reasonable steps to ensure that an individual on its approved register continues to meet the competence requirements,
- (b) ensure that its approved register contains an up to date record of individuals who meet the competence requirements,

(1) PAS 51215:2014 “*Energy efficiency assessment – Competence of a lead energy assessor - Specification*” published in 2014 by the British Standards Institution (ISBN 978 0 580 84377 8).

- (c) maintain a record of the name of any individual who is removed from its approved register, including the date on which they were removed and the reason for their removal, for four years after that removal,
 - (d) respond to reasonable requests from the scheme administrator, the compliance bodies and participants, for confirmation that an individual is on its approved register,
 - (e) notify the scheme administrator of any substantive changes to the process for including an individual on its approved register.
- (7) In making a determination under paragraph (3) or (4), or reviewing the approved list under regulation 13(1), the scheme administrator may require such information from the professional body as is necessary to make its determination.
- (8) For the purposes of this Chapter “professional body” means—
- (a) a professional association, membership of which is wholly or mainly restricted to individuals who have, or are seeking to attain, a recognised level of competence appropriate to the practice of the profession concerned, or
 - (b) an association, the primary purpose of which is the advancement of a particular branch of knowledge or the fostering of professional expertise, connected with the past or present professions or employments of its members (whether individuals, or a body of persons corporate or unincorporated).

Reviews of approval

- 13.—**(1) The scheme administrator—
- (a) must review the approved list once in every subsequent compliance period, by requiring every approval body to renew its application for approval, and
 - (b) may review its determination that a register is an approved register, at any time.
- (2) In any case where the scheme administrator is no longer satisfied that individuals on an approved register meet the competence requirements, it must—
- (a) notify the professional body maintaining that register accordingly, and of the fact that the register will be removed from the approved list in accordance with sub-paragraph (b), and
 - (b) remove that register from the approved list after the expiry of the time specified for appeal in regulation 14(1).
- (3) The scheme administrator may, at any time, direct an approval body to review whether an individual on its approved register continues to meet the competence requirements.

Appeals

- 14.—**(1) Where the professional body maintaining a register is notified of—
- (a) a determination under regulation 12(3), or
 - (b) the proposed removal of that register from the approved list under regulation 13(2)(a),
- that body may, within 28 days (or where that period expires on a day other than a working day, by no later than the next working day), appeal to the Secretary of State against the decision.
- (2) The removal of a register from the approved list is suspended pending the resolution of the appeal referred to in paragraph (1).