
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118, as amended by S.I. 2013/10; S.I. 2013/181; S.I. 2013/603; S.I. 2014/880; S.I. 2015/609 and S.I. 2015/1681) (“the Principal Regulations”), which implement Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (recast) (OJ No L 153, 18.6.2010, p. 13) (“the Directive”).

Regulation 5 consolidates regulation 29 (energy performance certificates) of the Building Regulations 2010 (S.I. 2010/2214, as amended by S.I. 2011/1515, S.I. 2011/3058, S.I. 2012/809, S.I. 2012/3119, S.I. 2013/10, S.I. 2013/181, S.I. 2013/1105, S.I. 2013/1959, S.I. 2014/579 and S.I. 2015/767), which is being revoked elsewhere, as new regulation 7A. This requires persons carrying out building work consisting of the erection of a building, or certain conversions of buildings, to give an energy certificate to the building owner, and notify the local authority to that effect. Regulations 4, 8 and 23 to 27 make amendments consequential upon regulation 5.

Regulations 7, 11, 13 and 15(c) make provision, in new regulations 9A, 15A and 19A and in amendments to regulation 27, in respect of energy performance certificates, display energy certificates, the recommendation reports accompanying those certificates, and the register relating to those documents kept under regulation 27 (“the register”). The new provisions are to the effect that none of those documents should be entered on the register if it is issued in respect of an excluded building, as defined in regulation 3(g), inserting that definition in regulation 2. Regulations 10(a), (b) and (g), 12 and 14 make amendments consequential upon regulations 7, 11, 13 and 15.

Regulation 15(a) and (b) amends regulation 27 to provide expressly that data required to be included in a recommendation report under regulation 4(2) must be entered on the register and that recommendation reports may be produced from the register. Regulation 16 amends fees for entering data onto the register.

Regulations 17 to 22 amend the provisions in Part 6 of the Principal Regulations for disclosure of data by the keeper of the register. The effect of the amendment to regulation 30 by regulation 17(a) and (b) is to allow general access data, the data shown on a certificate or report to be disclosed notwithstanding an opt-out by the owner or occupier of the building concerned in response to a request accompanied by the reference number under which a certificate has been registered.

Regulations 20, 22 and 3(b) revoke the existing provision in relation to bulk access data, the whole set of data entered onto the register, and regulations 18 and 19 replace it with a new regulation 30A and a new schedule allowing the keeper of the register to publish on a website the items of bulk access data specified in new Schedule B1 (as set out in the Schedule to these Regulations).

Regulation 21 amends regulation 32 to allow the keeper of the register to disclose data to the Office for National Statistics in addition to other named bodies and the Secretary of State, but only for statistical or research purposes, and allows the Secretary of State and the Office for National Statistics to republish data disclosed to them for those purposes.

Regulation 3 amends a number of definitions in regulation 2 in connection with the amendments described above. In addition, Regulations 3(a), (e) and (i), 6, 9 and 10(d) to (f) add and amend various provisions concerning energy performance certificates and display energy certificates to clarify their implementation of the requirements of the Directive.

A privacy impact assessment for the provisions relating to disclosure of information from the register is available with the explanatory memorandum for these Regulations at www.legislation.gov.uk/. A

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copy is also available from the Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF. A full impact assessment has not been produced for this instrument as no, or minimal, impact on the public, private or voluntary sectors is foreseen in relation to the other provisions of these Regulations.