
STATUTORY INSTRUMENTS

2012 No. 809

**BUILDING AND BUILDINGS,
ENGLAND AND WALES**

**The Energy Performance of Buildings
(Certificates and Inspections)(England and
Wales)(Amendment) Regulations 2012**

Made - - - - *13th March 2012*
Laid before Parliament *15th March 2012*
Coming into force in accordance with regulation 1(2)
and (3)

The Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act and section 74 of the Energy Act 2011⁽³⁾.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (Certificates and Inspections)(England and Wales)(Amendment) Regulations 2012.

(2) Regulation 12 of these Regulations comes into force on 5th April 2012.

(3) The remainder of these Regulations comes into force on 6th April 2012.

(4) In these Regulations—

(a) “the Principal Regulations” means the Energy Performance of Buildings (Certificates and Inspections)(England and Wales) Regulations 2007⁽⁴⁾;

(b) “the 2011 Regulations” means the Energy Performance of Buildings (Certificates and Inspections) (England and Wales)(Amendment) Regulations 2011⁽⁵⁾.

(1) [S.I. 2008/301](#).

(2) [1972 c.68](#). Section 2(2) is amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([2006 c.51](#)), and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([2008 c.7](#)).

(3) [2011 c. 16](#).

(4) [S.I. 2007/991](#). The Principal Regulations were amended by [S.I. 2007/1669](#), [S.I. 2007/3302](#), [S.I. 2008/647](#), [S.I. 2008/2363](#), [S.I. 2009/1900](#), [S.I. 2010/1456](#), [S.I. 2010/2214](#) and [S.I. 2011/2452](#).

(5) [S.I. 2011/2452](#). Those Regulations come into force on 6 April 2012.

- (5) These Regulations extend to England and Wales only.

Amendment of the Principal Regulations

2. The Principal Regulations are amended as set out in regulations 3 to 10.
3. In regulation 2—
 - (a) after the definition of “asset rating” insert—

““authorised recipient” means—

 - (a) either House of Parliament (or a member or officer thereof);
 - (b) a government department;
 - (c) a person or body (other than a government department or the Welsh Ministers) to which section 6 of the National Audit Act 1983(6) applies;
 - (d) the Welsh Ministers;
 - (e) the National Assembly for Wales;
 - (f) the Scottish Parliament, the Scottish Executive, an office-holder in the Scottish Administration or a Scottish Public Authority(7);
 - (g) the Northern Ireland Assembly or a Northern Ireland Department(8);
 - (h) a county council, district council or parish council in England;
 - (i) a London borough council;
 - (j) the Common Council of the City of London;
 - (k) the Greater London Authority;
 - (l) a local authority within the meaning of section 61 of the Local Government in Scotland Act 2003(9);
 - (m) a local authority within the meaning of section 175 of the Local Government (Wales) Measure 2011(10);
 - (n) a council of a district or borough within the meaning of the Local Government Act (Northern Ireland) 1972(11);
 - (o) a university, including a university college (or any institution in the nature of a college in a university) or a school or hall of a university;
 - (p) a provider of higher education as defined in section 579(1) of the Education Act 1996(12) (“the 1996 Act”) (other than one mentioned in paragraph (o) above);
 - (q) a provider of further education as defined in section 2(3) to (5) of the 1996 Act;
 - (r) a charity whose purposes include—
 - (i) the conduct of research into the earth’s climate or environment or research into the construction, design or use of buildings, or

(6) 1983 c. 44. Section 6 was repealed in relation to Scotland by the Scotland Act 1998, section 125 and Schedule 8; and was amended by: the Government of Wales Act 1998, section 100(5); the Government Resources and Accounts Act 2000, s29(1) and Schedule 1; the Health and Social Care (Community Health and Standards) Act 2003, section 34 and Schedule 4; the Government of Wales Act 2006, section 160(1) and Schedule 10; and the National Health Service (Consequential Provisions) Act 2006, s8(2).

(7) See the Scotland Act 1998 sections 1, 44 and 126(1) and (6) to (8).

(8) See sections 4(5) and 21 of the Northern Ireland Act 1998.

(9) 2003 asp 1. There are amendments to section 61 not relevant to these Regulations.

(10) 2011 nawm 4.

(11) 1972 c. 9 (an act of the Parliament of Northern Ireland).

(12) Section 579(1) has been amended in ways not relevant to these Regulations. The definition there of “higher education” refers to Schedule 6 to the Education Reform Act 1988 (c. 40).

- (ii) the promotion of energy efficiency in buildings;
 - (s) a registered provider of social housing⁽¹³⁾;
 - (t) a person who operates an accreditation scheme approved by the Secretary of State under regulation 25;
 - (u) a green deal relevant person;
 - (v) the holder of a licence under section 6(1)(c) or (d) of the Electricity Act 1989⁽¹⁴⁾ (distribution and supply licences) which has been modified by the Secretary of State under section 41(1) of the Energy Act 2008 (power to amend licence conditions etc: feed-in tariffs)⁽¹⁵⁾; and
 - (w) a person (other than a natural person) who is certificated under the scheme known as the “Microgeneration Certification Scheme⁽¹⁶⁾”;
- (b) after the definition of “building” insert—
- ““bulk access data” means any data entered onto a register as required by regulation 31(2);”.
- (c) after the definition of “energy performance certificate” insert—
- ““general access data” means information that is required by these Regulations to be included in an energy performance certificate, a display energy certificate or an inspection report, or is included in a recommendation report or an advisory report;
- “green deal relevant person” means a person who, after the coming into force of framework regulations made under section 3(1) of the Energy Act 2011—
- (a) is authorised by the Secretary of State to act as a green deal provider pursuant to those regulations,
 - (b) is a body specified or authorised for the purposes of subsection (1)(a) of that section, or
 - (c) operates a scheme for the purpose of assessing whether persons are qualified to act as advisors in relation to green deal plans;
- “green deal plan” means an energy plan which is a green deal plan in accordance with section 1(3) of the Energy Act 2011;”;
- (d) after the definition of “inspection report” insert—
- ““keeper of the register” means the Secretary of State, or the person keeping a register on the Secretary of State’s behalf;”;
- (e) after the definition of “penalty charge notice” insert—
- ““personal data” has the meaning given in section 1(1) of the Data Protection Act 1998⁽¹⁷⁾;”;
- (f) after the definition of “recommendation report” insert—
- ““register” means a register required to be maintained under regulation 31;”.

4. In regulation 6 after paragraph (3) insert—

“(4) Where the written particulars are made available and the address of the building is not included in those particulars, the person giving the particulars may, pursuant to paragraph (2), attach a copy of the first page of an energy performance certificate from

⁽¹³⁾ See section 80 of the Housing and Regeneration Act 2008 (c. 17).

⁽¹⁴⁾ 1989 c.29. Section 6(1)(c) was amended by section 197(9) of and Schedule 23 to the Energy Act 2004.

⁽¹⁵⁾ 2008 c. 32.

⁽¹⁶⁾ For details of this scheme see: <http://www.microgenerationcertification.org>.

⁽¹⁷⁾ 1998 c. 29. Section 1(1) has been amended by sections 68 and 86 of and Schedule 8 to the Freedom of Information Act 2000.

which the keeper of the register has omitted the address of the building, notwithstanding the requirement to include the address imposed by regulation 11(1)(d)(ii).

(5) Paragraph (4) does not apply in relation to residential property.

(6) Paragraph (4) does not permit the omission of the address of the building from an energy performance certificate in any circumstances other than those mentioned in that paragraph.

(7) In this regulation—

“residential property” means premises in England and Wales consisting of a single dwelling, including ancillary land.”.

5. In regulation 7 after paragraph (2) insert—

“(2A) Regulations 5A and 6 do not apply in relation to a building other than a dwelling which is to be sold or rented out where the relevant person can demonstrate that—

- (a) the building is to be sold or rented out with vacant possession;
- (b) the building is suitable for demolition;
- (c) the resulting site is suitable for redevelopment;
- (d) all the relevant planning permissions, listed building consents and conservation area consents exist in relation to the demolition; and
- (e) in relation to the redevelopment—
 - (i) either outline planning permission or planning permission exists, or both; and
 - (ii) where relevant, listed building consent exists.”.

6. In regulation 11—

- (a) at the end of paragraph (1)(d)(iii) insert “and”;
- (b) omit paragraph (1)(d)(iv), (v) and (vii);
- (c) in paragraph (1)(d)(vi) for “; and” substitute “.”.

7. Omit regulations 14 and 30.

8. In regulation 31—

- (a) in paragraph (1) for “of the following documents” substitute “data from which the following documents may be produced”;
- (b) in paragraph (2) omit “the document, and”;
- (c) in paragraph (2A) for “it” substitute “the data required by paragraph (2) to be entered in relation to the report”;
- (d) in paragraph (3) for “document entered onto the register” substitute “set of data entered onto the register from which a particular document may be produced”;
- (e) in paragraph (4) omit “document or”.

9. For regulations 32 to 37 substitute—

“Fees for entering data onto register

32. The keeper of the register may charge the following fees for entering data onto the register—

- (a) for entering data from which an energy performance certificate and recommendation report which relate to a dwelling may be produced, a fee of £1.15;
- (b) for entering data from which—
 - (i) an energy performance certificate and recommendation report which relate to a building other than a dwelling,
 - (ii) a display energy certificate,
 - (iii) both a display energy certificate and an advisory report, or
 - (iv) an inspection report,may be produced, a fee of £5.36;
- (c) for entering data from which a display energy certificate may be produced, a fee of £5.36.

Disclosure of data: general

33.—(1) A person keeping a register on the Secretary of State’s behalf must not disclose data that has been entered onto a register to any other person unless the disclosure is in accordance with regulation 34, 35 or 36.

(2) It is an offence for a person to disclose, or permit the disclosure of, data otherwise than in accordance with paragraph (1).

(3) A person guilty of an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Disclosure of general access data

34.—(1) The keeper of the register may disclose general access data to any person if the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) a request for disclosure of the data to the person has been made by means of a website operated by the keeper;
- (b) the request includes—
 - (i) the full residential address (excluding the postcode) of the particular building to which the data relates;
 - (ii) the full postcode of that building, or
 - (iii) the name of the road or street on which, and the name of the city, town, village or parish in which that building is located;
- (c) where the request is for data other than data required to be included in a display energy certificate, there is no opt-out in effect in respect of the data; and
- (d) the particular building to which the data relates is not an excluded building.

(3) In this regulation—

- (a) an opt-out is in effect in respect of data where—
 - (i) the owner or occupier of the building to which the data relates has notified the keeper that the data is not to be disclosed,
 - (ii) the notice was given in writing, or by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such notices, and

- (iii) the notice has not been withdrawn by the owner or occupier (by the means referred to in this sub-paragraph);
- (b) “excluded building” means a building owned, occupied or used from time to time by or for the purposes of—
 - (i) the Security Service, the Secret Intelligence Service or the Government Communications Headquarters;
 - (ii) any of the armed forces;
 - (iii) the Royal Family;
 - (iv) a prison;
 - (v) a contracted out prison within the meaning of the Criminal Justice Act 1991(18); or
 - (vi) a young offender institution.

Disclosure of bulk access data

- 35.**—(1) The keeper of the register may disclose—
- (a) bulk access data which relates solely to a display energy certificate to any person if the condition in paragraph (2)(c) is met;
 - (b) other bulk access data to an authorised recipient if all of the conditions in paragraph (2) are met.
- (2) The conditions are that—
- (a) the authorised recipient has made a request for one or more specific descriptions of data to the keeper;
 - (b) the request was made in writing, or by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such requests;
 - (c) the authorised recipient (other than one falling within paragraph (a), (b), (d), (e), (f) or (g) of the definition of that term in regulation 2) has paid a fee to the keeper, in the amount determined in accordance with regulation 37;
 - (d) the data is disclosed in summary form and does not include any information revealing the location of an excluded building (or any information from which the location of such a building can be deduced), or revealing the address or postcode of an identifiable person where an opt-out has effect under regulation 34(3);
 - (e) the disclosure is made subject to the condition that the data is to be used by the recipient solely for one or more of the purposes described in Part 1 of Schedule 2; and
 - (f) the disclosure is made subject to the conditions set out in Part 2 of that Schedule.
- (3) The keeper of the register may refuse to disclose information under paragraph (1) (b) where the person who requests the disclosure has previously failed to comply with a condition of the kind referred to in paragraph (2)(e) or (f).
- (4) In this regulation “excluded building” has the same meaning as in regulation 34.

Disclosure of general access and bulk access data

36.—(1) The keeper of the register may disclose general access data or bulk access data—

- (a) to an enforcement authority for the purposes of their duty under regulation 38(2);
- (b) to a local authority for the purposes of their duty under section 91 of the Building Act 1984⁽¹⁹⁾;
- (c) to an approved inspector for the purposes of the inspector’s functions under Part 2 of the Building Act 1984; or
- (d) for the purpose of—
 - (i) the prevention or detection of crime;
 - (ii) the apprehension or prosecution of alleged offenders;
 - (iii) any proceedings in a court or tribunal; or
 - (iv) complying with an order of a court or tribunal.

(2) A person keeping a register on the Secretary of State’s behalf may disclose general access data or bulk access data to the Secretary of State for the purpose of enabling the Secretary of State to carry out any function under or in connection with these Regulations, or for statistical or research purposes.

Fee for disclosure of bulk access data

37.—(1) The amount of the fee referred to in regulation 35(2)(c) is the sum of—

- (a) the number of small data packs requested multiplied by one penny (1p);
- (b) the number of medium data packs requested multiplied by five pence (5p); and
- (b) the number of large data packs requested multiplied by ten pence (10p).

(2) In this regulation, “small data pack”, “medium data pack” and “large data pack” have the meanings given in Schedule 3.”

10. After Schedule 1, insert Schedules 2 and 3 as set out in the Schedule to these Regulations.

Amendment of the Building Regulations 2010

11.—(1) In regulation 29(4) of the Building Regulations 2010 (energy performance certificates)⁽²⁰⁾—

- (a) at the end of subparagraph (d)(iii) insert “and”;
- (b) omit subparagraph (d)(iv), (v) and (vii);
- (c) in subparagraph (d)(vi) for “; and” substitute “.”.

(2) In regulation 30(4) of those Regulations, for “they are” substitute “that the data used to produce them is”.

Revocation

12. Regulations 2(5)(e) and 3(6) and (7) of the 2011 Regulations are revoked.

⁽¹⁹⁾ 1984 c. 55.

⁽²⁰⁾ S.I. 2010/2214.

Review under the 2011 Regulations

13. A review carried out pursuant to regulation 5 of the 2011 Regulations must include within its scope the amendments made by these Regulations, and a reference to “these Regulations” in that regulation is to be read accordingly.

Signed by authority of the Secretary of State for Communities and Local Government
Signatory text

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local
Government

13th March 2012

SCHEDULE

Regulation 10

“SCHEDULE 2

Regulation 35(2)(e)

PART 1

The purposes are—

1. Promoting energy efficiency improvements (as defined in section 2 of the Energy Act 2011) (“energy efficiency improvements”) in relation to buildings.
2. Conducting research into, or developing or analysing policy (or policy proposals) in relation to, the energy efficiency of buildings.
3. Conducting research into the effectiveness or impact of energy efficiency improvements.
4. Identifying geographic areas where the energy efficiency of buildings is low relative to other areas, or conducting research into the extent, causes or consequences of such lower levels of efficiency.
5. Promoting and marketing energy efficiency improvements that may be made pursuant to a green deal plan.
6. Identifying and analysing the impact of carbon emissions on the environment resulting from buildings with low levels of energy efficiency.
7. Determining whether energy efficiency improvements that may be made pursuant to a green deal plan have or have not been made in respect of a particular building or buildings.

Regulation 35(2)(f)

PART 2

The conditions are—

1. The authorised recipient is, until the data is deleted from the authorised recipient’s records and systems (so that the personal data is no longer accessible by any means by the authorised recipient) a data controller within the meaning of section 1(1) of the Data Protection Act 1998 in relation to the information disclosed.
2. The authorised recipient must not—
 - (a) disclose any personal data contained in or derived from data disclosed to them under regulation 35 to any other person without the consent of the person who is the subject of the data;
 - (b) use such personal data in order to contact an individual for the purpose of marketing or promoting products or services which do not relate to energy efficiency.
3. The authorised recipient must not make contact with any person (“the subject”) whose identity or contact details (or both) have become known to the authorised recipient from data disclosed to the authorised recipient under regulation 35 unless—
 - (a) the authorised recipient advises the subject, at the time contact is first made that—
 - (i) their identity or contact details (or both) have been obtained from the keeper of the register under that regulation, and

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- (ii) the subject is entitled to refuse to receive any further communications from the authorised recipient; and
 - (b) the first contact with the subject is made by means of written communication (including electronic communication) only.
4. The authorised recipient must not make further contact with a person if the person has informed the authorised recipient that they do not wish to receive any further communications from the authorised recipient.
5. If the authorised recipient has on three separate occasions made contact with a person (“the subject”) whose identity or contact details (or both) have become known to the authorised recipient from data disclosed to them under regulation 35 and received no response from the subject within fourteen days of the date of the third contact, the authorised recipient—
- (a) must not attempt to contact the person again; and
 - (b) must, as soon as reasonably practicable (and in any event within fourteen days of the receipt of a request made by or on behalf of the subject to do so) delete any personal data contained in or derived from data disclosed to the authorised recipient under regulation 35 from its records and systems (so that the personal data is no longer accessible by any means by the authorised recipient).
6. The authorised recipient must, as soon as reasonably practicable (and in any event within fourteen days of the receipt of a request made by or on behalf of the subject to do so) delete any personal data contained in or derived from data disclosed to the authorised recipient under regulation 35 from its records and systems (so that the personal data is no longer accessible by any means by the authorised recipient) if the person who is the subject of the data requests the authorised recipient to do so.
7. The authorised recipient must ensure that its officers and employees comply with the conditions in paragraphs 1 to 7 above.

SCHEDULE 3

Regulation 37

PART 1

ENERGY PERFORMANCE CERTIFICATES

1. For data from which an Energy Performance Certificate for a residential property (as defined in regulation 6(7)) may be produced:
- (a) a small data pack means a set of data containing the following information concerning the property: the address (including the postcode), the energy rating, the potential energy rating, the energy efficiency, the potential energy efficiency, the property type, the inspection date, the region, local authority area, constituency and county where it is located and the date the data was entered onto the register.
 - (b) A medium data pack means a set of data containing the data described in paragraph 1 (a), together with the following additional information concerning the property: the transaction type, the current environment impact, the potential environment impact, the current energy consumption, the potential energy consumption, the current Co2 emissions, the current Co2 emissions per floor area, the potential Co2 emissions, the current lighting cost, the potential lighting cost, the current heating cost, the potential heating cost, the current hot water cost, the potential hot water cost, the total floor area, the energy tariff, whether the

property is connected to the gas network, the floor level, whether the property is on the top floor (for flats), if the property is a flat not on the top floor the storey count for the property, the overall dimensions and size of the building, the type of heating controls, the proportion of windows which are multi-glazed, the types of glazing and the area glazed, the number of extensions to the property, the number of habitable rooms, the number of heated rooms, the proportion of low energy light bulbs and the number of open fireplaces.

- (c) A large data pack means a set of data containing the data described in paragraphs 1(a) and (b), together with any additional data entered onto register pursuant to regulation 31 from which an Energy Performance Certificate (or any information contained within such a Certificate) may be produced in relation to the property.

2. For data from which an Energy Performance Certificate for a property other than a residential property may be produced:

- (a) a small data pack means a set of data containing the following information concerning the property: the address (including the postcode), the energy rating, the property type, the inspection date, the region, local authority area, constituency and county where it is located and the date the data was entered onto the register.
- (b) A medium data pack means a set of data containing the data described in paragraph 2 (a), together with the following additional information concerning the property: the transaction type, the benchmark against other new build or existing properties as appropriate, whether the property is a level 3, 4 or 5 building, the main heating fuel, the other fuel description, whether the property is air-conditioned, whether the property has specialised energy requirements, the renewable sources of energy (if any) used by the property and the floor area.
- (c) A large data pack means a set of data containing the data described in paragraphs 2(a) and (b), together with together with any additional data entered onto register pursuant to regulation 31 from which an Energy Performance Certificate (or any information contained within such a Certificate) may be produced in relation to the property.

PART 2

DISPLAY ENERGY CERTIFICATES

3. For data from which a Display Energy Certificate may be produced:

- (a) a small data pack means a set of data containing the following information concerning the property in question: the address (including the postcode), the energy rating, the proportion of Co2 emissions attributable to electricity used in the property, the proportion of Co2 emissions from energy used to heat the property, the proportion of Co2 emissions from renewables used in the property, the property type, the inspection date, the region, local authority area, constituency and county where it is located and the date the data was entered onto the register.
- (b) A medium data pack means a set of data containing the data described in paragraph 3 (a), together with the following additional information concerning the property: the benchmark against other new build or existing properties as appropriate, whether the property is a level 3, 4 or 5 building, the main heating fuel, the other fuel description, whether the building is air-conditioned, whether the building has specialised energy requirements, the sources of renewable energy (if any) used by the property, the floor area and the building level.
- (c) A large data pack means a set of data containing the data described in paragraphs 3(a) and (b), together with any additional data entered onto register pursuant to regulation 31

from which a Display Energy Certificate (or any information contained within such a Certificate) may be produced in relation to the property in question.

PART 3

AIR-CONDITIONING INSPECTION REPORTS

4. For data from which an inspection report may be produced:
- (a) a small data pack means a set of data containing the following information concerning the property in question: the address (including the postcode), the property type, the inspection date, the region, local authority area, constituency and county where it is located and the date the data was entered onto the register.
 - (b) A medium data pack means a set of data containing the data described in paragraph 4 (a), together with the following additional information: the name of the equipment owner, their telephone number, the name of their organisation, the owner's address (including the town, city or parish and postcode), the person responsible for the operation of the air-conditioning equipment, the operator's employer, the operator's address (including the town, city or parish and postcode) and the name of the building.
 - (c) A large data pack means a set of data containing the data described in paragraphs 4(a) and (b), together with any additional data entered onto register pursuant to regulation 31 from which the inspection report (or any information contained within the report) may be produced."

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.

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.