

STATUTORY INSTRUMENTS

2012 No. 3118

The Energy Performance of Buildings (England and Wales) Regulations 2012

PART 1

Introductory

Citation, application, extent and commencement

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

(2) Subject to regulation 5 and any other exemptions in these Regulations, and notwithstanding section 4 of the Building Act 1984 ^{M1}, these Regulations apply to all buildings including buildings which are exempt from building regulations by virtue of that section.

(3) These Regulations extend to England and Wales.

(4) These Regulations shall come into force on 9th January 2013.

Marginal Citations

M1 1984 c.55. Section 4 was repealed by section 5 of the Sustainable and Secure Buildings Act 2004, c.22, but section 5 of that Act has not yet been commenced. Section 4(1)(a)(i) to (iv) of the Building Act 1984 was substituted by paragraph 59 of Schedule 37 to the [Education Act 1996 \(c.56\)](#); subsection (1)(a)(ii) was substituted by paragraph 6 of Schedule 21 to the [Education Act 2002 \(c.32\)](#); subsection (1)(a)(iii) and (iv) was repealed by Schedule 31 to the [School Standards and Framework Act 1998 \(c.31\)](#); subsection (1)(b) was amended by Schedule 6 to the [Airports Act 1986 \(c.31\)](#); subsection (1)(b)(ii) was amended by [S.I. 2011/2491](#); and subsection (1)(c) was amended by [S.I. 2001/4050](#). There are other amendments to section 4 which are not relevant to these Regulations.

Interpretation

2.—(1) In these Regulations—

[^{F1}“Green Deal Framework Regulations” means the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012;]

“accreditation scheme” means a scheme approved by the Secretary of State in accordance with—

(a) regulation 22; ^{F2} ...

(b) ^{F3} ...

“air-conditioning system” means a combination of all the components required to provide a form of air treatment in which the temperature is controlled or can be lowered, and includes

systems which combine such air treatment with the control of ventilation, humidity and air cleanliness;

[^{F4}“asset rating” means an energy performance indicator determined from the amount of energy estimated to meet the different needs associated with a standardised use of a building;]

^{F5} ...

“building” means a roofed construction having walls, for which energy is used to condition the indoor climate [^{F6}, and (other than in regulations 9(4) and 11) reference to a building includes reference to a building unit in that building] ;

“building envelope” means the integrated elements of a building which separate its interior from the outdoor environment;

“building unit” means a section, floor or apartment within a building which is designed or altered to be used separately;

“bulk access data” means any data entered onto a register as required by regulation 27(2) [^{F7}, (3) or (4B)] ;

[^{F8}“display energy certificate” means a certificate which—

- (a) complies with regulation 15; or
- (b) in the case of a certificate issued in respect of an excluded building under regulation 15A, complies with regulation 15A(2);]

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“energy assessor” means an individual who is a member of an accreditation scheme;

[^{F9}“energy efficiency improvement” has the meaning given in section 2(4) of the Energy Act 2011;]

“energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

[^{F10}“energy performance” in relation to a building means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;]

[^{F10}“energy performance certificate” means a certificate which—

- (a) in the case of a certificate entered on the register before 9th January 2013 complied with the requirements of regulation 11(1) of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 ^{M2};
- (b) in the case of a certificate entered on the register on or after 9th January 2013 complies with the requirements of regulation 9(1) of these Regulations; ^{F11} ...
- (ba) [^{F12}in the case of a certificate issued in respect of an excluded building under regulation 9A, complies with the requirements of regulation 9A(2) of these Regulations; or]
- (c) [^{F13}in the case of a certificate entered on the register before 6th April 2016] complies with the requirements of regulation 29 ^{M3} of the Building Regulations 2010;

[^{F14}“excluded building” means a building owned, occupied or used by or for the purposes of—

- (a) the Security Service, the Secret Intelligence Service or the Government Communications Headquarters;
- (b) any of the armed forces;

- (c) the Royal Family;
- (d) a prison;
- (e) a contracted out prison within the meaning of the Criminal Justice Act 1991; or
- (f) a young offender institution;]

“general access data” means information that is required by these Regulations to be included in an energy performance certificate, a display energy certificate, an inspection report, or a recommendation report;

[^{F15}“green deal disclosure obligations” means the obligations to provide an energy performance certificate in section 12 of the Energy Act 2011 and Part 7 of the Green Deal Framework Regulations;

“green deal information” means the information about a green deal plan that is required by regulation 9(1)(ea) to be included in an energy performance certificate for a green deal property;]

“green deal plan” means an energy plan which is a green deal plan in accordance with section 1(3) of the Energy Act 2011;

[^{F16}“green deal property” has the meaning given in section 12(5)(b) of the Energy Act 2011;]

[^{F17}“green deal relevant person” means a person who is authorised as—

- (a) a green deal provider; or
- (b) a green deal assessor certification body,

in accordance with Part 2 of the Green Deal Framework Regulations;.]

[^{F18}“inspection report” means a report—

- (a) issued by an energy assessor in accordance with regulation 19(1); or
- (b) in the case of a report issued in respect of an excluded building, issued by an energy assessor in accordance with regulation 19A(2);]

“keeper of the register” means the Secretary of State, or the person keeping a register on the Secretary of State’s behalf;

“nominated date”, in relation to a display energy certificate, means a date no later than three months after the end of the period over which the operational rating is calculated, which is nominated by the energy assessor who issued the certificate;

[^{F19}“operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of time and the energy demand associated with a typical use of the building over that period;]

[^{F20}“payment period” has the meaning given in regulation 2(1) of the Green Deal Framework Regulations;]

“penalty charge notice” means a notice given pursuant to regulation 36;

^{F21} ...

“register” means a register required to be maintained under regulation 27;

“relevant person” (other than in the phrase “green deal relevant person”) means—

- (a) in relation to a building which is to be sold, the seller;
- (b) in relation to a building which is to be rented out, the prospective landlord;
- (c) in relation to an air-conditioning system, the person who has control of the operation of the system; and
- (d) in relation to a building which is constructed, the person who carries out the construction;

“report reference number” means the unique number assigned by the keeper of the register to each energy performance certificate [^{F22}issued by an energy assessor under regulation 9] or display energy certificate [^{F23}issued by an energy assessor under regulation 15];

“total useful floor area” means the gross floor area as measured in accordance with the guidance issued from time to time by the Royal Institution of Chartered Surveyors or by any body replacing that Institution.]

Textual Amendments

- F1** Words in reg. 2(1) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **8(2)**
- F2** Word in reg. 2(1) omitted (1.10.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(2)(a)(i)**
- F3** Words in reg. 2(1) omitted (1.10.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(2)(a)(ii)**
- F4** Words in reg. 2 substituted (1.6.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(a)**
- F5** Words in reg. 2 omitted (1.10.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(4), **3(b)**
- F6** Words in reg. 2 inserted (6.2.2013) by The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **9**
- F7** Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(c)**
- F8** Words in reg. 2 substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(d)**
- F9** Words in reg. 2(1) inserted (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(2)(b)**
- F10** Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(e)**
- F11** Word in reg. 2 omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(f)(i)**
- F12** Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(f)(ii)**
- F13** Words in reg. 2(c) added (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(f)(iii)**
- F14** Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(g)**
- F15** Words in reg. 2(1) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **8(3)**
- F16** Words in reg. 2(1) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **8(4)**
- F17** Words in reg. 2(1) substituted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **8(5)**
- F18** Words in reg. 2 substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(h)**
- F19** Words in reg. 2 substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(i)**
- F20** Words in reg. 2(1) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **8(6)**
- F21** Words in reg. 2(1) omitted (6.4.2018) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018 (S.I. 2018/362), regs. 1(2), **3**

F22 Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(j)(i)**

F23 Words in reg. 2 inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **3(j)(ii)**

Marginal Citations

M2 S.I. 2007/991, revoked by these Regulations (see regulation 46 and Schedule 3).

M3 Regulation 29 of the Building Regulations 2010 was amended by S.I. 2012/809 and by S.I. 2012/3119.

Meaning of “prospective buyer or tenant”

3. A person becomes a prospective buyer or tenant in relation to a building when he or she—
- requests any information about the building from the relevant person or the relevant person's agent for the purpose of deciding whether to buy or rent the building;
 - makes a request to view the building for the purpose of deciding whether to buy or rent the building; or
 - makes an offer, whether oral or written, to buy or rent the building.

Recommendation reports

4.—(1) In these Regulations, a “recommendation report” means recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building ^{F24}....

- (2) A recommendation report made on or after 9th January 2013 must include—
- recommended cost-effective measures that could be carried out in connection with a major renovation of the building envelope or technical building systems;
 - recommended cost-effective measures for individual building elements that could be carried out without the necessity for a major renovation of the building envelope or technical building systems;
 - an indication as to how the owner or tenant can obtain more detailed information about improving the energy efficiency of the building, including more detailed information about the cost-effectiveness of the recommendations; and
 - information on the steps to be taken to implement the recommendations.
- (3) Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.
- (4) A recommendation report made on or after 9th January 2013 ceases to be valid at the end of the following periods—
- for a report which is included in an energy performance certificate, ten years from the date of that certificate;
 - for a report which is required to be held in respect of the building under regulation 14(3)
 - where the [^{F25}total useful floor area of the building is over 1,000m², seven years from the nominated date applying to the report; and]
 - [^{F26}in the case of any other building, ten years from] the nominated date applying to the report ^{F27}....
- (5) In this regulation—

- [^{F28}(a) “building element” means a controlled service or fitting or a thermal element within the meaning of those expressions in regulation 2(1) and (3) respectively of the Building Regulations 2010.]
- (b) “major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation; and
- (c) “technical building systems” means technical equipment for the heating, cooling, ventilation, hot water, lighting (or for any combination thereof) of a building ^{F29}....

Textual Amendments

- F24** Words in reg. 4(1) omitted (6.2.2013) by virtue of The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **10**
- F25** Words in reg. 4(4)(b)(i) substituted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **3(a)**
- F26** Words in reg. 4(4)(b)(ii) substituted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **3(b)**
- F27** Words in reg. 4(4)(b)(ii) omitted (6.4.2014) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **3(b)**
- F28** Reg. 4(5)(a) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **4**
- F29** Words in reg. 4(5)(c) omitted (6.2.2013) by virtue of The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **10**

Changes to legislation:

There are currently no known outstanding effects for the The Energy Performance of Buildings (England and Wales) Regulations 2012, PART 1.