
STATUTORY INSTRUMENTS

2012 No. 809

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

Amendment of the Principal Regulations

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(1); 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(2);
- (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.”