
STATUTORY INSTRUMENTS

2013 No. 3220

ENERGY

The Energy Efficiency (Eligible Buildings) Regulations 2013

Made - - - 18th December 2013

Laid before Parliament 20th December 2013

Coming into force in accordance with regulation 1

The Secretary of State, being a Minister designated ^{F1} for the purposes of section 2(2) of the European Communities Act 1972 ^{F2} in relation to energy and energy sources, makes the following Regulations in exercise of the powers conferred by that section:

F1 [S.I. 2010/761.](#)

F2 [1972 c. 68.](#)

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Efficiency (Eligible Buildings) Regulations 2013.

(2) Subject to paragraph (3), these Regulations come into force on 15th January 2014.

(3) Regulation 4 comes into force on 5th June 2014.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“central government” means—

(a) the competent authorities;

(b) non-ministerial departments^{F3} ...;

(c) a body or office which is controlled and mainly financed by one of the competent authorities;

“competent authorities” means, in relation to—

(a) England, the Secretary of State;

(b) Wales, the Welsh Ministers;

(c) Scotland, the Scottish Ministers;

(d) Northern Ireland, the Northern Ireland departments;

“eligible buildings” means buildings owned and occupied by central government that are heated or cooled (or both) which—

- (a) for the period commencing on 15th January 2014 and ending on 8th July 2015, have a floor area of 500 square metres or more;
- (b) for the period commencing on 9th July 2015 and ending on 31st December 2020, have a floor area of 250 square metres or more;

“energy audit” means a systematic procedure which—

- (a) enables sufficient information to be obtained to allow the energy consumption profile of a building or group of buildings, an industrial or commercial operation [^{F4}or installation] , or a private or public service to be accurately understood and described;
- (b) identifies and quantifies cost effective energy [^{F5}savings] opportunities in relation to such energy consumption profiles; ^{F6}...
- (c) [^{F7}satisfies the minimum requirements specified in Annex VI of the Directive; and]
- (c) results in the production of a written report of its findings;

[^{F8}“energy efficiency” means the ratio of output of performance, service, goods or energy, to input of energy;]

[^{F9}“energy efficiency improvement” means an increase in energy efficiency as a result of technological, behavioural or economic changes;]

[^{F10}“energy efficiency measure” means a measure which is designed to result in an energy efficiency improvement;]

“energy efficiency plan” means a written plan which sets out specific objectives and actions for achieving [^{F11}an energy efficiency improvement] that may include—

- (a) carrying out an energy audit;
- (b) implementing an energy management system;
- (c) implementing energy efficiency [^{F12}measures] ;
- (d) using energy service providers and energy performance contracting;

“energy management system” means a documented procedure such as BS EN ISO 50001:2011 ^{F13} which provides for the systematic use of management and technology [^{F14}for the purpose of achieving an energy efficiency improvement] ;

[^{F15}“energy performance contract” means a contract under which energy efficiency measures are—

- (a) provided;
- (b) verified and monitored during the whole term of the contract; and
- (c) paid for by reference to a contractually agreed level of energy efficiency improvement or other agreed criterion such as financial savings,

and “energy performance contracting” shall be construed accordingly;]

[^{F16}“energy savings” means an amount of energy saved determined by measuring or estimating consumption before and after implementation of an energy efficiency measure, making appropriate adjustments to account for external conditions affecting energy consumption;

“energy service” means any benefit derived from a combination of energy with energy-efficient technology or action (including the operations, maintenance or control necessary to deliver that technology or action) which is delivered on the basis of a contract and which in normal

circumstances is proven to result in energy efficiency improvements or energy savings which can be verified and measured or estimated;]

[^{F17}“energy service provider” means a person who delivers energy services or energy efficiency measures in a final customer’s premises;]

[^{F18}“final customer” means a person who purchases energy for their own use;]

“public bodies” means, in relation to—

- (a) England, Wales and Northern Ireland, ‘contracting authorities’ as defined in regulation 3 of the Public Contracts Regulations 2006 ^{F19};
- (b) Scotland, [^{F20}any ‘contracting authority’ as defined in regulation 2(1) of the Public Contracts (Scotland) Regulations 2015];

“reporting period” means the period commencing on 15th January 2014 and ending on 31st December 2020.

- F3** Words in reg. 2 omitted (26.6.2014) by virtue of [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(a)**
- F4** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(b)(i)**
- F5** Word in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(b)(ii)**
- F6** Word in reg. 2 omitted (26.6.2014) by virtue of [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(b)(ii)**
- F7** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(b)(iii)**
- F8** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(c)**
- F9** Words in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(d)**
- F10** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(e)**
- F11** Words in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(f)(i)**
- F12** Word in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(f)(ii)**
- F13** ISBN 978 0 580 76206 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
- F14** Words in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(g)**
- F15** Words in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(h)**
- F16** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(i)**
- F17** Words in reg. 2 substituted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(j)**
- F18** Words in reg. 2 inserted (26.6.2014) by [The Energy Efficiency \(Encouragement, Assessment and Information\) Regulations 2014](#) (S.I. 2014/1403), regs. 1(1), **11(k)**
- F19** [S.I. 2006/5](#), relevant amending instruments are [S.I. 2007/3542](#), 2008/2683, 2008/2848, 2009/1307, 2010/976, 2011/2053, 2011/2581, 2011/3058, 2013/1455.
- F20** Words in reg. 2 substituted (18.4.2016) by [The Public Contracts \(Scotland\) Regulations 2015](#) (S.S.I. 2015/446), reg. 1(2), **sch. 6 para. 9(2)** (with regs. 3-18, 99-101)

Energy savings target for eligible buildings

3.—(1) It is the duty of the competent authorities to ensure that a total of 163.6 gigawatt hours of energy savings are achieved in eligible buildings by 31st December 2020.

(2) The Secretary of State must report to the Commission of the European Union by 31st December of each year in the reporting period the amount of energy savings that have been achieved in eligible buildings in that year.

Encouraging the adoption of energy efficiency plans

4. It is the duty of the competent authorities to encourage public bodies to adopt an energy efficiency plan.

Duty to review

5.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the operation and effect of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Article 5 of Directive 2012/27/EU^{F21} of the European Parliament and of the Council of 25 October 2012 on energy efficiency (which is transposed by these Regulations) is transposed in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) where the objectives remain appropriate, assess the extent to which they could be more effectively achieved.

(4) The first report under this regulation must be published by 14th January 2019.

<p>F21 OJ No L 315, 14.11.2012, p1.</p>
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Department of Energy and Climate Change

Gregory Barker
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Article 5 of the Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives [2009/125/EC](#) and [2010/30/EU](#) and repealing Directives [2004/8/EC](#) and [2006/32/EC](#).

Regulation 3 sets an energy savings target of 163.6 gigawatt hours to be achieved in eligible buildings owned and occupied by central government. It also requires the Secretary of State to report to the European Commission, on an annual basis, the amount of energy savings achieved in each year of the reporting period of 2014 to 2020.

Regulation 4 places a duty on the competent authorities to encourage public bodies to adopt energy efficiency plans.

Regulation 5 requires the Secretary of State to review the operation and effect of these Regulations and publish a report by 14th January 2019.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen. A transposition note is annexed to the Explanatory Memorandum which is available alongside these Regulations on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Efficiency (Eligible Buildings) Regulations 2013.