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STATUTORY INSTRUMENTS

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**2014 No. 1643**

**The Energy Savings Opportunity Scheme Regulations 2014**

**PART 6**

Alternative routes to compliance

**Energy consumption not subject to audit**

**32.** Any energy consumption of an undertaking which falls within this Part is not required to be audited under Chapter 3 of Part 4.

**Compliance with ISO 50001**

**33.—**(1) This regulation applies in any case where a participant's energy management system is certified, within the [<sup>F1</sup>relevant period], as being in compliance with ISO 50001 (a “certified energy management system”), and that certification remains valid on the compliance date.

(2) The participant is deemed to have complied with Chapter 3 of Part 4 in relation to its energy consumption which falls under the certified energy management system.

(3) Where the total energy consumption of a participant falls under the certified energy management system, the participant is deemed to have complied with

[<sup>F2</sup>(a) the duty to carry out an energy audit in regulation 20,

(b) regulation 21, and

(c) Chapter 3 of Part 4].

(4) In this regulation—

(a) “certified” means certified by a body that is accredited, for the purpose of certifying compliance with ISO 50001, by at least one of the following—

(i) a member of the International Accreditation Forum,

(ii) a national accreditation body [<sup>F3</sup>of a Member State],

[<sup>F4</sup>(iii) the national accreditation body of the United Kingdom appointed in accordance with Article 4(1) of Regulation (EC) No 765/2008 of the European Parliament and of the Council,]

(b) “energy management system” has the meaning given in Article 2(11) of the Directive,

(c) “ISO 50001” means the international standard “50001:2011 *Energy management systems – Requirements with guidance for use*”<sup>M1</sup>[<sup>F5</sup>or the international standard “50001:2018 *Energy management systems – Requirements with guidance for use*”], <sup>F6</sup>...

(d) “national accreditation body [<sup>F7</sup>of a Member State]” means a national accreditation body of a Member State within the meaning of Article 2(11) of Regulation (EC) no 765/2008 of the European Parliament and of the Council<sup>M2</sup>[<sup>F8</sup>as it has effect in EU law],

[<sup>F9</sup>(e) “relevant period” means—

- (i) in the case of the compliance period beginning on 6th December 2019, the period beginning on that date and ending on the compliance date,
- (ii) in any other case, the compliance period.]

#### Textual Amendments

- F1** Words in reg. 33(1) substituted (29.11.2023) by The Energy Savings Opportunity Scheme (Amendment) Regulations 2023 (S.I. 2023/1182), regs. 1(2), **24(a)**
- F2** Words in reg. 33(3) substituted (29.11.2023) by The Energy Savings Opportunity Scheme (Amendment) Regulations 2023 (S.I. 2023/1182), regs. 1(2), **24(b)**
- F3** Words in reg. 33(4)(a)(ii) inserted (31.12.2020) by The Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1342), regs. 1(3), **3(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 33(4)(a)(iii) inserted (31.12.2020) by The Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1342), regs. 1(3), **3(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 33(4)(c) inserted (3.1.2019) by The Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1342), regs. 1(2), **2(2)**
- F6** Word in reg. 33(4)(c) omitted (29.11.2023) by virtue of The Energy Savings Opportunity Scheme (Amendment) Regulations 2023 (S.I. 2023/1182), regs. 1(2), **24(c)**
- F7** Words in reg. 33(4)(d) inserted (31.12.2020) by The Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1342), regs. 1(3), **3(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 33(4)(d) inserted (31.12.2020) by The Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1342), regs. 1(3), **3(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Reg. 33(4)(e) inserted (29.11.2023) by The Energy Savings Opportunity Scheme (Amendment) Regulations 2023 (S.I. 2023/1182), regs. 1(2), **24(d)**

#### Marginal Citations

- M1** ISO 50001:2011 “Energy management systems – Requirements with guidance for use” published in 2011 by the International Organization for Standardization (ISBN 978-92-67-10552-9).
- M2** OJ No L 218 13.8.2008, p30.

### Display Energy Certificates and Green Deal Assessments

**34.—**(1) This regulation applies in any case where, in relation to a building occupied by a relevant undertaking—

- (a) a display energy certificate has been issued during the [<sup>F10</sup>relevant period], and remains valid on the compliance date, or
- (b) a qualifying Green Deal assessment has been carried out during the [<sup>F11</sup>relevant period] and remains valid on the compliance date.

(2) The relevant undertaking is deemed to have complied with Chapter 3 of Part 4 in relation to its energy consumption connected to that building.

(3) In any case where only part of the energy consumption of a participant falls within paragraph (2) the participant—

- (a) must consider whether the display energy certificate, or the qualifying Green Deal assessment (as the case may be) relates to all of its areas of significant energy consumption (or, where regulation 26(1)(b) applies, to all of its energy consumption), and

- (b) must comply with Chapter 3 of Part 4 in relation to any of its areas of significant energy consumption (or, where regulation 26(1)(b) applies, to any of its energy consumption) which do not fall within paragraph (2).
- (4) In this regulation—
- (a) “display energy certificate” means—
- (i) in relation to a building in England or Wales, a display energy certificate which complies with regulation 15 of the Energy Performance of Buildings (England and Wales) Regulations 2012 <sup>M3</sup> and a valid recommendation report within the meaning of regulation 4 of those Regulations, and
- (ii) in relation to a building in Northern Ireland, a display energy certificate which complies with regulation 12 of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 <sup>M4</sup> and a valid advisory report within the meaning of regulation 2(1) of those Regulations,
- (b) “qualifying Green Deal assessment” means an energy efficiency assessment within the meaning given in regulation 7 of the Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012 <sup>M5</sup>,
- [<sup>F12</sup>(c) “relevant period” has the same meaning as in regulation 33(4)(e).]

#### Textual Amendments

- F10** Words in [reg. 34\(1\)\(a\)](#) substituted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), [regs. 1\(2\)](#), [25\(a\)\(i\)](#)
- F11** Words in [reg. 34\(1\)\(b\)](#) substituted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), [regs. 1\(2\)](#), [25\(a\)\(ii\)](#)
- F12** [Reg. 34\(4\)\(c\)](#) inserted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), [regs. 1\(2\)](#), [25\(b\)](#)

#### Marginal Citations

- M3** [S.I. 2012/3118](#); relevant amending instruments are S.I.s 2013/181 and 2014/880.
- M4** S.R. (NI) 2008 No 170, amended by S.R. (NI) 2013 No 12. There are other amendments not relevant to these Regulations.
- M5** [S.I. 2012/2079](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Energy Savings Opportunity Scheme Regulations 2014, PART 6.