

**2015 No. 609**

**BUILDING AND BUILDINGS, ENGLAND AND WALES**

**The Energy Performance of Buildings (England and Wales)  
(Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>9th March 2015</i>
<i>Laid before Parliament</i>		<i>11th March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Secretary of State is a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 74 of the Energy Act 2011<sup>(c)</sup>.

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2015 and come into force on 6th April 2015.

(2) These Regulations extend to England and Wales only.

**Amendment of the Energy Performance of Buildings (England and Wales) Regulations 2012**

**2.**—(1) The Energy Performance of Buildings (England and Wales) Regulations 2012<sup>(d)</sup> are amended as follows.

(2) In regulation 11 (2) (statement of energy performance indicator)—

(a) after “9th January 2013, the” insert “relevant person, or, where applicable, a person acting on behalf of the relevant person, must ensure that the”; and

(b) for “must be” substitute “is”.

(3) In regulation 18 (inspections of air-conditioning systems)—

(a) in paragraph (1) for “the system is” substitute “accessible parts of the system are”; and

(b) in paragraph (2) after “The first inspection of the” insert “accessible parts of the”.

(4) In regulation 19 (reports)—

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(a) S.I. 2008/301. That instrument, which came into force on 15th March 2008, revoked the previous designation of the Secretary of State in relation to the energy performance of buildings in S.I. 2004/3328.

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

(c) 2011 c.16.

(d) S.I. 2012/3118. Relevant amendments have been made by S.I. 2013/10 and S.I. 2014/880. There are other amendments to the 2012 Regulations which are not relevant to this instrument.

- (a) in paragraph (1) after “system” insert “under regulation 18”; and
  - (b) in paragraph (2) for “possible improvements to” substitute “cost-effective improvement to the energy performance of”.
- (5) In regulation 28 (fees for entering data onto register)—
- (a) in paragraph (a) for “£1.30”, substitute “£1.27”; and
  - (b) in paragraph (b) for “£9.73”, substitute “£11.66”.
- (6) In regulation 33 (fee for disclosure of bulk access data)—
- (a) in paragraph (1)(a)—
    - (i) for “small” substitute “regular”; and
    - (ii) for “one penny (1p)” substitute “two pence (2p)”.
  - (b) omit paragraph (1)(b);
  - (c) in paragraph (1)(c) for “ten pence (10p)” substitute “four pence (4p)”; and
  - (d) in paragraph (2)—
    - (i) for “small” substitute “regular”; and
    - (ii) omit “, “medium data pack””.
- (7) In Schedule 2 (meanings of small, medium and large data packs)—
- (a) in the title for “small, medium” substitute “regular”;
  - (b) in Part 1 (energy performance certificates)—
    - (i) for sub-paragraphs (a), (b) and (c) of paragraph 2 substitute—
      - “(a) a regular data pack means a set of data containing the following information concerning the property in question—
        - (i) the address (including the postcode),
        - (ii) the energy rating,
        - (iii) the potential energy rating,
        - (iv) the energy efficiency,
        - (v) the potential energy efficiency,
        - (vi) the property type,
        - (vii) the inspection date,
        - (viii) the local authority area,
        - (ix) the constituency and county where it is located,
        - (x) the date the data were entered onto the register,
        - (xi) the transaction type,
        - (xii) the current environment impact,
        - (xiii) the potential environment impact,
        - (xiv) the current energy consumption,
        - (xv) the potential energy consumption,
        - (xvi) the current CO2 emissions,
        - (xvii) the current CO2 emissions per floor area,
        - (xviii) the potential CO2 emissions,
        - (xix) the current lighting cost,
        - (xx) the potential lighting cost,
        - (xxi) the current heating cost,
        - (xxii) the potential heating cost,
        - (xxiii) the current hot water cost,

- (xxiv) the potential hot water cost,
  - (xxv) the total floor area,
  - (xxvi) the energy tariff,
  - (xxvii) whether the property is connected to the gas network,
  - (xxviii) the floor level,
  - (xxix) whether the property is on the top floor (for flats),
  - (xxx) if the property is a flat not on the top floor the storey count for the property,
  - (xxxii) the overall dimensions and size of the building,
  - (xxxii) the type of heating controls,
  - (xxxiii) the proportion of windows which are multi-glazed,
  - (xxxiv) the types of glazing and the area glazed,
  - (xxxv) the number of extensions to the property,
  - (xxxvi) the number of habitable rooms,
  - (xxxvii) the number of heated rooms,
  - (xxxviii) the proportion of low energy light, and
  - (xxxix) the number of open fireplaces; and
  - (b) a large data pack means a set of data containing the data described in paragraph 2(a), together with any additional data entered onto the register pursuant to regulation 27 from which an energy performance certificate (or any information contained within such a certificate) may be produced in relation to the property.”; and
- (ii) for sub-paragraphs (a), (b) and (c) of paragraph 3 substitute—
- “(a) a regular data pack means a set of data containing the following information concerning the property in question—
- (i) the address (including the postcode),
  - (ii) the energy rating,
  - (iii) the property type,
  - (iv) the inspection date,
  - (v) the local authority area,
  - (vi) the constituency and county where it is located,
  - (vii) the date the data were entered onto the register,
  - (viii) the transaction type,
  - (ix) the benchmark against other new build or existing properties as appropriate,
  - (x) whether the property is a level 3, 4 or 5 building,
  - (xi) the main heating fuel,
  - (xii) the other fuel description,
  - (xiii) whether the property is air-conditioned,
  - (xiv) whether the property has specialised energy requirements,
  - (xv) the energy from renewable sources (if any) used by the property,
  - (xvi) the floor area, and
  - (xvii) the current CO2 emissions per floor area; and
- (b) a large data pack means a set of data containing the data described in paragraph 3(a), together with any additional data entered onto the register pursuant to regulation 27 from which an energy performance certificate (or any information contained within such a certificate) may be produced in relation to the property.”;

(c) in Part 2 (display energy certificates) for sub-paragraphs (a), (b) and (c) of paragraph 4 substitute—

“(a) a regular data pack means a set of data containing the following information concerning the property in question—

- (i) the address (including the postcode),
- (ii) the energy rating,
- (iii) the proportion of CO<sub>2</sub> emissions attributable to electricity used in the property,
- (iv) the proportion of CO<sub>2</sub> emissions from energy used to heat the property,
- (v) the proportion of CO<sub>2</sub> emissions from energy from renewable sources (if any) used in the property,
- (vi) the property type,
- (vii) the inspection date,
- (viii) the local authority area,
- (ix) the constituency and county where it is located,
- (x) the date the data were entered onto the register,
- (xi) the benchmark against other new build or existing properties as appropriate,
- (xii) whether the property is a level 3, 4 or 5 building,
- (xiii) the main heating fuel,
- (xiv) the other fuel description,
- (xv) whether the building is air-conditioned,
- (xvi) whether the building has specialised energy requirements,
- (xvii) the energy from renewable sources (if any) used in the property,
- (xviii) the floor area, and
- (xix) the building level; and

(b) a large data pack means a set of data containing the data described in paragraph 4(a) together with any additional data entered onto the register pursuant to regulation 27 from which a display energy certificate (or any information contained within such a certificate) may be produced in relation to the property in question.”; and

(d) in Part 3 (air-conditioning inspection reports) for sub-paragraphs (a), (b) and (c) of paragraph 5 substitute—

“(a) a regular data pack means a set of data containing the following information concerning the property in question—

- (i) the address (including the postcode),
- (ii) the property type,
- (iii) the inspection date,
- (iv) the local authority area,
- (v) the constituency and county where it is located,
- (vi) the date the data were entered onto the register; and

(b) a large data pack means a set of data containing the data described in paragraph 5(a) together with any additional data entered onto the register pursuant to regulation 27 from which a inspection report (or any information contained within such a certificate) may be produced in relation to the property in question.”.

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

9th March 2015

*Stephen Williams*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (“the Principal Regulations”) which enacted, in part, Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)(a) (“the Directive”).

Regulation 2(2) amends regulation 11(2) of the Principal Regulations (statement of energy performance indicator). The amendment makes clear that it is the “relevant person” (i.e. the seller, potential landlord or their agent), or someone acting on that person’s behalf, who must ensure that the energy performance indicator of the building is included in any commercial advertisements of the property for sale or rent as required under regulation 11.

Regulation 2(3) of these regulations amends regulation 18 of the Principal Regulations which requires certain air-conditioning systems to be inspected periodically. The amendment substitutes “accessible parts of the system” for “system” which reflects the wording in Article 14 of the Directive.

Regulation 2(4) of these Regulations amends regulation 19(2) of the Principal Regulations which requires energy assessors to include advice about improvements which could be made to air-conditioning systems in inspection reports. The amendment ensures that the wording of regulation 19(2) mirrors the language of Article 16 of the Directive.

Regulation 2(5) sets revised fees for entering documents on the register which the Secretary of State is required to maintain under regulation 27 of the Principal Regulations.

Regulations 2(6) and (7) make amendments to regulation 33 of, and Schedule 2 to, the Principal Regulations to replace small and medium data packs with a new category of data pack: a regular data pack. Regulation 2(6) sets a revised fee for a large data pack and sets a fee for a regular data pack.

An impact assessment has not been produced for this instrument as it does not introduce any additional regulatory burdens.

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