

**2020 No. 1422**

**BUILDING AND BUILDINGS, ENGLAND AND WALES**

**The Energy Performance of Buildings (England and Wales)  
(Amendment) Regulations 2020**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>3rd December 2020</i>  |
| <i>Laid before Parliament</i> |         | <i>7th December 2020</i>  |
| <i>Coming into force</i>      | - -     | <i>28th December 2020</i> |

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 28th December 2020.

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

2. The Energy Performance of Buildings (England and Wales) Regulations 2012(c) are amended in accordance with the following regulations.

**Amendment of regulation 19**

3. In regulation 19 (reports) after paragraph (2) insert —

“(2A) The inspection report must consider the capabilities of the air-conditioning system to optimise its performance under typical operating conditions for that system.”

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(a) S.I. 2008/301.

(b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(c) S.I. 2012/3118 to which relevant amendments were made by S.I.s 2013/603, 2014/880, 2015/609, 2016/284, 2017/368 and 2018/362. Regulation 19A was inserted by S.I. 2016/284.

## Amendment of regulation 19A

4. In regulation 19A (reports in respect of excluded buildings) in paragraph (3) after “(2)” insert “, (2A)”

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

*Christopher Pincher*  
Minister of State

3rd December 2020

Ministry of Housing, 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 (S.I. 2012/3118) (“the principal regulations”), which implemented Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (recast) (OJ No L 153, 18.6.2010, p. 13). That Directive was amended by Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 (OJ No L 156, 19.06.2018, p. 75). These Regulations partially implement the first subparagraph of Article 15(1) (which is inserted into Directive 2010/31/EU by Article 1(7) of Directive (EU) 2018/844).

Regulation 3 inserts a new provision into regulation 19 of the principal regulations which imposes a new requirement for the inspection of air-conditioning systems. Inspection reports must consider the optimisation of performance capabilities of each system.

Regulation 4 makes a consequential amendment to regulation 19A to ensure compliance with the new regulation 19(2A).

An Impact Assessment was published in November 2020 alongside the Government Response to The Energy Performance of Buildings: A Consultation on changes to The Energy Performance of Buildings Regulations 2012, No. 3118 linked here

<https://www.gov.uk/government/consultations/energy-performance-of-buildings-changes-to-the-energy-performance-of-buildings-regulations-2012-no-3118>.

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£4.90

UK202012031013 12/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1422>

ISBN 978-0-34-821649-3



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