
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 386

**The Energy Performance of Buildings
(Scotland) Amendment Regulations 2015**

Amendment of the Energy Performance of Buildings (Scotland) Regulations 2008

2.—(1) The Energy Performance of Buildings (Scotland) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (10).

(2) For regulation 12(2) (disclosure of documents) substitute—

“(2) The conditions are that—

- (a) a request is made by means of a website operated by the keeper; and
- (b) the request includes—
 - (i) where the building or building unit to which the request relates is a green deal property, the report reference number for the energy performance data relating to the document; or
 - (ii) where the building or building unit to which the request relates is not a green deal property—
 - (aa) the full address (excluding the postcode) of the building or building unit;
 - (bb) the full postcode of the building or building unit; or
 - (cc) the report reference number for the energy performance data relating to the document.”.

(3) In regulation 12A (disclosure of data relating to a particular building or building unit)⁽²⁾ omit paragraphs (2)(c)(ii), (3) and (5) and “and” immediately following paragraph (2)(c)(ii).

(4) In regulation 13 (disclosure of bulk access data) omit paragraphs (2)(d)(ii) and (3).

(5) In regulation 14 (disclosure of data) in paragraph (2) omit from “for” where it first occurs until the end of that paragraph.

(6) In regulation 15 (enforcement authorities) after paragraph (2) insert—

“(3) The Scottish Ministers may appoint, subject to such conditions or limitations as they think fit, themselves or another person as an enforcement authority for the purposes of enforcement of the performance of duties under these Regulations by a local authority.

(4) Where a local authority is appointed as an enforcement authority for the purposes of enforcement of the performance of duties under these Regulations by another local authority that local authority, as enforcement authority, has a duty to enforce these Regulations in the area of the other authority”.

(7) In regulation 17(8) (penalty charge notices) for “a local” substitute “an enforcement”.

⁽¹⁾ S.S.I. 2008/309 as amended by S.S.I. 2008/389, S.S.I. 2012/190, S.S.I. 2012/208, S.S.I. 2012/315 and S.S.I. 2013/12.

⁽²⁾ Regulation 12A was inserted by S.S.I. 2012/315 and amended by S.S.I. 2013/12.

(8) In regulation 17A(4) (penalty charge notice for failure to comply with regulation 5A)(3) for “a local” substitute “an enforcement”.

(9) In regulation 17B(4) (penalty charge notice for failure to comply with regulation 9)(4) for “a local” substitute “an enforcement”.

(10) In Schedule 1 (disclosure of data)(5)—

(a) in Part 1 after paragraph (k) insert—

“(l) a local authority;

(m) a county council, district council or parish council in England;

(n) a London borough council;

(o) the Greater London Authority;

(p) a county borough council or county council in Wales;

(q) a post-16 education body;

(r) a charity whose purposes include—

(i) the conduct of research into the earth’s climate or environment;

(ii) the conduct of research into the construction, design or use of buildings; or

(iii) the promotion of energy efficiency in buildings;

(s) a registered social landlord;

(t) a person (other than a natural person) who is certificated as an installer under the scheme known as the “Microgeneration Certification Scheme(6)”.’;

(b) in Part 2 after paragraph 7 insert—

“8. Conducting research, carrying out statistical analysis or providing information in respect of the characteristics of buildings or building units.”; and

(c) for Part 3 substitute—

“PART 3

Interpretation

In this Schedule—

“post-16 education body” has the same meaning as in section 35(1) of the Further and Higher Education (Scotland) Act 2005(7);

“energy efficiency improvements” has the same meaning as in section 2 of the Energy Act 2011;

“London borough council” includes the Common Council of the City of London; and

“registered social landlord” means a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010(8).”.

(3) Regulation 17A was inserted by [S.S.I. 2012/208](#).

(4) Regulation 17B was inserted by [S.S.I. 2012/208](#).

(5) Schedule 1 was inserted by [S.S.I. 2012/315](#).

(6) The Microgeneration Certification Scheme is an industry led quality assurance scheme. For further details see: <http://www.microgenerationcertification.org>.

(7) [2005 asp 6](#). Section 35(1) is relevantly amended by paragraph 8(23) of Schedule 1 to The Post-16 Education (Scotland) Act 2013 ([asp 12](#)).

(8) [2010 asp 17](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
