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STATUTORY INSTRUMENTS

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**2012 No. 3170**

**BUILDING AND BUILDINGS  
ENERGY CONSERVATION**

**The Energy Act 2011 (Amendment) (Energy  
Performance of Buildings) Regulations 2012**

*Made* - - - - *20th December 2012*  
*Laid before Parliament* *2nd January 2013*  
*Coming into force* - - *25th January 2013*

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Energy Act 2011 (Amendment) (Energy Performance of Buildings) Regulations 2012 and come into force on 25th January 2013.

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

**Amendments to the Energy Act 2011**

2.—(1) Section 11 of the Energy Act 2011<sup>(3)</sup> is amended as follows.

(2) In subsection (6), for the words from “a document” to “is” substitute—  
“—

- (a) data from which a document of a description falling within subsection (3) or (4) may be produced, or
- (b) a document of a description falling within subsection (5),

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(1) [S.I. 2008/301](#).

(2) [1972 c.68](#). Section 2(2) is amended by the Legislative and Regulatory Reform Act [2006 \(c.51\)](#), section 27(1), and by the European Union (Amendment) Act [2008 \(c.7\)](#), section 3(3) and Schedule, Part 1. Under section 57 of the Scotland Act [1998 \(c.46\)](#), despite the transfer to the Scottish Ministers of functions in relation to the implementation of obligations under Community law in respect of devolved matters, the Secretary of State retains power to exercise those functions as regards Scotland.

(3) [2011 c.16](#).

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**Status:** This is the original version (as it was originally made).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

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is”.

(3) In subsection (9), after “document” in each place insert “or data”.

20th December 2012

*Gregory Barker*  
Minister of State  
Department of Energy and Climate Change

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## EXPLANATORY NOTE

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

These Regulations amend section 11 of the Energy Act 2011 (c.16) (“the 2011 Act”). That section relates to the green deal energy efficiency scheme established by Chapter 1 of Part 1 of the 2011 Act (“the green deal scheme”) and provides the Secretary of State with a power to require documents holding information about green deal plans to be updated in certain circumstances.

The amendments made by this instrument ensure that section 11 of the 2011 Act is consistent with recent changes to the implementation in England and Wales and Scotland of article 7 of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings (2002/EC, OJ No L 1, 4.1.2003, p65). That Directive lays down the requirements for the production of an energy performance certificate (“EPC”) when a building is constructed, sold or rented out and for the display of such certificates in large public buildings.

Under regulation 8 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012 (S.I. 2012/809) (“the 2008 Regulations”), regulation 31 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991) (“the 2007 Regulations”) was modified so that the EPC register is required to be a register of data, rather than a register of documents as previously. The 2008 Regulations were made after the 2011 Act obtained Royal Assent.

The 2007 Regulations will be replaced by the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118) with effect from 9th January 2013. The EPC register will, under these new regulations, continue to be a register of data.

A similar amendment to the Energy Performance of Buildings (Scotland) Regulations 2008 (S.S.I. 2008/309) has been made by regulations 7 to 11 of the Energy Performance of Buildings (Scotland) (Amendment) Regulations 2012 (S.S.I. 2012/190) in connection with the Scottish EPC/recommendations report register.

These Regulations amend section 11 of the Energy Act 2011 to reflect these changes, and will enable the Secretary of State to include provision in the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 (S.I. 2012/2079) (“the Framework Regulations”) requiring a green deal provider to update data from which an EPC (and, in Scotland, a recommendations report) is produced, rather than updating the EPC/recommendations report document itself.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. However, a full regulatory impact assessment of the effect that the green deal scheme will have on the costs of business and the voluntary sector is available from the Green Deal Legislation Team, Department of Energy and Climate Change at 3 Whitehall Place, London SW1A 2AW and is published alongside the Framework Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).