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STATUTORY INSTRUMENTS

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**2018 No. 362**

**BUILDING AND BUILDINGS,  
ENGLAND AND WALES**

**The Energy Performance of Buildings (England  
and Wales) (Amendment) Regulations 2018**

<i>Made</i>	- - - -	<i>13th March 2018</i>
<i>Laid before Parliament</i>		<i>15th March 2018</i>
<i>Coming into force</i>	- -	<i>6th April 2018</i>

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 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>(3)</sup>.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 6th April 2018.

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

2. The Energy Performance of Buildings (England and Wales) Regulations 2012<sup>(4)</sup> are amended in accordance with the following regulations.

**Amendment of regulation 2**

3. In paragraph 1 of regulation 2 (interpretation), omit the definition of “personal data”.

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

(2) [1972 c.68](#). Section 2(2) was amended by section 27(1)(a) 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](#)).

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

(4) [S.I. 2012/3118](#), as amended by [S.I. 2016/284](#), [S.I. 2016/888](#) and [S.I. 2017/368](#); there are other amendments which are not relevant to this instrument.

**Amendment of regulation 28**

4. In regulation 28 (fees for entering data onto register)—
- (a) in paragraph (a), for “£1.82” substitute “£1.86”; and
  - (b) in paragraph (b), for “£10.12” substitute “£9.84”.

**Amendment of regulation 32**

5. In paragraph (2) of regulation 32 (disclosure by keeper of register)—
- (a) for “A person keeping a register on the Secretary of State’s behalf” substitute “The keeper of the register”; and
  - (b) after “may disclose general access data or bulk access data to the Secretary of State” insert “, or to a person acting on behalf of the Secretary of State,”.

**Amendment of Schedule B1**

6. In Schedule B1 (specified data items for online publication)—
- (a) in paragraph 2, at the end, before the full stop, insert—
    - “
    - (qqqq) the accreditation scheme that lodged the data items specified in this paragraph”;
  - (b) in paragraph 3, at the end, before the full stop, insert—
    - “
    - (bb) the accreditation scheme that lodged the data items specified in this paragraph”;
    - and
  - (c) in paragraph 4, at the end, before the full stop, insert—
    - “
    - (gg) assessment end date,
    - (hh) occupancy level,
    - (ii) the accreditation scheme that lodged the data items specified in this paragraph”.

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

*Dominic Raab*  
Minister of State  
Ministry of Housing, Communities and Local  
Government

13th March 2018

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## 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 implement 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).

Regulation 3 removes the definition of “personal data” in regulation 2 of the principal regulations as the term is no longer used in the principal regulations.

Regulation 4 amends fees for entering data onto the register of energy performance certificates, display energy certificates and air conditioning inspection reports kept under regulation 27 (registration of certificates etc) of the principal regulations.

Regulation 5 amends regulation 32 (disclosure by keeper of register) of the principal regulations to clarify that where general or bulk access data may be disclosed by the keeper of the register to the Secretary of State, it may also be disclosed to a person acting on behalf of the Secretary of State.

Regulation 6 adds items to Schedule B1 (specified data items for online publication) to the principal regulations, which lists items taken from the bulk data, that is the whole set of data in relation to any building that is entered onto the register in relation to the production of certificates and reports. The keeper of the register may publish any of those items on a website in accordance with regulation 30A (publication of bulk access data on a website) of the principal regulations, unless the building is the subject of an opt-out by the owner or occupier in accordance with regulation 30(3) (disclosure of general access data).

A privacy impact assessment for the provisions relating to disclosure of information from the register was undertaken before Schedule B1 was inserted in the principal regulations by S.I 2016/284. It is available with the explanatory memorandum for those Regulations at [www.legislation.gov.uk/](http://www.legislation.gov.uk/). A copy is also available from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

An impact assessment has not been produced for this instrument as no impact, or minimal, impact, on the public, private or voluntary sectors is foreseen.