
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 170

**The Energy Performance of Buildings (Certificates
and Inspections) Regulations (Northern Ireland) 2008**

PART 1

INTRODUCTORY

Citation and commencement

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008.

(2) Subject to regulation 4 and 6(1) and notwithstanding regulation A5 of the Building Regulations (Northern Ireland) 2000⁽¹⁾, these Regulations apply to all buildings including buildings which would otherwise be exempt from building regulations by virtue of regulation A5.

(3) Each provision of these Regulations referred to in column (2) of the Table in the Schedule shall come into operation on the date referred to in column (1) of that Table, for the purposes referred to in column (3).

Commencement Information

II [Reg. 1](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Interpretation

2.—(1) In these Regulations—

“accreditation scheme” means a scheme approved by the Department in accordance with regulation 19;

“advisory report” means a report issued by an energy assessor, after his energy assessment of the building, which contains recommendations for the cost-effective improvement of the energy performance of the building;

“air-conditioning system” means a combination of all the components required to provide a form of air treatment in which the temperature is controlled or can be lowered, and includes systems which combine such air treatment with the control of ventilation, humidity and air cleanliness;

[^{F1}“asset rating” means an energy performance indicator determined from the amount of energy estimated to meet the different needs associated with a standardised use of a building, calculated and expressed in accordance with the national calculation methodology;]

[^{F2}“authorised officer” means any person who is authorised by an enforcement authority in writing, either generally or specifically, to act in matters arising out of these Regulations;]

[^{F3}“building” means a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a building unit;]

[^{F4}“building element” means a technical building system or a controlled fitting or a thermal element of the building envelope;]

[^{F5}“building envelope” means the integrated elements of a building which separate its interior from the outdoor environment;

“building unit” means a section, floor or apartment within a building which is designed or altered to be used separately;

“commercial media” means any material produced specific to a building, on any medium, with the intention of advertising the building for sale or rent;]

[^{F6}“controlled fitting” includes windows, doors, roof windows or roof lights;]

“Department” means the Department of Finance and Personnel;

“display energy certificate” means a certificate that complies with regulation 12;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“effective rated output” means the maximum calorific output (expressed in kilowatts) specified and guaranteed by the manufacturer of the system as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

“energy assessor” means an individual who is a member of an accreditation scheme in accordance with regulation 19;

[^{F7}“energy performance” in relation to a building means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;]

“energy performance certificate” means a certificate that complies with regulation 8 [^{F8}and includes a recommendation report] ;

[^{F9}“excluded building” means a building owned, occupied or used from time to time by or for the purposes of—

- (a) national security;
- (b) any of the armed forces;
- (c) the Royal Family;
- (d) a prison; or
- (e) a young offenders institution;]

“inspection report” means a report issued by an energy assessor in accordance with regulation 16;

[^{F10}“issued” means entered onto the relevant register of documents in accordance with regulation 25(2);

“major renovation” means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;]

[^{F11}“national calculation methodology” means—

- (a) for the calculation and expression of asset ratings—

- (i) in relation to dwellings at construction completion; the Government’s Standard Assessment Procedure (SAP) for Energy Rating of Dwellings;
- (ii) in relation to dwellings on sale or rent; the Government’s Standard Assessment Procedure (SAP) or Reduced Data SAP (RdSAP) for Energy Rating of Dwellings; and
- (iii) in relation to a building other than a dwelling;
 - (aa) the Simplified Building Energy Model (SBEM); or
 - (bb) a Dynamic Simulation Model (DSM); and
- (b) for the calculation and expression of operational ratings; the Government methodology for the production of Operational Ratings, Display Energy Certificates and Advisory Reports,
that is implemented with Government approved software;]

“nominated date” means, in relation to a display energy certificate, a date not more than 3 months after the end of the period over which the operational rating is calculated, which is nominated by the energy assessor who issued the certificate;

[^{F12}“operational rating” means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of 12 months (unless regulation 13(3) applies), ending not earlier than 3 months before the nominated date, and calculated and expressed in accordance with the national calculation methodology;]

[^{F13}“opt-out” means—

- (a) the owner or occupier of a building to which a document relates has notified the keeper of the register that the data is not to be disclosed;
- (b) the notice was given in writing, or by electronic communication sent to an address or location specified by the keeper of the register for the purpose of the receipt of such notices; and
- (c) the notice has not been withdrawn by the owner or occupier (by the means referred to in paragraph (b));]

[^{F14}“recommendation report” means a report included in the energy performance certificate and includes the measures set out in regulation 7;]

“relevant person” means—

- (a) in relation to a building which is to be sold, the seller;
- (b) in relation to a building which is to be rented out, the prospective landlord;
- (c) in relation to a building in circumstances where regulation 6 applies, the person responsible for having the construction work carried out ; and
- (d) in relation to an air-conditioning system, the person who has control of the operation of the system.

[^{F15}“technical building system” means technical equipment for the heating, cooling, ventilation, hot water, lighting or for a combination thereof, of a building; [^{F16};

[^{F16}“thermal element” has the same meaning as in regulation 38 of the Building Regulations (Northern Ireland) 2012; and]

“total useful floor area” means the total area of all enclosed spaces measured to the inside face of the external walls, that is, the gross floor area, and in the case of sloping surfaces such as staircases, galleries, raked auditoria and tiered terraces shall be taken as their area on plan but shall exclude areas that are not enclosed such as open floors, covered ways and balconies.]

(2) Unless otherwise defined in these Regulations, terms used in these Regulations have the same meaning as in [F17 Directive 2010/31/EU] of the European Parliament and the Council on the energy performance of buildings.

Textual Amendments

- F1** Words in reg. 2(1) substituted (1.12.2016) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/395), regs. 1, **4(a)**
- F2** Words in reg. 2(1) inserted (3.12.2009) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/369), regs. 1, **3(a)**
- F3** Words in reg. 2(1) substituted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(a)**
- F4** Words in reg. 2(1) inserted (25.2.2014) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/43), regs. 1, **3(1)(a)**
- F5** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(b)**
- F6** Words in reg. 2(1) inserted (25.2.2014) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/43), regs. 1, **3(1)(b)**
- F7** Words in reg. 2(1) inserted (1.12.2016) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/395), regs. 1, **4(b)**
- F8** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(c)**
- F9** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(d)**
- F10** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(e)**
- F11** Words in reg. 2(1) inserted (1.12.2016) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/395), regs. 1, **4(c)**
- F12** Words in reg. 2(1) substituted (1.12.2016) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/395), regs. 1, **4(d)**
- F13** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(f)**
- F14** Words in reg. 2(1) substituted (25.2.2014) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/43), regs. 1, **3(1)(c)**
- F15** Words in reg. 2(1) inserted (18.2.2013) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/12), regs. 1, **3(h)**
- F16** Words in reg. 2(1) substituted (25.2.2014) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/43), regs. 1, **3(1)(d)**
- F17** Words in reg. 2(2) substituted (25.2.2014) by The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/43), regs. 1, **3(2)**

Commencement Information

- I2** Reg. 2 in operation at 30.6.2008, see **reg. 1(3)**

Prospective buyer or tenant

3. A person becomes a prospective buyer or tenant in relation to a building when he—
- requests any information about the building from the relevant person or his agent for the purposes of deciding whether to buy or rent the building;
 - makes a request to view the building for the purposes of deciding whether to buy or rent the building; or

(c) makes an offer, whether oral or written, to buy or rent the building.

Commencement Information

I3 [Reg. 3](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008, PART 1.