
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 170

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

PART 5

ENERGY ASSESSORS

Accreditation schemes

19.—(1) An energy assessor shall be a member of an accreditation scheme approved by the Department.

(2) The terms of approval of any accreditation scheme may be limited in relation to—

- (a) the categories of building for which members may produce certificates; and
- (b) the types of air-conditioning systems members may inspect.

(3) Before approving an accreditation scheme, the Department shall be satisfied that the scheme contains adequate provision—

- (a) for ensuring that members of the scheme carry out consistent and accurate energy assessments in an independent manner;
- (b) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to carry out energy assessments;
- [^{F1}(c) for requiring members of the scheme to prepare—
 - (i) energy performance certificates and recommendation reports;
 - (ii) display energy certificates and advisory reports; and
 - (iii) inspection reports, using the standard format for each type of document as approved by the Department.]
 - (d) for ensuring that it produces and publishes a code with regard to the conduct required of its members;
 - (e) for indemnity arrangements in relation to relevant persons and prospective or actual buyers or tenants;
 - (f) for facilitating the resolution of complaints against members of the scheme;
 - (g) for requiring energy performance certificates, recommendation reports, [^{F2}inspection reports.] display energy certificates and advisory reports produced by members of the scheme to be entered on the relevant register maintained pursuant to Part 6; and
 - (h) for the keeping of a register of the members of the scheme.

Textual Amendments

- F1** Reg. 19(3)(c) substituted (1.12.2016) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/395\)](#), regs. 1, **8(a)**
- F2** Words in reg. 19(3)(g) inserted (1.12.2016) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/395\)](#), regs. 1, **8(b)**

Commencement Information

- I1** [Reg. 19](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Related party disclosures

20. An energy assessor shall include in each energy performance certificate and display energy certificate that he has issued a declaration of any personal or business relationship (other than in relation to producing the certificate) that he has with—

- (a) the person who commissioned the certificate;
- (b) any person on whose behalf the certificate was commissioned; and
- (c) any person whom he believes—
 - (i) has or may have a personal or business relationship with a person referred to in paragraph (a) or (b); or
 - (ii) has or may have an interest in the building.

Commencement Information

- I2** [Reg. 20](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Duty of care

- 21.**—(1) Energy assessors shall carry out energy assessments with reasonable care and skill.
- (2) The duty imposed by paragraph (1) shall be enforceable by the following persons—
- (a) the relevant person;
 - (b) in the case of an energy performance certificate and recommendation report, any prospective or actual buyer or tenant during the period of validity of the certificate; and
 - (c) in the case of a display energy certificate and advisory report, the occupier of the building.
- (3) Any cause of action arising in relation to the duty imposed by paragraph (1) is deemed not to be an action founded on tort for the purposes of the Limitation (Northern Ireland) Order 1989(1).

Commencement Information

- I3** [Reg. 21](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Right to copy documents

22. Any person may, for the purpose of complying with any duty imposed by these Regulations, copy or issue a copy of any document produced by an energy assessor.

Commencement Information

I4 [Reg. 22](#) in operation at 30.6.2008, see [reg. 1\(3\)](#)

Meaning of energy assessment

- 23.** In this Part and in Part 8, a reference to “energy assessment” includes a reference to—
- (a) the preparation and issuing of energy performance certificates;
 - (b) the preparation and issuing of recommendation reports;
 - (c) the preparation and issuing of display energy certificates;
 - (d) the preparation and issuing of advisory reports;
 - (e) the preparation and issuing of inspection reports; and
 - (f) the carrying out of any inspections undertaken for the purposes of issuing any of the documents referred to in paragraphs (a) to (e).

Commencement Information

I5 [Reg. 23](#) 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 5.