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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016

PART 3

Implementation of action plans or operational rating measures

**Implementation of building improvement measures**

8.—(1) Subject to paragraph (2), the owner of the building or building unit to which the action plan relates must complete the building improvement measures before the compliance date for the building or building unit.

(2) The compliance date for the building or building unit is the later of—

- (a) date of expiry of the compliance period for the building or building unit; or
- (b) where on that date paragraph (3) applies in respect of the building or building unit, the first date occurring on which there is no valid display energy certificate in respect of the building or building unit.

(3) This paragraph applies where—

- (a) the current action plan contains a statement that operational rating measures are to be implemented in respect of the building or building unit; and
- (b) there is, and since the date of issue of the first display energy certificate in respect of the building or building unit has always been, a valid display energy certificate in respect of the building or building unit.

(4) In this regulation—

“building improvement measures” means the building improvement measures identified in the current action plan for the building or building unit; and

“compliance date” has the meaning given in paragraph (2).

**Confirmation of completion of building improvement measures**

9.—(1) Where building improvement measures identified in an action plan have been completed the owner of the building or building unit to which the action plan relates must—

- (a) ensure that an energy performance certificate for that building or building unit is issued on or after the date of completion of the building improvement measures; and
- (b) ensure that a document (“document of confirmation of improvement”) containing the information specified in paragraph (2) is issued.

(2) The information is—

- (a) the report reference number for—

- (i) the energy performance data relating to the energy performance certificate issued by virtue of paragraph (1)(a); and
- (ii) the energy performance data relating to the action plan which identifies the building improvement measures;
- (b) the address of the building or building unit;
- (c) the unique property reference number for the building or building unit;
- (d) a description of the building improvement measures;
- (e) the date on which the building improvement measures were completed;
- (f) the unique identification number for the member of the approved organisation issuing the document; and
- (g) the date on which the document is issued.

### **Implementation of operational rating measures**

**10.**—(1) Where the current action plan for a building or building unit states that operational rating measures are to be implemented in respect of that building or building unit, the owner of the building or building unit must implement operational rating measures in respect of the building or building unit.

- (2) Operational rating measures are implemented in respect of a building or building unit where—
- (a) there is a valid display energy certificate for the building or building unit; and
  - (b) that valid display energy certificate is displayed within the building or building unit in a prominent place clearly visible to persons using the building or building unit.

### **Display Energy Certificate**

**11.**—(1) A display energy certificate for a building or building unit must—

- (a) include the report reference number for the energy improvement data relating to that display energy certificate;
- (b) where there is a valid energy performance certificate for the building or building unit, include the asset rating for the building or building unit;
- (c) include a reference value;
- (d) include the operational rating for the building or building unit;
- (e) be issued by a qualified member of an approved organisation for that category of building or building unit;
- (f) include the following information—
  - (i) the address of the building or building unit;
  - (ii) the total useful floor area of the building or building unit;
  - (iii) the unique identification number for the member of the approved organisation issuing the display energy certificate; and
  - (iv) the date on which it was issued; and
- (g) specify the nominated date.

(2) A display energy certificate for a building or building unit is valid for a period of one year from the nominated date specified under paragraph (1)(g).

(3) Paragraph (1)(d) does not apply in respect of a display energy certificate if the date of issue of that display energy certificate is earlier than the date falling 15 months after the date of issue of the first action plan for the building or building unit.

(4) The date to be specified under paragraph (1)(g) (“the nominated date”) must be a date, determined by the person issuing the display energy certificate, which is both—

- (a) no later than the date of issue of the display energy certificate; and
- (b) no later than three months after the date of the expiry of the assessment period.

(5) Where a display energy certificate previously issued in respect of the building or building unit included an operational rating the display energy certificate is—

- (a) where only one such previous display energy certificate has been issued, to state the operational rating included in that certificate; or
- (b) where two or more such previous display energy certificates have been issued, to state the operational rating included in the two most recently issued certificates.

(6) A display energy certificate must not contain any information or data from which a living individual (other than the person issuing it or that person’s employer) can be identified.

(7) In this regulation—

“assessment period” means , in respect of a display energy certificate, the period, determined by an approved methodology, in respect of which the operational rating included in the display energy certificate is calculated;

“nominated date” has the meaning given in paragraph (4);

“reference value” means such current legal standard or benchmark which makes it possible to compare and assess the energy performance of the building or building unit;

“total useful floor area” means the gross floor area as measured in accordance with the guidance issued from time to time by the Royal Institution of Chartered Surveyors or by a body replacing that Institution; and

“valid energy performance certificate” means an energy performance certificate which on the date on which the display energy certificate is issued has not ceased to be valid in terms of regulation 6(2)(b) of the 2008 Regulations.

### **Advisory report**

**12.**—(1) An advisory report is a report prepared and issued in connection with a display energy certificate which includes advice on, and cost effective and technically feasible recommendations for—

- (a) the improvement of the energy performance of the building or building unit; and
- (b) the reduction of emissions of greenhouse gases produced by or otherwise associated with that building or building unit.

(2) An advisory report must be issued by a qualified member of an approved organisation—

- (a) for that category of building or building unit; and
- (b) in relation to the issuing of display energy certificates.

(3) An advisory report must not contain any information or data (except for the address of the building or building unit) from which a living individual (other than the person issuing it or that person’s employer) can be identified.