

POLICY NOTE

THE ENERGY PERFORMANCE OF BUILDINGS (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/386

The above instrument amends the Energy Performance of Buildings (Scotland) Regulations 2008 (“the 2008 Regulations”). It was made in exercise of the powers conferred by section 75 of the Energy Act 2011(), as regards changes to the provisions of the 2008 Regulations relating to disclosure of data and otherwise in exercise of powers conferred by section 2(2) of the European Communities Act 1972(.). This instrument is subject to negative procedure.

Policy Objectives

Amendments to existing regulations are to facilitate wider access to energy performance certificate data, as this is not personal data, and to strengthen the enforcement regime for energy performance certificates.

Changes to the regulations on access to energy performance data will extend access and the use of this data. The list of authorised recipients is expanded by regulation 2(10). In practical terms, these changes will improve access to information for building owners and the public, enable broader use of the energy performance data held on the Scottish Energy Performance Certificate Register and support publication of that data.

The role of enforcement authority for the purpose of enforcement of the duties under the regulations, for example in respect of the display of energy performance certificates in public buildings, is to be extended to enable appointment of Local Authorities outwith their own area and potentially also of a third party. The aim is to remove any conflict of interest situation which may arise.

Having considered the potential impact of these revisions a consultation and equality impact assessment was not deemed necessary. Local authorities, as the enforcing authority for these regulations, have been consulted regarding changes to enforcement provisions.

Financial Effects

The Minister for Local Government and Community Empowerment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Local Government and Communities Directorate

November 2015