
STATUTORY INSTRUMENTS

2008 No. 2363

**The Energy Performance of Buildings
(Certificates and Inspections) (England and
Wales) (Amendment No.2) Regulations 2008**

**Amendments to the Energy Performance of Buildings (Certificates and Inspections)
(England and Wales) Regulations 2007**

2.—(1) The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 11(4) (energy performance certificates) for “twelve months” substitute “3 years”.

(3) In regulation 14(2) (purposes for which certificates and recommendation reports may be disclosed)—

(a) after sub-paragraph (d) insert the following sub-paragraphs—

“(dd) where the disclosure is by or to an energy assessor for a purpose legitimately connected to the assessment of the dwelling concerned;

(de) where the disclosure is of the address and the asset rating only, by or to the Energy Saving Trust Limited in respect of any dwelling—

(i) for the purpose of the provision to the occupier of that dwelling of information on financial support available for the improvement of its energy performance, or

(ii) for statistical or research purposes,

provided in the latter case that no particular property is identifiable from the information disclosed;”;

(b) after sub-paragraph (ee) insert the following sub-paragraph—

“(ef) where the disclosure is by or to an approved inspector for a purpose legitimately connected with the functions of an approved inspector under Part 2 of the Building Act 1984;”.

(4) In regulation 17(1)(e)(iii) (display energy certificates) omit “an estimate of”.

(5) In regulation 31 (registration of certificates etc.) for paragraph (2) substitute—

“(2) An energy assessor who issues any of the documents referred to in paragraph (1) must ensure that the document, and the data which, in accordance with the methodology of calculation of the energy performance of buildings approved by the Secretary of State under regulation 17A of the Building Regulations 2000, was used to calculate any asset rating or operational rating, and to produce the document, is entered onto the relevant register before the assessor gives the document to the person who requested that it be issued.”.

(6) After regulation 34 (disclosures with reference number) insert the following regulation—

“Disclosures whether an energy performance certificate for a building other than a dwelling has been entered on the register

34A. The keeper of the register may disclose to any person, in response to a request made by that person in relation to a specified building other than a dwelling—

- (a) whether an energy performance certificate is entered on the register for the building in question; and
- (b) the date on which any such certificate was issued.”.

(7) After regulation 35 (disclosures to approved accreditation schemes) insert the following regulations—

“Disclosures to energy assessors in relation to dwellings

35A. The keeper of the register may disclose any document or data concerning a dwelling to an energy assessor—

- (a) for the purpose of the assessment of the dwelling concerned; or
- (b) for any other purpose undertaken on behalf of the owner or tenant of the dwelling concerned.

Disclosures to the Energy Saving Trust Limited

35B.—(1) The keeper of the register may disclose to the Energy Saving Trust Limited for the purposes set out in paragraph (2) the address of any dwelling in respect of which an energy performance certificate showing an asset rating in a category specified in a request by that company has been entered on the register.

(2) The purposes referred to in paragraph (1) are-

- (a) the provision to the occupier of that dwelling of information on financial support available for the improvement of its energy performance; and
- (b) statistical or research purposes,

provided that in any use for the latter purpose no particular property is identifiable.”.

(8) After regulation 36 (disclosures to enforcement authorities) add the following regulation—

“Disclosures to approved inspectors

36A. The keeper of the register may disclose any document or data to an approved inspector in connection with functions under Part 2 of the Building Act 1984 in relation to the building to which the document or data relates.”.

(9) In regulation 51 (transitional arrangements – property on market at commencement)—

(a) in paragraph (7)—

(i) at the end of sub-paragraph (b) add the words “for any dwelling; or”, and

(ii) after sub-paragraph (b) insert—

“(c) on 4th January 2009 for any building other than a dwelling.”;

(b) for paragraph (9) substitute—

“(9) Notwithstanding paragraph 7(b) and (c), where a contract for the sale or rent of a building to which this regulation applies has been entered into before—

(a) 1st October 2008 in a case where paragraph 7(b) applies, or

(b) 4th January 2009 in a case where paragraph 7(c) applies,

paragraph (5) shall continue to apply in relation to that transaction.”.