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## STATUTORY INSTRUMENTS

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# 2010 No. 2214

## The Building Regulations 2010

### PART 6

#### Energy Efficiency Requirements

##### Application of energy efficiency requirements

- 21.**—(1) The energy efficiency requirements apply to—
- (a) the erection of any building of a kind falling within this paragraph;
  - (b) the extension of any such building, other than an extension to which paragraph (4) applies; and
  - (c) the carrying out of any work to or in connection with any such building or extension.
- (2) A building falls within paragraph (1) if it—
- (a) is a roofed construction having walls;
  - (b) uses energy to condition the indoor climate; and
  - (c) does not fall within one or more of the categories listed in paragraph (3).
- (3) The categories referred to in paragraph (2)(c) are—
- (a) buildings which are—
    - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <sup>M1</sup>;
    - (ii) in a conservation area designated in accordance with section 69 of that Act; or
    - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 <sup>M2</sup>,where compliance with the energy efficiency requirements would unacceptably alter their character or appearance;
  - (b) buildings which are used primarily or solely as places of worship;
  - (c) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
  - (d) stand-alone buildings other than dwellings with a total useful floor area of less than 50m<sup>2</sup>.
- (4) This paragraph applies to any extension of a building falling within class 7 in Schedule 2 except a conservatory or porch—
- (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window; or
  - (b) into which the building's heating system has been extended.

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**Changes to legislation:** The Building Regulations 2010, PART 6 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) In this regulation, the following terms have the same meaning as in <sup>F1</sup>[<sup>F2</sup>European Parliament and Council Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings (recast)] —

- (i) “industrial sites”;
- (ii) “low energy demand”;
- (iii) “non-residential agricultural buildings”;
- (iv) “places of worship”;
- (v) “stand-alone”;
- (vi) “total useful floor area”;
- (vii) “workshops”.

#### Textual Amendments

- F1** Words in reg. 21(5) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **12** (with reg. 1(2)(3))
- F2** Words in reg. 21(5) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 14**, Sch. 1 (with reg. 1(3)(4), 45-47)

#### Marginal Citations

- M1** 1990 c.9.
- M2** 1979 c.46; section 1 was amended by Schedule 4 to the [National Heritage Act 1983 \(c.47\)](#).

### Requirements relating to a change to energy status

**22.** Where there is a change to a building's energy status, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1.

### <sup>F3</sup>[<sup>F4</sup>Requirements for the renovation or replacement of thermal elements

**23.—**(1) Where the renovation of an individual thermal element—

- (a) constitutes a major renovation; or
- (b) amounts to the renovation of more than 50% of the element's surface area;

the renovation must be carried out so as to ensure that the whole of the element complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.

(2) Where the whole or any part of an individual thermal element is proposed to be replaced and the replacement—

- (a) constitutes a major renovation; or
- (b) (in the case of part replacement) amounts to the replacement of more than 50% of the thermal element's surface area;

the whole of the thermal element must be replaced so as to ensure that it complies with paragraph L1(a)(i) of Schedule 1, in so far as that is technically, functionally and economically feasible.]

### Textual Amendments

- F3** Reg. 23 substituted (W. for remaining purposes) (19.4.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **13** (with regs. 1(2)(3), 35, 36)
- F4** Reg. 23 substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 15, Sch. 1** (with reg. 1(3)(4), 45-47)

## Methodology of calculation and expression of energy performance

**24.**—(1) The Secretary of State shall approve—

- (a) a methodology of calculation of the energy performance of buildings, including methods for calculating asset ratings and operational ratings of buildings; and
- (b) ways in which the energy performance of buildings, as calculated in accordance with the methodology, shall be expressed.

(2) In this regulation—

“asset rating” means a numerical indicator of the amount of energy estimated to meet the different needs associated with a standardised use of the building; and

“operational rating” means a numerical indicator of the amount of energy consumed during the occupation of a building over a period of time.

## Minimum energy performance requirements for new buildings

**25.** The Secretary of State shall approve minimum energy performance requirements for new buildings, in the form of target CO<sub>2</sub> emission rates, which shall be <sup>F5</sup>[<sup>F6</sup>set in accordance with] the methodology approved pursuant to regulation 24.

### Textual Amendments

- F5** Words in reg. 25 substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **14** (with reg. 1(2)(3))
- F6** Words in reg. 25 substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 16, Sch. 1** (with reg. 1(3)(4), 45-47)

## <sup>F7</sup>Consideration of high-efficiency alternative systems for new buildings

**25A.**—(1) Before construction of a new building starts, the person who is to carry out the work must analyse and take into account the technical, environmental and economic feasibility of using high-efficiency alternative systems (such as the following systems) in the construction, if available—

- (a) decentralised energy supply systems based on energy from renewable sources;
- (b) cogeneration;
- (c) district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable sources; and

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- (d) heat pumps.
- (2) The person carrying out the work must—
  - (a) not later than the beginning of the day before the day on which the work starts, give the local authority a notice which states that the analysis referred to in paragraph (1)—
    - (i) has been undertaken;
    - (ii) is documented; and
    - (iii) the documentation is available to the authority for verification purposes; and
  - (b) ensure that a copy of the analysis is available for inspection at all reasonable times upon request by an officer of the local authority.
- (3) An authorised officer of the local authority may require production of the documentation in order to verify that this regulation has been complied with.
- (4) The analysis referred to in paragraph (1)—
  - (a) may be carried out for individual buildings or for groups of similar buildings or for common typologies of buildings in the same area; and
  - (b) in so far as it relates to collective heating and cooling systems, may be carried out for all buildings connected to the system in the same area.
- (5) In this regulation—
  - (a) “cogeneration” means simultaneous generation in one process of thermal energy and one or both of the following—
    - (i) electrical energy;
    - (ii) mechanical energy;
  - (b) “district or block heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network of multiple buildings or sites, for the use of space or process heating or cooling;
  - (c) “energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; and
  - (d) “heat pump” means a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. (For reversible heat pumps, it may also move heat from the building to the natural surroundings.)]

#### Textual Amendments

- F7** Regs. 25A, 25B inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 17**, **Sch. 1** (with [reg. 1\(3\)\(4\)](#), 45-47)
- Regs. 25A, 25B inserted (W. for remaining purposes) (19.4.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), **regs. 1(4)**, **15** (with [regs. 1\(2\)\(3\)](#), 35, 36)

## [F7] Nearly zero-energy requirements for new buildings

**25B.** Where a building is erected, it must be a nearly zero-energy building.]

### Textual Amendments

- F7** Regs. 25A, 25B inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 17, Sch. 1** (with [reg. 1\(3\)\(4\), 45-47](#))  
Regs. 25A, 25B inserted (W. for remaining purposes) (19.4.2013 for specified purposes) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), **regs. 1(4), 15** (with [regs. 1\(2\)\(3\), 35, 36](#))

## CO<sub>2</sub> emission rates for new buildings

**26.** Where a building is erected, it shall not exceed the target CO<sub>2</sub> emission rate for the building that has been approved pursuant to regulation 25.

## CO<sub>2</sub> emission rate calculations

**27.**—(1) This regulation applies where a building is erected and regulation 26 applies.

(2) Not later than the day before the work starts, the person carrying out the work shall give the local authority a notice which specifies—

- (a) the target CO<sub>2</sub> emission rate for the building,
- (b) the calculated CO<sub>2</sub> emission rate for the building as designed, and
- (c) a list of specifications to which the building is to be constructed.

(3) Not later than five days after the work has been completed, the person carrying out the work shall give the local authority—

- (a) a notice which specifies—
  - (i) the target CO<sub>2</sub> emission rate for the building,
  - (ii) the calculated CO<sub>2</sub> emission rate for the building as constructed, and
  - (iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2)(c), and if not a list of any changes to those specifications; or
- (b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority are authorised to accept, as evidence that the requirements of regulation 26 have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the CO<sub>2</sub> emission rate.

### Modifications etc. (not altering text)

- C1** Reg. 27 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), **regs. 1, 20(1)**

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**C2** Reg. 27(3) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(2)**

### Consequential improvements to energy performance

**28.**—(1) Paragraph (2) applies to an existing building with a total useful floor area over 1,000m<sup>2</sup> where the proposed building work consists of or includes—

- (a) an extension;
- (b) the initial provision of any fixed building services; or
- (c) an increase to the installed capacity of any fixed building services.

(2) Subject to paragraph (3), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(3) Nothing in paragraph (2) requires work to be carried out if it is not technically, functionally and economically feasible.

### Energy performance certificates

**29.**—(1) This regulation applies where—

- (a) a building is erected <sup>M3</sup>; or
- (b) a building is modified so that it has a greater or lesser number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation.

(2) The person carrying out the work shall—

- (a) give an energy performance certificate for the building to the owner of the building; and
- (b) give to the local authority notice to that effect, including the reference number under which the energy performance certificate has been registered in accordance with regulation 30(4).

(3) The energy performance certificate and notice shall be given not later than five days after the work has been completed.

(4) An energy performance certificate must—

- (a) express the asset rating of the building in a way approved by the Secretary of State under regulation 24;
- (b) include a reference value such as a current legal standard or benchmark;
- (c) be issued by an energy assessor who is accredited to produce energy performance certificates for <sup>F8</sup>[<sup>F9</sup>the category of building to which the certificate relates]; <sup>F10</sup><sup>F11</sup> ...

<sup>F12</sup>[<sup>F13</sup>(cc) include a recommendation report unless there is no reasonable potential for energy performance improvements (in terms of the applicable energy efficiency requirements);

(cd) be valid in accordance with paragraph (9); and]

(d) include the following information—

<sup>F14</sup>[<sup>F15</sup>(i) the reference number under which the set of data from which the certificate may be produced has been entered onto the register in accordance with regulation 30(4);]

(ii) the address of the building, or in the case of a portable building the address of the owner;

(iii) an estimate of the total useful floor area of the building; [<sup>F16</sup>and]

<sup>F17</sup>(iv) .....

<sup>F18</sup>(v) .....

(vi) the date on which it was issued [<sup>F19</sup>.]

<sup>F20</sup>(vii) .....

[<sup>F21</sup>(e) where it relates to a building which is a green deal property, include the information specified in Schedule 4A in connection with each green deal plan that has been entered into in respect of that green deal property and for which payments are still to be made under that plan.]

<sup>F22F23</sup>(5) .....

(6) Certification for apartments or units designed or altered for separate use in blocks may be based—

- (a) except in the case of a dwelling, on a common certification of the whole building for blocks with a common heating system; or
- (b) on the assessment of another representative apartment or unit in the same block.

(7) Where—

- (a) a block with a common heating system is divided into parts designed or altered for separate use; and
- (b) one or more, but not all, of the parts are dwellings,

certification for those parts which are not dwellings may be based on a common certification of all the parts which are not dwellings.

<sup>F24</sup>[<sup>F25</sup>(8) Certification for a building which consists of a single dwelling may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality, provided such correspondence is guaranteed by the energy assessor issuing the energy performance certificate.

(9) An energy performance certificate is only valid if—

- (a) it was entered on the register no more than 10 years before the date on which it is made available; and
- (b) no other energy performance certificate for the building has since been entered on the register.

[<sup>F26</sup>(9A) An energy performance certificate is only valid for the purposes of complying with the green deal disclosure obligations if it was—

- (a) issued by an energy assessor; or
- (b) produced under regulation 30 of the Energy Performance of Buildings (England and Wales) Regulations 2012 pursuant to a request for the disclosure of general access data relating to a green deal property,

no more than twelve months before the date on which the energy performance certificate is provided in connection with those obligations.]

(10) An energy performance certificate must not contain any information or data (except for the address of the building) from which a living individual (other than the energy assessor or his employer) can be identified.]

[<sup>F27</sup>(11) An energy performance certificate must not contain any information relating to a green deal plan for which the payment period has finished.

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(12) In this regulation, “green deal plan” has the meaning given in section 1 of the Energy Act 2011.]

### Textual Amendments

- F8** Words in reg. 29(4)(c) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **16(a)** (with reg. 1(2)(3))
- F9** Words in reg. 29(4)(c) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 18(a)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F10** Word in reg. 29(4)(c) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 18(b)(i)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F11** Word in reg. 29(4)(c) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **16(b)(i)** (with reg. 1(2)(3))
- F12** Reg. 29(4)(cc)(cd) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **16(b)(ii)** (with reg. 1(2)(3))
- F13** Reg. 29(4)(cc)(cd) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 18(b)(ii)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F14** Reg. 29(4)(d)(i) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **16(c)** (with reg. 1(2)(3))
- F15** Reg. 29(4)(d)(i) substituted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 18(c)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F16** Word in reg. 29(4)(d)(iii) inserted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(1)(a)**
- F17** Reg. 29(4)(d)(iv) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(1)(b)**
- F18** Reg. 29(4)(d)(v) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(1)(b)**
- F19** Word in reg. 29(4)(d)(vi) substituted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(1)(c)**
- F20** Reg. 29(4)(d)(vii) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(1)(b)**
- F21** Reg. 29(4)(e) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **5(2)**
- F22** Reg. 29(5) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building](#)



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Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), **reg. 18(d)**, Sch. 1 (with reg. 1(3)(4), 45-47)

- F23** Reg. 29(5) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013](#) (S.I. 2013/747), regs. 1(4), **16(d)** (with reg. 1(2)(3))
- F24** Reg. 29(8)(9)(10) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013](#) (S.I. 2013/747), regs. 1(4), **16(e)** (with reg. 1(2)(3))
- F25** Reg. 29(8)-(10) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), **reg. 18(e)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F26** Reg. 29(9A) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013](#) (S.I. 2013/10), regs. 1(1), **5(3)**
- F27** Reg. 29(11)(12) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013](#) (S.I. 2013/10), regs. 1(1), **5(4)**

#### Modifications etc. (not altering text)

- C3** Reg. 29 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010](#) (S.I. 2010/2215), regs. 1, **20(1)**
- C4** Reg. 29(3) modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010](#) (S.I. 2010/2215), regs. 1, **20(3)**

#### Marginal Citations

- M3** Regulation 9 of [S.I. 2007/991](#) contains a requirement to provide an energy performance certificate five days after the completion of construction work on certain buildings exempt from these Regulations.

### [<sup>F28</sup> Recommendation reports

**29A.—(1)** In these Regulations a “recommendation report” means recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building.

(2) A recommendation report must include—

- (a) recommended cost-effective measures that could be carried out in connection with a major renovation of the building envelope or fixed building services;
- (b) recommended cost-effective measures for individual building elements that could be carried out without the necessity for a major renovation of the building envelope or fixed building services;
- (c) an indication as to how the owner or tenant can obtain more detailed information about improving the energy efficiency of the building, including more detailed information about the cost-effectiveness of the recommendations; and
- (d) information on the steps to be taken to implement the recommendations.

(3) Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.

(4) In this regulation “building element” means a controlled service or fitting or a thermal element of the building envelope.]

#### Textual Amendments

- F28** Reg. 29A inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), **reg. 19**, Sch. 1 (with reg. 1(3)(4), 45-47)

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Reg. 29A inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **17** (with reg. 1(2)(3))

## Energy assessors

**30.**—(1) An energy assessor must be a member of an accreditation scheme approved by the Secretary of State.

(2) The terms of approval of any accreditation scheme may be limited in relation to the categories of building for which members may produce certificates.

(3) Before approving an accreditation scheme the Secretary of State must 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;
- (c) for requiring members of the scheme to prepare energy performance certificates and recommendation reports using a standard form for each type of document;
- (d) for ensuring the production and publication of a code as regards the conduct required of its members;
- (e) for indemnity arrangements in relation to owners and prospective or actual buyers or tenants;
- (f) for facilitating the resolution of complaints against members of the scheme;
- <sup>F29</sup><sup>F30</sup>(g) for requiring the sets of data from which may be produced energy performance certificates and recommendation reports prepared by members of the scheme to be entered onto the relevant register referred to in paragraph (4);]
- (h) for the keeping of a register of the members of the scheme.

(4) An energy assessor who issues an energy performance certificate and recommendation report must ensure [<sup>F31</sup>that the data used to produce them is] entered onto the relevant register maintained by the Secretary of State in accordance with <sup>F32</sup>[<sup>F33</sup>regulation 27 of the Energy Performance of Buildings (England and Wales) Regulations 2012 ]<sup>M4</sup> before giving them to the person who requested them.

### Textual Amendments

- F29** Reg. 30(3)(g) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **18(a)** (with reg. 1(2)(3))
- F30** Reg. 30(3)(g) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 20(a)**, Sch. 1 (with regs. 1(3), 45-47)
- F31** Words in reg. 30(4) substituted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. 1(3), **11(2)**
- F32** Words in reg. 30(4) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **18(b)** (with reg. 1(2)(3))
- F33** Words in reg. 30(4) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 20(b)**, Sch. 1 (with regs. 1(3), 45-47)

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#### Marginal Citations

**M4** S.I. 2012/ 3118.

#### Related party disclosures

**31.** An energy assessor must include in an energy performance certificate a declaration of any personal or business relationship (other than in relation to producing the certificate) that the energy assessor has with—

- (a) the person who commissioned the certificate; and
- (b) any person who the energy assessor believes—
  - (i) has or may have a personal or business relationship with the person who commissioned the certificate; or
  - (ii) has or may have an interest in the building.

#### Duty of care

**32.—**(1) Energy assessors must 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 owner; and
- (b) any prospective or actual buyer or tenant of the building during the period of validity of the certificate.

(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 Act 1980<sup>M5</sup>.

#### Marginal Citations

**M5** 1980 c.58.

#### Right to copy documents

**33.** Any person may, for the purpose of complying with any duty imposed by these Regulations or <sup>F34</sup>[<sup>F35</sup>the Energy Performance of Buildings (England and Wales) Regulations 2012], copy or issue a copy of any document produced by an energy assessor.

#### Textual Amendments

**F34** Words in reg. 33 substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013](#) (S.I. 2013/747), regs. 1(4), **19** (with reg. 1(2)(3))

**F35** Words in reg. 33 substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), **reg. 21**, Sch. 1 (with regs. 1(3), 45-47)

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## <sup>F36</sup>Application of building regulations to educational buildings, buildings of statutory undertakers and Crown Buildings

**34.**—(1) Regulations [<sup>F37</sup>11(3),] 21, 23(1)(a), 25, 25A, 25B, 26, 29 (apart from regulations 29(4) (e), 29(9A), 29(10), 29(11) and 29(12)), 29A and 35(1) apply (in so far as applicable by virtue of regulation 21) to—

- (a) educational buildings and buildings of statutory undertakers (notwithstanding section 4(1) of the Act);
- (b) Crown buildings; and
- (c) building work carried out or proposed to be carried out by Crown authorities.

(2) In this regulation “educational buildings and buildings of statutory undertakers” means buildings which fall within paragraphs (a), (b) or (c) of section 4(1) of the Act.]

### Textual Amendments

**F36** Reg. 34 substituted (6.2.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2013 \(S.I. 2013/181\)](#), regs. 1(3), 7

**F37** Word in reg. 34(1) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (3.6.2013) by [The Building \(Amendment\) Regulations 2013 \(S.I. 2013/1105\)](#), regs. 1(2), **3(3)** (with reg. 1(3)(4))

## Interpretation of Part 6

**35.**—(1) In this Part—

“building” means the building as a whole or parts of it that have been designed or altered to be used separately;

<sup>F38</sup><sup>F39</sup>“building envelope” in relation to a building means the walls, floor, roof, windows, doors, roof windows and roof-lights;

“Crown authority” means the Crown Estate Commissioners, a Minister of the Crown, a government department, any other person or body whose functions are performed on behalf of the Crown (not being a person whose functions are performed on behalf of Her Majesty in her private capacity), or a person acting in right of the Duchy of Lancaster or the Duchy of Cornwall;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government Department, or held in trust for Her Majesty for the purposes of a government department;

“Crown building” means a building in which there is a Crown interest or a Duchy interest;

“Duchy interest” means an interest belonging to her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; ]

“energy assessor” means an individual who is a member of an accreditation scheme approved by the Secretary of State in accordance with regulation 30; <sup>F40</sup><sup>F41</sup> ...

<sup>F42</sup><sup>F43</sup>“major renovation” means the renovation of a building where more than 25% of the surface area of the building envelope undergoes renovation; and

“nearly zero-energy building” means a building that has a very high energy performance, as determined in accordance with a methodology approved under regulation 24, where the nearly zero or very low amount of energy required should be covered to a very significant extent by

energy from renewable sources, including energy from renewable sources produced on-site or nearby.]

F44F45 ...

- (2) In this Part 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; and
  - (c) the carrying out of any inspections undertaken for the purposes of preparing energy performance certificates or recommendation reports.

#### Textual Amendments

- F38** Words in reg. 35(1) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(a)** (with reg. 1(2)(3))
- F39** Words in reg. 35(1) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(a)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F40** Word in reg. 35(1) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(b)(i)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F41** Word in reg. 35(1) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(b)(i)** (with reg. 1(2)(3))
- F42** Words in reg. 35(1) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(b)(ii)** (with reg. 1(2)(3))
- F43** Words in reg. 35(1) inserted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(b)(ii)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F44** Words in reg. 35(1) omitted (E., but only in relation to educational buildings and buildings of statutory undertakers in W., Crown buildings in W., building work carried out or proposed to be carried out by Crown authorities in W., and excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 23(c)**, Sch. 1 (with reg. 1(3)(4), 45-47)
- F45** Words in reg. 35(1) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **20(b)(iii)** (with reg. 1(2)(3))

**Status:**

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