
STATUTORY INSTRUMENTS

2012 No. 3118

**The Energy Performance of Buildings
(England and Wales) Regulations 2012**

PART 6

Registration and Disclosure of Data Relating to Certificates and Reports

Registration of certificates etc

27.—(1) [^{F1}Subject to paragraph (6),] the Secretary of State shall maintain one or more registers of data from which the following documents may be produced—

- (a) energy performance certificates;
- (b) display energy certificates; ^{F2}...
- (c) inspection reports^{F3}; and
- (d) recommendation reports]

(2) An energy assessor who issues a document referred to in paragraph (1)(a) or (b) must ensure that the data which, in accordance with the methodology of calculation of the energy performance of buildings approved by the Secretary of State under regulation 24 of the Building Regulations 2010^{M1}, 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.

[^{F4}(2A) Where an energy assessor issues an energy performance certificate relating to a green deal property, the data which the assessor must ensure is entered onto the relevant register in accordance with paragraph (2) includes the green deal information relating to that property.]

(3) An energy assessor who issues an inspection report must ensure that the data required by regulation 19(3) to be included in the report is entered onto the relevant register before the assessor gives the document to the relevant person.

(4) Each set of data entered onto the register from which a particular document may be produced—

- (a) shall be registered under a unique reference number; and
- (b) [^{F5}subject to paragraph (4A)] shall not be altered once registered.

[^{F6}(4A) The green deal information entered onto the relevant register in respect of a green deal property may be altered in accordance with provision made under section 11(6) of the Energy Act 2011.]

[^{F7}(4B) An energy assessor who issues a recommendation report (whether as part of an energy performance certificate under regulation 9(1)(d) or as a separate document) must ensure that the data that is required to be included in the report by regulation 4(2) (recommendation reports) is entered onto the relevant register before the assessor gives the report to the person who requested that it be issued.]

(5) Any data entered on the register must be kept on the register for a period of at least 20 years beginning on the date on which it is entered onto the register.

[^{F8}(6) This regulation does not apply to—

- (a) an energy performance certificate issued under regulation 9A (energy performance certificates in respect of excluded buildings);
- (b) a display energy certificate issued under regulation 15A (display energy certificates in respect of excluded buildings);
- (c) an inspection report issued under regulation 19A (inspection reports in respect of excluded buildings); or
- (d) a recommendation report to which paragraph (7) applies.

(7) This paragraph applies to a recommendation report which—

- (a) is included in an energy performance certificate issued under regulation 9A (energy performance certificates in respect of excluded buildings);
- (b) is issued in relation to a building together with a display energy certificate issued in relation to that building under regulation 15A (display energy certificates in respect of excluded buildings).]

Textual Amendments

- F1** Words in [reg. 27\(1\)](#) inserted (6.4.2016) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **15(a)(i)**
- F2** Word in [reg. 27\(1\)\(b\)](#) omitted (6.4.2016) by virtue of [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **15(a)(ii)**
- F3** [Reg. 27\(1\)\(d\)](#) and word added (6.4.2016) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **15(a)(iii)**
- F4** [Reg. 27\(2A\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **10(2)**
- F5** Words in [reg. 27\(4\)\(b\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **10(3)**
- F6** [Reg. 27\(4A\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **10(4)**
- F7** [Reg. 27\(4B\)](#) inserted (6.4.2016) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **15(b)**
- F8** [Reg. 27\(6\)\(7\)](#) added (6.4.2016) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **15(c)**

Marginal Citations

- M1** [S.I. 2010/2214](#).

Fees for entering data onto register

28. The keeper of the register may charge the following fees for entering data onto the register on or after 9th January 2013—

- (a) for entering data from which an energy performance certificate which relates to a dwelling may be produced, a fee of [^{F9}£1.50];
- (b) for entering data from which—
 - (i) an energy performance certificate which relates to a building other than a dwelling,
 - (ii) a display energy certificate, or

(iii) an inspection report,
may be produced, a fee of [^{F10}£1.70].

Textual Amendments

- F9** Sum in Reg. 28(a) substituted (1.4.2022) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/413\)](#), regs. 1(2), **2(2)(a)**
- F10** Sum in Reg. 28(b) substituted (1.4.2022) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/413\)](#), regs. 1(2), **2(2)(b)**

Disclosure of data: general

29.—[^{F11}(1) A person must not disclose data collected under these regulations to any other person unless the disclosure is in accordance with regulation 29A, 30, 30A or 32.]

(2) It is an offence for a person to disclose, or permit the disclosure of, data otherwise than in accordance with paragraph (1).

(3) A person guilty of an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F11** [Reg. 29\(1\)](#) substituted (24.6.2024) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/640\)](#), regs. 1(2), **3**

[^{F12}Disclosure of assessment data

29A.—(1) The keeper of the register, an accreditation scheme or an energy assessor may disclose assessment data—

(a) in relation to a particular building, to—

(i) the owner, landlord or occupier of that building; or

(ii) a third party with the consent of a person listed in (i);

(b) in relation to an air-conditioning system to which Part 4 applies, to the relevant person.

(2) In this regulation “assessment data” means any data held that was collected during an energy assessment, whether or not that data has been entered onto a register but does not include—

(a) green deal information; or

(b) the name of an individual.

(3) “Energy assessment” has the meaning given in regulation 26.

(4) This regulation does not apply in relation to excluded buildings.]

Textual Amendments

- F12** [Reg. 29A](#) inserted (24.6.2024) by [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/640\)](#), regs. 1(2), **4**

Disclosure of general access data

30.—(1) The keeper of the register may disclose general access data [^{F13}which does not relate to a building or a building unit that is a green deal property] to any person if the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) a request for disclosure of the data to the person has been made by means of a website operated by the keeper;
- (b) the request includes at least one of the following—
 - (i) the full postcode of that building;
 - (ii) the name of the road or street on which, and the name of the city, town, village or parish in which that building is located; or
 - (iii) the report reference number of the valid energy performance certificate that relates to the building^{F14} ... [^{F15}; and]

[^{F16}(c) subject to paragraph (2ZA), no opt-out is in effect in respect of the data.]

^{F17}(d)

[^{F18}(2ZA) The condition in paragraph (2)(c) does not apply where the request—

- (a) is for data that is required to be included in a display energy certificate; or
- (b) includes the report reference number of the valid energy performance certificate that relates to the building.]

[^{F19}(2A) The keeper of the register may disclose general access data which relates to a building or a building unit which is a green deal property to—

- (a) any person if the conditions in paragraph (2)(a), (b)(iii) [^{F20}and (c)] are met;
- (b) a person who is acting on behalf of another person—
 - (i) who is or may be required to comply with the green deal disclosure obligations; or
 - (ii) to whom an energy performance certificate is required to be provided pursuant to the green deal disclosure obligations,

if the conditions in paragraph (2)(a), (b)(i) or (ii) [^{F21}and (c)] are met.]

(3) In this regulation—

- (a) an opt-out is in effect in respect of data where—
 - (i) the owner or occupier of the building to which the data relates has notified the keeper that the data is not to be disclosed,
 - (ii) the notice was given in writing, or by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such notices, and
 - (iii) the notice has not been withdrawn by the owner or occupier (by the means referred to in this sub-paragraph)^{F22}...

^{F23}(b)

Textual Amendments

F13 Words in [reg. 30\(1\)](#) inserted (27.1.2013) by [The Energy Performance of Buildings \(England and Wales\) etc. \(Amendment\) Regulations 2013 \(S.I. 2013/10\)](#), regs. 1(1), **11(2)**

F14 Word in [reg. 30\(2\)\(b\)](#) omitted (6.4.2016) by virtue of [The Energy Performance of Buildings \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/284\)](#), regs. 1(2), **17(a)(i)**

- F15** Words in reg. 30(2)(b) inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(a)(i)**
- F16** Reg. 30(2)(c) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(a)(ii)**
- F17** Reg. 30(2)(d) omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(a)(iii)**
- F18** Reg. 30(2ZA) inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(b)**
- F19** Reg. 30(2A) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **11(3)**
- F20** Words in reg. 30(2A)(a) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(c)(i)**
- F21** Words in reg. 30(2A)(b) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(c)(ii)**
- F22** Words in reg. 30(3)(a) omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(d)(i)**
- F23** Reg. 30(3)(b) omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **17(d)(ii)**

[^{F24}Publication of bulk access data on a website

[^{F25}**30A.**—(1) Subject to paragraph (2), the keeper of the register may publish on a website bulk access data relating to any building appearing on the register.

(2) Under this regulation the keeper of the register may not publish the name of an individual or any data in relation to which an opt-out is in effect in accordance with regulation 30(3).]

Textual Amendments

- F24** Reg. 30A inserted (1.6.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(3), **18**
- F25** Reg. 30A(1)(2) substituted (24.6.2024) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2024 (S.I. 2024/640), regs. 1(2), **5**

Disclosure of bulk access data

^{F26}**31.**

Textual Amendments

- F26** Reg. 31 revoked (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(4), **20**

Disclosure by keeper of register

32.—(1) The keeper of the register may disclose general access data or bulk access data—

(a) to an enforcement authority for the purposes of their duty under regulation 34(2);

[^{F27}(aa) to the building safety regulator for the purposes of its duty under section 91 of the Building Act 1984;]

- (b) to a local authority for the purposes of their duty under section 91 of the Building Act 1984^{M2};
- (c) to ^{F28}[a registered building control approver for the purposes of the approver's] functions under Part 2 of the Building Act 1984; or
- (d) for the purpose of—
 - (i) the prevention or detection of crime;
 - (ii) the apprehension or prosecution of alleged offenders;
 - (iii) any proceedings in a court or tribunal; or
 - (iv) complying with an order or a court or tribunal.^{F29}; or
- (e) to the Office for National Statistics for statistical or research purposes]

(2) ^{F30}[The keeper of the register] may disclose general access data or bulk access data to the Secretary of State ^{F31}[, or to a person acting on behalf of the Secretary of State,] for the purpose of enabling the Secretary of State to carry out any function under or in connection with these Regulations, or for statistical or research purposes.

^{F32}(2A) ^{F33}[Where the keeper of the register discloses general access data or bulk access data to the Secretary of State or to the Office for National Statistics for statistical or research purposes, such data may be published by the Secretary of State or the Office of National Statistics (as the case may be) if—]

- (a) the data is published in anonymised form; and
- (b) the data does not include any information revealing the report reference number for an energy performance certificate.

(2B) In paragraph (2A) “anonymised form” means that the data is in a form calculated to prevent the data from being identified as relating to a particular person or building.]

^{F34}(3) The keeper of the register may disclose general access data or bulk access data to—

- (a) the Secretary of State;
- (b) a person acting on behalf of the Secretary of State; or
- (c) the Green Deal Ombudsman,

for the purpose of enabling that person to carry out any function under or in connection with Part 8 of the Green Deal Framework Regulations.

(4) In this regulation, “Green Deal Ombudsman” has the meaning given in regulation 2(1) of the Green Deal Framework Regulations.]

^{F35}(5) The keeper of the register may disclose to a person who operates an accreditation scheme approved by the Secretary of State under regulation 22—

- (a) any document entered onto the register; and
 - (b) any associated data.
- (6) Any document or data which is disclosed under paragraph (5)—
- (a) may only be disclosed to the operator of the accreditation scheme through which the energy assessor entered the document or data on the register; and
 - (b) shall not include any green deal information or any information revealing the report reference number for an energy performance certificate relating to a green deal property.
- (7) The keeper of the register may disclose bulk access data, which relates to a dwelling, to—
- (a) the Gas and Electricity Markets Authority (“the Authority”);
 - (b) the Secretary of State; and

(c) a person acting on behalf of the Authority or the Secretary of State; for the purposes of enabling the Authority or the Secretary of State to carry out any function in relation to a scheme established under section 100 of the Energy Act 2008.

[^{F36}(7A) The keeper of the register may disclose bulk access data which relates to a building to a green deal relevant person if the data is to be used by that person solely for one or more of the following purposes—

- (a) promoting energy efficiency improvements in relation to buildings;
- (b) promoting and marketing energy efficiency improvements that may be made pursuant to a green deal plan;
- (c) determining whether energy efficiency improvements that may be made pursuant to a green deal plan have or have not been made in respect of a particular building or buildings.

(7B) The keeper of the register may disclose bulk access data which relates to a building to the Secretary of State, or to a person acting on behalf of the Secretary of State, for one or more of the following purposes—

- (a) the carrying out of any function of the Secretary of State under—
 - (i) sections 33BC (promotion of reductions in carbon emissions: gas transporters and gas suppliers) or 33BD (promotion of reductions in home-heating costs: gas transporters and gas suppliers) of the Gas Act 1986,
 - (ii) sections 41A (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers) or 41B (promotion of reductions in home-heating costs: electricity distributors and electricity suppliers) of the Electricity Act 1989,
 - (iii) the Green Deal Framework Regulations, or
 - (iv) the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015;
- (b) promoting energy efficiency improvements in relation to buildings.

(7C) The keeper of the register may disclose bulk access data which relates to a building to the Gas and Electricity Markets Authority, or to a person acting on behalf of the Authority, for one or more of the following purposes—

- (a) the carrying out of any functions of the Authority under the Electricity and Gas (Energy Company Obligation) Order 2014;
- (b) promoting energy efficiency improvements in relation to buildings.]

(8) Any data disclosed under paragraph (7) [^{F37}, (7A), (7B) or (7C)] shall not include any—

- ^{F38}(a)
- (b) information revealing the address or postcode of an identifiable person where an opt-out has effect under regulation 30.]

Textual Amendments

- F27** Reg. 32(1)(aa) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **19(2)** (with regs. 22-24)
- F28** Words in reg. 32(1)(c) substituted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **39(1)** (with reg. 39(2)); and (W.) (25.4.2024) by [The Building Safety Act 2022 \(Commencement No. 5 and Consequential Amendments\) \(Wales\) Regulations 2024 \(S.I. 2024/447\)](#), regs. 1(1), **5** (with reg. 6)

Status: Point in time view as at 24/06/2024.

Changes to legislation: There are currently no known outstanding effects for the The Energy Performance of Buildings (England and Wales) Regulations 2012, PART 6. (See end of Document for details)

- F29** Reg. 32(1)(e) and word inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(a)**
- F30** Words in reg. 32(2) substituted (6.4.2018) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018 (S.I. 2018/362), regs. 1(2), **5(a)**
- F31** Words in reg. 32(2) inserted (6.4.2018) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018 (S.I. 2018/362), regs. 1(2), **5(b)**
- F32** Reg. 32(2A)(2B) inserted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **8(a)**
- F33** Words in reg. 32(2A) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(b)**
- F34** Reg. 32(3)(4) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **13**
- F35** Reg. 32(5)-(8) inserted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **8(b)**
- F36** Reg. 32(7A)-(7C) inserted (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(5)(a)**
- F37** Words in reg. 32(8) inserted (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(5)(b)**
- F38** Reg. 32(8)(a) omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(c)**

Marginal Citations

- M2** 1984 c.55. Section 91 was amended by Schedule 17 to the Local Government Act 1985 (c.51).

Fee for disclosure of bulk access data

^{F39}**33.**

Textual Amendments

- F39** Reg. 33 revoked (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **22**

Status:

Point in time view as at 24/06/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Performance of Buildings (England and Wales) Regulations 2012, PART 6.