
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 4

ESOS Assessments

CHAPTER 3

Energy savings opportunities

Duty to carry out an energy audit

26.—(1) Subject to Part 6, a responsible undertaking must carry out an energy audit in accordance with this Chapter—

- (a) in any case where the responsible undertaking has identified the participant's areas of significant energy consumption, in relation to those areas of significant energy consumption, or
- (b) in any other case, in relation to the participant's total energy consumption.

(2) A responsible undertaking may elect to comply with the requirements of paragraph (1) by carrying out two or more energy audits, each relating to a different area of the participant's energy consumption.

(3) So far as reasonably practicable, an energy audit must be based on verifiable data evidencing the participant's energy consumption in relation to its areas of significant energy consumption (or, where paragraph (1)(b) applies, its total energy consumption), measured in energy measurement units, over a 12 month period.

(4) Subject to paragraph (5), the 12 month period referred to in paragraph (3) must be a period of 12 consecutive months which—

- (a) in relation to the initial compliance period, begins—
 - (i) no earlier than 6th December 2010, and
 - (ii) no more than 24 months before the commencement of the energy audit,
- (b) in relation to a subsequent compliance period, begins—
 - (i) no more than 12 months before the start of the compliance period, and
 - (ii) no more than 24 months before the commencement of the energy audit, and

ends on or before the compliance date for that compliance period.

(5) The 12 month period must be such that no data is used as the basis for energy audits carried out in more than one compliance period.

(6) Where a responsible undertaking elects, in accordance with paragraph (2), to carry out two or more energy audits in relation to different areas of its energy consumption, the participant may use different 12 month periods for each of those audits.

- (7) In any case where verifiable data evidencing the participant's energy consumption is not available for a 12 month period in accordance with paragraph (3), the energy audit may be based on—
- (a) verifiable data evidencing the participant's energy consumption over a shorter period, provided that the requirements of paragraph (4) are complied with, or
 - (b) a reasonable estimate of the participant's energy consumption over the 12 month period referred to in paragraph (3).
- (8) Where paragraph (7) applies the responsible undertaking must—
- (a) notify the scheme administrator accordingly, and
 - (b) record details of the extent to which, and the reasons why, 12 months' verifiable data was not used.

Identification of energy saving opportunities

- 27.—(1) An energy audit must, so far as reasonably practicable—
- (a) analyse the participant's energy consumption and energy efficiency,
 - (b) identify any way in which the participant can improve its energy efficiency,
 - (c) recommend any measure falling within sub-paragraph (b) which is reasonably practicable and cost effective for the participant to implement (an "energy saving opportunity"), and
 - (d) identify the estimated costs and benefits of any energy saving opportunity.
- (2) The analysis required by paragraph (1)(a) must, where appropriate and reasonably practicable, be based on "energy consumption profiles".
- (3) For the purposes of this regulation, "energy consumption profile" means—
- (a) a breakdown of the different ways in which energy is consumed by activities carried on, and assets held, by the participant, and
 - (b) where appropriate, an analysis of any variations in that energy use.
- (4) For the purposes of paragraph (1)(c), whether a measure is cost effective to implement must be determined by reference to—
- (a) the estimated reduction in energy consumption which would be achieved as a result of the measure being implemented, calculated in terms of energy measurement units or energy spend, and
 - (b) the estimated cost of implementing the measure.
- (5) Whenever practicable, the cost of implementing a measure must be based on an analysis of whether the investment in the measure will be economical over its entire life, taking into account the costs of implementing the measure, including the costs of purchase, installation, maintenance, and depreciation.
- (6) In any case where the energy audit does not include an analysis based on energy consumption profiles, the responsible undertaking must—
- (a) notify the scheme administrator accordingly, and
 - (b) record details of the alternative method of analysis used and the extent to which, and the reasons why, the energy audit does not include an analysis based on energy consumption profiles.