STATUTORY RULES OF NORTHERN IRELAND

2016 No. 395

EUROPEAN COMMUNITIES

The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*9th November 2016*
Coming into operation	*1st December 2016*

The Department of Finance(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to the environment and in exercise of the powers conferred by section 2(2) of the said Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 1st December 2016.

Interpretation

2. In these Regulations "the principal Regulations" means the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008(**4**).

Amendment of the principal Regulations

3. The principal Regulations shall be amended as provided in regulations 4 to 8.

Amendment of Part 1 (Introductory)

4. In regulation 2(1) (Interpretation)—

(a) for the definition of "asset rating" substitute—

(**1**) The Department of Finance and Personnel was renamed the Department of Finance, section 1(4) of the Departments Act (NI) 2016 (c.5)
(**2**) S.I. 2008 No. 301
(**3**) 1972 c.68, section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7)
(**4**) S.R. 2008 No. 170, as amended by S.R. 2008 No. 241, S.R. 2009 No. 369, S.R. 2013 No.12 and S.R. 2014 No.43

""asset rating" means an energy performance indicator determined from the amount of energy estimated to meet the different needs associated with a standardised use of a building, calculated and expressed in accordance with the national calculation methodology;";

(b) after the definition of "energy assessor" insert—

""energy performance" in relation to a building means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;";

(c) after the definition of "major renovation" insert—

""national calculation methodology" means—

(a) for the calculation and expression of asset ratings—

(i) in relation to dwellings at construction completion; the Government's Standard Assessment Procedure (SAP) for Energy Rating of Dwellings;

(ii) in relation to dwellings on sale or rent; the Government's Standard Assessment Procedure (SAP) or Reduced Data SAP (RdSAP) for Energy Rating of Dwellings; and

(iii) in relation to a building other than a dwelling;

(aa) the Simplified Building Energy Model (SBEM); or

(bb) a Dynamic Simulation Model (DSM); and

(b) for the calculation and expression of operational ratings; the Government methodology for the production of Operational Ratings, Display Energy Certificates and Advisory Reports,

that is implemented with Government approved software;"; and

(d) for the definition of "operational rating" substitute—

""operational rating" means an energy performance indicator determined from the amount of energy consumed during the occupation of a building over a period of 12 months (unless regulation 13(3) applies), ending not earlier than 3 months before the nominated date, and calculated and expressed in accordance with the national calculation methodology;".

Amendment of Part 2 (Duties to produce energy performance certificates)

5.—(1) In regulation 5A (Energy performance indicator on marketing) in paragraph (3) after "Department" insert—

"to provide an indication of the energy efficiency of a building or building unit, calculated using the national calculation methodology and expressed on a scale of A+ to G (or A to G in the case of a building that is a dwelling), with G representing the least energy efficient rating".

(2) In regulation 8(1) (Energy performance certificates)—

(a) in sub-paragraph (b) for "state" substitute "show"; and

(b) in sub-paragraph (c) for "and benchmarks" substitute "or other benchmarks in order to make it possible to compare and assess the energy performance of the building".