STATUTORY RULES OF NORTHERN IRELAND

2013 No. 12

EUROPEAN COMMUNITIES

The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*21st January 2013*
Coming into operation	*18th February 2013*

The Department of Finance and Personnel, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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) 2013 and shall come into operation on 18th February 2013.

Interpretation

2. In these Regulations "the Principal Regulations" means the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008(**3**).

Amendments to Regulation 2 (Interpretation) of the Principal Regulations

3. Regulation 2(1) of the Principal Regulations is amended as follows—

(a) For the definition of "building" substitute—

> ""building" means a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a building unit;".

(b) After the definition of "building" insert—

> ""building envelope" means the integrated elements of a building which separate its interior from the outdoor environment;

(**1**) S.I. 2008 No. 301
(**2**) 1972 c. 68
(**3**) S.R. 2008 No. 170, as amended by S.R. 2008 No. 241 and S.R. 2009 No. 369

"building unit" means a section, floor or apartment within a building which is designed or altered to be used separately;

"commercial media" means any material produced specific to a building, on any medium, with the intention of advertising the building for sale or rent;".

(c) In the definition of "energy performance certificate" after "8" insert "and includes a recommendation report".

(d) After the definition of "energy performance certificate" insert—

""excluded building" means a building owned, occupied or used from time to time by or for the purposes of—

(a) national security;

(b) any of the armed forces;

(c) the Royal Family;

(d) a prison; or

(e) a young offenders institution;".

(e) After the definition of "inspection report" insert—

""issued" means entered onto the relevant register of documents in accordance with regulation 25(2);

"major renovation" means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;".

(f) After the definition of "operational rating" insert—

""opt-out" means—

(a) the owner or occupier of a building to which a document relates has notified the keeper of the register that the data is not to be disclosed;

(b) the notice was given in writing, or by electronic communication sent to an address or location specified by the keeper of the register for the purpose of the receipt of such notices; and

(c) the notice has not been withdrawn by the owner or occupier (by the means referred to in paragraph (b));".

(g) For the definition of "recommendation report" substitute—

""recommendation report" means a report included in the energy performance certificate that contains recommendations for the cost-effective improvement of the energy performance of the building;".

(h) After the definition of "relevant person" insert—

""technical building system" means technical equipment for the heating, cooling, ventilation, hot water, lighting or for a combination thereof, of a building;" and

"total useful floor area" means the total area of all enclosed spaces measured to the inside face of the external walls, that is, the gross floor area, and in the case of sloping surfaces such as staircases, galleries, raked auditoria and tiered terraces shall be taken as their area on plan but shall exclude areas that are not enclosed such as open floors, covered ways and balconies.".

Amendments to Regulation 4 (Application of Part 2) of the Principal Regulations

4.—(1) In regulation 4(1)(a) of the Principal Regulations for "buildings that are used primarily or solely as places of worship;" substitute "buildings used as places of worship and for religious activities;".

(2) In regulation 4(1)(b) delete "planned".

(3) In regulation 4(1)(c) after "demand" delete "and".

(4) In regulation 4(1)(d) for "." substitute "; and".

(5) After regulation 4(1)(d) insert—

"(e) non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance.".

Amendments to Regulation 5 (Energy performance certificates on sale and rent) of the Principal Regulations

5.—(1) After regulation 5(1) insert—

"(1A) Before a building is made available for sale or rent, the relevant person shall ensure that an energy performance certificate is issued for the building.".

(2) For regulation 5(2) substitute—

"(2) The relevant person or a person acting on his behalf shall show, free of charge, a valid energy performance certificate to any prospective buyer or tenant when the prospective buyer or tenant first makes an enquiry about a building.".

(3) For regulation 5(4) substitute—

"(4) This regulation does not apply in relation to a building that is to be sold or rented out where the relevant person can show that following the sale or rental, the building is to be demolished or subject to a major renovation or he believes on reasonable grounds that the prospective buyer or tenant of the building intends to demolish the building or undertake a major renovation of the building.".

(4) After regulation 5 insert—

"**Energy performance indicator on marketing**

5A.—(1) This regulation applies where a building is offered for sale or rent.

(2) The relevant person, or where a person is acting on his behalf that person, shall ensure that the energy performance indicator of the building as expressed in the energy performance certificate is stated in any advertisement for sale or rent of the building in commercial media.

(3) The energy performance indicator shall be in a form approved by the Department.".

Amendments to Regulation 6 (Energy performance certificates on construction) of the Principal Regulations

6.—(1) In regulation 6(1) for "2000(**a**)" substitute "2012(**4**)**"** and for "A5(1)(b) and (c)" substitute "4(2)(b) and (c)".

(2) In regulation 6(1)(a) after ";" delete "or".

(3) After regulation 6(1)(a) insert "(aa) a building has undergone a major renovation and was exempt under regulation 5(4); or".

(**4**) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375

Amendment to Regulation 7 (Recommendation reports) of the Principal Regulations

7. Regulation 7 shall be deleted.

Amendments to Regulation 8 (Energy performance certificates) of the Principal Regulations

8.—(1) After regulation 8(5) insert—

"(6) Certificates for single-family houses may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality if such correspondence can be guaranteed by the energy assessor issuing the energy performance certificate.".

(2) After regulation 8 insert—

"**Display of energy performance certificates**

8A.—(1) This regulation applies from 18th February 2013 to a building, other than a dwelling, which satisfies the following requirements—

(a) it has a total useful floor area of more than 500m^2; and

(b) it is frequently visited by the public.

(2) Where a valid energy performance certificate has been issued pursuant to regulation 5 for a building to which this regulation applies, the occupier shall ensure that the certificate shall be displayed in the building in a prominent place clearly visible to the public who visit the building.".

Amendments to Regulation 9 (Production of copies of energy performance certificates) of the Principal Regulations

9. On each occasion where it occurs, for "make available" substitute "show".

Amendments to Regulation 10 (Purposes for which certificates and recommendation reports may be disclosed) of the Principal Regulations

10.—(1) In regulation 10(2)(h)(iii) after "legal rights;" delete "or".

(2) In regulation 10(2)(h)(iv) for "." substitute "; or".

(3) After regulation 10(2)(h)(iv) insert—

"(v) providing any document or data to an accredited energy assessor solely where he has been engaged by a relevant person for a purpose legitimately connected with the assessment of the energy performance of a building.".

Amendment to Regulation 11 (Duties relating to display energy certificates and advisory reports) of the Principal Regulations

11. For regulation 11 substitute—

"**11.**—(1) This regulation applies from the specified date to buildings occupied by public authorities and frequently visited by the public.

(2) In this regulation the specified date is—

(a) for buildings with a total useful floor area over 500m^2, 18th February 2013; and

(b) for buildings with a total useful floor area over 250m^2, 9th July 2015.

(3) The occupier of any building to which this regulation applies shall—

(a) display at all times a valid display energy certificate in a prominent place clearly visible to the public; and

(b) have in his possession or control at all times a valid advisory report.

(4) A display energy certificate is valid for a period of 12 months beginning on the nominated date.

(5) An advisory report is valid for a period of 7 years beginning on the date it is issued.

(6) An advisory report shall be issued no longer than 28 days following the date of assessment by an energy assessor.".

Amendments to Regulation 16 (Inspection reports) of the Principal Regulations

12.—(1) In regulation 16(3) after "shall" insert "be in a form and shall".

(2) After regulation 16(3)(a) insert—

"(aa) the unique reference number under which the certificate has been registered in accordance with regulation 25".

Amendments to Regulation 25 (Registration of certificates etc.) of the Principal Regulations

13. In regulation 25—

(a) subparagraph (1)(b) delete "and";

(b) subparagraph (1)(c) for "." substitute "; and"; and

(c) after subparagraph (1)(c) insert—

"(d) inspection reports.".

Amendment to Regulation 27 (Disclosures with reference number) of the Principal Regulations

14. After regulation 27 insert—

"**Disclosures with address**

27A.—(1) The keeper of the register may disclose a document to any person if the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) a request for disclosure of the document has been made by means of a website operated by the keeper;

(b) the request includes—

(i) the full postal address (excluding the postcode) of the particular building to which the document relates;

(ii) the full postcode of that building; or

(iii) the name of the road or street on which, and the name of the city, town, village or townland in which, the building is located;

(c) where the request is for a document other than a display energy certificate, there is no opt-out in effect in respect of the document;

(d) the particular building to which the document relates is not an excluded building; and