

**2017 No. 368**

**BUILDING AND BUILDINGS, ENGLAND AND WALES**

**The Energy Performance of Buildings (England and Wales)  
(Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>13th March 2017</i>
<i>Laid before Parliament</i>		<i>15th March 2017</i>
<i>Coming into force</i>	- -	<i>6th April 2017</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 74 of the Energy Act 2011(c).

**Citation, commencement**

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 6th April 2017.

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

2. The Energy Performance of Buildings (England and Wales) Regulations 2012(d) are amended in accordance with the following regulations.

**Amendment of regulation 28**

3. In regulation 28 (fees for entering data onto the register)—

(a) in paragraph (a) for “£2.07” substitute “£1.82”; and

(b) in paragraph (b) for “£12.82” substitute “£10.12”.

**Amendment of Schedule B1**

4. In Schedule B1 (specified data items for online publication)—

(a) in the list of items in paragraph 2—

(i) omit “and” before item (uuu), and

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(a) S.I. 2008/301.

(b) 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).

(c) 2011 c.16.

(d) S.I. 2012/3118, as amended by S.I. 2016/284 and S.I. 2016/888; there are other amendments which are not relevant.

(ii) add at the end of the list the following items—

- “(vvv) the construction age band for the building,
- (www) the time stamp to show when the data were entered into the register,
- (xxx) the date on which the energy assessor completed the report,
- (yyy) the tenure type,
- (zzz) the indicative cost, typical saving per year and energy efficiency rating and environmental efficiency ratings associated with recommended improvements,
- (aaaa) whether a pressure test has been carried out or an assumed value has been used for air permeability,
- (bbbb) the results of any air permeability test,
- (cccc) the size of the living area,
- (dddd) the orientation of the front of the building,
- (eeee) the type of any conservatory,
- (ffff) the description of the main building part,
- (gggg) the amount of over-shading for the main building part,
- (hhhh) the number of open flues in the building,
- (iiii) the number of extract fans in the building,
- (jjjj) the number of pressure safety valves in the building,
- (kkkk) the number of flueless gas fires in the building,
- (llll) the number of sheltered sides of the building,
- (mmmm) the type of ventilation,
- (nnnn) the source of any mechanical ventilation data,
- (oooo) the product index number of any mechanical ventilation system,
- (pppp) the number of fans located in the kitchen,
- (qqqq) the number of ducts located in the kitchen,
- (rrrr) the number of fans in rooms other than the kitchen,
- (ssss) the number of ducts in rooms other than the kitchen,
- (tttt) the proportion of the total floor area served by the main heating system,
- (uuuu) the main heating data source,
- (vvvv) the boiler index number,
- (wwww) the age of the central heating pump,
- (xxxx) the type of heat emitter,
- (yyyy) the main heating flue type,
- (zzzz) whether there is a boiler interlock system,
- (aaaaa) whether the heating system has a delayed start thermostat,
- (bbbbb) whether the heating system has a load or weather compensator,
- (ccccc) the compensating controller index number,
- (ddddd) the type of water heating present in the building,
- (eeeee) the type of fuel used to heat water,
- (fffff) the type of insulation surrounding the hot water cylinder,
- (ggggg) the average thickness of the insulation surrounding the hot water cylinder,
- (hhhhh) the size of the hot water cylinder,
- (iiiiii) whether the hot water cylinder has a thermostat,
- (jjjjj) the description of any hot water thermal store,
- (kkkkk) the type of terrain where any wind turbine is located,
- (lllll) the total number of fixed lighting outlets,
- (mmmmm) the total number of low energy fixed lighting outlets,
- (nnnnn) the details of any solar water heating collector and solar storage,
- (ooooo) the product index number of the flue gas heat recovery system where recorded,
- (ppppp) the product index number of the waste water heat recovery system where recorded.”;

- (b) in the list of items in paragraph 3—
  - (i) omit “and” before item (z), and
  - (ii) add at the end of the list the following item—
    - “(aa) the time stamp to show when the data were entered onto the register.”; and
- (c) in the list of items in paragraph 4—
  - (i) omit “and” before item (dd), and
  - (ii) add at the end of the list the following items—
    - “(ee) the time stamp to show when the data were entered onto the register,
    - (ff) the nominated date for the assessment.”.

Signed by authority of the Secretary of State for Communities and Local Government

*Gavin Barwell*  
Minister to State

13th March 2017

Department for Communities and Local Government

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118) (“the principal regulations”), which implement Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (recast) (OJ No L 153, 18.6.2010, p. 13).

Regulation 3 amends fees for entering data onto the register of energy performance certificates, display energy certificates and air conditioning inspection reports kept under regulation 27 (registration of certificates etc) of the principal regulations.

Regulation 4 adds items to Schedule B1 (specified data items for online publication) to the principal regulations, which lists items taken from the bulk data, that is the whole set of data in relation to any building that is entered onto the register in relation to the production of certificates and reports. The keeper of the register may publish any of those items on a website in accordance with regulation 30A (publication of bulk access data on a website) of the principal regulations, unless the building is the subject of an opt-out by the owner or occupier in accordance with regulation 30(3) (disclosure of general access data).

A privacy impact assessment for the provisions relating to disclosure of information from the register was undertaken before Schedule B1 was inserted in the principal regulations by S.I. 2016/284. It is available with the explanatory memorandum for these Regulations at [www.legislation.gov.uk/](http://www.legislation.gov.uk/). A copy is also available from the Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF. An impact assessment has not been produced for this instrument as no impact, or minimal, impact, on the public, private or voluntary sectors is foreseen.

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