

**2007 No. 3302**

**BUILDING AND BUILDINGS, ENGLAND AND WALES**

**The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No. 2) Regulations 2007**

<i>Made</i> - - - -	<i>22nd November 2007</i>
<i>Laid before Parliament</i>	<i>23rd November 2007</i>
<i>Coming into force</i> - -	<i>31st December 2007</i>

The Secretary of State is a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to the energy performance of buildings. She makes the following regulations in exercise of the powers conferred by that section and by sections 1(1), 8(6), 35 and 47 of, and paragraphs 1, 2, 4, 7, 8 and 10 of Schedule 1 to, the Building Act 1984<sup>(c)</sup>.

**Citation, extent and commencement**

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No. 2) Regulations 2007.

(2) These Regulations extend to England and Wales.

(3) These Regulations shall come into force on 31st December 2007.

**Amendments of the principal regulations**

2.—(1) The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007<sup>(d)</sup> are amended as follows.

(2) In regulation 16(2) (duties relating to display energy certificates), for “6 April 2008”, substitute “1st October 2008”.

(3) In regulation 18(2)(a) (changes in occupier etc), for “6th April 2008”, substitute “1st October 2008”.

(4) In Schedule 1 (commencement), for paragraphs 8 to 12<sup>(e)</sup> of the table, substitute—

“8.	1st January 2008	Regulations 20 to 24 (Part 4).	All purposes.
9.	6th April 2008	Paragraphs 1(2)(b), 1(5), 1(9)(a) and	All purposes.

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(a) S.I. 2004/3328.

(b) 1972 c. 68.

(c) 1984 c. 55.

(d) S.I. 2007/991, amended by S.I. 2007/1669.

(e) Paragraphs 8 and 9 were amended by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2007 (S.I. 2007/1669).

		1(10)(a) of Schedule 2 and for these purposes only regulation 8 and paragraph 1(1) of that Schedule.	
10.	6th April 2008	Regulations 8 and 9 and paragraphs 1(1), 1(2)(a), 1(3), 1(4), 1(6), 1(8), 1(9)(b), 1(10)(b) and 2 of Schedule 2.	So far as any provision relates to any dwelling.
11.	6th April 2008	Regulations 5, 7(2), 8 and 9 and paragraphs 1(1), 1(2)(a), 1(3), 1(4), 1(6), 1(8), 1(9)(b), 1(10)(b) and 2 of Schedule 2	So far as each provision relates to any building with a total useful floor area over 10,000m <sup>2</sup> , other than a dwelling.
12.	1st July 2008	Regulations 5, 7(2), 8 and 9 and paragraphs 1(1), 1(2)(a), 1(3), 1(4), 1(6), 1(8), 1(9)(b), 1(10)(b) and 2 of Schedule 2.	So far as each provision relates to any building with a total useful floor area over 2,500m <sup>2</sup> , other than a dwelling.
13.	1st October 2008	Regulations 5, 7(2), 8 and 9 and paragraphs 1(1), 1(2)(a), 1(3), 1(4), 1(6), 1(8), 1(9)(b), 1(10)(b) and 2 of Schedule 2.	For all remaining purposes.”

22nd November 2007

*Yvette Cooper*  
Minister of State  
Department for Communities and Local Government

## **EXPLANATORY NOTE**

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

These Regulations amend the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (“the principal regulations”) in relation to various requirements related to energy performance certificates and recommendation reports. The principal regulations implement Articles 7 (energy performance certificate), and 10 (independent experts) of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the Energy Performance of Buildings (OJ No L 1 4.1.2003 p.65).

Regulation 2(2) defers the implementation of the requirement for large buildings which are occupied by public authorities and by institutions providing public services to a large number of persons and therefore frequently visited by these persons to display a display energy certificate from 6th April 2008 to 1st October 2008. Regulation 2(3) makes a consequential amendment.

Regulation 2(4) defers the implementation of the requirement for energy performance certificates for newly constructed dwellings from 1st January 2008 to 6th April 2008, changes the phasing arrangements for the implementation of the requirement for energy performance certificates on the sale or rent of buildings other than dwellings and introduces phasing for the implementation of the requirement for energy performance certificates on the construction of buildings other than dwellings.

A transposition note for the principal regulations, updated to show the amendments in these Regulations and previous amending regulations, and an impact assessment of the effect that these Regulations will have on the costs of business, the public and voluntary sector are available from the Department for Communities and Local Government website or from the Sustainable Buildings Division of the Department (Tel: 020 7944 8324; Fax: 020 7944 5719; e-mail: [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk)). Copies are also annexed to the explanatory memorandum to these Regulations which is available alongside the Regulations on the OPSI website at [www.opsi.gov.uk](http://www.opsi.gov.uk).

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The Energy Performance of Buildings (Certificates and  
Inspections) (England and Wales) (Amendment No. 2)  
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