



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 3

#### ENERGY EFFICIENCY

##### *Energy performance of non-domestic buildings*

#### **63 Non-domestic buildings: assessment of energy performance and emissions**

- (1) The Scottish Ministers must, by regulations—
  - (a) provide for the assessment of—
    - (i) the energy performance of non-domestic buildings;
    - (ii) the emission of greenhouse gases produced by or otherwise associated with such buildings or with activities carried out in such buildings;
  - (b) require owners of such buildings to take steps, identified by such assessments, to—
    - (i) improve the energy performance of such buildings;
    - (ii) reduce such emissions.
- (2) The regulations may in particular include provision about—
  - (a) the circumstances in which the regulations apply;
  - (b) the non-domestic buildings to which the regulations apply;
  - (c) the persons who may be required to have assessments carried out;
  - (d) the periods within which such assessments must be carried out;
  - (e) the procedure and methodology for assessing the energy performance of buildings;
  - (f) the procedure and methodology for assessing the greenhouse gas emissions produced by or otherwise associated with buildings or activities carried out in buildings;

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*Status: This is the original version (as it was originally enacted).*

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- (g) the persons who may carry out such assessments;
  - (h) the issuing of certificates following such assessments, including the form, manner and content of such certificates;
  - (i) the form of any recommendations, contained in such certificates, as to the improvement of the energy performance of buildings and the reduction of emissions produced by or otherwise associated with buildings or activities carried out in buildings;
  - (j) the manner in which and periods within which persons must take steps to comply with any recommendations contained in such certificates;
  - (k) the registration of such certificates;
  - (l) the disclosure of information which is entered in the register;
  - (m) subject to subsection (3), the enforcement authority in relation to the regulations;
  - (n) subject to subsection (5), the functions of that authority;
  - (o) the keeping of information and its production to the enforcement authority;
  - (p) the enforcement of the duties imposed by the regulations;
  - (q) offences in relation to failures to comply with requirements of the regulations.
- (3) The enforcement authority provided for in the regulations is to be such person or body as the Scottish Ministers consider appropriate.
- (4) The regulations may provide for the functions of the enforcement authority to be exercised by two or more such authorities and about the functions of each such authority.
- (5) The functions of the enforcement authority may include power to levy charges to recover the reasonable costs incurred by it in exercising its functions under the regulations.
- (6) The Scottish Ministers must, no later than 12 months after the day on which this section comes into force, publish a report setting out—
- (a) what measures they intend to take to reduce emissions from non-domestic buildings; and
  - (b) when they intend to make provision as mentioned in paragraphs (i) and (j) of subsection (2).
- (7) In this section, “non-domestic building”—
- (a) means a building other than a dwelling;
  - (b) does not include—
    - (i) any yard, garden, outbuilding or other land or buildings;
    - (ii) any common areas,associated with such a dwelling.