
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, which implement Articles 7 (energy performance certificate) and 10 (independent experts) of Directive [2002/91/EC](#) of the European Parliament and of the Council of 16th December 2002 on the Energy Performance of Buildings (OJNo. L 1 4.1.2003 p.65). The amendments concern disclosure of energy performance certificates and recommendation reports, and of display energy certificates.

Regulation 2(2) substitutes the text of regulation 14(2)(de). It provides that the disclosure by or to the Energy Saving Trust Limited (“the Trust”) of an energy performance certificate and its accompanying recommendation report relating to a dwelling, and any information derived from either, is not an offence in the circumstances specified in regulation 35B(2).

Regulation 2(3) substitutes the text of regulation 35B to allow the keeper of the register of energy performance certificates to disclose to the Trust any energy performance certificate and the accompanying recommendation report relating to a dwelling in the circumstances specified in regulation 35B(2). The circumstances are that the certificate is produced to comply with duties arising on sale, that it shows an asset rating in bands F and G, and that disclosure is for the purpose of allowing the Trust to provide information to the owner or occupier of the dwelling on measures that are available to improve the energy performance of the dwelling and on any financial assistance that may be available for taking such measures.

Regulation 2(4) amends regulation 37 to allow the register keeper to disclose to an officer of the Secretary of State for Communities and Local Government any display energy certificate.

A transposition note setting out how the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 implement Articles 7 to 10 of the Directive is available from the Energy Performance of Buildings Division of the Department (Tel: 020 944 8324; Fax 020 7944 5719; e-mail: enquiries.br@communities.gsi.gov.uk) or on the Department website www.communities.gov.uk. An impact assessment has not been produced for this instrument as no significant impact on business or the public and voluntary sectors is foreseen. The explanatory memorandum to these Regulations is available alongside the Regulations on the OPSI website at www.opsi.gov.uk.