

2014 No. 43

EUROPEAN COMMUNITIES

The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014

Made - - - - *24th February 2014*

Coming into operation - *25th February 2014*

The Department of Finance and Personnel, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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) 2014 and shall come into operation on 25th February 2014.

Interpretation

2. In these Regulations “the Principal Regulations” means the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008(c).

Amendments to Regulation 2 (Interpretation) of the Principal Regulations

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

- (a) after the definition of “building” insert—

““building element” means a technical building system or a controlled fitting or a thermal element of the building envelope;”;
- (b) after the definition of “commercial media” insert—

““controlled fitting” includes windows, doors, roof windows or roof lights;”;
- (c) for the definition of “recommendation report” substitute—

““recommendation report” means a report included in the energy performance certificate and includes the measures set out in regulation 7;”;
- (d) after the definition of “technical building system” for “and” substitute “;

(a) S.I. 2008 No. 301

(b) 1972 c. 68

(c) S.R. 2008 No. 170, as amended by S.R. 2008 No. 241, S.R. 2009 No. 369 and S.R. 2013 No.12

“thermal element” has the same meaning as in regulation 38 of the Building Regulations (Northern Ireland) 2012; and”(a).

(2) In regulation 2(2) for “Directive 2002/91/EC” substitute “Directive 2010/31/EU”.(b).

Recommendation reports

4. After regulation 6 of the Principal Regulations insert—

“Recommendation reports

7.—(1) A recommendation report shall include recommendations for the cost-effective improvement of the energy performance of the building, to include—

- (a) measures that could be carried out in connection with a major renovation of the building envelope or technical building systems; and
- (b) measures for individual building elements that could be carried out independent of a major renovation of the building envelope or technical building systems.

(2) Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.”.

Amendment to Regulation 8A (Display of energy performance certificates) of the Principal Regulations

5.—(1) In regulation 8A(1) for “18th February 2013” substitute “25th February 2014”.

(2) In regulation 8A(2) for “regulation 5” substitute “regulation 5 or 6”.

Sealed with the Official Seal of the Department of Finance and Personnel on 24th February 2014.



Seamus McCrystal
A senior officer of the
Department of Finance and Personnel

(a) S.R. 2012 No. 192, as amended by S.R. 2012 No. 375
(b) O.J. No. L153, 18.6.2010, p.13

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (“the Principal Regulations”). The Principal Regulations implemented the provisions of Articles 7, 9 and 10 of Directive 2002/91/EC of the European Parliament of 16 December 2002 on the energy performance of buildings (“the 2002 Directive”). These Regulations implement the requirements of Articles 2(9), 11(2)(a), 11(2)(b), 11(3) and 13(2) of the European Parliament of 19 May 2010 on the energy performance of buildings (“the recast Directive”).

Regulation 3 amends or inserts new definitions to implement Article 2(9) of the recast Directive and to clarify the provisions of the Principal Regulations.

Regulation 4 inserts a new regulation 7 into the Principal Regulations to clarify that recommendation reports shall include cost-effective measures that could be carried out with and without major renovations in accordance with Articles 11(2)(a) and 11(2)(b) of the recast Directive. A requirement that the cost-effective measures recommended by the energy assessor must be technically feasible has been introduced in accordance with Article 11(3) of the recast Directive.

Regulation 5 transposes Article 13(2) of the recast Directive. It amends regulation 8A to require the display of energy performance certificates in certain buildings where such a certificate has already been issued on construction.

A Transposition Note has been prepared. Copies may be obtained on request from the Energy Performance Unit, Building Standards Branch, Department of Finance and Personnel, 3rd Floor Northland House, 3-5A Frederick Street, Belfast BT1 2NR. Alternatively, copies may be downloaded from www.epb.dfpni.gov.uk.

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