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STATUTORY INSTRUMENTS

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**2013 No. 3220**

**ENERGY**

**The Energy Efficiency (Eligible Buildings) Regulations 2013**

*Made - - - - 18th December 2013*

*Laid before Parliament 20th December 2013*

*Coming into force in accordance with regulation 1*

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to energy and energy sources, makes the following Regulations in exercise of the powers conferred by that section:

**Citation, commencement and extent**

1. (1) These Regulations may be cited as the Energy Efficiency (Eligible Buildings) Regulations 2013.

(2) Subject to paragraph (3), these Regulations come into force on 15th January 2014.

(3) Regulation 4 comes into force on 5th June 2014.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Interpretation**

2. In these Regulations—

“central government” means—

- (a) the competent authorities;
- (b) non-ministerial departments of the competent authorities;
- (c) a body or office which is controlled and mainly financed by one of the competent authorities;

“competent authorities” means, in relation to—

- (a) England, the Secretary of State;
- (b) Wales, the Welsh Ministers;
- (c) Scotland, the Scottish Ministers;

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(1) S.I. 2010/761.

(2) 1972 c. 68.

- (d) Northern Ireland, the Northern Ireland departments;
- “eligible buildings” means buildings owned and occupied by central government that are heated or cooled (or both) which—
- (a) for the period commencing on 15th January 2014 and ending on 8th July 2015, have a floor area of 500 square metres or more;
  - (b) for the period commencing on 9th July 2015 and ending on 31st December 2020, have a floor area of 250 square metres or more;
- “energy audit” means a systematic procedure which—
- (a) enables sufficient information to be obtained to allow the energy consumption profile of a building or group of buildings, an industrial or commercial operation, or a private or public service to be accurately understood and described;
  - (b) identifies and quantifies cost effective energy saving opportunities in relation to such energy consumption profiles; and
  - (c) results in the production of a written report of its findings;
- “energy efficiency improvements” means technological, behavioural or economic measures which result in the more efficient use of energy;
- “energy efficiency plan” means a written plan which sets out specific objectives and actions for achieving a more efficient use of energy that may include—
- (a) carrying out an energy audit;
  - (b) implementing an energy management system;
  - (c) implementing energy efficiency improvements;
  - (d) using energy service providers and energy performance contracting;
- “energy management system” means a documented procedure such as BS EN ISO 50001:2011<sup>(3)</sup> which provides for the systematic use of management and technology that results in the more efficient use of energy;
- “energy performance contracting” means energy efficiency improvements provided under a contract and paid for by reference to a specific measure of improvement in the efficiency of the use of energy, such as financial savings, that measure to be monitored and verified during the term of the contract;
- “energy service provider” means a person who provides energy efficiency improvements under a contract;
- “public bodies” means, in relation to—
- (a) England, Wales and Northern Ireland, ‘contracting authorities’ as defined in regulation 3 of the Public Contracts Regulations 2006<sup>(4)</sup>;
  - (b) Scotland, ‘contracting authorities’ as defined in regulation 3 of the Public Contracts (Scotland) Regulations 2012<sup>(5)</sup>;
- “reporting period” means the period commencing on 15th January 2014 and ending on 31st December 2020.

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(3) ISBN 978 0 580 76206 2. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

(4) S.I. 2006/5, relevant amending instruments are S.I. 2007/3542, 2008/2683, 2008/2848, 2009/1307, 2010/976, 2011/2053, 2011/2581, 2011/3058, 2013/1455.

(5) S.S.I. 2012/88, relevant amending instruments are S.S.I. 2012/108, S.I. 2013/252.

### **Energy savings target for eligible buildings**

3. (1) It is the duty of the competent authorities to ensure that a total of 163.6 gigawatt hours of energy savings are achieved in eligible buildings by 31st December 2020.

(2) The Secretary of State must report to the Commission of the European Union by 31st December of each year in the reporting period the amount of energy savings that have been achieved in eligible buildings in that year.

### **Encouraging the adoption of energy efficiency plans**

4. It is the duty of the competent authorities to encourage public bodies to adopt an energy efficiency plan.

### **Duty to review**

5. (1) The Secretary of State must from time to time—

- (a) carry out a review of the operation and effect of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Article 5 of Directive 2012/27/EU<sup>(6)</sup> of the European Parliament and of the Council of 25 October 2012 on energy efficiency (which is transposed by these Regulations) is transposed in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) where the objectives remain appropriate, assess the extent to which they could be more effectively achieved.

(4) The first report under this regulation must be published by 14th January 2019.

18th December 2013

*Gregory Barker*  
Minister of State  
Department of Energy and Climate Change

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(6) OJ No L 315, 14.11.2012, p1.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations transpose Article 5 of the Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives [2009/125/EC](#) and [2010/30/EU](#) and repealing Directives [2004/8/EC](#) and [2006/32/EC](#).

Regulation 3 sets an energy savings target of 163.6 gigawatt hours to be achieved in eligible buildings owned and occupied by central government. It also requires the Secretary of State to report to the European Commission, on an annual basis, the amount of energy savings achieved in each year of the reporting period of 2014 to 2020.

Regulation 4 places a duty on the competent authorities to encourage public bodies to adopt energy efficiency plans.

Regulation 5 requires the Secretary of State to review the operation and effect of these Regulations and publish a report by 14th January 2019.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen. A transposition note is annexed to the Explanatory Memorandum which is available alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).