Draft Regulations laid before the Scottish Parliament under section 5(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and section 253(2)(b) of the Energy Act 2023, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

BUILDING AND BUILDINGS

The Energy Performance of Buildings (Scotland) Amendment Regulations 2026

Made - - - - 2026

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 49(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(**a**), sections 250 and 331(2) of the Energy Act 2023(**b**) and all other powers enabling them to do so.

In accordance with section 5(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and section 253(2)(b) of the Energy Act 2023, a draft of this instrument has been laid before and approved by the Scottish Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (Scotland) Amendment Regulations 2026 and come into force in accordance with paragraphs (2) and (3).

(2) Other than regulation 2 these Regulations come into force on 30 October 2026.

(3) Regulation 2 comes into force on 31 October 2026.

(4) These Regulations extend to Scotland only.

Amendment of the Energy Performance of Buildings (Scotland) Regulations 2008

2.—(1) The Energy Performance of Buildings (Scotland) Regulations 2008(**c**) are amended in accordance with paragraph (2).

(2) For regulations 10 (registration of energy performance data) and 10A (fees for entering data onto register) substitute—

(**a**) 2021 asp 4.
(**b**) 2023 c. 52. Regulations under section 250 are made by the "appropriate authority" which in relation means the Scottish Ministers in terms of section 250(5).
(**c**) S.S.I. 2008/309 as amended by S.S.I. 2008/389, S.S.I. 2012/190, S.S.I. 2012/208, S.S.I. 2012/315, S.S.I. 2013/12, S.S.I. 2015/386 and S.S.I. 2017/225.

"Registration of energy performance data

10.—(1) There must be one or more registers of energy performance data from which the following documents may be produced—

(a) an energy performance certificate, and

(b) a recommendations report.

(2) Each register referred to in paragraph (1) shall be maintained by a keeper.

(3) A register may be maintained for different purposes or for different classes of buildings or building units.

(4) Where a member of an approved organisation issues any document referred to in paragraph (1)(a) or (b), that person must ensure that the energy performance data relating to that document is sent to the relevant register before the document is issued.

(5) Any energy performance data entered onto a register—

(a) must be registered under a unique reference, and

(b) subject to paragraph (6), must not be altered once registered.

(6) Green deal information entered on the register may be altered where that information is updated or further updated by the green deal provider in accordance with the Framework Regulations.

(7) Any energy performance data entered onto a register must be kept on the register for a period of at least 10 years beginning on the date on which it is entered onto the register.

Fees for entering data onto register

10A.—(1) Subject to paragraph (2), the keeper of a register may charge the following fees for entering data onto the register—

(a) for entering data from which an energy performance certificate and recommendations report which relate to a dwelling may be produced, a fee of £6.00,

(b) for entering data from which an energy performance certificate and recommendations report which relate to a building or building unit other than a dwelling may be produced, a fee of £15.50.

(2) Paragraph (1) only applies where the keeper of a register is a Scottish public authority.

(3) In this regulation "Scottish public authority" has the same meaning as in section 12 (interpretation) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(**a**).".

Amendment of the Energy Performance of Buildings (Scotland) Regulations 2025

3.—(1) The Energy Performance of Buildings (Scotland) Regulations 2025(**b**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and extent) for "31 October 2026" substitute "30 April 2028".

(3) In regulation 36 (approved organisations and accreditation schemes – transitional provisions)—

(a) for "30 October 2026" substitute "29 April 2028",

(b) for "31 October 2026" substitute "30 April 2028".

(4) In regulation 38(4) (saving and transitional provisions) in the definition of "relevant period"—

(**a**) 2021 asp 4.
(**b**) S.S.I. 2025/417.

(a) in paragraph (a)(i) for "31 October 2026" substitute "30 April 2028",

(b) in paragraph (a)(i)(bb) for "31 October 2027" substitute "30 April 2029",

(c) in paragraph (a)(ii) for "31 October 2026" substitute "30 April 2028",

(d) in paragraph (a)(ii)(bb) for "31 October 2027" substitute "30 April 2029",

(e) in paragraph (a)(iii) for "31 October 2026" substitute "30 April 2028" and for "31 October 2027" substitute "30 April 2029",

(f) in paragraph (b) for "31 October 2026" substitute "30 April 2028" and for "31 October 2031" substitute "30 April 2033".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (Scotland) Regulations 2008 and the Energy Performance of Buildings (Scotland) Regulations 2025.

Regulation 2 amends the Energy Performance of Buildings (Scotland) Regulations 2008 to restate the relevant function of maintenance of a register of energy performance data to enable an increase in the fees which the keeper of the register may charge for registration of data on the register. The fee which may be charged for registration of energy performance data relating to a dwelling is increased from £2.60 to £6.00 and for energy performance data relating to other properties is increased from £12.10 to £15.50.

Regulation 3 amends the date on which the Energy Performance of Buildings (Scotland) Regulations 2025 come fully into force from 31 October 2026 to 30 April 2028 and alters the dates of saving and transitional provisions in accordance with those amended dates.

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