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

2025 No.

BUILDING AND BUILDINGS

The Energy Performance of Buildings (Scotland) Regulations 2025

Made - - - - 2025

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) Regulations 2025 and come into force in accordance with paragraphs (2) and (3).

(2) Other than those regulations specified in paragraph (3) these Regulations come into force on 31 October 2026.

(3) This regulation and regulations 2 (interpretation), 11 (approved organisations), 12 (accreditation schemes) and 36 (approved organisations and accreditation schemes– transitional provisions) come into force on 1 January 2026.

(4) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

"the 2008 Regulations" means the Energy Performance of Buildings (Scotland) Regulations 2008(**c**),

(**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, S.S.I. 2017/225.

"accreditation scheme" means a scheme approved by the Scottish Ministers in accordance with regulation 12,

"approved methodology" means a methodology approved by the Scottish Ministers under regulation 10,

"approved organisation" has the meaning given in regulation 11(1),

"assessment data" means any information in respect of the energy performance of a building or building unit collected during an energy assessment, whether or not that information is entered on a register, held by an approved organisation, energy assessor or the keeper,

"bioenergy heating or peat heating system" has the same meaning as in paragraph 6.11 of schedule 5 of the Building (Scotland) Regulations 2004(**a**),

"building unit" means part of a building that is designed or altered to be used separately,

"constructed" means, in respect of a building, when building works for the construction of the building have been completed,

"developer" has the meaning given in regulation 6(2),

"domestic property" is a building or building unit occupied as a dwelling, or, if not occupied, intended to be occupied as a dwelling,

"direct emissions rating" means, in respect of a building or building unit, a rating of both the current and potential emissions resulting from the normal use of the building or building unit assessed and expressed in accordance with an approved methodology,

"dwelling" has the same meaning as in regulation 2 (interpretation) of the Building (Scotland) Regulations 2004,

"emissions" means greenhouse gas emissions,

"energy assessment" means an assessment of the energy performance of a building or building unit and includes the preparation and issuing of energy performance certificates and property reports and the carrying out of any inspections undertaken for the purposes of preparing energy performance certificates or property reports,

"energy assessor" means an individual who is a member of an accreditation scheme,

"energy cost rating" in respect of a building or building unit, means a rating of the estimated current and potential annual cost of energy used by the normal use of the building or building unit assessed and expressed in accordance with an approved methodology,

"energy performance" in relation to a building or building unit includes its energy usage, energy efficiency and greenhouse gas emissions,

"energy performance certificate" means a certificate which complies with regulation 8,

"energy performance data" means information needed to produce an energy performance certificate or a property report and, for the purposes of regulations 16 and 18 to 20, includes the report reference number relating to that energy performance certificate,

"energy performance indicators" means—

(a) in respect of a domestic property, the heat retention rating, the heating system rating and the energy cost rating for that property,

(b) in respect of a non-domestic property, the energy performance rating, the energy use rating and the direct emissions rating for that property,

"energy performance rating" means, in respect of a building or building unit, a rating of the current and potential emissions resulting from the normal use of the building or building unit assessed and expressed in accordance with an approved methodology,

"energy use rating" means, in respect of a building or building unit, a rating of the current and potential demand for energy for the normal use of the building or building unit assessed and expressed in accordance with an approved methodology,

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(**a**) S.S.I. 2004/406 as relevantly amended by S.S.I. 2023/177 and S.S.I. 2024/327.

"enforcement authority" has the meaning given in regulation 21(1),

"excluded building" means—

(a) a building or building unit owned, occupied or used from time to time by any of the naval, military or air forces of the Crown, the Security Service, the Secret Intelligence Service, the Government Communications Headquarters or the Royal Family, or

(b) a building or building unit used for the purpose of a prison or a young offenders institution (within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989(**a**)),

"greenhouse gas" has the same meaning as in section 10 of the Climate Change (Scotland) Act 2009(**b**),

"heat network" has the same meaning as in section 1 of the Heat Networks (Scotland) Act 2021(**c**),

"heat network zone" has the same meaning as in Part 3 of the Heat Networks (Scotland) Act 2021,

"heat retention rating" means, in respect of a building or building unit, a rating of both the current and potential energy performance of the fabric of the building or building unit assessed and expressed in accordance with an approved methodology,

"heating system rating" means, in respect of a building or building unit, a rating which, in accordance with an approved methodology, assesses and expresses both the current and potential—

(a) level of emissions likely to be produced by the normal operation of the main heating system of the building or building unit, and

(b) efficiency of the main heating system of the building or building unit,

"indicator of primary energy use" means, in respect of a building or building unit, an indicator of the estimated primary energy used annually by the normal use of the building or building calculated and expressed in accordance with an approved methodology,

"keeper", in respect of a register, has the meaning given in regulation 14,

"main heating system" in relation to a building or building unit, means the heating or hot water service system designed and installed to be the means by which the demand for space heating and hot water is met during normal use of the building or building unit,

"newly constructed property" means a property which has been constructed but is yet to be occupied,

"non-domestic property" means a building or building unit that is occupied other than as a dwelling, or, if not occupied, is not intended to be occupied as a dwelling,

"owner" means—

(a) in respect of a building or building unit which is to be let, the prospective landlord,

(b) in any other case, a person who has right to the building or building unit whether or not that person has completed title, but if, in relation to the building or building unit more than one person comes within that description of owner, then "owner" means such person as has most recently acquired such right,

"primary energy" means energy which has not undergone any conversion or transformation process,

"property report" has the meaning given in regulation 9,

"prospective buyer" and "prospective tenant" have the meanings given in regulation 3,

"register" means a register maintained in accordance with regulation 14,

"relevant date" has the meaning given in regulation 6(2),

(**a**) 1989 c. 45 as amended by section 21 of Children (Care and Justice) (Scotland) Act 2024 asp 5.
(**b**) 2009 asp 12 as amended by S.S.I. 2015/197.
(**c**) 2021 asp 9.

"report reference number" means the unique reference under which the energy performance data relating to an energy performance certificate for a building or building unit is entered onto the register.

(2) Where there is a requirement under these Regulations to refer to a type of heating system, this is to be by making reference to a broad category of heating system which has a commonality in respect of the fuel used or the nature of the technology, for example "gas boiler" "air source heat pump", "electric storage heating", "bioenergy or peat heating system", "heat network".

Meaning of prospective buyer or prospective tenant

3. A person becomes a prospective buyer or prospective tenant in relation to a building or building unit on the earliest of the dates when that person—

(a) requests any information about the building or building unit from the owner for the purpose of deciding whether to buy or lease the building or building unit,

(b) makes a request to view the building or building unit for the purpose of deciding whether to buy or lease the building or building unit, or

(c) makes an offer, whether oral or written, to buy or lease the building or building unit.

Application of regulations

4. These Regulations do not apply to—

(a) temporary buildings with a planned time of use of two years or less,

(b) workshops with low energy demand,

(c) non-residential agricultural buildings with low energy demand,

(d) stand-alone non-domestic properties with a total useful floor area of less than 50m2,

(e) a building or building unit which is designed and constructed to be unheated or which is designed and constructed to heated by a heating system which is not a fixed heating system.

Energy performance certificates on sale or rent

5.—(1) Where a building or building unit is to be sold or let the owner must make a copy of a valid energy performance certificate for the building or building unit and of the related property report available for inspection free of charge to a prospective buyer or a prospective tenant.

(2) Where a building or building unit is sold or let the owner must provide a copy of a valid energy performance certificate and of the related property report free of charge to the buyer or tenant.

(3) Any reference in this regulation to the letting of a building or building unit does not include the renewal of an existing lease with the same tenant.

(4) This regulation does not apply in relation to a building or building unit at any time before the construction of the building or building unit has been completed.

Energy performance certificates on construction

6.—(1) Where a building is constructed the developer must, not later than the date 7 days after the relevant date, give a copy of a valid energy performance certificate for the building and of the related property report to the owner of the building.

(2) In this regulation—

"completion certificate" and "verifier" have the same meaning as in section 56(1) of the Building (Scotland) Act 2003(**a**),

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(**a**) 2003 asp 8.

"the developer" means the person who carried out the building work for the construction of the building,

"relevant date", in relation to building work for the construction of a building, means the date on which a completion certificate in respect of those works is submitted to a verifier under section 17 of the Building (Scotland) Act 2003.

Advertisement for sale or let of a building or building unit

7.—(1) Subject to paragraph (2), where a building or building unit is offered for sale or let, the owner of the building or building unit must ensure that any advertisement in commercial media offering the building or building unit for sale or let, as the case may be, states the energy performance indicators for that building or building unit.

(2) Where—

(a) a building unit is offered for sale or let, and

(b) the energy performance certificate for that building unit is based on certification in accordance with regulation 8(6),

the advertisement in commercial media may state the energy performance indicators included in that certificate.

(3) In this regulation "advertisement in commercial media" means any of the following—

(a) an advertisement in a newspaper or a magazine,

(b) an advertisement transmitted electronically, including by means of the internet,

(c) an advertisement by way of written particulars of a building or building unit.

(4) In this regulation "written particulars" means—

(a) in relation to a building or building unit to be sold, any written description of the property which includes at least two of the following—

(i) a photograph of the building or building unit or any room in the building or building unit,

(ii) a floor plan of the building or building unit,

(iii) the size of the rooms in the building or building unit,

(iv) the measured area of the building or building unit, and

(b) in relation to a building or building unit to be let, any written description of the property which includes at least two of the following—

(i) a photograph of the building or building unit or any room in the building or building unit,

(ii) a floor plan of the building or building unit,

(iii) the size of the rooms in the building or building unit,

(iv) the proposed rent,

and reference to written particulars or a written description includes particulars or a description given or made available electronically.

Energy performance certificates

8.—(1) An energy performance certificate for a building or building unit must include—

(a) in the case of a building or building unit which is a domestic property—

(i) a heat retention rating,

(ii) a heating system rating,

(iii) an energy cost rating,

(b) in the case of a building or building unit which is a non-domestic property—

(i) an energy performance rating,

(ii) an energy use rating,

(iii) a direct emissions rating,

(c) in all cases the information mentioned in paragraph (2).

(2) The information is—

(a) a statement that information on measures which could be taken to improve the energy performance of the building or building unit is contained in the property report for the building or building unit,

(b) the address of the building or building unit,

(c) the report reference number for the energy performance certificate,

(d) the date on which the energy performance certificate was issued,

(e) the type of heating system,

(f) whether the building or building unit is located within a heat network zone on the date on which the energy performance certificate was issued.

(3) An energy performance certificate must either—

(a) be issued by an energy assessor who is accredited to produce energy performance certificates for the category of building or building unit to which the certificate relates, or

(b) be produced from data entered on a register following a request for disclosure of that certificate made by virtue of regulation 16.

(4) An energy performance certificate and its related property report for a building or building unit cease to be valid on the earlier of—

(a) the expiry of a period of 5 years from the date on which the energy performance certificate was issued,

(b) the date on which another energy performance certificate for the building or building unit is subsequently issued.

(5) An energy performance certificate must not contain any information or data from which a living individual (other than the person issuing it or that person's employer) can be identified.

(6) Certification for newly constructed property may be based on the assessment of another representative property where—

(a) the representative property is of similar design, size and actual energy performance quality, and

(b) the energy assessor issuing the energy performance certificate has confirmed in writing that this is the case.

Property report

9.—(1) The property report for a building or building unit must include the information specified in paragraph (2) and in the case of a property report for a domestic property must also include the information specified in paragraph (3).

(2) The information is—

(a) an indicator of primary energy use,

(b) information about measures which might be taken which have the potential—

(i) to improve the energy performance indicators for the building or building unit,

(ii) to reduce emissions, in particular those emissions associated with the operation of the system by which space within the building or building unit is heated or cooled or by which hot water is made available in the building or building unit,

(c) the estimated costs of taking those measures calculated and expressed in accordance with an approved methodology,

(d) the name of the energy assessor issuing the property report and the name of the accreditation scheme of which the energy assessor is a member.

(3) The information is—

(a) an indicator of the estimated level of emissions attributable, both direct and indirectly, to the normal use of the building or building unit assessed and expressed in accordance with an approved methodology,

(b) an indicator of the estimated energy used, during normal use of the building or building unit, to provide heating, hot water, cooling, lighting and ventilation to the building or building unit, assessed and expressed in accordance with an approved methodology,

(c) information as to what alternative main heating system could be installed in the building or building unit,

(d) the estimated level of emissions to be produced by the normal operation of such alternative main heating system calculated and expressed in accordance with an approved methodology,

(e) the estimated costs of installation and operation of such alternative main heating system calculated and expressed in accordance with an approved methodology.

(4) A property report must not contain any information or data (except for the address of the building or building unit) from which a living individual (other than the person issuing it or that person's employer) can be identified.

Methodology for assessment of energy performance

10.—(1) The Scottish Ministers must approve and publish—

(a) a methodology for the assessment or calculation of energy performance indicators to be included in an energy performance certificate and for the assessment or calculation of estimated levels of emissions and of estimated costs to be included in a property report, and

(b) standardised ways in which energy performance indicators and estimated levels of emissions or estimated costs, as assessed or calculated in accordance with the methodology, must be expressed.

(2) Different methodologies and different ways of expressing energy performance indicators may be approved and published in relation to different classes of buildings or building units.

Approved organisations

11.—(1) An approved organisation is an organisation for the time being approved by the Scottish Ministers in accordance with this regulation as an organisation which may operate an accreditation scheme.

(2) The terms of approval of any organisation may—

(a) be limited in relation to the categories of building or building unit for which it may operate an accreditation scheme,

(b) be subject to such conditions and limitations, including as to duration, withdrawal of approval and the matters mentioned in paragraph (3), as the Scottish Ministers consider appropriate.

(3) In approving an organisation the Scottish Ministers must be satisfied that the organisation, in accordance with an accreditation scheme to be operated by the organisation, will ensure that the preparation and issuing of energy performance certificates and property reports is carried out—

(a) in a consistent, accurate and independent manner, and

(b) by persons who are fit and proper persons and are qualified by their education, training and experience to carry out the preparation and issuing of energy performance certificates and property reports.

Accreditation schemes

12.—(1) An energy assessor must be a member of an accreditation scheme for the time being approved by the Scottish Ministers and operated by an approved organisation.

(2) The terms of approval of any accreditation scheme may—

(a) be limited in relation to the categories of building for which members may produce certificates,

(b) be subject to such conditions and limitations, including as to duration, withdrawal of approval and the matters mentioned in paragraph (3), as the Scottish Ministers consider appropriate.

(3) In approving an accreditation scheme the Scottish Ministers must be satisfied that the scheme contains adequate provision—

(a) for ensuring that members of the scheme carry out consistent and accurate energy assessments in an independent manner,

(b) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to carry out energy assessments,

(c) for requiring members of the scheme to prepare energy performance certificates and property reports using a standard form for each type of document,

(d) for ensuring that a code is produced and published as regards the conduct required of its members,

(e) for indemnity arrangements in relation to owners and prospective or actual buyers or tenants,

(f) for facilitating the resolution of complaints against members of the scheme,

(g) for ensuring that energy performance data is sent to the relevant register by members of the scheme,

(h) for the keeping of a register of the members of the scheme,

(i) for ensuring that a specified proportion of energy performance certificates and property reports are audited, including where practicable by means of an on-site inspection, to assess whether they are prepared in a consistent, accurate and independent manner.

Display of energy performance certificates

13.—(1) Where this paragraph applies, the owner of a building which is frequently visited by the public or, where the owner is not the occupier, the occupier, must ensure that a valid energy performance certificate is displayed within the building in a prominent place clearly visible to visiting members of the public.

(2) Paragraph (1) applies—

(a) in the case of a building occupied by a public authority where the floor area of the building is greater than 250 square metres,

(b) in the case of any other building where—

(i) the floor area of the building is greater than 500 square metres, and

(ii) an energy performance certificate has been issued in relation to that building.

(3) For the purpose of this regulation, "building which is frequently visited by the public" means a building into which members of the public have an express or implied licence to enter and which is visited by members of the public on at least a weekly basis.

Registration of energy performance data

14.—(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 property report.

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

(3) The keeper of a register is the Scottish Ministers or a person appointed by the Scottish Ministers to maintain a register on their behalf.

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

(5) Where an energy assessor 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.

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

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

(b) subject to paragraph (7), must not be altered once registered.

(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

15.—(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 property report which relate to a domestic property may be produced, a fee of £6.00,

(b) for entering data from which an energy performance certificate and property report which relate to a non-domestic property 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**).

Disclosures generally

16.—(1) The keeper of a register may only disclose any—

(a) energy performance data,

(b) document produced from that data, and

(c) information derived from that data,

if authorised by or required to do so by regulations 17 to 20.

Disclosure of Documents

17.—(1) The keeper of a register may disclose—

(a) the energy performance certificate, and

(b) the property report,

for a building or building unit to any person if the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) a request is made by means of a website operated by the keeper, and

(b) the request includes—

(i) the full address (excluding the postcode) of the building or building unit,

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(**a**) 2021 asp 4.

(ii) the full postcode of the building or building unit, or

(iii) the report reference number for the energy performance data relating to the document.

Disclosure of data relating to a particular building or building unit

18.—(1) The keeper of a register may disclose energy performance data relating to a particular building or building unit if all of the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) a request for disclosure of the data is made—

(i) by means of a website operated by the keeper, or

(ii) by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such requests,

(b) the request includes—

(i) the full address (excluding the postcode) of the particular building or building unit to which the data relates,

(ii) the full postcode of that building or building unit, or

(iii) the report reference number for the energy performance data relating to the building or building unit, and

(c) the particular building or building unit to which the data relates is not an excluded building.

(3) Without prejudice to the disclosure by the keeper of energy performance data or documents in accordance with paragraphs (1) and (2) or regulations 17, 19 or 20, the keeper of a register, an approved organisation or an energy assessor may, if all the conditions in paragraph (4) are met, disclose assessment data in relation to a particular building or building unit to the owner or occupier of that building or to any other person with the consent of the owner of the building.

(4) The conditions are that the information or data published must not include—

(a) any information or data from which a living individual can be identified,

(b) any information or data revealing the location of an excluded building (or any information from which the location of such a building can be deduced).

(5) It is an offence for a person to disclose, or permit the disclosure of, assessment data otherwise than in accordance with this regulation or regulations 17, 19 or 20.

(6) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Disclosure of bulk access data

19.—(1) Subject to paragraph (2), the keeper of a register may publish energy performance data on a website and must do so where, and to the extent that, the keeper is instructed to do so by the Scottish Ministers.

(2) The information or data published must not include—

(a) any information or data from which a living individual can be identified,

(b) any information or data revealing the location of an excluded building (or any information from which the location of such a building can be deduced).

Duty to disclose energy performance data

20. The keeper of a register must when requested to do so disclose energy performance data—

(a) to the Scottish Ministers,

(b) to an enforcement authority for the purposes of their duty to enforce these Regulations,

(c) where the disclosure is required by or under any enactment, by any rule of law or by the order of a court.

Enforcement authorities

21.—(1) Every local authority is an enforcement authority for the purposes of these Regulations.

(2) It is the duty of each enforcement authority to enforce these Regulations in its area.

(3) The Scottish Ministers may appoint, subject to such conditions or limitations as they think fit, themselves or another person as an enforcement authority for the purposes of enforcement of the performance of duties under these Regulations.

Power to require production of energy performance certificate

22.—(1) An enforcement authority may require an owner who appears to it to be or to have been subject to the duty under regulation 5 in relation to a building or building unit to produce for inspection a copy of the energy performance certificate for that building or building unit.

(2) The power conferred by paragraph (1) includes power—

(a) to require the production in a legible documentary form of any energy performance certificate which is held in electronic form, and

(b) to take copies of any energy performance certificate produced for inspection.

(3) A requirement under this regulation may not be made more than 6 months after the last day on which the owner concerned appeared to the enforcement authority to be subject to the duty under regulation 5 in relation to the building or building unit.

(4) An owner subject to a requirement under this regulation must comply with it within the period of 7 days beginning with the day after the day on which it is made.

(5) An owner is not required to comply with the requirement if the owner has a reasonable excuse for not complying.

Penalty charge notice for failure to comply with regulation 5

23.—(1) An enforcement authority may, if it believes that an owner has breached any duty under regulation 5, give a penalty charge notice to that owner.

(2) A penalty charge notice may not be given—

(a) unless the owner has failed to make an energy performance certificate available to a prospective buyer or tenant within a period of 10 days beginning with the day on which a request for such a certificate was made to the owner,

(b) after the end of the period of 6 months beginning with the day on which it appeared to the enforcement authority that the duty under regulation 5 was breached.

(3) A penalty charge notice must—

(a) be in writing,

(b) state the enforcement authority's belief that the owner has breached regulation 5,

(c) give such particulars of the circumstances as may be necessary to give reasonable notice of the breach,

(d) require that owner, within a period specified in the notice—

(i) pays a penalty charge specified in the notice, or

(ii) gives notice to the enforcement authority requesting the authority to review the notice,

(e) state the effect of regulation 29(3) (certificate as evidence of facts stated),

(f) specify the person to whom and the address at which the penalty charge may be paid and the method or methods by which payment may be made, and

(g) specify the person to whom and the address at which a notice requesting a review may be sent.

(4) The amount payable as a penalty charge is—

(a) £500 for domestic properties or buildings (or building units) that are ancillary to domestic properties, or

(b) £1000 in any other case.

(5) The period specified under paragraph (3)(d) must not be less than 28 days beginning with the day after that on which the penalty charge notice is given.

(6) The enforcement authority may, if it considers that the penalty charge notice ought not to have been given, give the recipient a notice withdrawing the penalty charge notice.

(7) The enforcement authority must withdraw a penalty charge notice where regulation 25 applies.

(8) Any sum received by an enforcement authority under this regulation shall accrue to that authority.

Penalty charge notices for failure to comply with regulation 6, 7 or 13

24.—(1) An enforcement authority may, if it believes that—

(a) a developer has breached any duty under regulation 6 (energy performance certificates on construction), give a penalty charge notice to the developer,

(b) an owner has breached any duty under regulation 7 (advertisement for sale or let of a building or building unit), give a penalty charge notice to the owner,

(c) an owner or occupier has breached any duty under regulation 13 (display of energy performance certificates), give a penalty charge notice to the owner or occupier, as the case may be.

(2) Regulations 23(2) to (8) and 27 to 31 apply in relation to a penalty charge notice given under—

(a) paragraph (1)(a) as they apply to a penalty charge notice given under regulation 23(1) subject to the modifications specified in paragraph (3),

(b) under paragraph (1)(b) as they apply to a penalty charge notice given under regulation 23(1) subject to the modifications specified in paragraph (4),

(c) paragraph (1)(c) as they apply to a penalty charge notice given under regulation 23(1) subject to the modifications specified in paragraph (5).

(3) The modifications are—

(a) that regulation 23 applies as if—

(i) paragraph (2)(a) were omitted, and

(ii) the reference in paragraph (2)(b) and in paragraph (3)(b) to regulation 5 were a reference to regulation 6,

(b) that regulation 28 (appeal to the sheriff court) applies as if the reference in paragraph (4)(a) to regulation 5 were a reference to regulation 6.

(4) The modifications are—

(a) that regulation 23 applies as if—

(i) paragraph (2)(a) were omitted,

(ii) the reference in paragraph (2)(b) and in paragraph (3)(b) to regulation 5 were a reference to regulation 7,

(iii) the reference in paragraph (7) to regulation 25 were a reference to regulation 26,

(b) that regulation 28 applies as if the reference in paragraph (4)(a) to regulation 5 were a reference to regulation 7.

(5) The modifications are—

(a) that regulation 23 applies as if—

(i) paragraph (2)(a) were omitted,

(ii) the reference in paragraph (2)(b) and in paragraph (3)(b) to regulation 5 were a reference to regulation 13, and

(b) that regulation 28 applies as if the reference in paragraph (4)(a) to regulation 5 were a reference to regulation 13.

(6) Any sum received by an enforcement authority under this regulation shall accrue to that authority.

Defence where energy performance certificate unobtainable

25.—(1) An owner is not liable to a penalty charge for a breach of the duty imposed by regulation 5 if it can be demonstrated that—

(a) a request for an energy performance certificate was made at least 14 days before the relevant time, and despite all reasonable efforts and enquiries by the owner, the owner did not have possession or control of a valid energy performance certificate at the relevant time, or

(b) in the case of a failure to make available an energy performance certificate to a prospective tenant—

(i) the prospective tenant was seeking to lease the building or building unit due to an emergency which required the tenant's urgent relocation,

(ii) at the relevant time the owner did not have possession or control of a valid energy performance certificate,

(iii) there was insufficient time in which the owner could reasonably have been expected to obtain a certificate before letting the building or building unit to the prospective tenant, and

(iv) the owner made a valid energy performance certificate available to the tenant as soon as reasonably practicable after letting the building or building unit.

(2) A developer is not liable to a penalty charge for a breach of the duty imposed by regulation 6 if it can be demonstrated that a request for an energy performance certificate was made at least 14 days before the relevant date, and despite all reasonable efforts and enquiries by the developer, the developer did not have possession or control of a valid energy performance certificate at the relevant date.

(3) In paragraph (1)(a) the reference to a request is to a request properly addressed to a person who usually provides or is likely to provide an energy performance certificate for the category of building or building unit in question and which includes such payment or an undertaking to make such payment as is usually necessary to obtain an energy performance certificate.

(4) In this regulation, "relevant time" means the date on which one of the events specified in paragraphs (a) to (c) of regulation 3 first occurs.

Defence where failure to comply with regulation 7

26. An owner is not liable to a penalty charge for a breach of the duty imposed by regulation 7 if it can be demonstrated that the instructions for the placement of the advertisement offering the building or building unit for sale or let included—

(a) a requirement that the energy performance indicators for that building or building unit is stated in the advertisement, and

(b) sufficient information to enable that energy performance indicators to have been stated in the advertisement.

Reviews

27.—(1) If, within the period specified under regulation 23(3)(d) the recipient of the penalty charge notice gives notice to the enforcement authority requesting a review, the authority must—

(a) consider any representations made by the recipient and all other circumstances of the case,

(b) decide whether to confirm or withdraw the notice, and

(c) serve notice of its decision and the reasons for it on the recipient.

(2) A notice under paragraph (1)(c) confirming the penalty charge notice must also state the effect of regulations 28 (appeal to the sheriff court) and 29 (recovery of penalty charges).

Appeal to the sheriff court

28.—(1) If after a review the penalty charge notice is confirmed by the enforcement authority, the recipient may appeal to the sheriff against the penalty charge notice.

(2) An appeal against a penalty charge notice must be made within the period of 28 days beginning with the day after that on which the notice under regulation 27(1)(c) is given.

(3) The sheriff may extend the period for appealing against the notice on cause shown.

(4) An appeal must be on one (or more) of the following grounds—

(a) that the recipient did not commit the breach of regulation 5 specified in the penalty charge notice,

(b) that the notice was not given within the time allowed by regulation 23(2)(b) or does not comply with any other requirement imposed by these Regulations, or

(c) that in the circumstances of the case it was not reasonable for the notice to be given to the recipient.

(5) The sheriff must determine an appeal against a penalty charge notice by upholding or quashing the notice.

(6) If the penalty charge notice is withdrawn or quashed, the enforcement authority must repay any amount previously paid as a penalty charge in pursuance of the notice.

Recovery of penalty charges

29.—(1) The amount of the penalty charge is recoverable from the recipient of the penalty charge notice as a debt owed to the enforcement authority unless—

(a) the notice has been withdrawn or quashed, or

(b) the charge has been paid.

(2) Proceedings for the recovery of the penalty charge may not be commenced—

(a) before the end of the period specified in accordance with regulation 23(3)(d), and

(b) if within that period the recipient of the penalty charge notice gives notice to the authority requesting the authority to review the penalty charge notice, such proceedings may not be commenced—

(i) before the end of the period mentioned in regulation 28(2), and

(ii) where the recipient appeals against the penalty charge notice, before the end of the period of 28 days beginning with the day on which the appeal is withdrawn or determined.

(3) In proceedings for the recovery of the penalty charge, a certificate which—

(a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and

(b) states that payment of the penalty charge was or was not received by a date specified in the certificate,

is evidence of the facts stated.

Service of documents

30.—(1) A penalty charge notice issued under regulation 23(1) must be given by—

(a) personal service, or

(b) first class recorded delivery post.

(2) Any other notice given under these Regulations—

(a) must be in writing, and

(b) may be given by post.

(3) Any notice may be given—

(a) in the case of a body corporate, to the secretary or clerk of that body, and

(b) in the case of a partnership, to any partner or a person having control or management of the partnership business.

Offences relating to enforcement officers

31.—(1) A person who obstructs an authorised officer of an enforcement authority acting in pursuance of regulation 22 is guilty of an offence.

(2) A person who, not being an authorised officer of an enforcement authority, purports to act as such in pursuance of regulation 22 or 23 is guilty of an offence.

(3) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application to the Crown

32.—(1) Nothing in these Regulations makes the Crown criminally liable nor makes the Crown liable to a penalty charge notice under these Regulations, but the Court of Session may, on the application of the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes a contravention of these Regulations.

(2) Paragraph (1) does not affect the criminal liability of persons in service of the Crown.

Green deal properties

33.—(1) These Regulations apply in respect of a green deal property with the following modifications—

(a) in regulation 2(1) in the definition of "assessment data" after "any information" insert "(other than green deal information)",

(b) for regulation 8(4) (energy performance certificates) substitute—

"(4) An energy performance certificate and the related property report cease to be valid for the purposes of complying with the green deal disclosure obligations, on the earlier of—

(a) the expiry of the period of one year from the date on which the document was issued or from the date on which it was produced from a register by virtue of regulation 16, as the case may be,

(b) the date on which another energy performance certificate for the building or building unit is subsequently issued.",

(c) where the building or building unit to which the energy performance certificate relates is a green deal property the energy performance certificate must (in addition to the information specified in regulation 8(1)(a) to (c)) contain a statement that green deal information relating to that building or building unit is contained in the property report,

(d) where the building or building unit to which the property report relates is a green deal property, the property report must include green deal information for every green deal plan in respect of that building or building unit but the property report must not contain any information relating to a green deal plan for which the payment period has finished,

(e) in regulation 9 (property report)—

(i) after paragraph (2)(d) insert—

"(e) where the building or building unit to which the property report relates is a green deal property, green deal information for every green deal plan in respect of that building or building unit.",

(ii) in paragraph (4) after "building unit" insert "or green deal information",

(iii) after paragraph (4) insert—

"(5) A property report must not contain any information relating to a green deal plan for which the payment period has finished.",

(f) after regulation 14(7) (registration of energy performance data) insert—

"(8) 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.".

(g) in regulation 16 (disclosures generally) for "17 to 20" substitute "17 to 20 or 33(2)",

(h) in regulation 18 (disclosure of data relating to a particular building or building unit) after paragraph (2)(c) insert—

"(d) the data does not include any green deal information,".

(2) The keeper of a register must when requested to do so disclose green deal information—

(a) to an enforcement authority for the purposes of their duty to enforce these Regulations, or

(b) to the Secretary of State, a person acting on behalf of the Secretary of State or the Green Deal Ombudsman for the purpose of enabling that person to carry out any function under or in connection with Part 8 of the Framework Regulations.

(3) In this regulation and in schedule 1—

"the Framework Regulations" means the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012(**a**),

"green deal disclosure obligations" means the obligations to provide an energy performance certificate and property report by virtue of section 12 of the Energy Act 2011(**b**) and Part 7 of the Framework Regulations,

"green deal information" means the information relating to a green deal plan specified in schedule 1,

"Green Deal Ombudsman" has the meaning given in regulation 2(1) of the Framework Regulations,

"green deal plan" has the same meaning as in section 1 of the Energy Act 2011,

"green deal property" means a property in respect of which there is a green deal plan and payments are still to be made under that plan.

Amendment of the Building (Scotland) Regulations 2004

34.—(1) The Building (Scotland) Regulations 2004(**c**) are amended in accordance with paragraphs (2) and (3).

(**a**) S.I. 2012/2079.
(**b**) 2011 c. 16.
(**c**) S.S.I. 2004/406 as relevantly amended by S.S.I. 2006/534, S.S.I. 2008/310, S.S.I. 2010/32, S.S.I. 2016/71, S.S.I. 2012/209 and S.S.I. 2015/218.

(2) In regulation 2(1) (interpretation) in the definition of "energy performance certificate" for "2008" substitute "2025".

(3) In schedule 5 (building standards applicable to design and construction)—

(a) in paragraph 6.1 (energy demand)—

(i) in sub paragraph (a), for "regulation 7(a) of the Energy Performance of Buildings (Scotland) Regulations 2008" substitute "regulation 10 of the Energy Performance of Buildings (Scotland) Regulations 2025",

(ii) in the interpretation section, in the definition of "nearly zero-energy building" for "regulation 7 of the Energy Performance of Buildings (Scotland) Regulations 2008" substitute "regulation 10 of the Energy Performance of Buildings (Scotland) Regulations 2025",

(b) omit paragraph 6.9 (energy performance certificates).

Amendment of the Building (Procedure) (Scotland) Regulations 2004

35.—(1) The Building (Procedure) (Scotland) Regulations 2004(**a**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 41 (submission of completion certificates) omit paragraph (bb).

(3) In regulation 57 (maintenance of records) omit paragraph (2)(a)(ii) and (2)(b)(iii).

Approved organisations and accreditation schemes– transitional provisions

36. Despite the coming into force of regulations 11 (approved organisations) and 12 (accreditation schemes) of these Regulations on 1 January 2026, during the period beginning on that date and ending on (and including) 30 October 2026—

(a) an approval by the Scottish Ministers of organisation as an approved organisation in accordance with regulation 8 (approved organisations) of the 2008 Regulations continues to have effect until 31 October 2026,

(b) it is not a requirement for the purposes of regulation 6 (energy performance certificates) of the 2008 Regulations that the person issuing an energy performance certificate is a member of an approved accreditation scheme.

Revocations

37. Subject to regulation 38, the 2008 Regulations and the Regulations specified in column 1 of the Table in schedule 2 are revoked.

Saving and transitional provisions

38.—(1) During the relevant period the reference in regulation 5 (energy performance certificates on sale or rent) and in regulation 13 (display of energy performance certificates) to—

(a) a valid energy performance certificate is to be treated as a reference to either a valid energy performance certificate issued in accordance with these Regulations or an existing valid energy performance certificate,

(b) a property report is to be treated as a reference either to a property report or an existing recommendations report.

(2) Paragraph (1) does not apply in respect of a building or building unit which is a newly constructed property.

(3) During the relevant period the reference in regulation 7 (advertisement for sale or let of a building or building unit) to energy performance indicators is to be treated as a reference to either

(**a**) S.S.I. 2004/428 as relevantly amended by S.S.I. 2007/167.

the energy performance indicators or the energy performance indicator within the meaning of the 2008 Regulations.

(4) In this regulation—

"existing recommendations report" means a recommendations report prepared in accordance with regulation 6A of the 2008 Regulations in relation to an existing valid energy performance certificate,

"existing valid energy performance certificate" means a valid energy performance certificate issued in accordance with the 2008 Regulations,

"relevant period" means—

(a) for the purposes of regulations 5 and 7—

(i) in respect of the sale of a building or building unit, the period beginning on 31 October 2026 and ending on (and including) the earlier of—

(aa) the date on which the building or building unit is first sold after that date,

(bb) 31 October 2027,

(ii) in respect of the letting of a building or building unit (other than letting as a short-term let), the period beginning on 31 October 2026 and ending on (and including) the earlier of—

(aa) the date on which the building or building unit is first let after that date,

(bb) 31 October 2027,

(iii) in respect of the letting of a building or building unit as a short-term let, the period beginning on 31 October 2026 and ending on (and including) 31 October 2027,

(b) for the purposes of regulation 13, the period beginning on 31 October 2026 and ending on (and including) 31 October 2031,

"short-term let" has the same meaning as in the Civic Government(Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022(**a**).

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) S.S.I. 2022/32 as amended by S.S.I. 2024/227.

SCHEDULE 1

Regulation 33

PART 1

Green deal information

1. The green deal information in respect of a green deal plan is the information specified in paragraphs 2 to 23.

2. A statement—

(a) indicating that improvements have been installed at the green deal property under a green deal plan,

(b) indicating that the person responsible for paying the electricity bill at the green deal property ("the electricity bill payer") is required to—

(i) make the payments in instalments agreed in the green deal plan, and

(ii) comply with the terms and conditions of the green deal plan, and

(c) advising the person receiving the property report to—

(i) obtain a copy of the green deal plan, and

(ii) become familiar with its contents.

3. A statement indicating—

(a) that a green deal plan is a type of unsecured loan, and

(b) whether or not the green deal plan is a regulated consumer credit agreement.

4. Where the green deal plan is a regulated consumer credit agreement, a statement indicating that—

(a) the Consumer Credit Act 1974(**a**) provides certain protections to the person who is required to make the payments in instalments agreed in the green deal plan,

(b) voluntary early repayment of outstanding credit is permitted but that charges may apply, and

(c) details of the matters referred to in sub-paragraph (b) can be found in the green deal plan.

5. Where the green deal plan is not a regulated consumer credit agreement, a statement indicating that—

(a) voluntary early repayment of outstanding credit may be permitted by the terms and conditions of the green deal plan,

(b) where voluntary early repayment of outstanding credit is permitted, charges may apply to such a repayment, and

(c) details of the matters referred to in sub-paragraphs (a) and (b) can be found in the green deal plan.

6. A statement indicating that—

(a) the outstanding credit under the green deal plan may have to be repaid early before—

(i) the electricity supply to the green deal property can be permanently disconnected, or

(ii) the green deal property can be demolished, and

(b) details of the matters referred to in sub-paragraph (a) can be obtained from the green deal provider.

(**a**) 1974 c. 39.

7. Where a term has been included in a green deal plan pursuant to regulation 38 of the Framework Regulations, a statement indicating that the green deal provider may be entitled to require early repayment of outstanding credit from a person who is (or has been) required to make the payments in instalments agreed in the green deal plan.

8. The unique reference number assigned to the green deal plan.

9. The name of the person who is the green deal provider and that person's electronic mail address and telephone number.

10. The date on which the payment period starts and the date on which it finishes.

11. The amount payable under the green deal plan—

(a) per day, and

(b) per annum.

12. The rate of interest charged under the green deal plan.

13. A statement indicating whether the interest rate charged under the green deal plan will be fixed for the payment period or will vary.

14. Where, in accordance with regulation 33(b) of the Framework Regulations, the green deal plan provides for the improvement-specific instalments to increase during the payment period, a statement indicating by how much and when the instalments will increase.

15. The estimated first year savings.

16. Where the green deal property is a domestic property, a statement indicating that—

(a) the estimated first year savings are based on—

(i) the assessment of the property that was carried out by the green deal assessor at the time the green deal plan was entered into,

(ii) the improvements installed under the green deal plan,

(iii) typical energy use for the green deal property, and

(iv) current energy prices, and

(b) a low user of energy may not achieve the estimated first year savings.

17. Where the green deal property is a non-domestic property, a statement indicating that—

(a) the estimated first year savings are based on—

(i) a standard assessment methodology, and

(ii) the use of the green deal property at the time the green deal assessment was carried out, and

(b) the estimated first year savings may not be achieved if—

(i) the green deal property is used in a manner which is different to the use of the property at the time the green deal assessment was carried out, and

(ii) the recommendations in the green deal assessment regarding energy use at the green deal property are not implemented.

18. In respect of each improvement installed at the green deal property under the green deal plan—

(a) a description that is sufficient to identify the improvement, and

(b) the month and year in which the improvement-specific payment period finishes.

19. A statement advising the person receiving the property report—

(a) to check whether the improvements installed at the green deal property under the green deal plan—

(i) remain installed,

(ii) might have been affected by alterations made to the green deal property, and

(iii) have been maintained in accordance with advice provided by the green deal provider,

(b) if they become the electricity bill payer, to contact the person who supplies electricity to the green deal property, and

(c) if they become the electricity bill payer, to contact the green deal provider if they—

(i) intend to alter the green deal property in a manner which might affect the operation of the improvements, or

(ii) become aware that such alterations have been made.

20. A statement indicating that—

(a) the improvements installed under the green deal plan are, under that plan, guaranteed for at least 5 years, and

(b) the guarantee provided under the green deal plan may be subject to maintenance and servicing requirements.

21. A statement indicating that further information is contained in the green deal plan or can be obtained from the green deal provider.

22. Where the green deal provider knows or has reasonable cause to believe that an improvement installed at the green deal property under a green deal plan has been removed from the property before the end of the improvement-specific payment period, the following statement—

> "Improvements installed under the green deal plan may have been removed from the property. You may not realise the estimated savings shown in this report. You are advised to check the position with the owner.".

23. Where the green deal provider knows or has reasonable cause to believe that an alteration has been made to the green deal property which, had it existed when the estimated first year savings were calculated, would have affected that calculation materially, the following statement—

> "The property may have been altered in a way which affects the operation of the improvements installed under the green deal plan. You may not realise the estimated savings shown in this report. You are advised to check the position with the owner.".

PART 2

Interpretation

In this Schedule—

"estimated first year savings" has the meaning given in regulation 27(1) of the Framework Regulations,

"green deal assessment" means, in respect of a green deal property, the assessment carried out by a green deal assessor in accordance with the requirements of regulation 7 of the Framework Regulations before the green deal plan was entered into,

"green deal assessor" means a person who is authorised by the Secretary of State in accordance with Part 2 of the Framework Regulations to act as a green deal assessor,

"green deal provider" in relation to a green deal plan means the green provider under that green deal plan,

"improvement" has the meaning given in regulation 2(1) of the Framework Regulations,

"improvement-specific instalments" has the meaning given in regulation 30(3)(c) of the Framework Regulations,

"improvement-specific payment period" has the meaning given in regulation 30(3)(d) of the Framework Regulations,

"regulated consumer credit agreement" has the meaning given in section 8 of the Consumer Credit Act 1974.

SCHEDULE 2

Regulation 37

REVOCATIONS

Column (1) *Regulations revoked*	*Column (2)* *References*
The Energy Performance of Buildings (Scotland) Amendment Regulations 2008	S.S.I. 2008/389
The Energy Performance of Buildings (Scotland) Amendment Regulations 2012	S.S.I. 2012/190
The Energy Performance of Buildings (Scotland) Amendment (No. 2) Regulations 2012	S.S.I. 2012/208
The Energy Performance of Buildings (Scotland) Amendment (No. 3) Regulations 2012	S.S.I. 2012/315
The Energy Performance of Buildings (Scotland) Amendment Regulations 2013	S.S.I. 2013/12
The Energy Performance of Buildings (Scotland) Amendment Regulations 2015	S.S.I. 2015/386
The Energy Performance of Buildings (Scotland) Amendment Regulations 2017	S.S.I. 2017/225

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the sections 1(1) and 49(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and sections 250 and 331(2) of the Energy Act 2023. They come fully into force on 31 October 2026 and are partially in force on 1 January 2026 so as to enable the approval of organisations and of accreditation schemes under regulations 11 and 12 respectively.

These Regulations replace the Energy Performance of Buildings (Scotland) Regulations 2008 (S.S.I. 2008/309) ("the 2008 Regulations") which are revoked subject to certain saving provisions.

Regulation 2 defined terms used in the Regulations and regulation 3 sets out the meaning of "prospective buyer" and "prospective tenant". Regulation 4 disapplies the Regulations in respect of certain properties.

Regulation 5 requires that were a property is to be sold or let an energy performance certificate and related property report must be made available for inspection free of charge to prospective buyers or tenants, as the case may be, and must be provided to the buyer or tenant when the property is sold or let.

Regulation 6 requires that where a building is constructed the developer must give a copy of a valid energy performance certificate and related property report to the owner of the building.

Regulation 7 requires that advertisements for the sale or let of properties must state the performance indicators for the property.

Regulation 8 sets out the requirements for a valid energy performance certificate. It must include certain energy performance indicators and information. It must be issued by an accredited energy assessor or produced from the register to be maintained under regulation 14. An energy performance certificate is valid from 5 years from the date on which it is issued or until another energy performance certificate for the property is subsequently issued.

Regulation 9 set out the information that a property report is to contain. This includes information as to how the energy performance of the property can be improved and the estimated costs.

Regulation 10 requires the Scottish Ministers to approve and publish methodologies for the assessment and calculation of indicators and estimates to be included in energy performance certificates and property reports and for how they are to be expressed.

Regulations 11 and 12 provide for the approval of accreditation schemes under which energy assessors are to produce energy performance certificates and related property reports and for the approval of organisations who are to operate accreditation schemes.

Regulation 13 requires that a valid energy performance certificate is displayed in certain buildings which are frequently visited by the public.

Regulation 14 makes provision for a register to be maintained of energy performance data from which energy performance certificates and property reports can be produced. Regulation 15 sets out fees in respect of entering data onto the register.

Regulations 16 to 20 make provision for the disclosure of data relating to energy performance of buildings including energy performance certificates and property reports (regulation 17) and energy performance data relating to individual properties (regulation 18) or more generally (regulation 19).

Regulations 21 to 32 relate to enforcement of the requirements of the Regulations by the enforcement authority which is the local authority (regulation 21). The enforcement authority may require the production of an energy performance certificate for a property where it appears to it that regulation 5 applies (regulation 22).

Where the enforcement authority believes that an owner has breached the duty in regulation 5, 6, 7 or 13 it may serve a penalty charge notice on the owner (regulations 23 and 24). The amount payable as a penalty charge is £500 for domestic properties and £1,000 for other properties. Regulations 25 and 26 provide that the penalty charge is not payable in certain circumstances. Regulations 23 and 27 provide for review of a penalty charge notice and regulation 28 provides for an appeal to the sheriff. Regulations 29 and 30 provide for recovery of charges and for service of penalty change notices. Regulation 31 makes it an offence to obstruct or impersonate an officer of an enforcement authority. Regulation 32 makes special provision for how enforcement applies to the Crown.

Regulation 33 and schedule 1 modify the application of these Regulations to properties which are green deal properties.

Regulations 34 and 35 make amendments to the Building (Scotland) Regulations 2004 and the Building (Procedure) (Scotland) Regulations 2004 to reflect the replacement of the 2008 Regulations by these Regulations.

Regulation 36 ensures that existing approvals under regulation 8 of the 2008 Regulations continue to have effect until 31 October 2026 despite the coming into force of new approval requirements under regulations 11 and 12.

Regulation 37 and schedule 2 revokes the 2008 Regulations and various regulations which amended the 2008 Regulations. Regulation 38 makes saving and transitional provisions to enable the continued use of existing energy performance certificates.

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