

# FOR CONSULTATION PURPOSES ONLY

## November working draft - text for The Green Deal (Disclosure) Regulations

The Secretary of State, in exercise of the powers conferred by section 12(2)(b), (5)(c) and (6) of the Energy Act 2011 Act<sup>(a)</sup> and after consultation with the Scottish Ministers and Welsh Ministers in accordance with section 40(8)(b) and (12) of that Act, makes the following Regulations:

### Citation and commencement

1. These Regulations may be cited as The Green Deal (Disclosure) Regulations [•] and shall come into force on [•].

### Interpretation

2. In these Regulations—

“the 2007 Regulations” means the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007<sup>(b)</sup>;

“the 2008 Regulations” means the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(c)</sup>;

“the 2010 Regulations” means the Building Regulations 2010<sup>(d)</sup>;

“the Act” means the Energy Act 2011;

“energy performance certificate” means—

(a) in respect of a property situated in England or Wales, a certificate which complies with regulation [•] of the 2007 Regulations or regulation [•] of the 2010 Regulations; or

(b) in respect of a property situated in Scotland, a certificate which complies with Regulation [•] of the 2008 Regulations;

“green deal plan” has the meaning given in section 1 of the Act;

“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; and

“prospective buyer, tenant or licensee” means a person who has made a request or an offer in respect of a green deal property within section 12(4) of the Act.

### Point of disclosure: sale and letting out

3.—(1) For the purposes of section 12(2)(b) of the Act (obligation to provide energy performance certificate to a prospective buyer, tenant or licensee on sale or letting out), the specified time for providing the energy performance certificate is the relevant time mentioned in paragraph (2).

(2) The relevant time is—

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(a) 2011 c. 16.  
(b) S.I. 2007/991.  
(c) S.I. 2008/309.  
(d) S.I. 2010/2214.

- (a) where a person becomes a prospective buyer, tenant or licensee pursuant to a request for information about a green deal property within section 12(4)(a) of the Act—
  - (i) the time when that person views the green deal property; or
  - (ii) if that person does not view the property, the time when that person makes an offer to buy or let the property;
- (b) where a person becomes a prospective buyer, tenant or licensee pursuant to a request to view a green deal property within section 12(4)(b) of the Act—
  - (i) the time when that person views the property; or
  - (ii) if that person does not view the property, the time when that person makes an offer to buy or let the property; or
- (c) where a person becomes a prospective buyer, tenant or licensee pursuant to an offer to buy or let a green deal property within section 12(4)(c) of the Act, the time when the offer is made.

**Circumstances where disclosure is not required on sale or letting out**

4.—(1) Section 12(2) of the Act (obligation to provide energy performance certificate to prospective buyer, tenant or licensee on sale or letting out) does not apply in the circumstances mentioned in paragraph (2).

(2) The circumstances are where—

- (a) a person has become a prospective buyer, tenant or licensee pursuant to either—
  - (i) a request for information within section 12(4)(a) of the Act; or
  - (ii) a request to view a property within section 12(4)(b) of the Act;
- (b) that person does not view the property; and
- (c) that person does not make an offer to buy or let the property.

Date

*Name*  
Parliamentary Under Secretary of State  
Department

**EXPLANATORY NOTE**

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