

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4257 of 27 April, 2016**

LEGAL NOTICE NO. 100 of 2016.

ENVIRONMENT ACT 2005

**ENVIRONMENT (ENERGY PERFORMANCE OF BUILDINGS)
(AMENDMENT) REGULATIONS 2016**

In exercise of the powers conferred on it by section 18(c) of the Environment Act 2005 and in order to further transpose into the law of Gibraltar Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, the Government has made the following Regulations –

Title.

1. These Regulations may be cited as the Environment (Energy Performance of Buildings) (Amendment) Regulations 2016.

Commencement.

2. These Regulations shall come into operation on the day of publication.

Amendment of the Environment (Energy Performance of Buildings) Regulations 2012.

3. The Environment (Energy Performance of Buildings) Regulations 2012 are amended in accordance with the provisions of these Regulations.

Amendment of regulation 2(1).

4. In regulation 2(1) after “primary energy” insert the following definition –

““SBEM-GI” means the Simplified Building Energy Model developed by the Building Research Establishment for the UK Department for Communities and Local Government tailored specifically for Gibraltar, as amended from time to time;”.

Amendment of regulation 4.

5. For regulation 4 substitute –

“4.(1) In accordance with the common general framework set out in Schedule 1, the energy performance of buildings shall be calculated by applying the SBEM-GI methodology.

(2) The competent authority shall ensure that the SBEM-GI methodology referred to in subregulation (1) is published on its website.”.

Amendment of regulation 5.

6. In regulation 5 –

(a) in subregulation (1) –

(i) for the words “competent authority” substitute “Minister”;

(ii) after the word “prescribe” insert “, by notice in the Gazette,”;

(iii) after the word “levels” insert “and shall publish such requirements on its website”;

(b) in subregulation (4) –

(i) after the word “shall” insert “, by issuing guidance,”;

(ii) after the word “levels” insert “and shall publish such requirements on its website”.

Amendment of regulation 8.

7. In regulation 8 –

(a) in subregulation (1) after the word “feasible” insert “having regard to what is reasonably practicable in all the circumstances”;

(b) in subregulation (3) after the word “feasible” insert “having regard to what is reasonably practicable in all the circumstances”;

(c) after subregulation (5) insert –

“(6) The competent authority shall issue guidance on measures which are reasonably expected from owners in relation to this regulation and what is meant by “technically, functionally and economically feasible” in the circumstances, and shall publish such guidance on its website.”

Amendment of regulation 9.

8. In regulation 9 –

(a) for subregulation (1) substitute –

“(1) The competent authority shall apply the technical building system requirements set out in the Domestic and Non-Domestic Building Services Compliance Guides in respect of the overall performance, the proper installation, and the appropriate dimensioning, adjustment and control of the technical building systems which are installed in existing buildings.”;

(b) after subregulation (3) insert –

“(3A) The competent authority shall issue guidance on measures which are reasonably expected from owners in relation to subregulation (3)(b) and what is meant by “technically, functionally and economically feasible” in the circumstances, and shall publish such guidance on its website.”;

(c) after subregulation (5) insert –

“(6) In subregulation (1), “Domestic and Non-Domestic Building Services Compliance Guides” means the United Kingdom Domestic Building Services Compliance Guide and Non-Domestic Building Services Compliance Guide, as amended from time to

time, which shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.”.

Amendment of regulation 10.

9. In regulation 10 after subregulation (6) insert –

“(7) The competent authority shall ensure that the plans referred to in subregulation (2) and the policies referred to in subregulation (3)(a) are published on its website and made available to the public for inspection at its offices.”.

Amendment of regulation 14.

10. In regulation 14, after subregulation (4) insert –

“(5) The competent authority shall inspect buildings which fall under the scope of this regulation every six months.”.

Amendment of regulation 15.

11. In regulation 15, in subregulation (1) after the word “kW” insert “and shall publish details of the programme on its website”.

Amendment of regulation 16.

12. In regulation 16, in subregulation (1) after the word “kW” insert “and shall publish details of the programme on its website”.

Amendment of regulation 17.

13. In regulation 17 after subregulation (3) insert –

“(4) The owner of a building must make available to the competent authority any inspection report issued under subregulation (1).”.

Amendment of regulation 18.

14. In regulation 18, after subregulation (3) insert –

“(4) The competent authority shall make publically available a list of qualified or accredited energy assessors and shall publish the list on its website.”.

Amendment of regulation 20.

15. In regulation 20, in subregulation (1) after the words “Schedule 2” insert “and shall publish the details of such systems on its website”.

Amendment of regulation 23.

16. In regulation 23 –

(a) after subregulation (1) insert –

“(1A) A person who –

(a) applies a methodology other than that set out in regulation 4 for the purpose of calculating the energy performance of buildings;

(b) without reasonable excuse, refuses to conduct an inspection pursuant to regulations 15 or 16; or

(c) refuses to make an inspection report available to the competent authority in accordance with regulation 17(4),

commits an offence.”;

(b) in subregulation (2) after the words “subregulation (1)” insert “or (1A)”.

Dated 27th April, 2016.

DR J CORTES
Minister with responsibility for the environment,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Environment (Energy Performance of Buildings) Regulations 2012 to further transpose into the law of Gibraltar Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings.

GIBRALTAR GAZETTE, No 4257, Wednesday 27 April, 2016

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