



## Air Conditioning: Legislation vs Guidance

For many years there has been confusion between the legislation that requires an air conditioning system to be inspected and the activity of the conditioned space that the air conditioning system occupies.

Here's a quick summary of what the legislation requires:

### The Legislation

#### The Energy Performance of Buildings (England and Wales) Regulations 2012

##### Part 4 Inspection of Air-conditioning systems

- 1) This Part applies to air-conditioning systems with an effective rated output of more than 12kW.
- 2) Where the relevant person has the power to control the temperature of more than one individual air-conditioning unit in a building, each unit shall be considered to be a component of a single air-conditioning system for the purposes of paragraph (1).
- 3) In this Part "effective rated output" means the maximum calorific output specified and guaranteed by the manufacturer of the system as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer.

And that's it; check it out for yourself:

<https://www.legislation.gov.uk/ukxi/2012/3118/part/4/made>

### The Guidance

In order to make this "clearer" for system owners and operators, the Government have provided a guidance document that it intended to provide a simple explanation to end users.

So what does the guidance say?

#### A guide to air conditioning inspections in buildings

Updated 28 December 2020

##### When air conditioning inspections are required?

All air conditioning systems with an effective rated output of more than 12kW must be regularly inspected by an energy assessor. The inspections must be no more than five years apart.

##### Which systems require an air conditioning inspection?

Only air conditioning systems with an effective rated output of more than 12kW are affected by these regulations. This will include systems consisting of individual units which are less than 12kW, but whose combined effective rated output is more than 12kW.

So up to this point things look OK.

But here's where the majority of the confusion is coming from:

There is no exemption within the regulations which restricts the inspection and maintenance of systems to those purely for the comfort of occupants. Refrigeration provided solely for process applications, such as cold stores and pharmaceutical production, can be inspected. However, this guidance is not intended to cover dedicated process cooling systems.

In a recent communication with DLUHC we asked a number of questions relating to the Government's publication 'A guide to air conditioning inspections in buildings' and the legislation associated with the inspection of air conditioning systems; detailed in Part 4 of the regulations.

##### **Q: Does the legislation require all systems with an effective rated output of more than 12kW to be inspected?**

The Regulations require that all air conditioning systems with an effective rated output of more than 12kW must be regularly inspected by an energy assessor.

##### **Q: Does the legislation take precedence over the guidance?**

The Regulations always take precedence over guidance. Guidance provides a simple explanation to the user on what is required under the Regulations.

##### **Q: Should energy assessors be referring System Owners/Operators to the legislation or the guidance?**

As I stated in the above response, the Regulations take precedence over guidance. The Guidance provides a simple explanation on what is required under the Regulations.

##### **Q: Is the intention of the guidance to ensure that only systems that provide comfort cooling for occupancy get included in the inspection process?**

No, the guidance notes that it is focused on air conditioning systems where refrigeration is used to provide cooling for the comfort of the occupants of the building but that the Regulations include the inspection of air conditioning systems that are provided solely for process applications. TM44 provides detail guidance to energy assessors on how to undertake ACIRs with the scope to inspect not only comfort of the occupants but also process applications.

##### **Q: Is it the intention of the guidance to exclude these environments from the inspection process?**

No, it is not the intention of the guidance to exclude air conditioning used in process application environments from the inspection process.

### In summary;

1. Please always refer any queries to Part 4 of the legislation.
2. All air conditioning systems over 12kW need to be regularly inspected.
3. There is nothing in legislation that requires only air conditioning systems that provide cooling for occupancy to be inspected.
4. Occupancy is not a trigger for an inspection; a system over 12kW is.
5. Follow TM44 for the inspection process.

We hope you find this information helpful. Soon we hope to be in a position to provide clarity on how buildings affect the reporting process.

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