

EPC requirements

What kind of Energy Performance Certificate is required and when?

Energy Performance Certificates are required on the construction, sale or rent of nearly all properties. However there are often questions as to when and what is required, when a property is exempt and who is responsible. This reference sheet aims to help you with these questions. This quick reference guide is version 3 and includes the updates introduced from 9th Jan 2013.

Domestic Buildings:

- An EPC is required to be instructed prior to the property being marketed, it does not have to be returned
 - For this purpose 'instructed' means an appointment booked with an Energy Assessor or a commitment to pay can be demonstrated
- The EPC must be available within 7 days of marketing the property
 - Unless there is a valid reason and every attempt has been made to get one in which case a further 21 days are allowed
 - If following this extension there is still no EPC the property must be withdrawn from the market
- The EPC rating must be included in all advertising/commercial media. The requirement to include the front page has been removed:
 - Where there is room, for example the particulars, the graph should be included. Where there is not, for example newspaper ads, the rating is sufficient
 - The definition of what is included within 'commercial media' can be found in FAQ 5
- It is both the property owner and the Agents responsibility to ensure an EPC has been ordered prior to marketing and that one is returned within the relevant timescales
- Failure to ensure either of the above can lead to a fine of £200 for each case

Commercial Buildings:

- The regulations are very similar to that of domestic properties with the following additions:
 - The property is being marketed for commercial use
 - If the property is being marketed as both commercial and domestic then the type of EPC needed is determined by the last use
 - There are a number of buildings exempt from requiring a commercial EPC including places of worship, low energy use e.g. barns and standalone units of less than 50m². Please see flow diagram for more exemptions
 - Failure to comply with the above may lead to a fine of 12.5% of the rateable value with a minimum of £500 and maximum of £5000, with a fixed £200 for failing to make available on demand of an enforcement officer

New Build:

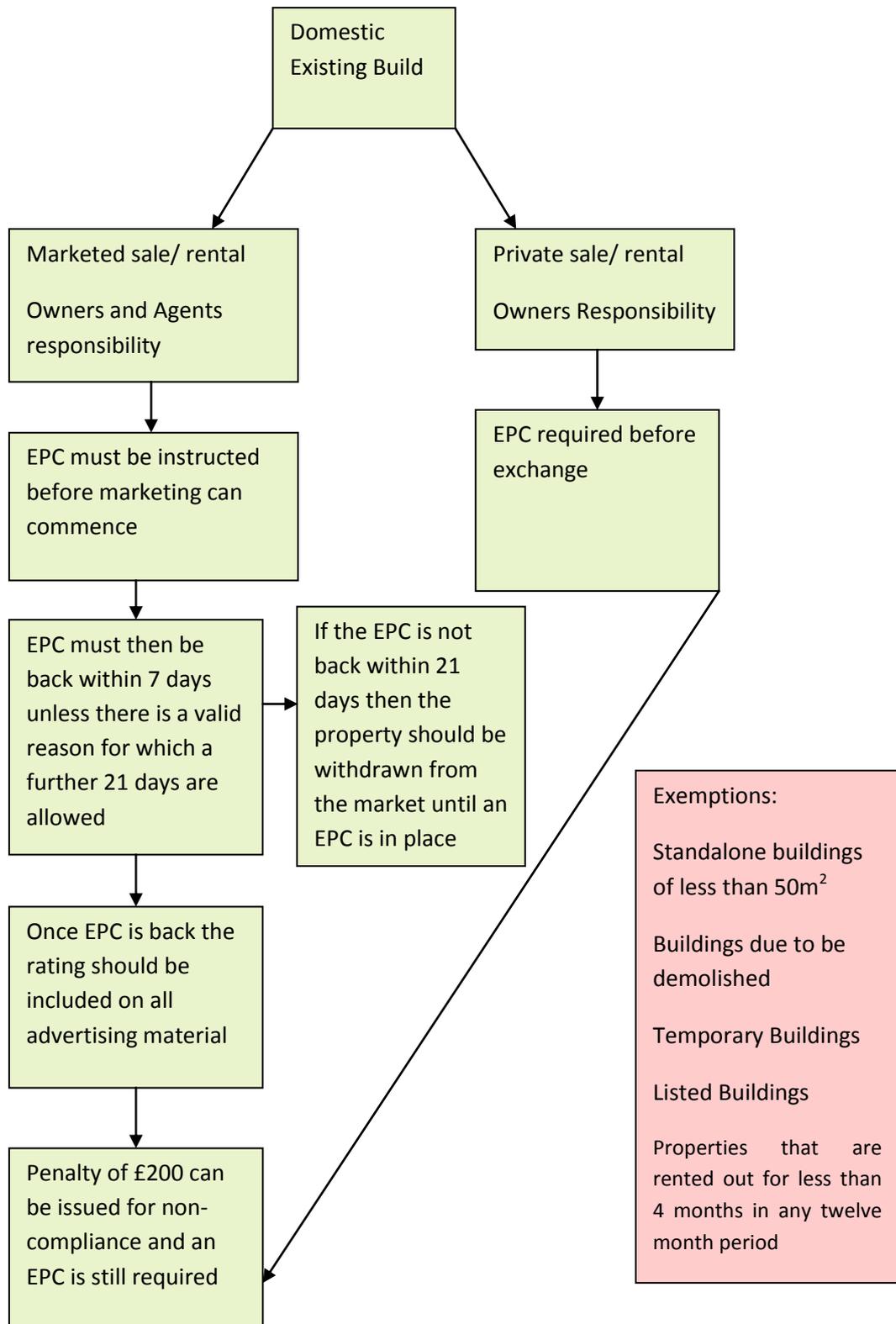
- New Build EPCs are created from plans and the building specification but can only be produced once the property is complete.
- During construction, before completion, a predicted energy assessment (PEA) can be produced and needs to be used in place of the EPC
- If the land/plot is not due to be developed before the property is sold then no EPC is required

Although we have tried to cover the basics in this guide the final decision rests with Trading Standards who police the scheme. If you are ever in doubt of what is required please contact us.



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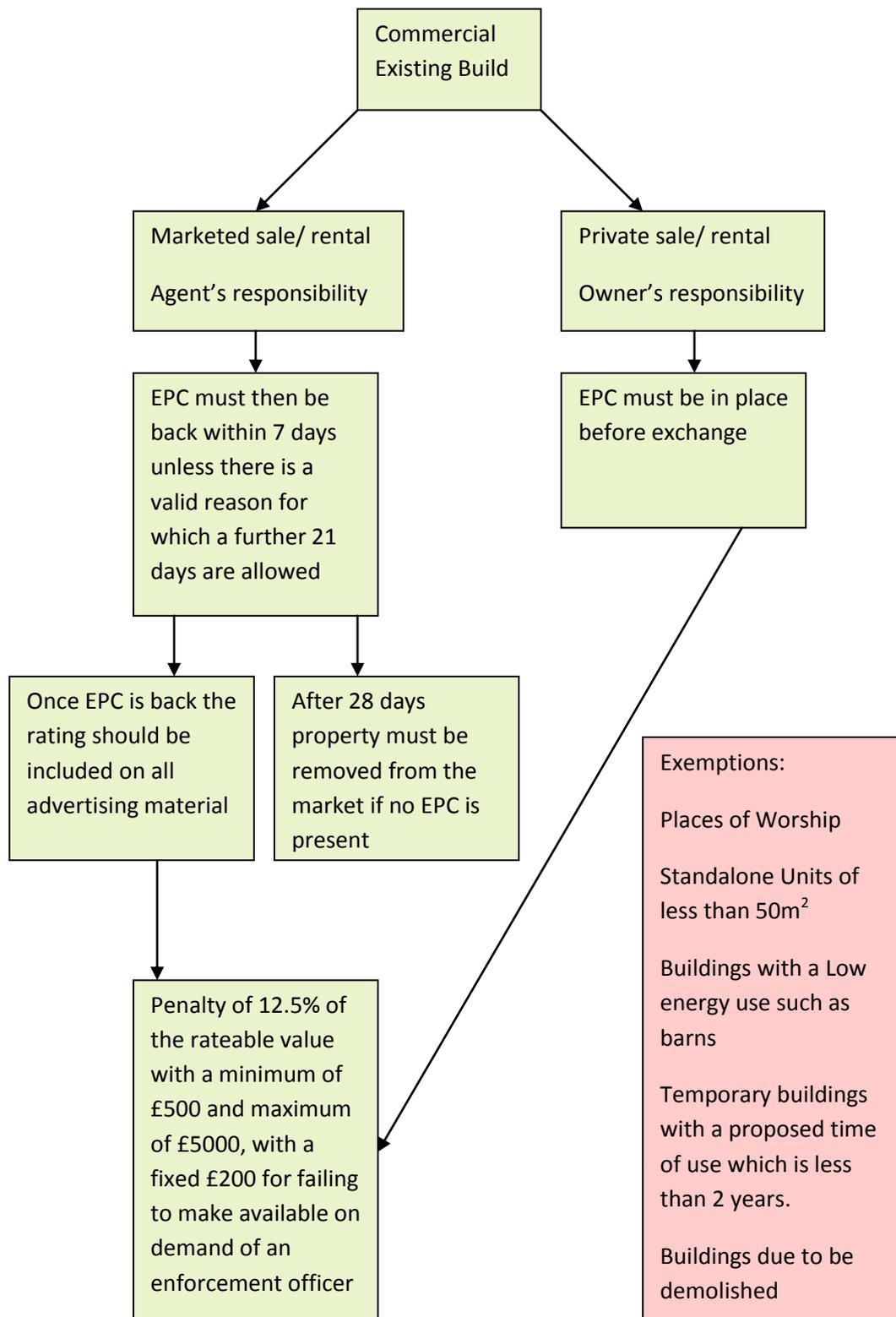
Domestic EPC Quick Reference Flow Chart



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Commercial EPC Quick Reference Flow Chart



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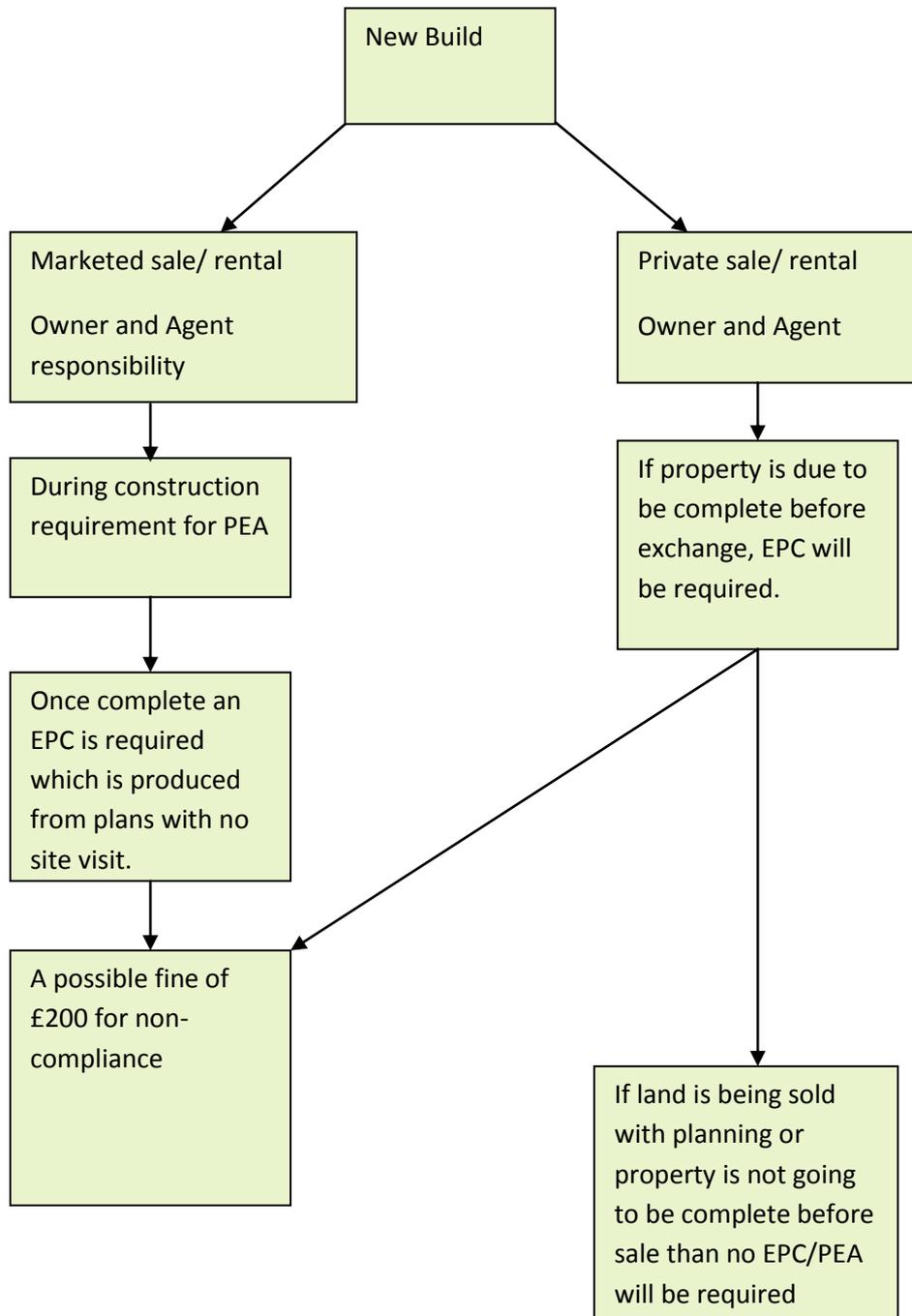
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New Build EPC Quick Reference Flow Chart



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FAQs

1. How long is an EPC valid for?
 - a. 10 years
2. Who is responsible for ensuring and EPC is ordered prior to marketing?
 - a. The owner of the property is ultimately responsible but any marketing agent must also satisfy themselves that one is in place and include the rating in their commercial
3. Can the graphs be attached to the written particulars?
 - a. Yes if there is room otherwise the rating is sufficient
4. What happens with properties already on the market or that already have EPCs prior to 9th Jan 2013?
 - a. As the previous regulations included the requirement for graphs or the front page, the particulars should already meet the requirements post 9th Jan 2013. However all other material such as window cards and newspaper ads should have the rating added
 - b. Any property coming back to the market should have rating added as per latest regulation changes introduced 9th Jan 2013
5. What counts as advertising/commercial media?
 - a. For the purposes of the regulations, commercial media is used to mean:
 - i. Newspapers and magazines
 - ii. Written material produced by the seller/landlord/estate agent that describes the building being offered for sale or rent
 - iii. The internet
6. Are any domestic properties exempt?
 - a. Those due to be demolished and that have relevant permission in place
 - b. Properties that are rented out for less than 4 months in any twelve month period
 - c. Temporary building such as static caravans
 - d. Stand alone buildings of less than 50m²
 - e. Listed buildings



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7. How do I check if building has been listed by English Heritage
 - a. See: www.english-heritage.org.uk/caring/listing/listed-buildings
8. Does this mean holiday cottages require EPCs?
 - b. Yes if they are rented out for more than 4 months in any 12 month period
9. We are marketing a property with an annexe/ separate accommodation how many EPCs do we need?
 - c. If the annexe is designed to be used separately to the main property in that it has its own living facilities including bathroom, cooking facilities, a bedroom and own access then it will need a separate EPC
10. We are marketing a Guest House as a business or to be used as a residential property, what kind of EPC do we need?
 - d. As the last use was as a Guest House a Commercial EPC will be required
11. We are marketing a commercial property with a residential dwelling above, what kind of EPC do we need?
 - a. If the dwelling is accessed from the commercial building then one commercial EPC will be required for the whole building
 - b. If the dwelling has separate access then a commercial EPC will be required for the commercial unit and a domestic EPC for the dwelling
12. Does a New Build Property need a site visit?
 - e. No New Build EPCs are produced from plans with the build specification
13. When marketing a new build property do we need a Predicted Energy Assessment before the buildings are complete?
 - f. Yes, before the building is complete a Predicted Energy Assessment (PEA) should be produced
 - g. If the building is not due to be complete before sale or it is land being sold with planning permission then it does not need and EPC or PEA
14. Who polices these EPC regulations and what are the consequences of none compliance?
 - h. Trading Standards Officers police the regulations and following the introduction of the amended regulations on 6th



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April 2012 they will have more powers to set on the spot fines and be able to police via the web

- i. For domestic there is a fine of £200 for each offence
- j. For commercial it is 12.5% of rateable value with a minimum of £500 and the maximum of £5000. There is also the possibility of an on the spot fine of £200 for failing to provide the EPC to a TSO on demand

15. What counts a low energy use

- k. A building where it is considered there would be no need to condition the indoor climate for example a barn. However a storage unit with facilities such as a toilet would not be considered low energy use.



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