

The Energy Performance of Buildings

Energy Performance Certificates (EPCs)

Building, buying, selling or renting out a property?

Then Energy Performance Certificates (EPCs) matter to you.

Sellers, builders, developers and landlords – know your responsibilities.

Buyers and tenants – know your rights.

Wanting to buy or rent a property?

When you first ask about a property which is for sale or rent the owner or estate agent must show you its Energy Performance Certificate (EPC)

You should also see the EPC coloured bar chart on all the marketing materials such as brochures or websites.

The EPC tells you which energy band the property falls into. It uses a scale of A to G, similar to washing machines or fridges where A is very good, which means the property will cost less to heat, and G is very poor, which means the property will be most expensive to heat.

The EPC will also include recommendations of cost-effective ways to improve the energy efficiency of the property.

If you are looking at a property and are not being shown the EPC you can complain to Building Control and we will investigate it. Each local council's Building Control enforce the Energy Performance of Buildings Regulations (NI) in their council area.

Selling or renting out your property?

If you are selling or renting out your property, either privately or through an agent, you must have an Energy Performance Certificate (EPC) for that property. There are some **exemptions** from needing an EPC.

The EPC must be carried out by an accredited energy assessor and remains valid for 10 years (although you should get a new EPC if you carry out any major refurbishment or building work which changes the energy efficiency of your property as its EPC rating will change).

You can find an accredited energy assessor by visiting www.epbniregister.com for dwellings or www.epbniregisternd.com for all other properties.

You can also check if the property has an EPC by visiting www.epbniregister.com for dwellings or www.epbniregisternd.com for all other properties. (members of the public search will be able to search for and view EPCs from November 2013)

To calculate the EPC the energy assessor will need to inspect the property and use information about it such as:

- Type of construction
- Thermal insulation
- Heating system

- Lighting

AN EPC is required even if there is no heating system or services at the moment, such as in commercial retail shell units or incomplete dwellings.

If you are unhappy with the content or quality of the EPC you should complain to the energy assessor and their accreditation body.

The penalty for not complying with the above is £200 for dwellings and from £500-£5000 for any other property, and you can be fined more than once.

Estate agent or letting agent responsibilities

A dwelling or any other building (or building unit) cannot be advertised for sale or rent without an Energy Performance Certificate (EPC).

Any commercial media used to advertise a property must have the energy indicator chart from the EPC on all brochures, displays, leaflets, web sites or classified advertisements.

Where there is not enough space to include the energy indicator chart on advertisements such as on small newspaper adverts or small cards in a window display, the EPC energy rating must be stated, for example F36.

Legally, you must show anyone who makes an enquiry about a property the Energy Performance Certificate (EPC) when they first ask about the property.

The penalty for not complying with these requirements is £200 for each breach, and you can be fined more than once.

When an Energy Performance Certificate (EPC) not needed

Exemptions to EPC requirements

A property **doesn't** need an EPC if it is:

- not being marketed for sale or rent
- having its lease renewed and existing contract extended
- a building used as a place of worship and for religious activities, such as a church, chapel, gospel hall and so on.
- going to be demolished on purchase by the buyer
- in need of major renovation (25% of building envelope)
- a room used for 'residential purposes' such as rooms in hostels, boarding houses or halls of residence
- a room in a house of Multiple Occupation (HMO) where occupants sign individual contracts (where a group of occupants sign a single rental agreement for the property as a whole an EPC will be required)
- a stand alone non-dwelling of less than 50m² such as a detached garage, work shed, store and so on.
- a temporary building with a planned life of less than 2 years, such as a temporary mobile home on a building site.
- a building with a 'low energy demand' such as a barn, industrial workshop, warehouse or factory, where the internal climate is not conditioned.

Building a new home or commercial building? What you need to know about on-construction EPCs

An on-construction EPC is one that must be produced for:

- a newly built property
- a building that has undergone major renovation (and it was exempt from needing an EPC when it was sold as it was to be renovated or demolished)
- a building that is being altered to create separate units or a change of use, including the provision of fixed services for heating, hot water, air-conditioning and mechanical ventilation

The person responsible for having the construction work carried out must give the on-construction energy performance certificate for the building to the owner of the building not more than 5 days after the work has been completed.

Not all energy assessors will be trained and accredited to produce on-construction EPCs and well as EPCs for existing buildings. Also not all people qualified and able to carry out energy calculations (for example SAP or SBEM calculations) for buildings being constructed are accredited to provide the on-construction EPC. If you are getting a home or other building constructed, it may be advisable to make sure that the energy assessor engaged to do the energy calculations for Building Regulations purposes can also provide the EPC at completion stage for compliance with the EPB Regulations as well.

You can find an accredited energy assessor by visiting www.epbniregister.com for dwellings or www.epbniregisternd.com for all other properties.

You can also check if the property has an EPC by visiting www.epbniregister.com for dwellings or www.epbniregisternd.com for all other properties. (members of the public search will be able to search for and view EPCs from November 2013)

Display Energy Certificates

Similar to EPCs, Display Energy Certificates (DECs) provide an energy performance rating A to G for public sector buildings. Unlike EPCs the DECs take into account how the building is being used, and takes the previous year's energy usage of the building into account.

A DEC is required for all publicly funded buildings that have a total useful floor area of over 500m² and are frequently visited by members of the public. This floor area will reduce from 500m² to 250m² on the 9th July 2015.

The DEC must be displayed in a prominent place within the building and be clearly visible to the public. A DEC is only valid for one year and must be updated annually.

A DEC must be accompanied by an advisory report which provides recommendations on how to improve the energy performance rating of the building. The advisory report is valid for seven years and does not need to be displayed to the public.

A DEC can only be produced by a competent and accredited energy assessor who is accredited to produce DECs. For details of energy assessors in your area check local press or visit www.niepcregisternd.com

Link - leaflet

Link - DFP Guidance

Inspection of air conditioning systems

An air conditioning system with an output rating of more than 12kW must be inspected at regular intervals not exceeding five years. The air-conditioning inspection report must include an assessment of the air-conditioning system's efficiency and the sizing of the system compared to the cooling requirements of the building, and give advice on possible improvements to the system, replacement of the system and alternative solutions.

It is the responsibility of the 'relevant person' to ensure that the building they are responsible for has the necessary air conditioning inspection report. The 'relevant person' will be the person who controls the operation of the system.

If you control the operation of an air-conditioning system affected by these Regulations, it is your responsibility to:

- Ensure an inspection has been carried out in accordance with the legislation.
- Keep the most recent Air Conditioning Inspection Report produced by the energy assessor for inspection.
- Give any inspection report in your possession to any person taking over your responsibilities with respect to the control of the air-conditioning system.

If you have taken over control of an air-conditioning system and you haven't been given an inspection report, you must ensure the system is inspected within three months of taking over such control.

An inspection can only be performed by a competent and accredited energy assessor who is qualified to inspect air-conditioning systems.

For details of energy assessors in your area check local press or visit www.niepcregisternd.com

Link - leaflet

Link - DFP Guidance

Advice and Information

Freephone the Building Control EPB team on 0800 022 3004

Contact Building Control in your local council

Visit the Department of Finance & Personnel's website www.epb.dfpni.gov.uk

Energy Performance of Buildings

Fines and enforcement

Your local council's Building Control is responsible for enforcing the Energy Performance of Buildings Regulations NI 2008 (as amended) legislation.

Under this legislation it's an offence:

- to market a property which does not have an Energy Performance Certificate (EPC) for sale or rent
- for the EPC energy indicator not to be included on any commercial media used to advertise a property for sale or rent
- to build a new home or commercial property and not give an on-construction EPC to the owner
- For a publicly-funded building that should have and display a valid DEC not to
- For an air-conditioned building that should have a air conditioning inspection report, not to

This means that people that breach the legislation can be fined by getting a Penalty Charge Notice (PCN).

Fines

If you market a domestic property which does not have an EPC you can get a PCN of £200. This can be substantially more for commercial properties.

If the EPC energy indicator is not included on any commercial media used to advertise the property you can get a PCN of £200.

If you are responsible for providing an on-construction EPC to the owner of a newly build or renovated/modified property you can get a PCN of £200.

For not having or displaying a DEC you can get a PCN of £500, or £1000 for not having the associated advisory report.

For not having an air-conditioning inspection report you can get a PCN of £300.

Paying the fine

You must pay the fine or ask for the council to review the issue of the Penalty Charge Notice (PCN) within 28 days to avoid further action.

If you need additional time to pay the fine, please write to the council as soon as possible after you receive the PCN as they may be able to allow more time beyond the 28 days. Your council will be able to tell you what methods of payment they accept.

Asking for a review of the Penalty Charge Notice

If you want the council to review the issue of the fixed penalty notice you need to write to them as soon as possible after it has been issued.

In this letter you should:

- quote the fixed penalty notice reference number (in the top right corner of the notice)
- include all relevant information in your letter of dispute

The council will review your case based on all the information you give and advise you of the outcome. If you're unsuccessful you must pay the fine immediately or else appeal it to the County Court. The Council will give you more information about this process at the time.

If you don't pay a fixed penalty

If you do not appeal, but do not pay the fine either, then the council will enforce the payment of the Penalty Charge Notice in the Smalls Claims Court. You may also be liable for additional administration and legal costs.

Advice and Information

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Contact Building Control in your local council

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