



Department of  
**Finance and  
Personnel**  
[www.dfpni.gov.uk](http://www.dfpni.gov.uk)

Improving the energy efficiency of our buildings

**A guide to Energy Performance Certificates for  
the construction, sale and rental of dwellings  
(Guidance Booklet No. 4)**

**The Energy Performance of Buildings (Certificates and Inspections)  
Regulations (Northern Ireland) 2008 – SR 2008/170, amended by SR  
2008/241, SR 2009/369 and SR 2013/12**

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# Foreword

This document is not a statement of the law, but is intended to help prospective sellers, buyers, landlords, occupiers, building managers, builders and their agents understand how, in relation to dwellings, the Directive and Regulations work in practice, how to apply the Regulations, what their responsibilities are and when energy certificates are required.

Buildings are responsible for almost 20 per cent of the UK's energy consumption and carbon emissions. Energy Performance Certificates promote the improvement of the energy performance of buildings and form part of the implementation in Northern Ireland of European Directives 2002/91/EC and 2010/31/EU on the Energy Performance of Buildings. The principle underlying the Directive is to make energy efficiency transparent by the issuing of a certificate showing the energy rating of a property, accompanied by recommendations on how to improve efficiency. This energy performance certificate (EPC) must be provided whenever a property is constructed, being rented out or being sold.

The Directive was implemented in Northern Ireland by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)<sup>1</sup>. In 2013 amendment regulations, the Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013<sup>2</sup> were made to implement new measures in a recast of the Directive (Directive 2010/31/EU). Collectively this legislation is referred to as 'the EPB Regulations' in this document.

This guide describes the scope and requirements of the EPB Regulations relating to the construction, sale or rental of dwellings and provides guidance on how the requirements are applied. It is intended to help landlords and sellers understand their responsibility for making energy performance certificates available when renting out or selling a dwelling. This guidance also outlines what tenants and buyers should expect to receive when they begin the process of renting or buying a dwelling.

While this guidance aims to explain how the requirements work in practice, any interpretation of the EPB Regulations is offered only as a guide, as the Department cannot provide legal advice. Therefore, it is important to read and understand the EPB Regulations as well. In cases of doubt independent legal advice should be sought.

This document is part of a series that explains the requirements relating to Energy Performance Certificates, Display Energy Certificates, and air conditioning inspections in Northern Ireland. Buildings in England, Wales and Scotland are subject to separate regulatory requirements and guidance.

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<sup>1</sup> SR 2008/241 and SR 2009/369 refer.

## Key points in the EPB Regulations in relation to dwellings:

- an EPC is required whenever a building (in this guide, dwelling) is constructed, sold or rented out;
- the EPC shows the energy efficiency rating (relating to running costs) of a dwelling. The rating is shown on an A–G rating scale similar to those used for refrigerators and other electrical appliances. An example of an EPC is available from [http://www.dfpni.gov.uk/index/buildings-energy-efficiency-buildings/energy-performance-of-buildings/content - energy performance of buildings-download\\_epb\\_publications.htm#examples](http://www.dfpni.gov.uk/index/buildings-energy-efficiency-buildings/energy-performance-of-buildings/content - energy performance of buildings-download_epb_publications.htm#examples);
- the EPC includes recommendations on how to improve the dwelling's energy efficiency. There is no statutory requirement to carry out any of the recommended energy efficiency measures stated;
- when a new dwelling is constructed, it is the responsibility of the builder to provide an EPC when it is physically completed;
- landlords and sellers or agents acting on their behalf must show an EPC free of charge to interested parties when they first make an enquiry about a dwelling and must provide a copy of the EPC to the person who takes up the tenancy or the successful buyer;
- estate agents and other third parties must ensure that an EPC has been commissioned before they can market a dwelling for sale or rent. In addition, all advertisements in commercial media must show the dwelling's EPC rating clearly;
- EPCs are valid for 10 years and can be reused as many times as required within that period. It is not necessary to commission a new EPC each time there is a change of tenant, or the property is sold. Where more than one EPC is produced for a dwelling, the most recent EPC is the valid one; and
- in the social or private rental sector, an EPC is not required for any property that was occupied prior to 30 December 2008 and which continues to be occupied by the same tenant. However, landlords may commission EPCs for these dwellings if they wish.

A glossary of some pertinent terms used in the EPB Regulations or this guidance are at Annex C.

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<sup>2</sup> SR 2013/12 refers.

# Chapter 1

## 1. Buyers and tenants

From 18 February 2013 all sales or lettings advertisements in commercial media should show the EPC rating of the dwelling being advertised. There is no requirement to display the full certificate but where there is adequate space, the advertisement should show the A-G graph. However, it is recognised that this will not always be possible. In such cases the advertisement should include the actual EPC rating of the property (for example 'EPC A92'). As a general rule printed documents greater than A5 in size and websites are expected to display the A-G graph. Smaller documents or documents advertising multiple properties may use the EPC rating. Please refer to the Department's current guidance on the approved forms at [www.epb.dfpni.gov.uk](http://www.epb.dfpni.gov.uk).

When a prospective buyer or tenant registers an interest in a dwelling (by arranging a viewing or requesting further details), the seller or landlord must make sure a copy of the dwelling's EPC is available to them. This should be in whichever format the prospective buyer or tenant has requested (e.g. hard copy or electronically as a document or web link).

Often a landlord or seller will use an agent to manage the letting or sales process. If this is the case the lettings or estate agent will provide the prospective tenant or buyer with the EPC. However it remains the ultimate responsibility of the landlord/seller to make sure this is done.

On all occasions the landlord or seller is obliged to give prospective tenants or buyers a copy of the EPC before any contract has been entered into.

The EPC must always be made available to prospective tenants or buyers free of charge.

# Chapter 2

## 2. EPC requirements

### 2.1 Requirement to provide an EPC when building, selling or renting out a dwelling

An EPC is required whenever a dwelling is built, being sold, or being let to a new tenant. This requirement was introduced in stages beginning on 30<sup>th</sup> June 2008 with sales of existing dwellings; new build dwellings required an EPC from 30 September 2008 and EPCs for rental of dwellings came into force on 30 December 2008.

An EPC is only required for a dwelling that is self-contained – i.e. one that does not share essential facilities such as a bathroom/shower room, WC or kitchen with any other dwelling, and that has its own entrance, either from outside or through common parts, that is not through another unit.

#### 2.1.1 Existing dwellings

The purpose of the EPC is to show prospective tenants or buyers the energy performance of the dwelling they are considering. Therefore, the landlord or seller must commission an EPC (reduced data standard assessment procedure (RdSAP) EPC) and have it available when the dwelling is first put on the market or advertised and ensure that a copy of it is shown free of charge to interested parties when they first make an enquiry about the property.

A copy of the EPC must always be given free of charge to the person who ultimately becomes the tenant or the new owner of a property, before any contract is entered into.

#### 2.1.2 New dwellings

When a new dwelling is constructed and is physically complete, it is the responsibility of the person carrying out the construction to give an EPC (full standard assessment procedure (SAP) EPC) to the dwelling owner within five days of completion.

### 2.1.3 Modifying the number of dwellings in a building

Similarly, if a dwelling is modified to have more or fewer parts than it originally had and the modification includes the provision or extension of fixed services for heating, air conditioning or mechanical ventilation (i.e. those services that condition the indoor climate for the benefits of the occupants) then a full SAP EPC will be required. When the modifications are physically complete, it is the responsibility of the person carrying out the modification works to give the EPC to the dwelling owner within five days of completion.

An EPC relates to a single dwelling, so if a dwelling is converted such that it will contain more, or fewer, separate dwellings than before, a new full SAP EPC will be required in relation to each new self contained dwelling.

## 2.2 Situations where an EPC is not required

EPCs are not required on sales or rentals of dwellings due to be demolished or on which a major renovation is to be undertaken, provided the seller or landlord can demonstrate that they believe, on reasonable grounds, that a prospective buyer or tenant intends to demolish the dwelling or carry out a major renovation (e.g. on evidence of an application for planning permission). It should be noted however, that for buildings which have been exempt on the grounds of a major renovation an RdSAP EPC must be produced within five days of the completion of these works.

Additionally the following types of building do not require an EPC:

- buildings used as places of worship and for religious activities;
- temporary buildings with a time of use of two years or less;
- certain non-residential agricultural buildings; and
- stand-alone buildings with a total useful floor area of less than 50m<sup>2</sup>.

# Chapter 3

## 3. Validity period and production of EPCs

### 3.1 Validity period

If an EPC has already been produced for a dwelling, this EPC can be re-used for future sales or rental of that dwelling. EPCs are valid for 10 years from the date of their production and can be re-used as many times as required within that period.

If a new EPC is lodged, this then becomes the only valid one. EPCs are not invalidated by renovation works or improvements. However, a landlord or seller may wish to obtain a new certificate to demonstrate the energy efficiency improvements to potential tenants/buyers.

### 3.2 Production of EPCs

EPCs for existing dwellings must be produced by an accredited Domestic Energy Assessor (DEA) and for new dwellings by an On-construction Energy Assessor (OCEA).

For either type of Energy Assessor to be accredited, they must be registered with an Accreditation Scheme. It is the Scheme's responsibility to ensure the Assessor is competent and that periodic quality checks are carried out on the assessor's work. More information on accreditation for DEAs may be found at [www.gov.uk/domestic-energy-assessor-existing-buildings](http://www.gov.uk/domestic-energy-assessor-existing-buildings) and for on-construction energy assessors, [www.gov.uk/on-construction-dea-accreditation](http://www.gov.uk/on-construction-dea-accreditation).

#### 3.2.1 EPCs for existing dwellings

The DEA will carry out a survey of a dwelling to gather data about it and the building fabric, the extent of any insulation, the installed heating and hot water services and the fixed lighting.

As a DEA may be visiting occupied homes, they are required to pass a basic criminal records bureau or CRB check. This requirement applies to in-house staff trained as DEAs as well as those external to the organisation.

There are a number of ways to find a DEA:-

- the EPC register at [www.niepcregister.com](http://www.niepcregister.com) has a search facility to locate assessors in a given postcode area. The search will identify assessors who have agreed to have their details given out, and will show their accreditation details, qualifications and contact details; and
- lists of assessors may be held by lettings and management agents and estate agents.

### **3.2.2 EPCs for new dwellings**

For new homes, only an OCEA may produce the EPC. If a builder or developer is currently using SAP to provide an energy rating to Building Control as part of the Building Regulations compliance procedures, he or she will need to join an accreditation scheme before they can produce an EPC.

There are a number of ways to find an OCEA:-

- the EPC register at [www.niepcregister.com](http://www.niepcregister.com) has a search facility to locate assessors in a given postcode area. The search will identify assessors who have agreed to have their details given out, and will show their accreditation details, qualifications and contact details; and
- lists of assessors may be held by lettings and management agents, estate agents or building developers.

## **3.3 Communications**

Landlords or sellers should bear in mind the most appropriate way of communicating with prospective tenants or buyers. Web links or electronic communications are acceptable, provided that interested parties will be able to access information in this way and consent to receive it in this form.

The landlord or seller should maintain an auditable trail of communication to show whether a tenant/buyer has agreed to receive an EPC electronically and whether they have in fact received it.

# Chapter 4

## 4. Lodgement, enforcement and cost

### 4.1 EPC lodgement

All EPCs are stored on a central national register. The Northern Ireland register can be accessed free of charge on [www.niepcregister.com](http://www.niepcregister.com).

Anyone with an EPC can opt-out of having their data made publicly available by completing a simple form on the Northern Ireland register and requesting that the EPC for their property is opted-out of any data searches. It is possible to opt back in at any stage.

### 4.2 Enforcement

District Council Building Control for the area in which a dwelling is located is responsible for enforcing the EPB Regulations. A Building Control Officer has powers to ask a landlord or seller who appears to be or to have been under a duty in the EPB Regulations to produce for inspection an EPC and recommendation report if s/he suspects that an offence has been committed. The officer might intervene if, for example, a prospective tenant complains that they have not been given access to a copy of the EPC, or if the tenant does not receive the EPC when he takes up the tenancy.

If the landlord or seller has failed to provide an EPC to a tenant or buyer, or fails to show an EPC to an enforcement officer when asked, Building Control can issue a notice with a penalty charge of £200 per dwelling. In addition, an EPC for the property will still have to be provided by the landlord/seller to the new tenant/ buyer.

The level of fine and the process for issuing a penalty notice, and challenging once it has been issued is set out in the EPB Regulations.

## 4.3 EPC cost

The cost of an EPC is set by the market. It takes account of the travel time to the dwelling and back, the survey, the energy modelling, production of the EPC, the lodgement of information and compliance with any quality assurance procedures. The costs of EPCs may differ between the rental and sales markets. The reasons for this may include some of the following:

- a requirement by the landlord for additional services;
- gaining access to tenanted dwellings may require repeat visits or work at evenings and weekends for which a premium rate may be charged;
- co-located dwellings reducing travel time;
- dwellings with some of the same energy input data; and
- the existence of accurate, centrally held energy data, which may reduce survey time.

# Chapter 5

## 5. Additional information for landlords

### 5.1 Lease renewal

A landlord is not required to produce an EPC when an existing lease is renewed; the landlord only has to do so when a new tenant takes over the dwelling.

### 5.2 Verbal tenancies

In the case of verbal tenancies, i.e. where there is no initial written agreement, it may not always be clear when the tenancy was made. However, the landlord is required to give a copy of the EPC to the new tenant as soon as it becomes clear who has taken up the tenancy.

### 5.3 Landlords providing emergency accommodation

Where a tenant needs urgent relocation landlords would not be expected to comply with the requirement to make an EPC available before renting out the dwelling if there is no valid certificate available and there is insufficient time to commission one.

An EPC must be provided as soon as is reasonably practicable after renting out the dwelling. However, if a dwelling was being marketed for rent prior to a tenant taking up urgent relocation, it would be assumed that an EPC would be available (see Chapter 2).

### 5.4 Dwellings in multiple occupation

An EPC is only required for a habitable unit if it is self contained.

Where individual rooms in a dwelling are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required. This is because an EPC is only required on the rental of a building or part of a building designed or altered to be used separately. Renting a room does not meet the 'part of a building' definition.

## 5.5 Planning for EPC implementation on multiple properties

When landlords are planning an EPC compliance strategy some of the main issues to consider are:

- the size and geographical spread of their portfolio;
- the turnover of the stock, or particular parts of the stock;
- any energy efficiency data already held and its accuracy and completeness;
- any existing stock management systems in place to hold this data;
- the stock management/condition survey contracts in place and future requirements/intentions;
- other policy and regulatory requirements to visit properties to assess their condition;
- whether vulnerable tenants live in the properties;
- whether any of the landlord's current staff are trained, or will be trained, in energy assessment; and
- the tender process which must be followed for new contracts.

The most appropriate strategy will vary. It will depend on the answers to these questions, so it is not possible to give an authoritative view on what is the best strategy in any given situation or for any particular landlord. Nevertheless, some general principles are set out below.

### 5.5.1 Adopting a proactive or reactive approach

A proactive approach to EPC compliance means having EPCs ready in advance of the trigger points at which they would be needed. For example, if a landlord has a block with a high turnover of tenants, then producing EPCs in advance of the requirement will mean that these are on hand when a Unit is being marketed and will be readily available to show to prospective new tenants as they are viewing accommodation. It should be borne in mind however that a proactive approach typically requires surveys of tenanted properties. Therefore, if any difficulties are encountered in gaining access, the need to make repeat visits could increase costs.

A proactive approach would probably be less cost effective for a block of flats with a very low turnover when the EPCs may not be needed for many years.

A reactive approach means producing EPCs as and when they are needed. If there is no EPC in place when a tenant leaves, then one will need to be produced before the accommodation is next marketed as available to prospective tenants.

### **5.5.2 Maximising the benefits from the EPC**

The level of data already held by landlords is likely to vary considerably, depending on a number of factors, such as:

- the individual strategies, priorities and budget - some landlords may have chosen to collect and hold detailed data, others may not have the resources or need to do this;
- the quality of data inherited from previous owners of the stock;
- the date and extent of any recent renovation works to properties;
- the date and completeness of the most recent stock condition survey;
- the age of dwellings and extent of subsequent improvement works.

The current status of the energy data which the landlord holds is likely to affect the data s/he may wish to retain from the process of producing an EPC. Landlords with a larger portfolio, for example, may wish to hold the source data for the EPC, i.e. property dimensions, heating system details, double glazing and insulation, in an asset management database and use it to inform future improvement programmes. If this is the case, the provision of such data should be discussed with the DEA during the negotiations on setting up the EPC provision contract.

### **5.5.3 Surveying tenanted dwellings**

Landlords planning to produce EPCs for homes that are occupied may need to consider whether access to gather the data could be a problem. Some issues to consider include:

- the rights and limitations in the lease in relation to access by the landlord, or a person acting on their behalf;
- ways to encourage tenants to grant access - giving adequate notice and considering whether evening or weekend appointments may be more convenient;
- if a sample of flats in a block is being assessed with a view to creating EPCs for all identical properties, a contingency of other addresses may be needed as a back up if access proves to be a problem;
- good communications - engaging tenants in the process helps them understand why they should grant access; and
- considering any special access requirements for vulnerable tenants.

The accreditation schemes' codes of practice will prevent DEAs from entering dwellings where there are unsupervised children present, and may also extend this to vulnerable

adults. It is important (if appointing external DEAs) for landlords to make clear where there may be vulnerable tenants present, as the need to have accompanied visits may add cost or time to the process.

For both tenanted and vacant dwellings, DEAs should be made aware by the landlord of the landlord's health and safety precautions and any areas of particular risk that they may encounter.

## 5.6 Generating EPCs for similar dwellings

The EPB Regulations permit the production of EPCs for apartments, units in a block and single family houses to be based on the assessment of another representative apartment, unit or house provided it is of similar design and size with a similar energy performance. The DEA must be able to stand over the similarity of such properties

# Chapter 6

## 6. Consumer protection and enforcement

### 6.1 Checking the authenticity of an Energy Performance Certificate

All EPCs are stored in the central register. The central register is the official place for the storage of all EPCs produced in Northern Ireland (as well as England & Wales). It is currently operated by Landmark Information Group.

All EPCs must contain a valid certificate reference number. This number can only be generated once the certificate has been lodged on the central register. The EPC and recommendation report are only valid once they have been lodged. Lodging the EPC helps to protect the consumer by ensuring that only accredited Assessors can produce EPCs. You can verify the authenticity of and / or download a copy of an EPC by using the reference number or the property address to access the central register, for example to replace a lost or mislaid EPC (except in relation to buildings which have opted out of making the documents available).

Once EPCs are lodged they cannot be altered. Where there is a dispute about an aspect of an EPC this may be annotated on the register to show that the EPC in question is under investigation. Only the accreditation scheme of which the Assessor is a member may carry out the investigation.

Data on the register is kept for 20 years, which means that more than one EPC for a property may be held. An EPC may be valid for up to 10 years. If there is more than one EPC for a building only the most recent one will be valid.

### 6.2 Checking the authenticity of your Energy Assessor

All Energy Assessors must be accredited.

If you wish to check that an Energy Assessor is a member of an accreditation scheme, you can do this in two ways:

- verify the credentials of your Energy Assessor on-line via [www.niepcregister.com](http://www.niepcregister.com)

which provides a national register of accredited Energy Assessors. This will allow you to search for the Energy Assessor's name and accreditation scheme membership number; or

- ask your Energy Assessor which accreditation scheme they are a member of (and their membership number). The accreditation scheme can confirm that your Energy Assessor is accredited to practice as such.

If you want to find a suitably accredited Energy Assessor in your area to provide you with an EPC, use [www.niepcregister.com](http://www.niepcregister.com). This will allow you to search for a list of accredited Assessors in your area that you may contact to do your energy assessment. See Chapter 3.2 for details of qualification levels and accreditation schemes.

## 6.3 Complaints

If you have a complaint about the availability or quality of an EPC or about an Energy Assessor or energy assessment, you should contact the following:

**Failure to provide a valid EPC on sale or rent:-** for complaints regarding the availability and validity of an EPC for marketed sales, contact your local District Council Building Control whose officers have the power to act on your complaint.

**EPCs for newly constructed or modified properties:-** for complaints regarding the availability and validity of EPCs produced by the builder when construction work is completed, contact your local District Council Building Control.

**Quality or accuracy of the EPC and its recommendations:-** contact the Energy Assessor in the first instance and if the matter is not resolved, contact the accreditation body of the Energy Assessor who produced the EPC. Contact details for both can be found on the EPC.

**Complaints regarding an Energy Assessor or any aspects of the energy assessment:-** contact the Energy Assessor in the first instance. If the matter is not resolved, contact the accreditation body of the Energy Assessor who produced the EPC. Contact details for both can be found on the EPC.

The accreditation scheme must investigate the complaint and, where necessary, provide the appropriate redress. Where it is found that the information on the EPC is incorrect a new certificate and report must be issued and the information on the central register amended. This procedure should be followed at no cost to the complainant. In the event that a complaint cannot be resolved satisfactorily, the accreditation scheme will refer the matter to an independent 3rd party for adjudication.

The Energy Assessor has a duty of care under the EPB Regulations, both to the seller or prospective landlord and to the prospective buyer or tenant, to carry out an energy assessment on a building with reasonable care and skill. This duty is enforceable for as long as the EPC subsequently remains valid.

If an Energy Assessor is proven to have been in breach of his duty under the EPB Regulations or negligent in any other way, this is a matter that can be taken up in the first instance with the accreditation scheme before any recourse to an action in civil law. Energy Assessors will have professional indemnity cover against the eventuality that any person to whom they have a duty may suffer loss as a result of their actions.

If an EPC is alleged to have been produced fraudulently, this is a matter for criminal law, to be pursued by making a complaint to the police.

## 6.4 Penalties

Your District Council is responsible for enforcing, in its district, the requirement to have an EPC on the construction, marketing for sale or rental of a building and the requirement to have the energy indicator on commercial media used to market a property. Failure to make available an EPC as required by the EPB Regulations means you or an agent acting on your behalf may be liable to a civil penalty charge notice. A district council may act on complaints or undertake investigations. They may request you to provide them with a copy of the EPC and recommendation report. If asked, you must provide these within seven days of the request or be liable to a penalty charge notice. A copy of an EPC can be requested at any time up to six months after the last day for compliance with when the duty was to make it available.

The penalty for failing to make an EPC available to any prospective buyer or tenant when selling or renting a dwelling is fixed at £200. The same penalty amount applies to a failure to include the energy performance indicator on commercial media used to market a dwelling.

A further penalty of £200 can be issued for failure to provide a copy of the EPC within seven days when requested by a district council.

If you are issued with a penalty charge notice and you believe it should not have been issued you may request a review. If you are not satisfied with the outcome of the review you may appeal to the county court within 28 days after the notice confirming the penalty charge has been received from the district council.

## Frequently asked questions

**Q. When did the obligations to provide EPCs for rented dwellings come into force?**

A. 30 December 2008.

**Q. When did the obligations to provide EPCs for the sale of existing dwellings come into force?**

A. 30 June 2008.

**Q. When did the obligations for newly constructed dwellings come into force?**

A. 30 September 2008.

**Q. How long is an EPC valid for?**

A. 10 years.

**Q. Where does the 10 year validity period come from?**

A. The requirement for an EPC is driven by the European Directive, which includes a provision that the validity period of EPCs should not exceed 10 years.

**Q. Where can I find an Energy Assessor?**

A. Details of accredited energy assessors can be found on [www.niepcregister.com](http://www.niepcregister.com) .

**Q. Can a landlord charge a tenant for the provision of an EPC?**

A. No. It is not permitted for the landlord to charge for the provision of the original EPC. However it is permissible for a tenant who has already received the EPC to be charged for the provision of a copy document.

**Q. How do I decide whether to keep the work in-house or use an external contractor?**

A. This is a decision for individuals. A key factor to consider when choosing between in-house and external DEAs will be the number of dwellings that require EPCs and the expected frequency of turnover.

**Q. Is it possible to amend and update an EPC without the need to commission a new assessment? A new EPC may be wanted for example if a replacement boiler is fitted.**

A. EPCs cannot be amended or updated once they have been lodged on the register. If you want to capture the benefits of any energy efficiency measure that you have

installed, you will need to commission a new EPC, for which a new survey will be required.

**Q. Is it always the dwelling owner who is responsible for producing the EPC? What if the dwelling owner has no direct relationship with the tenants?**

A. Where a tenant sub-lets a dwelling, the responsibility to make an EPC available lies with the sub-leaseholder.

**Q. Who has access to the EPCs on the domestic register?**

A. Data held on the domestic register is publicly available. It is possible to search for an EPC on the register by entering either the certificate's unique report reference number (RRN), or the property's postcode. Anyone with an EPC can opt out of having their data made publicly available.

**Q. Are asset management databases available that can hold property specific reduced data standard assessment procedure (RdSAP) input data and the central register reference number in addition to the other asset details?**

A. These are being developed by the market in response to a recognised need.

**Q. Is it possible to advertise a property before the EPC has been produced?**

A. No, the EPB Regulations require that an EPC is produced before a dwelling is made available for sale or rent, and that the energy indicator for the property is included in any commercial media used to market the property. Penalty provisions relate to both not having an EPC and to agents marketing properties without the energy performance indicator.

**Q. If an EPC is being produced when the dwelling is empty, what impact will occupying tenants or owners have on the accuracy of the energy and environmental ratings when they move in?**

A. The occupier will have no impact on the EPC ratings, as these are produced using standardised occupancy data (i.e. number of occupants and hours of heating per day).

**Q. What if the tenant wants to buy the dwelling they already occupy? Can s/he use the same EPC used when they took the tenancy?**

A. If the tenant wants to purchase the dwelling they rent, the same EPC can be used, provided it remains valid.

**Q. Is an EPC needed if tenants are moving via a mutual exchange?**

A. Whether advertised for exchange via a choice based lettings system or not an EPC will be required.

**Q. Is an EPC needed for shared ownership dwellings?**

A. The first equity purchase of the dwelling creates a trigger for an EPC to be produced. The purchase of subsequent equity does not create a need for a further EPC.

**Q. What happens in the case of stock transfer? Can we have one EPC for a whole block in that case?**

A. For a stock transfer an EPC is required for each dwelling. However, it may be possible to employ techniques which will reduce the number of dwellings that need to be assessed where the apartments, units in a block and single family houses are based on representative buildings of similar design and size with a similar energy performance.

**Q. What happens if I need to get an EPC to advertise the dwelling, but I am going to improve it before the new tenant moves in/ the sale is completed?**

A. The EPC will identify the energy performance of the dwelling at the time the EPC is generated. You can advise the prospective tenant or buyer of the intention to carry out improvement works, or, if the improvement works have already been carried out you may show the prospective buyer or tenant invoices for the work undertaken. You may of course commission another EPC to demonstrate the dwelling's new energy performance rating - indeed it may be beneficial to commission another EPC after completion of the improvements.

**Q. Will I have to issue an EPC if I have a lodger in my house?**

A. A letting of a room within your house does not constitute a rental of a dwelling or part of a dwelling - so a separate EPC for that room is not required.

**Q. Will I need to show an EPC to prospective residents of, for example, a care home or a boarding school?**

A. These examples do not constitute a rental of a building or a part of a building. Therefore, an EPC is not required.

**Q. Is an EPC required under a long term regulated tenancy where a tenant dies and a partner, member of their family or other individual is able to succeed to the tenancy under the Rent Order 1978<sup>3</sup>?**

A. Under such circumstances an EPC is not required.

**Q. Will an EPC be needed for holiday accommodation?**

A. Yes.

**Q. Do static caravans or houseboats require an EPC?**

A. No – static caravans and houseboats do not require an EPC because they are not buildings.

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<sup>3</sup> Rent (Northern Ireland) Order 1978 No. 1050 (N.I. 20)

## Energy efficiency and new homes

The Building Regulations (Northern Ireland) 2012<sup>4</sup>, which came into operation on 31 October 2012, introduced new requirements for the conservation of fuel and power (Part F) and raised the standard for energy efficiency which new dwellings must meet. These Regulations do not apply for work that has been completed, or for which plans have been deposited with a district council, before 31 October 2012.

New dwellings that are built to meet these Regulations consume less energy, have lower carbon emissions and cost less to run.

In order to meet the standard set by these Regulations, builders need to make sure that any new dwellings they build meet a minimum target for energy performance, the Target Emissions Rate (TER).

Further information on the Building Regulations including copies of the Technical Booklets may be found at [www.buildingregulationsni.gov.uk](http://www.buildingregulationsni.gov.uk).

### **Do the EPB Regulations and the Building Regulations interrelate?**

The EPB Regulations and the Building Regulations are distinct pieces of legislation and stand alone. This means that each set of regulations has to be complied with separately.

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<sup>4</sup> S.R. 2012/192

## Glossary of terms

**The relevant person** is the person who must commission and make available / show the EPC. For sales, it is the seller of the dwelling, and for rentals it is the prospective landlord. In the case of sub-letting, the lessee will be responsible for the relevant person's duties to his sub-lessee. For arms length management organisations and local authorities, the legal responsibility will lie with the local authority (if they are technically the landlord) but in practice it is likely to be handed to the arms length management organisation as manager of the stock. For sales of shared ownership dwellings, the relevant person is whoever is selling the equity in the dwelling.

**A prospective tenant** is a person who:

- a) requests any information about the dwelling from the relevant person or his agent for the purposes of deciding whether to rent the dwelling;
- b) makes a request to view the dwelling for the purpose of deciding whether to rent it;
- c) makes an offer, whether oral or written, to rent the dwelling.

**Make available** means the EPC must be shown in copy form to prospective buyers or tenants when such person first makes an enquiry about a dwelling. When the sale or letting is finalised, the EPC must be given free of charge to the new owner or tenant. This may also be in copy form.

**Interested parties** means prospective tenants or buyers.

**Commercial media** means any material produced specific to a building, on any medium, with the intention of advertising the building for sale or rent, and would therefore include newspapers and magazines, written material produced by the seller/landlord/estate agent that describes the building being offered for sale or rent and material on the internet.

**A building** is defined as having a roof and walls and uses energy to condition the indoor environment. A building can be the whole of a building or part of a building where the part is designed or altered to be used separately. For residential purposes, 'designed or altered to be used separately' describes a unit that is self contained, meaning that it does not share essential facilities such as a bathroom/shower room, WC or kitchen with any other unit, and that it has its own entrance, either from outside or through common parts, that is not through another dwelling.

**A dwelling** is defined in the regulations as 'a building or part of a building occupied or intended to be occupied as a separate dwelling'. The definition of a dwelling in certain scenarios is important for understanding when an EPC must be produced.

Rooms for residential purposes are not dwellings. A room for residential purposes means a room, or a suite of rooms, which is not a dwelling house or a flat and which is used by one or more persons to live and sleep. It includes a room in a hostel, a hotel, a boarding house, a hall of residence or a residential home, whether or not the room is separated from or arranged in a cluster group with other rooms. However, it does not include a room in a hospital, or other similar establishment, used for patient

accommodation and, for the purposes of this definition, a cluster is a group of rooms for residential purposes.

**Rental** means accommodation provided for rent normally under a tenancy agreement. EPCs are always triggered by the intention to have a new tenant coming in to the property with a new tenancy agreement – lease renewals do not generally require that an EPC be made available. If in doubt, the principle is that if a new occupier is coming in, then they should be given an EPC. There is a defence for failing to make an EPC available for accommodation provided in circumstances of urgency, as long as the EPC is provided as soon as is reasonably practicable thereafter (regulation 34 of the EPB Regulations refers).

## Further information

## Annex D

### **Department of Finance and Personnel**

Website: [www.epb.dfpni.gov.uk](http://www.epb.dfpni.gov.uk)

General EPB Email: [info.epb@dfpni.gov.uk](mailto:info.epb@dfpni.gov.uk)

General EPB Enquiry Number: 028 9051 2700

### **For the National register**

Landmark Information Group Limited

[www.niepcregister.com](http://www.niepcregister.com)

### **For information about energy efficiency, practical advice and grants**

The Carbon Trust [www.carbontrust.co.uk](http://www.carbontrust.co.uk)