

Energy performance certificates for dwellings in the social and private rented sectors

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The European Directive on the Energy Performance of Buildings (EPBD) is a key part of strategies for tackling climate change. Nearly half of all carbon emissions in this country come from buildings. The principle underlying the Directive is to make energy efficiency transparent by the issuing of a certificate showing the energy rating, accompanied by recommendations on how to improve efficiency. The Directive will be fully implemented by the end of 2008.

Under Article 7 of the Directive, any building which is sold, rented out or constructed must have an Energy Performance Certificate (EPC). This must be issued by a qualified and accredited assessor in an independent manner. Once produced an EPC is valid for ten years.

The certificate is accompanied by recommendations on how to improve energy efficiency. These do not however have to be implemented.

This part of the Directive has been implemented into law in England and Wales by the Energy Performance of Buildings Regulations (2007/991).

Key points

- from 1 October 2008, an EPC will be required whenever a building in the social or private rented sectors is let to a new tenant
- 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
- landlords must provide an EPC free of charge to prospective tenants at the earliest opportunity and must provide a copy of the EPC to the person who takes up the tenancy
- the purpose of the EPC is to show prospective tenants the energy performance of the dwelling they are considering renting
- 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. However, once a more recent EPC has been produced for a dwelling, it will always supersede an existing one. Thus, where a number of EPCs are obtained for a property within the ten year period only the most recent one is valid
- an EPC is not required for any property that was occupied prior to 1 October 2008 and which continues to be occupied after that date by the same tenant. However, landlords may commission EPCs for these dwellings if they wish
- the EPC shows two things – the Energy Efficiency Rating (relating to running costs) and the Environmental Impact Rating (relating to the carbon dioxide emissions) of a dwelling. Each rating is shown on an A–G rating scale similar to those used for fridges and other electrical appliances
- the rating is accompanied by a recommendation report that shows how to improve the dwelling's energy efficiency. These two elements together form the EPC and the complete document must be provided to the new tenant. There is no statutory requirement to carry out any of the recommended energy efficiency measures stated in the recommendation report
- EPCs must be produced by an accredited assessor, but landlords are free to seek accreditation for themselves and their employees and so become competent to certify their own properties

The landlord is not required to produce an EPC when an existing lease is renewed, only when the tenant changes.

Where the landlord has an agent, they may be given the task of ensuring that these requirements are met. However, the landlord will remain responsible for any breaches.

You can therefore instruct us to organize the EPC when it becomes necessary, the cost currently is £85+VAT

Full guidance notes are available on www.communities.gov.uk