

Energy Performance Certificates

Advice Note

The Regulations

1. The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 made by the Department of Finance and Personnel (DFP) came into operation from 30 June. These Regulations implement Articles 7 – 10 of the EU Directive on the Energy Performance of Buildings. (Articles 3 – 6 of that Directive, dealing with adopting a method for calculating energy performance of buildings and setting minimum energy performance requirements for new and certain refurbished buildings, were implemented in November 2006 by amending Part F (Conservation of Fuel & Power) of the Northern Ireland Building Regulations.)

The Requirements

2. The Regulations introduce a requirement to provide an Energy Performance Certificate (EPC) when a building is constructed, sold or rented out. EPCs are valid for 10 years. The Regulations provide for a 3-phased implementation of the certification requirements as follows:

30 June 2008:	Sale of existing dwellings
30 September 2008:	Dwellings and non-dwellings on construction
30 December 2008:	Rental of existing buildings; sale of existing non-dwellings.

3. In addition to the production of EPCs, the Regulations also introduce a requirement from 30 December 2008 for large public sector buildings (>1000m²) that are frequently visited by the public to display prominently a Display Energy Certificate (DEC). The DEC is similar to

an EPC but derives its rating from the actual energy consumed in the building in the previous 12 months, and is valid for 1 year only.

4. The Regulations also establish an inspection regime for all air conditioning systems over 12 kW output.

Producing EPCs

5. An EPC may only be produced by a trained and accredited assessor. National Occupational Standards have been developed by Asset Skills (the Sector Skills Council for the Property, Facilities Management, Housing and Cleaning industries) to define the skills and knowledge required to apply to join an accreditation scheme and become licensed to practice as an Energy Assessor. National calculation methodologies used in the calculation of energy performance and the production of EPCs have been developed from software already in use to demonstrate compliance with the Building Regulations. Accredited Energy Assessors are listed on a national Register - see paragraph 6.

The Register

6. The Regulations require that all EPCs and the data collated to prepare them are entered onto electronic registers. These Registers will also hold, and make available to the public, a list of accredited assessors working in Northern Ireland. The Department is in regular contact with the keepers of the Register (Landmark) to ensure that the Register of accredited assessors and EPCs is up to date and that the relevant parts of it are available in advance of the implementation date. In relation to domestic buildings, the list of accredited assessors has been available from 16 June and energy assessments could be deposited from 23 June. For all other building types a non-domestic register will be available from mid September. The address of the domestic Register is www.epbniregister.com . The non-domestic Register will be www.epbnindregister.com .

Publicity / Awareness to date

7. The Department has been publicising the requirements of the Regulations since March through media interviews, press releases and adverts, public seminars and presentations to professional organisations (such as the Federation of Property Professionals, Construction Employers Federation, Royal Institution of Chartered Surveyors, Law Society etc.). Some of the events hosted by the Department have afforded attendees the opportunity to network and develop business opportunities with the 12 Accreditation Schemes, the 3 Awarding Bodies, Asset Skills and the Government sponsored energy advice organisations (Energy Saving Trust and Carbon Trust). The events have been attended by a number of estate agents. A dedicated website has been established (www.epb.dfpni.gov.uk) where detailed information on EPCs etc may be accessed online. Some of this is available to print for future consultation.

8. A further information and communication event has been arranged. It will be held in the Balmoral Hotel, Black's Road, Belfast on the morning of Wednesday 17 September. All of the Awarding Bodies, Accreditation Schemes etc. will again be in attendance and it may be the last opportunity to have all of these interests together in Northern Ireland. Further information may be obtained from the Department's website or you may register for attendance through the Asset Skills website at www.assetskills.org/propertyandplanning/epbdevents.asp

Enforcement

9. One issue which is key to the success of these regulations is enforcement. The duty to obtain an EPC rests either with the seller, the prospective landlord or the person responsible for having construction work carried out - 'the relevant person'. There is no duty placed on estate agents or the legal profession. However, in their professional capacity it is incumbent upon estate agents to advise their clients of the requirement to obtain an EPC and make it available to prospective

purchasers or renters. A fine of £200 is payable for each breach of the Regulations.

10. The legislation is being enforced in the early days by the Department of Finance & Personnel, but this function will pass to District Councils in the near future (by formal amendment to the regulations) when an enforcement protocol has been finalised.

Useful contact information

Dedicated Energy Performance of Buildings website	www.epb.dfpni.gov.uk
EPC information email address	Info.epb@dfpni.gov.uk
EPC information contact number	(028) 9025 7326
Asset Skills	www.assetskills.org
Northern Ireland Building Regulations	www.buildingregulationsni.gov.uk
Department of Finance and Personnel	www.dfpni.gov.uk
Communication and information seminars	www.assetskills.org