



ENERGY PERFORMANCE CERTIFICATES FOR EXISTING DWELLINGS

In relation to existing dwellings which are on sale after the 30th of June 2008, the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 establishes a legal duty on the relevant person to make available a valid EPC to a prospective buyer. This duty is satisfied by making available (free of charge) a copy of the certificate.

The precise date when a dwelling is placed on the market for sale is not material: the provision applies to all existing dwellings which are on the market for sale after 30th of June 2008 irrespective of how long they have been on the market.

In the case of an existing dwelling the 'relevant person' is the seller (and in relation to a building which is to be rented out, the prospective landlord). He alone has the legal responsibility to make available a valid EPC.

Further provisions of the Regulations require that a valid EPC should be available when the prospective buyer requests information about the dwelling or views it or when he makes an offer to buy it. The certificate should be available at the earliest opportunity before the conveyancing process commences and, as a constituent document in this process, it must be provided as part of the completion of the sale.

Where the relevant person employs an agent, the agent may make the EPC available to the prospective buyer. If the agreement between the seller and the agent provides, the agent may, on behalf of the seller, procure an EPC from an accredited energy assessor if a valid certificate is not already available. This agreement does not relieve the seller from the legal duty to ensure that a valid certificate is available.

There is no requirement in the Regulations to produce a new EPC every time there is a sale or new tenancy. A certificate is valid for 10 years and can be used multiple times during this period. If, however, an existing dwelling is sold (or rented out) after this period, the certificate will effectively expire and a new replacement EPC will be required which will, in turn, be valid for another 10 years and so on.