

**Properties Division**

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Date: 11 August 2008

Dear Sir/Madam

**Energy Performance Certificates Regulations**

You should be aware that regulations requiring an Energy Performance Certificate (EPC) when a dwelling is sold came into effect from the end of June. Now that over a month has passed since the introduction of the EPC regulations it is timely to consider how well they are working. The Regulations require the seller of any dwelling to make available to any prospective purchaser a valid EPC. (The seller is the person offering the property for sale, not their agent.) There is no statutory duty placed on estate agents by these Regulations. However in your professional capacity as an estate agent it is incumbent upon you to advise your clients of this requirement.

The requirement for an EPC for dwellings on sale is the first stage of implementation of the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008, which require an EPC to be made available to the owner or by the owner to the prospective purchaser or tenant for all buildings that are constructed, sold or rented out. The EPC has to be accompanied by a report containing recommendations for the cost-effective improvement of the energy performance of that property. The specific dates for introduction of all of the requirements of the Regulations and other relevant information is contained in the advice note attached.

The first stage implementation of the Regulations requires an EPC to be made available at the earliest possible opportunity to prospective buyers of dwellings. As this is a new requirement we were aware that it would take a period of time to have an EPC available for all dwellings at the time they are first offered for sale. However, we are working to ensure that the full requirements of the Regulations are being met.

Over the coming months Departmental staff will visit, or write again to, estate agents to provide further information and advice and to see what we can do to help you make your current and future clients aware of this requirement and in turn to ensure that these clients comply with the requirements. You may find the "Dear Seller" letter below to be a useful way to advise clients that EPCs are required and when they are required.

The advice note attached also contains useful web addresses and details of a free EPC seminar that is being held on 17 September at the Balmoral Hotel, Blacks Road, Belfast.

Yours sincerely

**Seamus McCrystal**  
**Head of Building Standards**

cc: David Orr  
Philip Irwin  
Hilda Hagan  
Gerald Coulter

11 August 2008

Dear Seller

**Energy Performance Certificates Regulations – sales of existing dwellings**

Your estate agent has advised you that from 30 June 2008 any existing dwelling which is for sale has to have an Energy Performance Certificate (EPC).

This is a requirement of the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 which were made by the Department of Finance & Personnel on 10 April 2008. The duty in the Regulations is for the seller (not the seller's agent) to make an EPC available to a prospective purchaser at the earliest opportunity. Basically, the requirement is that an EPC should be made available when a potential purchaser asks to see written details of the dwelling or when s/he requests to view the dwelling and in any event before entering into a contract to sell.

The EPC has to be accompanied by a report that contains recommendations for the cost-effective improvement of the energy performance of the property. The objective of this requirement is not only that the prospective purchaser is advised of the energy performance of the dwelling at the earliest opportunity, but is also advised of the cost-effective improvements that can be carried out if s/he purchases the dwelling. If you intend to buy another house you will find such recommendations for your prospective house very useful, particularly given the recent rises in fuel costs.

An EPC may only be produced by a trained and accredited energy assessor who is a member of a Scheme accredited by Government and therefore

licensed to practice as an Energy Assessor. You are free to engage any accredited assessor to undertake the energy assessment of your dwelling. Your estate agent may be trained to provide the EPC, or he may offer to engage an assessor on your behalf. Who you engage to carry out this work is your choice, provided that the Assessor belongs to a recognised Accreditation Scheme.

The Regulations include powers of enforcement and for the issuing of penalty charge notices (levying of fines) for failure to comply with the requirements outlined above. The fine is £200 for each breach of the Regulations.

It is our intention to encourage compliance with the Regulations rather than issuing penalty charge notices, and advising you of these requirements is one of the ways of doing that. However, where we find that there is an ongoing failure to comply, we will not hesitate to use the enforcement provisions which would ultimately lead to a fine being imposed (with the duty to still obtain an EPC).

Yours Sincerely

**S McCrystal**  
**Head of Building Standards Branch**  
**Department of Finance & Personnel**