

Energy Performance of Buildings Regulations 2007

The Energy Performance of Buildings Regulations 2007 (“Regulations”) will be effective from April 2008 for commercial property. They have been introduced to comply with the Energy Performance of Buildings Directive and the need for higher standards of energy conservation. There has been a lot of press coverage about Home Information Packs, and the need for Energy Performance Certificates (EPCs) when houses are sold, but EPCs will be needed as well for commercial buildings (referred to as non dwellings) when sold or leased later this year.

Timetable for introduction

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| 6th April 2008 | EPCs required for the construction, sale or rent of commercial buildings with a floor area over 10,000 sq.m. |
| 1st July 2008 | EPCs required for the construction, sale or rent of commercial buildings with a floor area over 2,500 sq.m. |
| 1st October 2008 | EPCs required on the construction, sale or rent of all remaining commercial buildings; and Display Energy Certificates required for all public buildings greater than 1,000 sq.m. |
| 4th January 2009 | First inspection of all existing air conditioning systems over 250kW must have occurred by this date. |
| 4th January 2011 | First inspection of all remaining air conditioning systems over 12kW must have occurred by this date. |

Residential properties are being dealt with under the scheme for home information packs. EPCs will be required on the construction of all dwellings from 6th April 2008.

Certificates

Energy Performance Certificates rate the energy performance of a building. The certificate will provide a rating from A to G, where A is very efficient and G is very inefficient.

EPCs are produced using standard methods so that the energy efficiency of one building can easily be compared with another building of the same type. An EPC should be accompanied by a recommendation report that lists cost effective and other measures to improve the energy rating of the building.

Builders or property developers should be aware of these energy efficiency measures being introduced. In particular, they will be required to obtain a valid EPC before the Building Control Inspector issues a completion certificate. The completion certificate will not be issued if an Energy Performance Certificate has not been produced. There are very few exceptions to the need to obtain an EPC, and these are set out in reg 4.

Trading Standards will also enforce the requirement for EPCs. The potential fine will be 12.5% of the rateable value of the premises, subject to a minimum of £500 and a maximum of £5,000 (reg 43).

Display Energy Certificates (DECs) will be required for buildings that are occupied by a public authority or an institution providing a public service to a large number of persons and that has a useful total area greater than 1000 sq.m. DEC's are valid for one year. The accompanying advisory report is valid for seven years.

The requirement for DECs comes into effect from 1st October 2008. Trading Standard Officers will prosecute if a DEC is not displayed. The penalty is £500 for failing to display a DEC and £1,000 for failing to have a valid advisory report.

Air conditioning systems

The regulations will introduce measures to ensure that larger air conditioning systems are regularly inspected. The potential fine for failing to ensure an inspection takes place is £300.

Further details relating to these provisions may be found on the Communities and Local Government website which is www.communities.gov.uk/planningandbuilding. This article is not a substitute for specific legal advice and any liability for the information contained herein and the views of the author are excluded.

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