
STATUTORY INSTRUMENTS

2007 No. 991

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007

PART 2

Duties relating to energy performance certificates

Application of Part 2

4.—(1) This Part does not apply to—

- (a) buildings which are used primarily or solely as places of worship;
- (b) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand;
- (c) stand-alone buildings with a total useful floor area of less than 50m² which are not dwellings.

(2) Nothing in this Part requires an energy performance certificate to be given or made available to a prospective buyer or tenant at any time before the construction of the building has been completed.

Commencement Information

II Reg. 4 in force at 19.4.2007, see [reg. 1\(4\)](#), Sch. 1

Energy performance certificates on sale and rent

5.—(1) Subject to regulation 7, this regulation applies where a building is to be sold or rented out.

(2) The relevant person shall make available free of charge a valid energy performance certificate to any prospective buyer or tenant—

- (a) at the earliest opportunity; and
- (b) in any event ^{F1}..., no later than whichever is the earlier of—
 - (i) in the case of a person who requests information about the building, the time at which the relevant person first makes available any information in writing about the building to the person; or
 - (ii) in the case of a person who makes a request to view the building, the time at which the person views the building.

(3) Paragraph (2) does not apply if the relevant person believes on reasonable grounds that the prospective buyer or tenant—

- (a) is unlikely to have sufficient means to buy or rent the building;
- (b) is not genuinely interested in buying or renting a building of a general description which applies to the building; or

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- (c) is not a person to whom the relevant person is likely to be prepared to sell or rent out the building.
- (4) Nothing in paragraph (3) authorises the doing of anything which constitutes an unlawful act of discrimination.
- (5) The relevant person must ensure that a valid energy performance certificate has been given free of charge to the person who ultimately becomes the buyer or tenant.

Textual Amendments

- F1** Words in reg. 5(2)(b) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2452\)](#), regs. 1(2), 2(3) (with reg. 4)

Commencement Information

- I2** Reg. 5 in force at 1.6.2007 for specified purposes, see [reg. 1\(4\)](#), [Sch. 1](#)
- I3** Reg. 5 in force at 1.10.2007 for specified purposes, see [reg. 1\(4\)](#), [Sch. 1](#)
- I4** Reg. 5 in force at 6.4.2008 for specified purposes, see [reg. 1\(4\)](#), [Sch. 1](#)
- I5** Reg. 5 in force at 1.10.2008 in so far as not already in force, see [reg. 1\(4\)](#), [Sch. 1](#)

[^{F2}Energy performance certificates on marketing

5A.—(1) Subject to regulation 7, this regulation applies where—

- (a) a ^{F3}... [^{F4}building] is to be sold [^{F5}or rented out]; and
- (b) no valid energy performance certificate is available for that [^{F4}building].

(2) Before the [^{F4}building] is put on the market, the [^{F6}relevant person] must secure that an energy performance certificate is commissioned for the [^{F4}building].

(3) Before marketing the [^{F4}building], a person acting on behalf of the [^{F6}relevant person] must be satisfied that an energy performance certificate has been commissioned for the [^{F4}building].

(4) The [^{F6}relevant person] and a person acting on behalf of the [^{F6}relevant person] must use all reasonable efforts to secure that a valid energy performance certificate is obtained for the [^{F4}building] before the end of a period of [^{F7}7] days starting with the day on which the [^{F4}building] was first put on the market.

[^{F8}(4A) Where any person subject to the duty in paragraph (4) is unable, despite using all reasonable efforts, to secure that a valid energy performance certificate is obtained for the building before the end of the 7 day period specified in that paragraph, the person shall secure that the certificate is obtained before the end of the period of 21 days immediately following the 7 day period.]

(5) In this regulation—

- (a) the market” means the ^{F9}... property market in England and Wales;
- (b) a ^{F10}... [^{F4}building] is put on the market when the fact that it is or may become available for sale [^{F11}or rent] is, with the intention of marketing the [^{F4}building], first made public in England and Wales by or on behalf of the [^{F6}relevant person];
- (c) a fact is made public when it is advertised or otherwise communicated (in whatever form and by whatever means) to the public or to a section of the public;
- (d) an energy performance certificate is commissioned when a request is made—

- (i) which is properly addressed to an energy assessor who is accredited to produce energy performance certificates for the category of building in question, and
- (ii) which is in such form, contains all such information and is accompanied by such payment or undertaking to make such payment as is usually necessary to obtain a certificate.]

Textual Amendments

- F2** Reg. 5A inserted (21.5.2010) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010* (S.I. 2010/1456), regs. 1(3), **2(3)**
- F3** Word in reg. 5A(1)(a) omitted (6.4.2012) by virtue of *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(b)** (with reg. 4)
- F4** Word in reg. 5A substituted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(a)(i)** (with reg. 4)
- F5** Words in reg. 5A(1)(a) inserted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(b)** (with reg. 4)
- F6** Words in reg. 5A substituted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(a)(ii)** (with reg. 4)
- F7** Word in reg. 5A(4) substituted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(c)** (with reg. 4)
- F8** Reg. 5A(4A) inserted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(d)** (with reg. 4)
- F9** Word in reg. 5A(5)(a) omitted (6.4.2012) by virtue of *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(e)(i)** (with reg. 4)
- F10** Word in reg. 5A(5)(b) omitted (6.4.2012) by virtue of *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(e)(i)** (with reg. 4)
- F11** Words in reg. 5A(5) inserted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (revoked) 2011 (S.I. 2011/2452), regs. 1(2), **2(4)(e)(ii)** (with reg. 4)

Providing energy information with particulars

- 6.—(1) Subject to regulation 7, this regulation applies where—
- ^{F12}(a) a [^{F13}building] is to be sold [^{F14}or rented out];
 - (b) written particulars about the building are prepared for the purpose of providing information about the building to persons who may be interested in buying [^{F15}or renting]^{F16}... the building; and
 - (c) the written particulars are given to such a person by—
 - (i) the relevant person; or
 - (ii) another person on his behalf.

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(2) ^{F17}Once a valid energy performance certificate has been obtained for the building, the person] giving the particulars must ensure that—

^{F18}(a)

(b) a copy ^{F19}of the first page] of an energy performance certificate for the building is attached to the particulars.

(3) In this regulation—

^{F20}“written particulars” means—

(a) in relation to a building to be sold, any written description of the property which includes at least two of the following—

- (i) a photograph of the building or any room in the building,
- (ii) a floor plan of the building,
- (iii) the size of the rooms in the building, or
- (iv) the measured area of the building;

(b) in relation to a building to be rented out, any written description of the property which includes at least two of the following—

- (i) a photograph of the building or any room in the building,
- (ii) a floor plan of the building,
- (iii) the size of the rooms in the building, or
- (iv) the measured area of the building; or
- (v) the proposed rent;

and reference to written particulars or a written description includes particulars or a description given or made available electronically.]

^{F21}(4) Where the written particulars are made available and the address of the building is not included in those particulars, the person giving the particulars may, pursuant to paragraph (2), attach a copy of the first page of an energy performance certificate from which the keeper of the register has omitted the address of the building, notwithstanding the requirement to include the address imposed by regulation 11(1)(d)(ii).

(5) Paragraph (4) does not apply in relation to residential property.

(6) Paragraph (4) does not permit the omission of the address of the building from an energy performance certificate in any circumstances other than those mentioned in that paragraph.

(7) In this regulation—

“residential property” means premises in England and Wales consisting of a single dwelling, including ancillary land.]

Textual Amendments

- F12** Reg. 6(1)(a) substituted (21.5.2010) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/1456\)](#), regs. 1(3), **2(4)(a)(i)**
- F13** Word in reg. 6(1)(a) substituted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2452\)](#), regs. 1(2), **2(5)(a)**
- F14** Words in reg. 6(1)(a) inserted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2452\)](#), regs. 1(2), **2(5)(a)**
- F15** Words in reg. 6(1)(b) inserted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2452\)](#), regs. 1(2), **2(5)(b)**

- F16** Words in reg. 6(1)(b) omitted (21.5.2010) by virtue of *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010* (S.I. 2010/1456), regs. 1(3), **2(4)(a)(ii)**
- F17** Words in reg. 6(2) substituted (21.5.2010) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010* (S.I. 2010/1456), regs. 1(3), **2(4)(b)**
- F18** Reg. 6(2)(a) omitted (6.4.2012) by virtue of *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (S.I. 2011/2452), regs. 1(2), **2(5)(c)**
- F19** Words in reg. 6(2) inserted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (S.I. 2011/2452), regs. 1(2), **2(5)(c)**
- F20** Words in reg. 6(3) substituted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011* (S.I. 2011/2452), regs. 1(2), **2(5)(d)**
- F21** Reg. 6(4)-(7) inserted (6.4.2012) by *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012* (S.I. 2012/809), regs. 1(3), **4**

Commencement Information

- I6** Reg. 6 in force at 1.6.2007, see reg. 1(4), **Sch. 1**

Buildings to be demolished

7.—(1) Regulations 5^[F22], 5A] and 6 do not apply in relation to a dwelling which is to be sold or rented out where the relevant person can demonstrate that—

- (a) the dwelling is suitable for demolition;
- (b) the resulting site is suitable for redevelopment;
- (c) all the relevant planning permissions, listed building consents, and conservation area consents exist in relation to the demolition; and
- (d) in relation to the redevelopment—
 - (i) either outline planning permission or planning permission exists, or both; and
 - (ii) where relevant, listed building consent exists.

(2) Regulation 5 does not apply in relation to any prospective buyer or tenant of a building other than a dwelling which is to be sold or rented out where—

- (a) the relevant person can demonstrate that—
 - (i) the building is to be sold or rented out with vacant possession;
 - (ii) the building is suitable for demolition; and
 - (iii) the resulting site is suitable for redevelopment; and
- (b) the relevant person believes on reasonable grounds that the prospective buyer or tenant intends to demolish the building.

^[F23](2A) Regulations 5A and 6 do not apply in relation to a building other than a dwelling which is to be sold or rented out where the relevant person can demonstrate that—

- (a) the building is to be sold or rented out with vacant possession;
- (b) the building is suitable for demolition;
- (c) the resulting site is suitable for redevelopment;
- (d) all the relevant planning permissions, listed building consents and conservation area consents exist in relation to the demolition; and
- (e) in relation to the redevelopment—
 - (i) either outline planning permission or planning permission exists, or both; and

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(ii) where relevant, listed building consent exists.]

(3) In this regulation, “outline planning permission” has the same meaning as in article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995(1).

Textual Amendments

- F22** Word in reg. 7(1) inserted (21.5.2010) by The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010 (S.I. 2010/1456), regs. 1(3), **2(5)**
- F23** Reg. 7(2A) inserted (6.4.2012) by The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012 (S.I. 2012/809), regs. 1(3), **5**

Commencement Information

- I7** Reg. 7(1)(3) in force at 1.6.2007 for specified purposes, see reg. 1(4), **Sch. 1**
- I8** Reg. 7(1)(3) in force at 1.10.2007 for specified purposes, see reg. 1(4), **Sch. 1**
- I9** Reg. 7(2) in force at 6.4.2008 for specified purposes, see reg. 1(4), **Sch. 1**
- I10** Reg. 7 in force at 1.10.2008 in so far as not already in force, see reg. 1(4), **Sch. 1**

Amendments relating to energy performance certificates on construction

^{F24}8.

Textual Amendments

- F24** Reg. 8 revoked (1.10.2010) by The Building Regulations 2010 (S.I. 2010/2214), reg. 1, **Sch. 5** (with reg. 9)

Construction of Crown and statutory undertakers’ buildings

9.—(1) Paragraph (2) applies to all buildings in relation to which the Building Regulations [^{F25}2010] do not apply, other than—

- (a) buildings which are exempt from those Regulations by virtue of regulation [^{F26}21] of those Regulations;
- ^{F27}(b)
- ^{F27}(c)
- ^{F27}(d)

(2) When a building is constructed the relevant person shall, no later than five days after the construction work has been completed, give to the owner of the building an energy performance certificate for the building.

Textual Amendments

- F25** Word in reg. 9(1) substituted (1.10.2010) by The Building Regulations 2010 (S.I. 2010/2214), reg. 1, **Sch. 6 para. 2(b)** (with reg. 9)
- F26** Words in reg. 9(1)(a) substituted (15.7.2011) by The Building (Amendment) Regulations 2011 (S.I. 2011/1515), regs. 1(2), **2(a)**

(1) S.I. 1995/419, there are amendments not relevant to these Regulations.

F27 Reg. 9(1)(b)-(d) omitted (15.7.2011) by virtue of The Building (Amendment) Regulations 2011 (S.I. 2011/1515), regs. 1(2), 2(b)

Commencement Information

I11 Reg. 9 in force at 1.10.2007 for specified purposes, see reg. 1(4), Sch. 1

I12 Reg. 9 in force at 6.4.2008 in so far as not already in force, see reg. 1(4), Sch. 1

Recommendation reports

10.—(1) Where a relevant person is under a duty under regulation 5(2), 5(5) or 9(2) to make available or give an energy performance certificate to any person, the certificate must be accompanied by a recommendation report.

(2) A recommendation report is a report containing recommendations for the improvement of the energy performance of the building issued by the energy assessor who issued the energy performance certificate.

Commencement Information

I13 Reg. 10 in force at 19.4.2007, see reg. 1(4), Sch. 1

Energy performance certificates

11.—(1) An energy performance certificate must—

- (a) express the asset rating of the building in a way approved by the Secretary of State under regulation [F28]24 of the Building Regulations 2010];
- (b) include a reference value such as a current legal standard or benchmark;
- (c) be issued by an energy assessor who is accredited to produce energy performance certificates for that category of building; and
- (d) include the following information—
 - (i) the reference number under which the certificate has been registered in accordance with regulation 31;
 - (ii) the address of the building;
 - (iii) an estimate of the total useful floor area of the building; [F29]and]
 - F30(iv)
 - F31(v)
 - (vi) the date on which it was issued [F32.]
 - F33(vii)

(2) A certificate which complies with regulation [F34]29 of the Building Regulations 2010] is also an energy performance certificate.

(3) [F35]An] energy performance certificate is only valid for the purposes of this Part if—

- (a) it was issued no more than 10 years before the date on which it is made available; and
- (b) no other energy performance certificate for the building has since been obtained by or provided to the relevant person.

F36(4)

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^{F36}(5)

(6) An energy performance certificate must not contain any information or data [^{F37}(except for the address of the building)] from which a living individual (other than the energy assessor or his employer) can be identified.

(7) Certification for apartments or units designed or altered for separate use in blocks may be based—

- (a) except in the case of a dwelling, on a common certification of the whole building for blocks with a common heating system; or
- (b) on the assessment of another representative apartment or unit in the same block.

(8) Where—

- (a) a block with a common heating system is divided into parts designed or altered for separate use; and
- (b) one or more, but not all, of the parts are dwellings,

certification for those parts which are not dwellings may be based on a common certification of all the parts which are not dwellings.

Textual Amendments

- F28** Words in [reg. 11\(1\)\(a\)](#) substituted (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [reg. 1](#), [Sch. 6 para. 2\(c\)\(i\)](#) (with [reg. 9](#))
- F29** Word in [reg. 11\(1\)\(d\)\(iii\)](#) inserted (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), [regs. 1\(3\)](#), [6\(a\)](#)
- F30** [Reg. 11\(1\)\(d\)\(iv\)](#) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), [regs. 1\(3\)](#), [6\(b\)](#)
- F31** [Reg. 11\(1\)\(d\)\(v\)](#) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\)\(England and Wales\)\(Amendment\) Regulations 2012 \(revoked\) 2012 \(S.I. 2012/809\)](#), [regs. 1\(3\)](#), [6\(b\)](#)
- F32** Full stop in [reg. 11\(1\)\(d\)\(vi\)](#) substituted for word (6.4.2012) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), [regs. 1\(3\)](#), [6\(c\)](#)
- F33** [Reg. 11\(1\)\(d\)\(vii\)](#) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), [regs. 1\(3\)](#), [6\(b\)](#)
- F34** Words in [reg. 11\(2\)](#) substituted (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [reg. 1](#), [Sch. 6 para. 2\(c\)\(ii\)](#) (with [reg. 9](#))
- F35** Word in [reg. 11\(3\)](#) substituted (21.5.2010) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/1456\)](#), [regs. 1\(3\)](#), [2\(6\)\(a\)](#)
- F36** [Reg. 11\(4\)\(5\)](#) omitted (21.5.2010) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/1456\)](#), [regs. 1\(3\)](#), [2\(6\)\(b\)](#)
- F37** Words in [reg. 11\(6\)](#) inserted (2.7.2007) by [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2007 \(S.I. 2007/1669\)](#), [regs. 1\(3\)](#), [3\(4\)\(c\)](#)

Commencement Information

- I14** [Reg. 11](#) in force at 19.4.2007, see [reg. 1\(4\)](#), [Sch. 1](#)

Production of copies of energy performance certificates

12. Where this Part requires a relevant person to give or make available a valid energy performance certificate to any person, it is sufficient for the relevant person to give or make available a copy of a valid certificate.

Commencement Information

I15 Reg. 12 in force at 19.4.2007, see [reg. 1\(4\)](#), Sch. 1

Electronic production of energy performance certificates

13. Where regulation [5\(2\)](#), [5\(5\)](#) or [9\(2\)](#) requires a valid energy performance certificate to be given or made available to any person, the certificate may be given or made available electronically if the intended recipient consents to receiving the certificate electronically.

Commencement Information

I16 Reg. 13 in force at 19.4.2007, see [reg. 1\(4\)](#), Sch. 1

Purposes for which certificates and recommendation reports may be disclosed

^{F38}**14.**

Textual Amendments

F38 [Reg. 14](#) omitted (6.4.2012) by virtue of [The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/809\)](#), regs. [1\(3\)](#), [7](#)

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