

Not as easy as EPC

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The government has confirmed that the legal requirement to obtain an energy performance certificate ("EPC") before selling or letting a property in light of the coronavirus pandemic remains in place.

In guidance published by the Ministry of Housing, Communities and Local Government on 2 April, the government has reiterated that the rules around the requirements for EPCs have not been relaxed however suggestions have been made about the practicalities of carrying out EPC assessments in the current climate. The guidance is targeted at the residential sector but also applies to the commercial market.

When is an EPC required?

A seller or landlord must provide a valid EPC before marketing a property for sale or rent (unless a specified exemption applies). If no valid EPC already exists then the seller or landlord must commission one which will involve an EPC assessor visiting the property. EPCs are also required on the completion of construction works and major alterations.

Is delaying a transaction an option?

In light of the new government guidance, where a property is occupied the parties must endeavour to agree to delay the transaction so that an EPC assessment can be carried out once the stay-at-home measures have been lifted. If the parties are unable to reach an agreement to delay and the move is "unavoidable" then an EPC assessment may still go ahead, although social distancing measures will still need to be preserved. No such assessment should take place if any person in the property is exhibiting symptoms, self-isolating or is being shielded. Where a property is vacant EPC assessments may still go ahead.

What enforcement action can be taken?

There is no change to the rules on enforcement. The Energy Performance of Buildings (England and Wales) Regulations 2012 require that reasonable efforts are to be made to obtain an EPC within 7 days of the property first being put on the market. If reasonable efforts have been made but it has not been possible to obtain an EPC during this time then there is an extended grace period of 21 days. This gives sellers and landlords a maximum of 28 days from the first day of marketing to procure the requisite EPC. Beyond this the authorities are able to take enforcement action and sellers and landlords of commercial premises may be liable for fines of up to £5,000.

For any advice please get in touch with your usual Maples Teesdale contact or

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