



Does your property need energised?

Following the European Union's decision to take action against the United Kingdom for failing to comply with the European Directive on energy performance in Northern Ireland, on 9th April 2008 The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 were passed by the Northern Ireland Assembly. The European Directive lays down a common methodology to measure energy performance of buildings and the Energy Performance Certificate (EPC) is the certification document required.

An EPC gives details of the energy efficiency of a building. The ratings range from A (very efficient) to G (very inefficient). The EPC must be accompanied by a recommendation report detailing measures to improve the energy efficiency of the building. The purpose behind the regulations is to provide information on energy efficiency. There is no duty to take action to improve the energy efficiency of the building. The responsibility for this remains within the existing building control regulations.

The regulations are being implemented in phases. For the sale of existing residential properties the implementation date was 30th June 2008; for the sale of new residential and commercial properties the date will be 30th September 2008 and for the renting by landlords of residential and commercial properties the implementation date is 30 December 2008.

There are certain exemptions from the requirements to supply an EPC. They are not required for properties used as places of worship, temporary buildings with a planned time of use of 2 years or less, industrial sites, workshops and non residential agricultural buildings with low energy demand and stand alone buildings smaller than 50m². In addition the regulations do not apply where a property is being sold where the seller can show that the building is being demolished.

The obligation to produce the EPC rests with the seller or landlord. In the case of new build properties it is the person responsible for carrying out the construction works. The EPC must be supplied at the earliest opportunity and, in any event, before contracts are entered into. If a person views a building or has requested information on a building, which information is supplied in writing, an EPC should be provided at that stage. If a tenancy of the property already exists at 30th December there is no need to produce an EPC for that tenant. Once obtained an EPC lasts for 10 years and therefore can be reused in further transactions involving that property up to the end of the 10 year period.

In relation to blocks of flats or commercial units, an EPC can be based on a representative apartment or unit in the same block or, except in the case of a dwelling, on a common certificate for the whole building for blocks with a common heating system.

On 30 December 2008 Display Energy Certificates will be required to be displayed in certain public buildings helping the public see the energy efficiency of the building. The regulations also require 5 yearly inspections and reports for air conditioning systems with an output exceeding 12kw. A cooling unit in a typical office is usually 5-6kw so should escape the regulations. The date for inspection is directly dependent on the date of installation of the system.

The regulations make provision for enforcement by way of civil penalties and establish an accreditation scheme for assessors.

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