

10 April 2007

To:

Our Ref: CLG Circular 02/2007

The Chief Executive and for the attention
of Trading Standards Departments
Unitary, Metropolitan, District and London
Borough Councils in England County and
County Borough Councils in Wales
The Town Clerk, City of London
The Clerk, Council of the Isles of Scilly
The Sub-Treasurer, Inner Temple
The Under Treasurer, Middle Temple

The Head of Building Control
Unitary Metropolitan, District and
London Borough Councils in
England
County and County Borough
Councils in Wales
City of London
Council of the Isles of Scilly

Approved Inspectors

LACORs

Trading Standards Institute

Dear Sir or Madam,

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (SI 2007/991)

Building Regulations 2000 (SI 2007/991)

Building (Approved Inspectors etc) Regulations 2000 (SI 2007/991)

1. I am writing to inform you about the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 ('the Regulations') and associated documents. The Regulations were made on 23 March 2007, laid before Parliament on 29 March 2007 and come into force over a range of dates beginning on 19 April 2007. They include a schedule of dates for the introduction of requirements between 1 June 2007 and January 2011.

Background

2. The main purpose of the Regulations is to implement Articles 7, 9 and 10 of the Energy Performance of Buildings Directive (EU/2002/91/EC) (EPBD) in England and Wales. The other substantive articles, Articles 3-6, were implemented on 6 April 2006 by the Building and Approved Inspectors (Amendment) Regulations 2006 (SI 2006/652).

3. The objective of the EPBD is to promote the improvement of the energy performance of buildings within the European Community. Implementing the EPBD will encourage owners and tenants to choose energy efficient buildings when seeking new accommodation and to improve the performance of buildings they occupy. Implementation of the Directive is seen as an important contribution to reducing carbon emissions as part of the UK climate change programme.

New legal requirements under the Regulations

4. The Regulations introduce Energy Performance Certificates (EPCs) for buildings when they are constructed, sold or let, and Display Energy Certificates (DECs) for larger buildings occupied by public authorities and institutions providing public services to a large number of people and therefore frequently visited by those people. This will implement Article 7 of the EPBD.

5. EPCs show prospective building owners or tenants the current energy performance rating of a building, and the potential performance if energy efficiency measures were implemented. Ratings are on an A-G scale, based on a benchmark measure of similar buildings, and include a potential rating that the building could achieve if improved. DECs are intended to show visitors to larger public buildings how well the building is being run, again with a rating on the A-G scale.

6. EPCs must be accompanied by a recommendations report and DECs must be accompanied by an advisory report. Both types of report list recommendations of measures to improve the energy performance and management of the building.

7. Article 8 of the Directive requires Member States to take certain steps with a view to improving the performance of boilers and heating systems. There are two options permitted under Article 8: to regulate for mandatory inspections or to take steps to ensure the provision of advice and information. The Government has initially chosen the second of these routes and as such the Regulations make no provision for Article 8. The Department for Communities and Local Government is running a public information programme for boiler users, building on the existing information published by the Government and others to date.

8. Article 9 requires regular inspection and reporting on the energy performance of air-conditioning systems.

9. The Regulations also amend the Building Regulations 2000 and the Building (Approved Inspectors etc) Regulations 2000 with regard to the methodologies used to calculate the energy performance of buildings, and introduce requirements for the production of EPCs on construction.

New enforcement responsibilities

10. The Regulations set out new responsibilities for local weights and measures authorities and for Building Control bodies. As such, this letter should be forwarded to the relevant responsible Trading Standards / weights and measures authorities and Building Control officers, and their attention drawn to the publications listed at the end of this letter.

11. Part 7 of the Regulations sets out new duties and powers for local weights and measures authorities. Responsibility for enforcement of all the new requirements lies with local weights and measures authorities, except for the new building regulations dealing with EPCs upon construction of new buildings, where enforcement responsibility lies with building control bodies. Where due notice has been given, approved inspectors will be able to check new buildings for compliance without engaging with local authorities unless irresolvable difficulties arise. Part 7 sets out the level of penalties applicable and procedures for enforcement (for those requirements not included in the building regulations). They also create new criminal offences of obstructing an enforcement officer going about these duties, and for unauthorised disclosure of EPCs or information derived from EPCs.

Publications

The Energy Performance of Buildings (Certificates and Inspections) Regulations

12. The Regulations are available from the Office of Public Sector Information, at http://www.opsi.gov.uk/si/si2007/uksi_20070991_en.pdf, reference SI 2007/991.

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13. The purpose of the Circular is to explain the new duties introduced by the Regulations, including when and to whom the requirements for EPCs, DEC's and air-conditioning inspections apply. The Circular also sets out how certificates and reports will be registered, and explains enforcement responsibilities and procedures. The Circular is available from <http://www.communities.gov.uk/index.asp?id=1509195>.

Home Information Pack Regulations 2007

14. The Home Information Pack Regulations 2007 (SI 2007/992) are relevant to the implementation of EPCs for marketed sales of domestic dwellings, as EPCs for these properties will be a mandatory document in Home Information Packs from 1 June 2007. These Regulations are available from the Office of Public Sector Information (http://www.opsi.gov.uk/si/si2007/uksi_20070992_en.pdf).

Notice of approval of the methodology of calculation of the energy performance of buildings in England and Wales

15. This notice will contain the approval of the national calculation methodology for the purposes of Regulation 17A of the Building Regulations 2000, as amended. It replaces Annex I of ODPM Circular 03/2006. It contains specifications of the calculation methods and their application, and lists approved software applications. It will be updated whenever an existing approval requires amending or a new one

needs adding. It will be available by the end of April 2007 from www.communities.gov.uk/epbd.

Communities and Local Government publications

16. The Department is preparing guidance documents to assist duty holders and enforcers in the discharge of their duties under EPBD. This will include:

- a. Guidance and criteria for accreditation schemes, technical guidance on methodologies, and advice on boiler use;
- b. Guidance for enforcement agencies. Communities and Local Government will work with Trading Standards and Building Control bodies to produce this guidance through meetings and consultation;
- c. General information on EPBD and its application and purpose in different sectors; and
- d. Public information leaflets (as part of a wider publicity campaign) for all those with duties under EPBD, including homeowners, landlords and tenants, commercial building owners and occupiers, air-conditioning system operators and boiler users.

These documents will be published to coincide with the relevant start dates for the new requirements, and will be available from the Communities and Local Government website. The commencement dates for the requirements are attached to this letter.

Communities and Local Government website

17. Further information and EPBD documentation on the EPBD can be found at www.communities.gov.uk/epbd.

Enquiries

Enquiries on this Circular Letter or on EPBD should be addressed to:

EPBD Programme
Sustainable Buildings Division
Communities and Local Government
4/B5 Eland House
London, SW1E 5DU
020 7944 4400
Email: enquiries.br@communities.gsi.gov.uk

Yours sincerely



Carol Sweetenham

Commencement dates

Schedule 1 of the Regulations sets out the stages by which the Regulations come into force between 19 April 2007 and 1 October 2008. The requirements will be introduced from the following dates:

1 June 2007	EPCs required for the sale of existing dwellings where a HIP is required under the Housing Act 2004 (other than dwellings built to 2006 standards)
1 October 2007	EPCs required on construction for all dwellings EPCs required on the sale of dwellings built to 2006 standards.
6 April 2008	EPCs required for the sale or rent of buildings other than dwellings with a floor area over 500 m ² EPCs required on construction for all non-dwellings Display certificates required to be displayed in buildings >1,000 m ² that are occupied by public authorities, and by institutions providing public services to a large number of people and therefore frequently visited by those people
1 October 2008	EPCs required on the sale or rent of all remaining dwellings EPCs required on the sale or rent of all remaining buildings other than dwellings.
4 January 2009	First inspection of all existing air-conditioning systems over 250 kW must have occurred by this date.
4 January 2011	First inspection of all remaining air-conditioning systems over 12 kW must have occurred by this date.