Improving the energy efficiency of our buildings

A guide to Energy Performance Certificates for the construction, sale and rental of non-dwellings (Guidance Booklet No. 1)

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This document is not a statement of the law, but is intended to help prospective sellers, buyers, landlords, occupiers, building managers, builders and their agents understand how, in relation to non-dwellings, the Directive and Regulations work in practice, how to apply the Regulations, what their responsibilities are and when energy certificates are required.

Buildings are responsible for almost 20 per cent of the UK’s energy consumption and carbon emissions. Energy Performance Certificates promote the improvement of the energy performance of buildings and form part of the implementation in Northern Ireland of European Directives 2002/91/EC and 2010/31/EU on the Energy Performance of Buildings.

The Directive was implemented in Northern Ireland by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)\(^1\). In 2013 amendment regulations, the Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013\(^2\) were made to implement new measures in a recast of the Directive (Directive 2010/31/EU). Collectively this legislation is referred to as ‘the EPB Regulations’ in this document.

This guide describes the scope and requirements of the EPB Regulations relating to the construction, sale or rental of non-dwellings and provides guidance on how the requirements are applied. While this guidance aims to explain how the requirements work in practice, any interpretation of the EPB Regulations is offered only as a guide, as the Department cannot provide legal advice. Therefore, it is important to read and understand the EPB Regulations as well. In cases of doubt independent legal advice should be sought.

This document is part of a series that explains the requirements relating to Energy Performance Certificates, Display Energy Certificates, and air conditioning inspections in Northern Ireland. Buildings in England, Wales and Scotland are subject to separate regulatory requirements and guidance.

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\(^1\) SR 2008/241 and SR 2009/369 refer.
\(^2\) SR 2013/12 refers.
Key points in the EPB Regulations in relation to non-dwellings:

- the requirement for a building that is a non-dwelling to have an EPC on construction, sale or rent was introduced on a phased basis from 30 September 2008;

- the EPC shows the energy efficiency rating (relating to running costs) of a non-dwelling. The rating is shown on an A-G rating scale similar to those used for fridges and other electrical appliances;

- the EPC includes recommendations on how to improve the energy efficiency of the building. There is no statutory requirement to carry out any of the recommended energy efficiency measures stated;

- EPCs for non-dwellings must be produced by an accredited Non-Domestic Energy Assessor (NDEA), who is a member of a government approved accreditation scheme;

- the seller or landlord, or a person acting on their behalf, must show an EPC free of charge to a prospective buyer or tenant when that person first makes an enquiry about the building. The EPC must also be given free of charge to the successful buyer or the person who takes up the tenancy;

- the energy rating for the property must be included in all commercial media advertising it for sale or rent;

- EPCs are valid for 10 years and can be reused as required within that period. A new EPC is not required each time there is a change of tenancy, or the property is sold, provided it is no more than 10 years old. Where more than one EPC is produced within a 10 year period, the most recent EPC supersedes the earlier which is no longer valid; and

- EPCs are required to be displayed in commercial premises larger than 500m² that are frequently visited by the public where one has previously been produced for the sale, construction or renting out of the building.
Chapter 1

1. EPC requirements

An EPC is intended to inform potential buyers or tenants about the energy performance of a building, so they can consider energy efficiency as part of their investment or business decision to buy or occupy that building.

1.1 Non-dwellings requiring an EPC

An EPC for a building that is a non-dwelling is only required when it is constructed, being sold or being rented out and in some instances when such buildings have been subject to a major renovation following purchase. For the purpose of the regulations a building has been defined as:

"a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a building unit"

For a building to fall within the requirement for an EPC it must have a roof and walls and use energy to condition the indoor climate.

Services considered to condition the indoor climate are the following fixed services: heating, mechanical ventilation or air-conditioning. Although the provision of hot water is a fixed building service, it does not condition the indoor environment and would not, therefore, be a trigger for an EPC. The same argument applies to electric lighting.

Where a building is expected to have heating, mechanical ventilation or air-conditioning installed, it will require an EPC based on the assumed fit-out in accordance with the requirements in Part F of the Building Regulations.

The building can either be the whole of a building or a building unit or part of a building designed or altered to be used separately. A building unit could be indicated by the accommodation having its own access, separate provision of heating and ventilation or shared heating and ventilation, but with the ability by the occupier to independently control those services. A part of a building could be

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3 SR 2012 No. 192
deemed to be separate even if some facilities (i.e. kitchen and toilet facilities) are shared. An example might be a unit in a shopping centre or a floor in an office building.

**What type of EPC should be provided?**
In general terms the EPC provided or made available should reflect the building being sold or rented out, e.g. shop, office, restaurant etc. and should include relevant benchmarks to compare a particular building with a typical building of that type.

In terms of the requirement for an EPC, buildings can have multiple tenancies, differing lease agreements, various sub-letting arrangements and different uses (e.g. mixed retail, residential and office accommodation). To determine the requirement for an EPC in a building, the following should be considered (although this is not an exhaustive list of potential circumstances).

To determine the requirement for an EPC in a building, the following should be considered:

- **Buildings with a common heating system** – one EPC can be produced for the whole building and used when the building, or any part of it, is being sold or rented out. If a part designed or altered to be used separately is being sold or rented out, an EPC can be produced for that part, but the Assessor will need information on the central plant efficiency to do so.
- **Buildings without a common heating system** – an EPC should be prepared for each part being offered for sale or rental. If an EPC does exist for the whole building (e.g. as a result of construction) it is not possible to use this unless the whole building is being sold or rented out.

Rooms for residential purposes (see Glossary of terms – Annex A) are not classified as dwellings. These are excluded from the requirements to provide EPCs when being sold or rented out. However, if the building containing the rooms for residential purposes is sold or rented out, it will require a non-domestic EPC.

Some buildings may contain a mixture of dwellings and non-dwellings. Each dwelling (see Glossary of terms) must have its own EPC.

Chapter 4 contains of examples of how the Regulations apply in practice to a variety of buildings and parts of buildings, including to buildings used for industrial or commercial purposes which contain living accommodation.

**Use of energy to condition the indoor climate and the requirement for an EPC**
Fixed services are any part of, or any controls associated with, fixed systems for heating, mechanical ventilation or air conditioning i.e. those services attached to the fabric of the building. So
• if there is no intention of having fixed services and no ability to include fixed services to condition the indoor climate, then an EPC will not be required;
• if a building is to be rented out with fixed services, the EPC for the building should reflect the fixed services actually installed;
• if a building is to be rented out without fixed services, but there is an intention that fixed services will be installed, the EPC should be based on the building’s use class under the planning legislation. This applies whether fixed services have ever been installed previously in the building, or whether the building is newly constructed on a "shell and core" basis. For the purposes of producing the EPC, the activity within the building should be specific in line with business activity typical of the use class and the most energy intensive fit-out adopted in line with Part F of the Building Regulations in force when the building was built; and
• energy used directly for heating or cooling a process is not taken to mean conditioning the indoor climate. Those buildings without any other conditioning would not require an EPC. (See glossary of terms for industrial site and workshops with low energy demand.)

Use the flowchart below to help determine whether your building requires an EPC:

Chapter 4 provides guidance on a number of common situations and how the EPB Regulations may apply.

It is the action of selling, renting or construction that triggers the requirement for an EPC. Therefore existing occupiers and tenants will not require an EPC unless they sell, assign or sublet their interest on or after the dates on which the requirements came into operation.
1.2 When EPCs are required

An EPC for a non-dwelling is required when the building is constructed or to be sold or rented out. An EPC must be obtained before the building is marketed for sale or rent. The EPC rating must be included on any commercial media used to market the building (see 1.4 below).

EPCs for the sale or renting out of buildings that are non-dwellings will be valid for 10 years or until a newer EPC is produced for the building, if earlier.

1.3 Display of EPCs in non-dwellings frequently visited by the public

From 18th February 2013 it is a requirement for all non-dwellings over 500m² that are frequently visited by the public to display an EPC where one is produced for that building, or building unit, for the purposes of its construction, sale or rent. Relevant buildings include banks, cinemas, shops, restaurants etc..

The EPC should be displayed in a prominent place where it is clearly visible to members of the public who visit the building. Only the certificate must be displayed - there is no requirement to display the accompanying recommendation report.

To enable members of the public to view the certificate easily, it should be printed in colour and displayed to ensure it is visible to all visitors to the building.

1.4 EPC ratings in commercial media

From 18th February 2013 all advertisements in commercial media for the sale or rental of a non-dwelling must show the EPC rating of that property. There is no requirement to include the full certificate but where there is adequate space, the advertisement should show the A-G graph. However, it is recognised that this will not always be possible due to space constraints, i.e. classified advertisements. In such cases the advertisement should include a combination of the A-G rating and numerical indicator from the EPC, for example EPC A92.

For the purposes of the EPB Regulations commercial media is defined as

"any material produced specific to a building, on any medium, with the intention of advertising the building for sale or rent".
Commercial media therefore would include, but is not limited to, newspapers and magazines, written material produced by the seller or their agent that describes the building or material on internet property sites. There would be no requirement to include the energy rating on a "for sale" sign.

1.5 Situations where an EPC is not required

EPCs are not required on construction, sale or rent for:

- buildings used as places or worship and for religious activities;
- temporary buildings with a time of use less than two years;
- stand alone buildings with a total useful floor area of less than 50m$^2$ that are not dwellings (see glossary of terms for a definition of stand-alone);
- industrial sites, workshops and non-residential agricultural buildings with low energy demand (see glossary of terms for a detailed description); and
- non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance.

Buildings to be demolished or renovated after sale or rental

EPCs are not required on sale or rent for buildings due to be demolished or to undergo major renovation. The seller / landlord should be able to demonstrate that:

- the building is to be sold or rented out with vacant possession;
- the building is suitable for demolition and the resulting site is suitable for redevelopment; and
- they believe, on reasonable grounds, that a prospective buyer intends to demolish the building or undertake a major renovation.

A major renovation is defined as:

"the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation"

An EPC will however be required once the major renovation has been completed.
Chapter 2

2. What is an EPC?

2.1 What is an EPC and what does it mean?

The EPC looks broadly similar to the energy labels provided with vehicles and many household appliances. Its purpose is to indicate how energy efficient a building is. The certificate will provide an energy rating of the building from A to G, where A is very efficient and G is the least efficient. The better the rating, the more energy-efficient the building is, and the lower the fuel bills are likely to be. The energy performance of the building is shown as a Carbon Dioxide (CO₂) based index.

Each energy rating is based on the characteristics of the building itself (the fabric) and its services (such as heating and lighting). Hence this type of rating is known as an asset rating.

The asset rating will reflect considerations including the age and condition of the building. The recommendation report provides recommendations on using the building more effectively, cost effective improvements to the building and other more expensive improvements which could enhance the building’s energy performance.

The EPC will not comment on the safety aspects of the building services, nor will the assessment confirm that the installed system is fit for purpose.

2.2 What an EPC for a non-dwelling contains

In addition to the asset ratings, the EPC must convey several other key pieces of information.

Reference information - this includes the unique certificate reference number generated when the certificate is lodged on the Northern Ireland non-domestic register. This is the date of issue of the certificate and the date from which it is valid. Other reference information includes the address of the building.

Energy Assessor details - this includes the Assessor’s name (or any trading name if self employed), accreditation number, employer’s name and address...
and name of accreditation scheme of which the Assessor is a member.

The EPC will also provide information on how to register a complaint about an unsatisfactory EPC and how to check that the EPC is authentic.

The EPC is accompanied by a report which includes cost-effective recommendations to improve the energy ratings. For each improvement indicative paybacks are listed.
Chapter 3

3. Obtaining an EPC

3.1 Responsibilities for providing an EPC on construction or modification of a non-dwelling

When a non-dwelling being constructed is physically complete, it is the responsibility of the person carrying out the construction to give an EPC and recommendation report to the building owner.

If a building is modified to have more or fewer parts than it originally had and the modification includes the provision or extension of fixed services for heating, air conditioning or mechanical ventilation (i.e. those services that condition the indoor climate for the benefits of the occupants) then an EPC will be required. When the modifications are physically complete, it is the responsibility of the person carrying out the modification works to give an EPC and recommendation report to the building owner.

3.2 Responsibilities for providing EPCs when selling or renting out a non-dwelling

Before a building is offered for sale, it is the responsibility of the seller to obtain an EPC. A lease assignment would be considered to be a sale and the assignor should provide the EPC. The sub-letting of a building would also require an EPC to be provided.

Before a building is offered for rent, it is the responsibility of the prospective landlord to obtain an EPC to show to prospective tenants.

It is the responsibility of the person marketing a property for sale or rent to include the energy performance indicator in any applicable commercial media. This could be the seller or landlord if they themselves are marketing the property or an estate or letting agent if one has been engaged to act on their behalf.

It is the responsibility of the seller or landlord offering the accommodation for sale or rent or an agent acting on their behalf to ensure an EPC is shown to a prospective buyer or tenant when they first make an enquiry about a building.
The seller or landlord is responsible for ensuring the EPC is given to the eventual buyer or tenant.

It is the duty of every person with an interest in, or in occupation of, the building to co-operate with any seller or landlord as far as is necessary to enable them to comply with any duty under the EPB Regulations to make available an EPC, to provide the any data needed to comply and to allow access to any Energy Assessor appointed by the seller or landlord.

### 3.3 Transactions not considered to be a sale or rental

The purpose of providing an EPC during the sale or rental process is to enable potential buyers or tenants to consider the energy performance of a building as part of their investment. Not all transactions will be considered to be a sale or rental to which the duties apply. These will include.

- lease renewals or extensions;
- compulsory purchase orders;
- sales of shares in a company where buildings remain in company ownership; and
- lease surrenders.

There may be other types of transaction where it might be argued that an EPC is not required, for example, living accommodation at a workplace and tied to a job, or not-for-value transactions, but this will depend on the individual circumstances of any case.

### 3.4 Conducting energy assessments

An energy assessment for a non-dwelling must be carried out by an NDEA who is a current member of an accreditation scheme. NDEAs may be self employed, employees of service organisations such as estate agents, surveyors or energy companies, or employees of the landlord or owner.

NDEAs must act in an independent manner and are responsible for lodging the EPC on the Northern Ireland non-domestic register. Only when an EPC is lodged on the register is it considered as issued.

Accreditation schemes must make adequate provision to ensure that the
energy assessment is carried out in an independent manner. NDEAs must declare whether there is a conflict or perceived conflict of interest in them undertaking an assessment. Conflicts of interest include, but are not limited to, a situation where the NDEA has employment links with the organisation or is related to the person who commissioned the EPC. NDEAs must raise concerns with their accreditation scheme if they feel they have been asked to implement practices which compromise their independence.

A team of people may work on gathering the information for an energy assessment for level 4 and 5 buildings as long as they are working under the direction of an accredited NDEA. See Chapter 5 for further detail.

**NDEA accreditation**

Accreditation schemes are responsible for managing NDEAs and for monitoring the quality of EPCs by ensuring their NDEAs are competent and possess the appropriate skills to conduct energy assessments. NDEAs will need to be qualified for the type of building being assessed. For non-dwellings there three levels of buildings:-

- **level 3** – simple, existing non-dwellings: small buildings such as converted houses or doctors surgeries (using SBEM);
- **level 4** – new and existing non-dwellings: e.g. small purpose built office buildings (using SBEM); and
- **level 5** – new and existing complex non-dwellings: e.g. large office buildings or factories (using modelling tools e.g. DSM).

To become a member of an accreditation scheme the NDEA must:

- demonstrate competence, either by having a recognised qualification from an awarding body or approved prior experience and learning equivalent to the national occupational standards requirements;
- maintain appropriate professional indemnity cover;
- update skills and knowledge regularly;
- participate in the accreditation scheme quality assurance procedures; and
- abide by the accreditation scheme advice and guidance.

A list of current approved accreditation schemes for non-dwellings may be found on the website www.epb.dfpni.gov.uk
Chapter 4

4. Applying the regulations in practice

4.1 Building use, tenancy arrangements and the requirements for EPCs

The use and occupancy patterns of a non-dwelling can be complex. This section highlights a number of situations that occur frequently and the consequent requirements for an EPC.

EPC certification for units or parts of a building designed or altered for separate use may be based on the assessment of another representative unit or part in the same block.

Any stand-alone units (see glossary of terms for a definition) in the following examples that are less than 50m² will not require an EPC.

A. OFFICES BLOCKS AND MIXED USE BUILDINGS

Office space may be rented out floor by floor, a number of floors or part of a floor. If a building has a common heating system, then an EPC may be prepared for the whole building (other than where there are any separate dwellings within the block, which will each require their own EPC) and used for any part when sold or rented out. Common areas are included in the calculation.

A.1. Block with common heating system

If an office building has a common heating system, the seller or landlord should provide an EPC for the whole building (other than where there are any separate dwellings within the block, which will each require their own EPC). It is permissible to prepare an individual EPC for a part of a building, if so wished. An EPC for a single unit may be based on an assessment of a similar representative unit in the same block (see section 5.5 for more details). Communal areas are not included in the calculation.
A.2. Block with independent heating systems

It is permissible to provide EPCs for each of the individual parts, plus an EPC for the conditioned communal areas when selling or renting the whole building or to provide one EPC for the whole building.

Where there are separate dwellings within the building each will require its own EPC. The energy calculation method for dwellings is SAP or RdSAP, and the Domestic Energy Assessor (DEA) carrying out this work must be accredited to carry out assessments on dwellings. The non-dwelling part(s) of the building should be assessed using either SBEM or DSM and the NDEA must be accredited to carry out assessments on the non-dwelling part(s). It is appropriate that when any communal areas (including those serving the residential space) are assessed, this is done using SBEM or DSM, as the methodology used for dwellings (SAP) will only cover a dwelling. SBEM and DSM must be used to assess a building that includes rooms for residential purposes.

Again, an EPC for a single unit may be based on an assessment of a similar representative unit in the same block (see section 5.5 for more details).
A.3. Shop with separately accessed dwellings above

In the example below, the residential space above the shop has separate access and is clearly designed to be used as a dwelling separately from the conduct of business in the shop, whether the two parts are sold or rented out together or separately. In this case the residential space should have its own EPC (using SAP or RdSAP as appropriate). Communal areas are not included.

A.4. Shop with dwellings above accessed through it

In the example below the residential space above the shop can only be accessed via the shop. In this case the upper part is not designed or altered for use as a separate dwelling and should therefore be considered and assessed with the shop as a single building, for which SBEM will be more appropriate.

A.5. Commercial or industrial building with significant living accommodation

In the example below, the shop was formerly a room in a dwelling. If the building is subsequently sold or rented out and could be used as a dwelling it should be assessed as a dwelling using SAP or RdSAP (as appropriate). This situation is where the living accommodation is a significant proportion (i.e. more than half) of the total area of the building. Please see the glossary of
terms for buildings used for industrial or commercial purposes.

B. CENTRES WITH COMMON HEATING SYSTEMS

Again, in relation to shopping centres, retail units and concourses an EPC for a single unit may be based on an assessment of a similar representative unit in the same block (see section 5.5 for more details).

B.1. Centres with common heating systems and conditioned communal space

In this scenario if **EPCs are produced for the each Unit** communal conditioned space is not included in the calculation. The EPC may only be used where a Unit is to be rented. Conversely if **only one EPC is produced** for the whole building then communal conditioned space is included and this EPC may be used for the whole building or any part of it being sold or let.

If, unlike in the example above, a unit does not directly access the concourse or mall (i.e. does not share conditioning), and it does not have its own heating or the ability to have its own heating, then it will not require an EPC as it will not be considered to be a building for the purposes of the EPB Regulations.
B.2. Centres with common heating systems and unconditioned communal space

Again if EPCs are produced for the separate parts communal conditioned space is not included in the calculation. Conversely if only one EPC is produced for the whole building then communal conditioned space is included. One EPC may be used for the whole building or any part of it being sold or let.

C. CENTRES WITH INDEPENDENT HEATING SYSTEMS

In examples C.1 and C.2 below, it is permissible to provide EPCs for each of the individual parts, plus an EPC for the conditioned communal areas when selling or renting out the whole building or provide one EPC for the whole building.

C.1. Centres with conditioned communal space

If EPCs are produced for the separate units communal conditioned space is not included in the calculation. Conversely if only one EPC is produced for the whole building then communal conditioned space is included. One EPC may be used for the whole building or any part of it being sold or let.
C.2. Centres with unconditioned communal space

If EPCs are produced for the separate units communal conditioned space is not included in the calculation. Conversely if only one EPC is produced for the whole building then communal conditioned space is included. One EPC may be used for the whole building or any part of it being sold or let.

D. INDUSTRIAL UNITS IN BLOCKS

Any stand-alone units (see glossary of terms for a definition) that are less than 50m² will not require an EPC.

D.1. Units with a common heating system [Review wording in diagrams below]
D.2. Units with independent heating systems

As in the case of C.1 and C.2, it is permissible to provide EPCs for each of the individual parts, plus an EPC for the conditioned communal areas when selling or renting out the whole building or to provide one EPC for the whole building. But this may only be used when all units are sold or let as one entity.

D.3. Units with a variety of heating systems and both conditioned and unconditioned space

As in the case of C.1 and C.2, it is permissible to provide EPCs for each of the individual parts, plus an EPC for the conditioned communal areas when selling or renting out the whole building or to provide one EPC for the whole building.
**E. MODIFICATIONS TO A BUILDING**

If a building is modified to have more or fewer parts that are designed to be used separately, and the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation, then an EPC must on completion of the work be provided to the owner of the building by the person carrying out the work.

An internal refit with new heating, hot water, air conditioning or mechanical ventilation etc., would not trigger the requirement for an EPC, unless the building were also converted so as to comprise more or fewer parts for separate use. Any refit will, however, be subject to such of the Building Regulations as are applicable to the work.

**E.1. Building with extended capacity but with no parts added or removed**

<table>
<thead>
<tr>
<th>Heating / Mechanical Ventilation / Air Conditioning / Hot Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing building</td>
</tr>
<tr>
<td>Extension — with or without conditioning</td>
</tr>
</tbody>
</table>

- Building has been extended
- BUT NO separate part(s) added or removed
- = NO EPC required.
- Work may need to comply with Building Regulations

**E.2. Building with extended capacity and newly divided into more or fewer parts - extended fixed services**

<table>
<thead>
<tr>
<th>Heating / Mechanical Ventilation / Air Conditioning / Hot Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing building</td>
</tr>
<tr>
<td>New part designed or altered to be used separately</td>
</tr>
</tbody>
</table>

- Building has been extended with a new separate part added
- AND provision made for heating / mechanical ventilation / air conditioning or hot water
- = EPC is now required for the building
E.3. Building with an internal re-fit

In the case above, there is no requirement for an EPC. However where the building has been renovated, e.g. upgraded heating or change of use, it would be preferable to have an updated EPC, even though not required.

E.4. Building converted into more or fewer parts

In this example the building is the same size but has more parts designed or altered to be used separately, and the modification includes the provision or extension of heating/hot water/air conditioning or mechanical ventilation. It now requires an EPC.
F. SHELL AND CORE BUILDINGS

For shell and core buildings, not all the services will be installed (especially lighting, mechanical ventilation and cooling) at the point where the building is sold or rented out.

In the case of building units that are rented out as bare structures without services at all, but where they will be fitted out and there is the expectation that energy will be used to condition the indoor climate, an EPC should be provided.

The EPC should be based on the maximum design fit-out specification as used for compliance with Part F of the Building Regulations (in respect of the building’s use class in planning legislation). Part F ensures that building work conforms to current energy performance standards. Where insufficient information is supplied (i.e. in this case there are no services installed), Part F defaults to the "worst" energy rating allowed under Part F. Therefore the most energy intensive fixed services fit-out allowed under Part F will be assumed. Any subsequent fit-out will need to comply with Part F of the Building Regulations. The services installed will either be as assumed or more energy efficient if the tenant chooses a more energy efficient specification.
Chapter 5

5. Assessing the energy performance of a building

5.1 What contributes to the energy performance of a building

The energy rating of a building is a complex calculation based on a combination of factors. The key factors are:

- the type of construction of the building (including walls, roofs, floors and glazing);
- whether parts (zones) of the building are used for different purposes e.g. office, factory, etc, and the occupancy profile for each zone;
- heating, cooling, ventilation and hot water systems used; and
- lighting.

The energy performance of a non-dwelling is shown as a CO₂ based index.

The CO₂ based rating which a building receives depends on the energy consumed for space heating, water heating, ventilation and lighting, deducting any energy generated from energy generation technology installed in the building (such as solar water heating). The lower the number (on a scale of 0-150+), the lower the typical CO₂ emissions.

The rating is adjusted for the total useful floor area of a building (see glossary of terms for a full definition) so it is independent of size for a given type of building.

The calculation process compares the carbon emissions of the building with those of a reference building. The reference building is an equivalent building (i.e. a building of the same size, shape and use as the actual building) constructed to a reference building designed to a specified standard.
5.2 Collecting the information required for an EPC

Once the NDEA has been commissioned to produce an EPC, there are three main steps to performing the assessment. These are:-

- gathering the relevant information about the building;
- analyzing the information and identifying different zones in the building;
- making a site inspection; and
- entering the information into an approved software programme. The appropriate methods for non-dwellings are simplified building energy model (SBEM) or dynamic simulation model (DSM).

The NDEA will need to understand the internal layout of the building and for what purposes it is designed to be used. This is required to understand the energy demands of each individual space (zone) in accordance with its designed use.

The information required to produce an EPC includes:

- analysis of information and identification of different zones of the building and their dimensions (from building plans or measured);
- the activities conducted within the zones, e.g. retail, office, kitchen, storage etc.;
- the heating and ventilation services for each zone, including type of system, metering, controls, fuel used etc.;
- the lighting and controls used for each zone; and
- the construction of the fabric of the building and thermal efficiency of materials used for roof, walls, floors and glazing.

If there are no building plans, the NDEA will need to survey the building and gather appropriate information. So having up-to-date information and plans will make this process less time consuming. The NDEA is responsible for ensuring that the information used in the energy calculations is accurate and, even where detailed plans are available for an existing building, the NDEA must validate this information by making a site inspection.
5.3 Using data gatherers

In certain circumstances data gatherers working under the supervision of the NDEA can assist with producing EPCs for larger and more complex buildings and portfolios of buildings. However, the NDEA must be in a position to verify the data and to supervise how and by whom it is collected.

The following advice on the use of data gatherers has been provided to accreditation schemes:-

- there is no justification for using data gatherers on level 3 buildings, because the scale and complexity of such buildings is not sufficient to justify their use. The use of data gatherers on level 3 buildings is not therefore permitted.

- for level 4 or 5 buildings the NDEA must:-
  - visit and inspect all buildings for which they issue an EPC to ensure they can verify any data provided and ensure it is appropriate for the building before the EPC is lodged on the central Register. This also enables the NDEA to provide the building owner or landlord with the outcome of the assessment;
  - record all the assistants used and the provenance of the data used to produce the EPC;
  - provide evidence of supervision of the process (one way of demonstrating this would be via the use of ISO9001 procedures); and
  - demonstrate the suitability of any assistants used - NDEAs are responsible for ensuring that any assistants used are fit and proper and suitably qualified, for example by being a level 3 energy assessor or through membership of a recognised professional body. The NDEA must be able to provide evidence to support an assistant's suitability to do the work.

The NDEA must be able to demonstrate that the contractual arrangements of any assistants allow sufficient supervision and quality control by the NDEA. Employing assistants from the same company as the NDEA would be one way of demonstrating this.

Remote lodgement business models - the practice of an energy assessor lodging a certificate which has been produced from data that has not been collected or verified in the manner described above by the NDEA - is not acceptable.
The definitions of level 3, 4 and 5 buildings are in Annex A. Level 4 and 5 buildings are those for which DSM is used to carry out the assessment.

5.4 Producing the EPC and recommendation report

The information gathered is fed into an approved software programme using a government approved energy assessment method. The appropriate software tools for non-dwellings are SBEM and DSM. This applies even where a building was previously used as residential accommodation. The software produces both the EPC and the recommendation report.

Only government approved software may be used to assess the energy performance of a building and to produce the EPC and recommendation report.

The software assesses the energy demands of each individual space in the building in accordance with the activity conducted in that space (e.g. office, kitchen, storage). Different activities can result in different periods of occupancy and different required temperatures, as well as varying requirements for lighting and hot water. The energy consumption and CO$_2$ are calculated by considering these demands in relation to the detail of the building services. The NDEA will therefore need to understand the internal layout of the building and for what purpose(s) it is used. The NDEA will need to validate (using plans or a physical survey) zone distances, thermal insulation and building services.

The software will use the information provided by the NDEA and standard performance tables and will produce the EPC and recommendation report. The recommendation report will help owners and occupiers to improve the energy efficiency of a building. The recommendations only include those improvements that are appropriate for the building that has been assessed. For each recommendation indicative paybacks are noted. The recommendations are provided in four categories:

- short term payback – less than three years;
- medium term payback – between three and seven years;
- long term payback – greater than seven years; and
- other recommendations (based on the NDEA’s knowledge).

Once the NDEA has produced the EPC it must be lodged on the central register. This process generates the unique reference number for the EPC. Following lodgement, the EPC must be given to the person who commissioned it.
5.5 Assessment of representative units

Certification for units in blocks can be based on the assessment of another unit in the same block. Representative units should all be in the same building or block. What makes one unit representative of another will be down to the judgement of the NDEA as to whether the data used for one building would accurately reflect another. Material facts may include age and construction of the building, orientation, position within the block, type of heating, insulation and glazing.

If one unit in a block was surveyed in detail the NDEA can copy the data model to prepare an EPC for another. The NDEA needs to be satisfied that they are the same (or make any adjustments as required) and then submit the data to produce an EPC for the second unit. Where a number of assessments are based on the assessment of another representative unit, the NDEA will need to visit a sufficient sample of the units to verify that they are indeed representative.
6. Consumer protection and enforcement

6.1 Checking the authenticity of an Energy Performance Certificate

All EPCs are stored in the central register. The central register is the official place for the storage of all EPCs produced in Northern Ireland (as well as England & Wales). It is currently operated by Landmark Information Group.

All EPCs must contain a valid certificate reference number. This number can only be generated once the certificate has been lodged on the central register. The EPC and recommendation report are only valid once they have been lodged. Lodging the EPC helps to protect the consumer by ensuring that only accredited Assessors can produce EPCs. You can verify the authenticity of and / or download a copy of an EPC by using the reference number or the property address to access the central register, for example to replace a lost or mislaid EPC (except in relation to buildings which have opted out of making the documents available).

Once EPCs are lodged they cannot be altered. Where there is a dispute about an aspect of an EPC this may be annotated on the register to show that the EPC in question is under investigation. Only the accreditation scheme of which the Assessor is a member may carry out the investigation.

Data on the register is kept for 20 years, which means that more than one EPC for a property may be held. An EPC may be valid for up to 10 years. If there is more than one EPC for a building only the most recent one will be valid.

6.2 Checking the authenticity of your Energy Assessor

All Energy Assessors must be accredited.

If you wish to check that an Energy Assessor is a member of an accreditation scheme, you can do this in two ways:
• verify the credentials of your Energy Assessor on-line via www.niepcregister.com which provides a national register of accredited Energy Assessors. This will allow you to search for the Energy Assessor's name and accreditation scheme membership number; or
• ask your Energy Assessor which accreditation scheme they are a member of (and their membership number). The accreditation scheme can confirm that your Energy Assessor is accredited to practice as such.

If you want to find a suitably accredited Energy Assessor in your area to provide you with an EPC, use www.niepcregister.com. This will allow you to search for a list of accredited Assessors in your area that you may contact to do your energy assessment. Ensure the Assessor is accredited for the type of building being assessed. See Chapter 3.4 for details of qualification levels and accreditation schemes.

6.3 Complaints

If you have a complaint about the availability or quality of an EPC or about an Energy Assessor or energy assessment, you should contact the following:

Failure to provide a valid EPC on sale or rent:- for complaints regarding the availability and validity of an EPC for marketed sales, contact your local District Council Building Control whose officers have the power to act on your complaints.

EPCs for newly constructed or modified properties:- for complaints regarding the availability and validity of EPCs produced by the builder when construction work is completed, contact your local District Council Building Control.

Quality or accuracy of the EPC and its recommendations:- for complaints regarding the quality and accuracy of the EPC and the recommendation report, contact the Energy Assessor in the first instance and if the matter is not resolved, contact the accreditation body of the Energy Assessor who produced the EPC. Contact details for both can be found on the EPC.

Complaints regarding an Energy Assessor or any aspects of the energy assessment:- for complaints regarding the Energy Assessor or the energy assessment, contact the Energy Assessor in the first instance. If the matter is not resolved, contact the accreditation body of the Energy Assessor who produced the EPC. Contact details for both can be found on the EPC.
The accreditation scheme must investigate the complaint and, where necessary, provide the appropriate redress. Where it is found that the information on the EPC is incorrect a new certificate and report must be issued and the information on the central register amended. This procedure should be followed at no cost to the complainant. In the event that a complaint cannot be resolved satisfactorily, the accreditation scheme will refer the matter to an independent 3rd party for adjudication.

The Energy Assessor has a duty of care under the EPB Regulations, both to the seller or prospective landlord and to the prospective buyer or tenant, to carry out an energy assessment on a building with reasonable care and skill. This duty is enforceable for as long as the EPC subsequently remains valid. If an Energy Assessor is proven to have been in breach of his duty under the EPB Regulations or negligent in any other way, this is a matter that can be taken up in the first instance with the accreditation scheme before any recourse to an action in civil law. Energy Assessors will have professional Indemnity cover against the eventuality that any person to whom they have a duty may suffer loss as a result of their actions.

If an EPC is subsequently alleged to have been produced fraudulently, this is a matter for criminal law, to be pursued by making a complaint to the police.

6.4 Penalties

Your District Council is responsible for enforcing, in its district, the requirement to have an EPC on the marketing for sale or rental of a building and for the display of EPCs in relevant buildings visited by the public, where one is available. Failure to make available an EPC as required by the EPB Regulations means you or an agent acting on your behalf may be liable to a civil penalty charge notice. A district council may act on complaints or undertake investigations. They may request you to provide them with a copy of the EPC and recommendation report. If asked, you must provide these within seven days of the request or be liable to a penalty charge notice. A copy of an EPC can be requested at any time up to six months after the last day for compliance with when the duty was to make it available.

The penalty for failing to make an EPC available to any prospective buyer or tenant when selling or renting non-dwellings is fixed, in most cases, at 12.5 per cent of the rateable value of the building, with a default penalty of £750 where the formula cannot be applied. The range of penalties under this formula are set with a minimum of £500 and capped at a maximum of £5,000.

A further penalty of £200 can be issued for failure to provide a copy of the EPC.
within seven days when requested by a district council.

A penalty of £500 may be issued for failing to display an EPC when required.

It is the duty of every person with an interest in, or occupation of, the building to cooperate with any seller or prospective landlord as far as is necessary to enable them to comply with any duty under the EPC Regulations to make available an EPC (including to provide energy data to the occupier where energy is paid by a landlord and included in a service charge to the occupier) and to allow access to any Energy Assessor they appoint. Failure to comply with these duties attracts a potential penalty of £500.

If you are issued with a penalty charge notice and you believe it should not have been issued you may request a review. If you are not satisfied with the outcome of the review you may appeal to the county court within 28 days after the notice confirming the penalty charge has been received from the district council.

6.5 Situations where an EPC may be unobtainable in time.

The relevant person will not be liable to a penalty charge notice in a sale or rental where a request has been made to obtain the EPC at least 14 days before the relevant person became subject to the requirement and despite all reasonable efforts and enquiries a valid EPC is not in his possession or control.

The EPC should be made available to prospective buyers or tenants as soon as the seller or landlord has it. This also applies in the case of rentals where a prospective tenant was seeking to rent the building in an emergency requiring urgent relocation, where the landlord did not have a valid EPC in his possession at the time of letting, where there was insufficient time for the landlord to be reasonably expected to have obtained an EPC and the landlord subsequently gives a valid EPC to the tenant as soon as reasonably practicable after letting the building.
Frequently asked questions

Q. For how long is an EPC valid?
A. 10 years or until replaced with a newer one.

Q. How much will an EPC cost?
A. The price of an EPC is set by the market based on demand. The cost is likely to vary according to the size, complexity, age and location of a building.

Q. Do I need a new EPC every time I sell or rent out my building?
A. As long as a valid EPC exists for the building, this can be provided to any prospective buyer or tenant. An EPC is valid for 10 years and during this period the same EPC may be provided to any prospective buyer or tenant. The EPC is no longer valid if a more recent one has been lodged on the central register.

Q. Can a prospective tenant or buyer waive their right to receive an EPC?
A. The relevant person (seller or landlord) has a duty to show it to any prospective buyer or tenant and may be liable to a penalty charge if s/he fails to do so, irrespective of whether the prospective buyer or tenant purports to waive entitlement to see / receive the EPC.

Q. When must an EPC be provided to any prospective buyer or tenant?
A. The EPC must be shown to a prospective buyer or tenant when they first make an enquiry about a building. A copy of the EPC must be given to the ultimate buyer / tenant.

Q. Can a building or building unit be advertised for sale or rent if the EPC, and therefore the energy performance indicator, is not available?
A. In normal circumstances an EPC should be available before a property is marketed. EPCs are normally produced within 3 - 4 days of commissioning.

Q. Is the energy performance indicator required in all commercial media?
A. Yes, it is required in all such media offering a building for sale or rent, although its format may vary depending on the size of the media used.

Q. What is the energy performance indicator and which should be used in commercial media?
A. This is the energy efficiency rating found on the front page of the EPC. It takes the form of a letter A - G (A being the highest band) and a number from 1 - 100 (100 being the highest), and is represented in graphical form on the EPC. The graphical representation should be used in larger media such as brochures, while a reference such as EPC A92 may be used in smaller adverts.
Q. What is meant by commercial media?
A. Newspapers and magazines, written material produced by the seller, landlord, estate or letting agent that describes the building being offered for sale or rent, including on the internet.

Q. Does the requirement to display an EPC apply to all buildings or building units?
A. No, only to non-dwellings larger than 500m$^2$ which are frequently visited by the public and where an EPC has previously been issued.

Q. When did this requirement come into force?
A. 18th February 2013.

Q. Will owners / landlords of premises over 500m$^2$ frequently visited by the public be expected to get an EPC to meet this requirement?
A. No. This only applies to such buildings sold or rented out after 18th February 2013.

Q. What is meant by 'frequently visited by the public'?
A. A building that 'is frequently visited by the public' means a building:
• that is a non-domestic building;
• to which the public has an implied or express licence to enter (shops, restaurants etc.); and
• which is visited by members of the public on a daily or near daily basis.

Q. Who is responsible for displaying EPCs in buildings over 500m$^2$ which are rented out?
A. The building occupier is responsible.

Q. Who can produce an EPC for a non-dwelling?
A. Only an accredited and qualified Non-Domestic Energy Assessor who is a member of a government approved accreditation scheme can produce an EPC.

Q. How can I check if my Energy Assessor is properly accredited and qualified?
A. You can check details from information provided by accreditation schemes on the central register website www.niepcregister.com.

Q. Where can I find an Energy Assessor?
A. Details of accredited Assessors are on the central register website at www.niepcregister.com.

Q. What software is used to produce EPCs?
A. Only software approved by the Department of Finance & Personnel (reflecting software approved by the Department of Communities & Local Government in England) may be used to produce EPCs.

Q. Do I have to act on the recommendations contained in the report with the EPC?
A. The building owner / landlord is under no obligation to act on the recommendations. However, taking such action is likely to improve the energy efficiency of the building, reduce fuel bills, cut carbon emissions.
and make it more attractive to future buyers / tenants.

Q. Who has access to EPCs for non-dwellings lodged on the central register?
A. Data held on the central register is publicly available searching by either certificate reference number or address / postcode. Certain buildings are excluded from access. Building owners may opt-out of making their data publicly available.
Glossary of terms

A **building** is defined as “a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a building unit”. A **building unit** means a section, floor or apartment which is designed or altered to be used separately”.

A **stand-alone** building is a building that is free standing i.e. entirely detached from any other building.

The **total useful floor area** is the total area of all enclosed spaces measured to the inside face of the external walls, that is to say it is the gross floor area as measured in accordance with the guidance issued to surveyors, namely:

a. the area of sloping surfaces such as staircases, galleries, raked auditoria, and tiered terraces should be taken as their area on the plan; and  

b. areas that are not enclosed such as open floors, covered ways and balconies are excluded.

Buildings which are **industrial sites and workshops with low energy demand** include buildings, or parts of buildings designed to be used separately, whose purpose is to accommodate industrial activities in spaces where the air is not conditioned. Activities that would be covered include foundries, forging and other hot processes, chemical processes, food and drinks packaging, heavy engineering and storage and warehouses facilities where, in each case, the air in the space is not fully heated or cooled. Whilst not fully heated or cooled these cases may have some local conditioning appliances such as plaque or air heaters or air conditioners to serve people at work stations or refuges dispersed amongst and not separated from the industrial activities.

**Non-residential agricultural buildings with low energy demand** include buildings, or parts of buildings designed to be used separately, that are heated for a few days each year to enable plants to germinate but are otherwise unheated.

A **dwelling** means a building or part of a building occupied or intended to be occupied as a separate dwelling, designed to provide living accommodation for a single household.

A **non-dwelling** is a building that is not a dwelling, and would include buildings such as retail units and offices.
If a **dwelling** has been altered to enable parts to be used for **industrial or commercial purposes** (e.g. a workshop or an office), it should be treated as a dwelling if the industrial or commercial part could revert to domestic use, without significant alteration, on change of ownership. This could be the case if:

a. there is direct access between the industrial or commercial space and the living accommodation; and  
b. both are contained within the same thermal envelope; and  
c. the living accommodation occupies a substantial proportion of the total area of the building (e.g. a small flat for a manager in a large non-domestic building would not mean the whole building should be treated as a dwelling).

**Significant alterations** are those alterations that are covered by the Building Regulations (Northern Ireland) 2012.

Rooms for residential purposes are not dwellings. A **room for residential purposes** means a room, or a suite of rooms, that is not a dwelling-house or an apartment and that is used by one or more persons to live and sleep and includes a room in a hostel, a hotel, a boarding house, a hall of residence or a residential home, whether or not the room is separated from or arranged in a cluster group with other rooms, but does not include a room in a hospital, or other similar establishment, used for patient accommodation. For the purposes of this definition, a ‘cluster’ is a group of rooms for residential purposes that is:

a. separated from the rest of the building in which it is situated by a door that is designed to be locked; and  
b. not designed to be occupied by a single household.

**Level 3 and 4 buildings**

Level 3 and level 4 buildings may both be assessed using SBEM. Currently the only distinction between these two levels is on the basis of heating, ventilation and air-conditioning (HVAC) systems.

**Level 3 buildings** include frequently occurring characteristics such as simple heating systems, simple natural ventilation and small comfort cooling systems. Frequent occurring characteristics are defined in the National Occupational Standards (NOS) in terms of HVAC, fabric and lighting. (i), (ii) and (iii) below cover HVAC:

(i) simple heating systems (Boiler Systems < 100kW)  
(ii) simple natural ventilation
(iii) small comfort cooling systems (up to 12kW)

We interpret

(i) as referring to the size of the total boiler system, so that 2 linked boilers of 75kW is level 4. Where the heating is not from boilers, we take it to refer to the size of the individual heater;

(ii) as meaning opening windows and basic mechanical ventilation (extract tab only); and

(iii) as referring to the total for more than one unit (as per boilers). So level 3 includes split systems cooling one room or, say, one shop with display and store room cooled by one unit.

Frequently occurring characteristics defined in the NOS (at (iv) and (v) below) also provide definitions based on fabric and lighting, but they are not currently applicable (since they are not defined in the approved methodology):

(iv) typical fabric as defined in the approved methodology; and

(v) typical lighting systems as defined in the approved methodology.

Level 4 buildings are all buildings that have any HVAC services that are not defined in the "frequently occurring" list. In practice the following would be classified as level 4 HVAC:

- linked boilers totalling > 100kW;
- multi-split cooling systems and VRF systems; and
- central air conditioning: AHU, all-air, air/water, chillers.

Level 5 buildings are new and existing complex non-dwellings: e.g. large office buildings or factories, assessed using modelling tools e.g. DSM.

Simplified Building Energy Model (SBEM) is a computer program that provides an analysis of a building’s energy consumption. The SBEM tool is designed to cover buildings that are not dwellings. It has been adopted by government as part of the UK national methodology for calculation of the energy performance of buildings. It is also used to produce consistent and reliable evaluations of energy use in non-dwellings for compliance with Part F of the Building Regulations (Northern Ireland) 2012 and for building energy performance certification purposes.

Dynamic Simulation Model (DSM) is a software tool that models energy inputs and outputs for different types of building over time. In certain situations SBEM may not be sophisticated enough to provide an accurate assessment of
a building’s energy efficiency. In these cases Government-approved proprietary DSMs may be used.

**Standard Assessment Procedure** (SAP) is the government approved methodology for energy assessment of new dwellings. The current version has been adopted by the Department of Finance and Personnel as part of the national methodology for calculation of the energy performance of buildings. It is used to demonstrate compliance for dwellings with Part F of the Building Regulations (Northern Ireland) 2012.

**Reduced Data Standard Assessment Procedure** (RdSAP) is the government approved methodology for energy assessment of existing dwellings. A full SAP assessment requires many data items that cannot be seen in a survey (or take too long to collect). This methodology is an industry-agreed standard set of data items and a standard way of inferring the missing data.
Further information

Department of Finance and Personnel
Website: www.epb.dfpni.gov.uk
General EPB Email: info.epb@dfpni.gov.uk
General EPB Enquiry Number: 028 9051 2700

For the National register
Landmark Information Group Limited
www.niepcregister.com

For information about energy efficiency, practical advice and grants
The Carbon Trust www.carbontrust.co.uk