



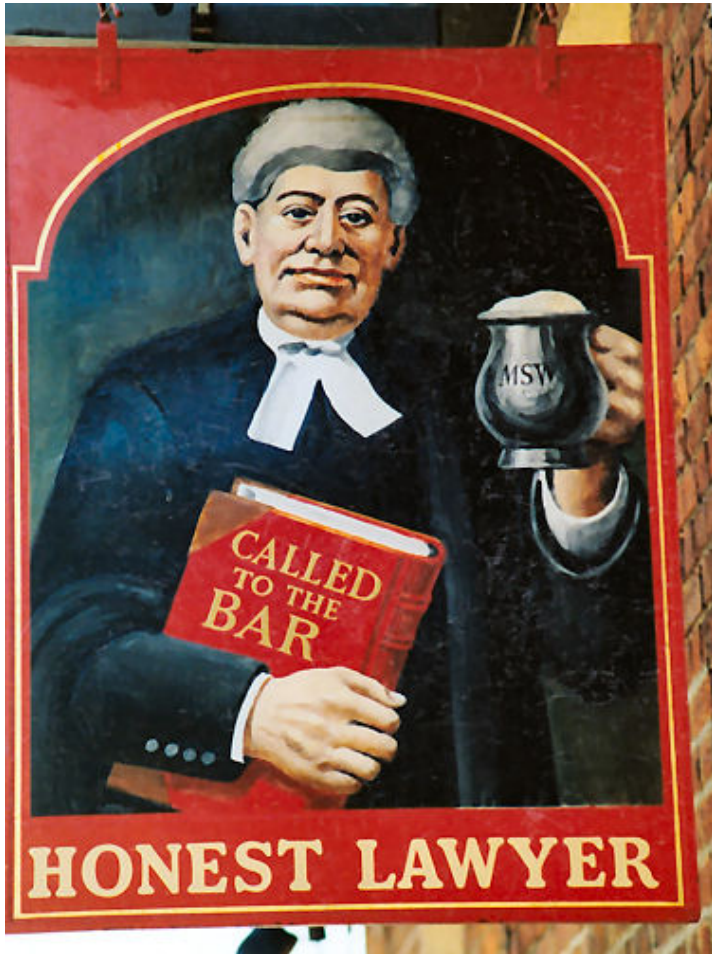
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The built environment: getting fit for the future

Energy efficiency regulations north and south of the border in the context of buildings

Scott Ritchie, Partner, Shepherd and Wedderburn

November 2016

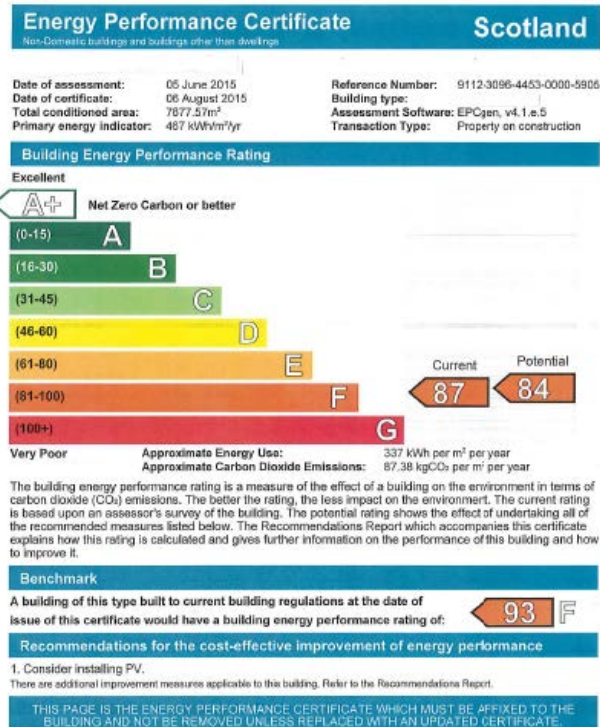


The truth about the EPC



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“Panic Stations”



What has changed?

STATUTORY INSTRUMENTS

2015 No. 962

ENERGY CONSERVATION, ENGLAND AND WALES

**The Energy Efficiency (Private Rented Property) (England and
Wales) Regulations 2015**

Made - - - - *26th March 2015*

Coming into force in accordance with regulation 1(2)

CONTENTS

PART 1

Introduction

1. Citation and commencement
2. General interpretation
3. Service of documents
4. Date to expiry



The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

- Apply only to England and Wales, but have had a “ripple effect” in Scotland
- Key Dates:
 - **1 April 2018** – unlawful to grant a new lease of domestic and non-domestic property where that property has an EPC rating lower than an “E”
 - **1 April 2020** – unlawful to continue to let domestic property where it has an EPC rating lower than an “E”
 - **1 April 2023** – unlawful to continue to let commercial property where it has an EPC rating lower than an “E”
- **Substantial Penalties** - up to **£150,000**



The Scottish Position

- The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016



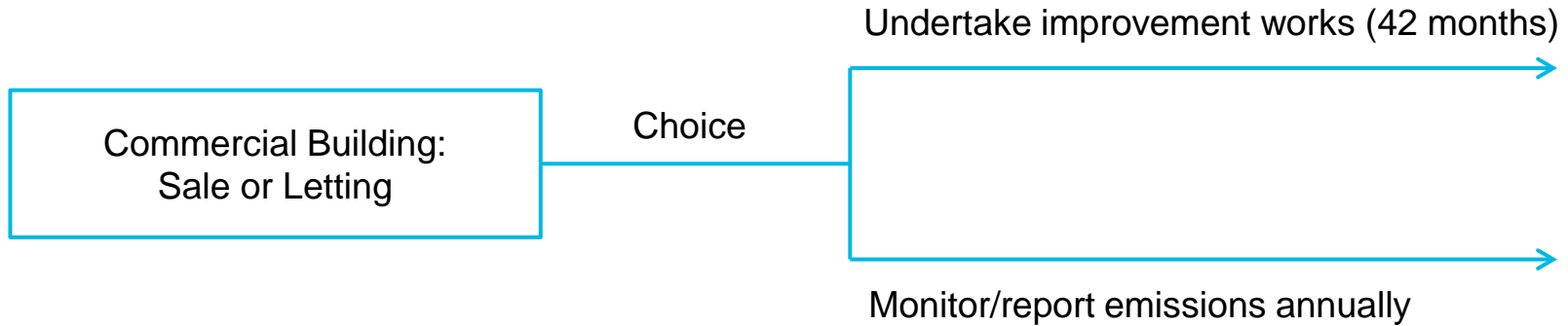
The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016

- Key Points:
- 1 September 2016
- Very different from the English/Welsh Regulations
- “Assessment of Carbon and Energy Performance” (ACEP)
- “Action Plan”



The choice for building owners

Two options:



The Scottish Regulations compared with the English/Welsh Regulations



V



What to do next?

- Pay attention to the EPC!
- Review the Action Plan
- Consider the terms of occupational leases





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