
STATUTORY INSTRUMENTS

2007 No. 991

**The Energy Performance of Buildings (Certificates and
Inspections) (England and Wales) Regulations 2007**

PART 2

Duties relating to energy performance certificates

Energy performance certificates on sale and rent

Energy performance certificates on sale and rent

- 5.—(1) Subject to regulation 7, this regulation applies where a building is to be sold or rented out.
- (2) The relevant person shall make available free of charge a valid energy performance certificate to any prospective buyer or tenant—
- (a) at the earliest opportunity; and
 - (b) in any event before entering into a contract to sell or rent out the building or, if sooner, no later than whichever is the earlier of—
 - (i) in the case of a person who requests information about the building, the time at which the relevant person first makes available any information in writing about the building to the person; or
 - (ii) in the case of a person who makes a request to view the building, the time at which the person views the building.
- (3) Paragraph (2) does not apply if the relevant person believes on reasonable grounds that the prospective buyer or tenant—
- (a) is unlikely to have sufficient means to buy or rent the building;
 - (b) is not genuinely interested in buying or renting a building of a general description which applies to the building; or
 - (c) is not a person to whom the relevant person is likely to be prepared to sell or rent out the building.
- (4) Nothing in paragraph (3) authorises the doing of anything which constitutes an unlawful act of discrimination.
- (5) The relevant person must ensure that a valid energy performance certificate has been given free of charge to the person who ultimately becomes the buyer or tenant.