The Energy Performance of Buildings (England and Wales) Regulations 2012

PART 2

Duties relating to Energy Performance Certificates

Energy performance certificates on marketing

7.—(1) Subject to regulation 8, this regulation applies where—
(a) a building is to be sold or rented out; and
(b) no valid energy performance certificate is available for that building.

(2) Before the building is put on the market, the relevant person must secure that an energy performance certificate is commissioned for the building.

(3) Before marketing the building, a person acting on behalf of the relevant person must be satisfied that an energy performance certificate has been commissioned for the building.

(4) The relevant person and a person acting on behalf of the relevant person must use all reasonable efforts to secure that a valid energy performance certificate is obtained for the building before the end of a period of 7 days starting with the day on which the building was first put on the market.

(5) Where any person subject to the duty in paragraph (4) is unable, despite using all reasonable efforts, to secure that a valid energy performance certificate is obtained for the building before the end of the 7 day period specified in that paragraph, the person shall secure that the certificate is obtained before the end of the period of 21 days immediately following the 7 day period.

(6) In this regulation—
(a) “the market” means the property market in England and Wales;
(b) a building is put on the market when the fact that it is or may become available for sale or rent is, with the intention of marketing the building, first made public in England and Wales by or on behalf of the relevant person;
(c) a fact is made public when it is advertised or otherwise communicated (in whatever form and by whatever means) to the public or to a section of the public;
(d) an energy performance certificate is commissioned when a request is made—
   (i) which is properly addressed to an energy assessor who is accredited to produce energy performance certificates for the category of building in question, and
   (ii) which is in such form, contains all such information and is accompanied by such payment or undertaking to make such payment as is usually necessary to obtain a certificate.