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STATUTORY INSTRUMENTS

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**2012 No. 3118**

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

PART 2

Duties relating to Energy Performance Certificates

**Energy performance certificates on sale and rent**

- 6.—(1) Subject to regulation 8, 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 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.