



Energy Efficiency Regulations for Non-Domestic Property
Differences between Scotland and England

	Scotland	England
Comes into force	1 September 2016	1 April 2018 for new tenancies and renewals of existing tenancies. 1 April 2023 for all other tenancies in scope (including existing tenancies).
Properties affected	Buildings or building units with a floor area over 1,000m ²	All sub-standard buildings with energy performance indicator below E.
Triggers	Sale or new lease	New lease or lease renewal/extension
Letting prohibited	No	Yes
Regulations do not apply to:	<ul style="list-style-type: none"> ▪ Buildings constructed to building standards applicable from March 2002, or that otherwise meet those standards (e.g. through retrofitting) ▪ A Green Deal improved property ▪ Temporary buildings with a planned time of use of 2 years or less ▪ Workshops and non-residential agricultural buildings with low energy demand ▪ Stand-alone buildings with total useful floor area of less than 50m² ▪ Renewal of lease to same tenant ▪ Buildings where construction is not yet completed ▪ Lease for a period of not more than 16 weeks (and not previously let in the previous 36 weeks) 	<ul style="list-style-type: none"> ▪ Buildings with an energy performance indicator of E or above ▪ Buildings that are to be demolished on a site suitable for redevelopment ▪ Listed buildings ▪ Buildings used primarily or solely as a place of worship ▪ Temporary buildings with a planned time of use of 2 years or less ▪ Industrial sites, workshops and non-residential agricultural buildings with low energy demand ▪ Stand-alone buildings with total useful floor area of less than 50m² ▪ Lease of 6 months or less ▪ Tenancy of term certain of 99 years or more
Exemptions when regulations do apply	None other than the situation where, having run the preliminary assessment, no prescriptive measures apply and therefore no savings target relevant. Action Plan recording this fact must still be lodged.	<ul style="list-style-type: none"> ▪ All relevant energy improvements already made, or none that can be made ▪ Tenant has refused consent in preceding 5 years ▪ 3rd party consent refused or granted subject to unreasonable conditions ▪ Reduction of more than 5% of market value if works carried out ▪ Temporary 6 month exemption for new landlords
Required action	Obtain an EPC if none exists. Prepare an Action Plan (data from existing EPC can be used if suitable, otherwise new EPC required); carry out improvements within 42 months, or monitor operational ratings and display a display energy certificate.	Carry out relevant energy efficiency improvements to bring property up to at least the minimum level of energy efficiency.