



Department for
Communities and
Local Government

A guide to energy performance certificates for the marketing, sale and let of dwellings

Improving the energy efficiency of our buildings

December 2017

Department for Communities and Local Government

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If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
2 Marsham Street
London
SW 1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

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Foreword

The EU Directive on the energy performance of buildings (the Directive) came into effect progressively from 2007. Its implementation remains an important part of the strategy to tackle climate change. The current requirements are set out in the Energy Performance of Buildings (England and Wales) Regulations 2012, which came into effect on 9 January 2013, although they have been amended since, and the Building Regulations 2010.

The principle underlying the Directive and the regulations is to make energy efficiency of buildings transparent by using an energy performance certificate (EPC), to show the energy rating of a building, when sold or rented out and recommendations on how to improve energy efficiency.

This guidance covers only the requirements of the Energy Performance of Buildings (England and Wales) Regulations 2012 (the regulations) regarding buildings designed for residential use. **It does not cover buildings designed for commercial or non-domestic use** (for separate guidance see <https://www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-non-dwellings--2>).

This guidance does not cover the requirement in the Building Regulations 2010 for an energy performance certificate to be produced on the construction of a building or on the modification of an existing building so that it has a greater or lesser number of parts designed for separate use than it has before modification). Also where this guidance uses the word 'building' this includes (unless otherwise stated) a reference to 'building unit'. Definitions of these terms and others are set out in the Glossary (see Annex A).

This guidance is intended to help sellers and landlords to understand their responsibilities for making an EPC available when selling or renting out a building, what buyers or tenants should expect when they begin the process of buying or renting a building and when an EPC is required.

This guidance aims to explain how the requirements work in practice and any interpretation of the regulations is offered only as a guide. The Department for Communities and Local Government (DCLG) cannot provide legal advice. Therefore, it is important to read and understand the regulations. It will be for individuals themselves to take a view on whether or not they fall within the requirements of the regulations and in cases of doubt should seek their own legal advice.

This document replaces any previous guidance for buildings that are dwellings. The guidance is part of a suite of documents that explain the energy performance requirements for buildings in England and Wales only. Buildings in Northern Ireland and Scotland are subject to separate regulatory requirements and are not covered by or referred to in this guidance.

Key points:

- An EPC is valid for 10 years and can be reused as many times as required within that period.
- The regulations require an EPC to be commissioned, if there is no valid EPC for that building, before a building is put on the market.
- Before marketing a building for sale or rent a person acting on behalf of the seller or landlord (for example, the estate or letting agent) must be satisfied that an EPC has been commissioned for that building.
- An EPC must be produced by an accredited energy assessor who is a member of a government approved accreditation scheme.
- All advertisements in the commercial media must clearly show the energy rating of the building (where this is available).
- The regulations require an EPC to be given free of charge to the person who becomes the buyer or tenant of the building.
- An EPC shows the energy efficiency rating on an A–G rating scale for a building
- The EPC includes recommendations on how to improve energy efficiency.
- The EPC may also include information showing which of the recommendations would be eligible for finance under the Green Deal scheme, if they were carried out (for more details on Green Deal see <https://www.gov.uk/green-deal-energy-saving-measures>).

Chapter 1: EPC obligations

Why an EPC is required?

An EPC is intended to provide prospective buyers and tenants of a building with correct information about the energy performance of the building and practical advice on improving such performance.

An EPC provides an energy efficiency rating (related to running costs) for a building based on the performance potential of the building itself (the fabric) and its services (such as heating, insulation ventilation and fuels used). Not all buildings are used in the same way, so the energy rating uses 'standard occupancy' assumptions which may be different from the way the building is used.

An EPC includes recommendations on how the energy performance of the building can be improved (to reduce running costs) together with an indication of the payback period. There is no statutory requirement to carry out any of the recommended energy efficiency measures stated.

Which buildings require EPCs?

Any reference to a building includes a reference to a building unit in that building, except where otherwise stated.

Existing buildings need an EPC when they are to be sold or rented out.

An EPC is valid for 10 years or until a newer EPC is produced for the same building no matter how many times the property is sold or rented out during that period. Existing occupiers and tenants will not require an EPC unless they sell, assign or sublet their interest in a building.

A building offered for sale or rent, must include the energy performance indicator of the building as shown on the EPC, for example C, in any advertisements in the commercial media¹. There is no requirement to display the full EPC.

¹ Commercial media includes: newspapers and magazines; written material produced by the seller / landlord / estate or letting agent that describes the building being offered for sale or rent, the internet.

Situations where an EPC is not required

An EPC is generally not required where the seller or landlord can demonstrate that the building is any of these:

- buildings protected as part of a designated environment or because of their special architectural or historical merit are exempt from the requirements to have an energy performance certificate insofar as compliance with minimum energy performance requirements would unacceptably alter their character or appearance.

To comply with minimum energy performance requirements, many of the recommendations in an EPC report e.g. double glazing, new doors and windows, external wall insulation, and external boiler flues would likely result in unacceptable alterations in the majority of historic buildings. These can include buildings protected as part of a designated environment or because of their special architectural or historical merit (e.g. listed buildings² or buildings within a conservation area). In these cases an EPC would not be required.

Building owners will need to take a view as to whether this will be the case for their buildings. If there is any doubt as to whether works would unacceptably alter the character or appearance of a building, building owners may wish to seek the advice of their local authority's conservation officer.

- temporary buildings with a planned time of use of two years or less
- residential buildings which are intended to be used less than four months of the year or where the owner or landlord could reasonably expect the energy consumption of the building to be less than 25% of all year round use
- stand-alone buildings with a total useful floor area of less than 50m² (i.e. buildings entirely detached from any other building)

A building is also exempt where the seller or landlord can demonstrate that:

- the building is suitable for demolition
- the resulting site is suitable for redevelopment
- all the relevant planning permissions, listed building consents and conservation area consents exist in relation to the demolition, and
- in relation to the redevelopment, either outline planning or planning permission exists and where relevant listed building consents exist

Holiday lets may not need an EPC. An EPC will only be required for a property rented out as a furnished holiday let, as defined by HMRC, where the building is occupied for the purposes of a holiday as a result of a short term letting arrangement of less than 31 days to each tenant, and is rented out for a combined total of four months or more in any 12 month period, and if the occupier is responsible for meeting the energy costs for the property.

² Listed buildings on the English Heritage (or its Welsh equivalent) website:
<https://historicengland.org.uk/listing/what-is-designation/listed-buildings>

The property must meet all the conditions of a furnished holiday let as defined by HMRC and the occupant must not be responsible for the energy costs in order for an EPC not to be necessary. Please see the Glossary for the full definition of a Furnished Holiday Let.

An EPC is not required for an individual room when rented out, as it is not a building or a building unit designed or altered for separate use. The whole building will require an EPC if sold or rented out.

DCLG is unable to provide specific advice regarding whether any of these exemptions may apply to specific properties. Specialist advice relevant to the circumstances should be sought.

There are no other exemptions from the EPC obligations although there may be some transactions which do not qualify as a sale or renting out (see Chapter 2, *Transactions not considered a sale or rent*). If in doubt, legal advice should be sought.

Production of EPCs

In general terms the EPC provided or made available should reflect the accommodation being sold or rented out. Some buildings will have multiple tenancies, differing lease agreements, various sub-letting arrangements and different uses (for example, a mixed use building containing office space and residential accommodation). This can affect the areas for which an EPC is needed. Any building unit which is sold or rented out must have a valid EPC.

An EPC can be produced for the whole building or any building unit, which is designed or altered for separate use. A building unit designed or altered for separate use could be indicated by the accommodation having its own access, separate provision of heating and ventilation or shared heating and ventilation, but with the ability by the occupier to independently control those services. An example might be a self-contained flat in a building.

Chapter 2: Providing an EPC

EPC on marketing

Before a building is put on the market the seller or landlord must commission an EPC for the building if no valid EPC exists already for it. A person acting on behalf of the seller or landlord (for example, the estate or letting agent) must be satisfied that an EPC has been commissioned for the building before it is put on the market.

The seller or landlord or a person acting on their behalf must use all reasonable efforts to ensure the EPC is obtained within seven days. A further 21 days is allowed if after using all reasonable efforts the EPC cannot be obtained within seven days.

An estate or letting agent may on occasions provide a prospective buyer or tenant with a copy of the EPC. However, it remains the responsibility of the seller or landlord to make sure that a valid EPC has been given free of charge to the person who ultimately becomes the buyer or seller.

The energy performance indicator of the building as shown on the EPC, for example, C, must be stated in any advertisements in the commercial media. Failure to do so could result in a fine of £200 per advertisement.

EPC on sale or rent

When existing buildings are sold or rented out, the seller or landlord must make available an EPC at the earliest opportunity and no later than when a person:

- requests information about the building, the time at which the seller or landlord first makes available any information in writing about the building, or
- makes a request to view the building, the time at which the person views the building.

And must give, free of charge, a valid EPC to the person who ultimately becomes the buyer or tenant.

Transactions not considered a sale or rent

EPCs are required in all instances of sales or rent, except those set out in page 6 (Situations where an EPC is not required). However, not all transactions are considered to be a sale or let. These will include:

- lease renewals or extensions
- compulsory purchase orders
- sales of shares in a company, where buildings remain in company ownership
- lease surrenders

There may be other types of transaction that it might be argued do not require an EPC, for example, living accommodation at a workplace and tied to a job or not-for-value transactions, but this will depend on the individual circumstances of each case.

DCLG is unable to provide specific advice regarding whether any specific activity is or is not sale or rent. If in doubt, legal advice should be sought.

Chapter 3: What is an EPC?

What is an EPC and what does it mean?

The EPC looks broadly similar to the energy labels provided on many household appliances. Its purpose is to indicate how energy efficient a building is. The EPC will provide an energy efficiency rating from A to G, where A is very efficient and G is the least efficient. The better the rating, the more energy efficient the building is, and the lower the fuel bills are likely to be.

Each energy efficiency rating is based on the characteristics of the building itself (the fabric) and its services (such as heating, ventilation and lighting). This type of rating is known as an asset rating. The asset rating will reflect the age and condition of the building.

The EPC includes recommendations to help owners and occupiers to improve the energy efficiency of a building. The recommendations include cost effective improvements and further improvements (that achieve higher standards but are not necessarily cost effective). For each recommendation the indicative cost, typical cost savings and the performance rating after improvement are listed. The potential rating shown on the EPC is based on all cost-effective recommendations being implemented.

The EPC will assess the energy efficiency of services which are present in the building. It will not comment on the safety aspects or maintenance of the services nor will the assessment confirm that the installed system is fit for purpose.

What an EPC contains

The regulations state the minimum information that an EPC must contain, including:

- The asset rating for the building;
- A reference value (benchmark);
- A recommendation report, unless there is no reasonable potential for energy performance improvements;
- The relevant reference number;
- The address of the building;
- An estimate of the building's total useful floor area; and,
- The date on which it was issued.

Chapter 4: Assessing the energy performance of a building

Conducting energy assessments

Only an accredited domestic energy assessor may carry out an energy assessment and produce an EPC for a building. For newly constructed buildings the EPC can only be produced by an accredited on construction domestic energy assessor.

Energy assessors can be self-employed, employees of service organisations, such as surveyors or energy companies, or employees of the landlord or owner. Energy assessors must be a member of a government approved accreditation scheme.

Energy assessors must act in an independent manner and must declare any conflict of interest when undertaking an assessment. Conflicts of interest include, but are not limited to, a situation where the energy assessor has employment links with an organisation or is related to the person who commissioned the EPC.

Energy assessors must identify conflicts of interest and raise concerns with their accreditation scheme if they feel they have been asked to implement practices which run contrary to this.

Energy assessor accreditation

Accreditation schemes are responsible for managing energy assessors and for ensuring their assessors are competent and possess the appropriate skills to conduct an energy assessment for the building. Energy assessors will need to be qualified for the type of building being assessed. To become a member of an accreditation scheme the energy assessor must:

- demonstrate their competence, by either having a recognised qualification from an awarding body or approved prior experience and learning equivalent to national occupational standard requirements
- maintain appropriate professional indemnity cover
- update their skills and knowledge regularly
- participate in the accreditation scheme quality assurance procedures
- abide by the accredited scheme advice and guidance

How the energy performance of a building is calculated?

The energy rating of a building is a complex calculation which is based on a combination of factors:

- the type of building (i.e. flat, house or bungalow) and whether it is detached or not
- the age of the building
- the number of habitable rooms (excluding kitchens, bathroom hallways, stairs and landings)
- extensions and their construction and rooms in the roof
- the dimensions of the building and the number of floors
- the amount and type of glazing (i.e. single or double glazing)
- the material used to build the property (e.g. brick, stone, timber frame, etc.)
- wall insulation
- roof construction (e.g. flat, pitched) and insulation
- the number of chimneys and open flues
- the heating systems and the type of fuel used

The energy rating is adjusted for the floor area of a building so it is independent of size for a given type of building. The rating is calculated on the basis of standard occupancy to ensure that the results are consistent for similar building types and relate to the physical fabric of the building rather than the energy usage patterns of the individual occupant, which can vary appreciably between households.

The rating is independent of the number of people living in your household, how many domestic appliances you own (such as washing machines and refrigerators) and how efficient they are and how you choose to heat your home (i.e. individual temperature settings and how long it is heated during the day or night). This allows prospective buyers or tenants to compare the energy rating of buildings on a like for like basis.

What an energy assessment involves

For existing buildings, the energy assessor must undertake a physical survey of the building to gather the appropriate information. For new buildings, the energy assessor will have accurate plans, specifications and other relevant information and a site visit is not required.

During the visit the energy assessor will need to access all the rooms, the boiler and the loft (if there is safe access). The assessor may take photographs of items, such as heaters and meters, and may take photographs of any unusual features in the building. The energy assessor may also photograph any area that cannot be accessed or visually inspected (for example, a fully boarded loft).

A visual inspection may not be possible for all features (for example, cavity wall or under floor insulation) and without supporting information and evidence, such as receipts, the energy assessor will not be able to include that feature in the EPC.

If access to inspect parts of the building is not possible, (for example, safe access to the loft to determine if it has been insulated), an assumption will be made about those features based on the age of the building. Energy assessors are not required to take unnecessary risks when undertaking an energy assessment.

Collecting the information required for an EPC

The energy assessor will need know about how the home has been built. Finding supporting information before the energy assessor visits will ensure you get the most accurate energy efficiency rating for your building. If you have up to date information this process will be less time consuming. The energy assessor is responsible for ensuring the information used in the energy calculations is accurate and, even where detailed plans are available for existing buildings, must validate the information provided.

The assessor will need to know:

- when the building was built (searches or deeds may provide evidence)
- whether or not the building has been extended and when
- if it has been double glazed, any certificates that may be available
- whether the walls have been insulated and if so whether this is cavity, internal or external insulation
- when boilers and hot water cylinders were installed and their make and model (any manuals may provide evidence)
- the location of room thermostats and heating timers
- the location of gas and electricity meters
- the type of heating fuel you use and the types of heating you use for your rooms

Once the assessment is completed the data is fed into a government approved software programme³. The software will produce the EPC and recommendations using the data collected.

Assessment of similar buildings

In certain circumstances, a team of people working under the supervision of an accredited energy assessor can gather data to assist with the production of EPCs for a portfolio of buildings. Multiple production techniques can be used for large amounts of similar stock in both the private and social sectors. These include sampling and cloning techniques and the use of existing data where a landlord may already hold extensive energy performance data about a portfolio of buildings.

³ Standard Assessment Procedure or Reduced Standard Assessment Procedure software

However, the energy assessor must be in a position to verify the data and to supervise how and by whom it is collected and must inspect a sample of the buildings to verify the accuracy and currency of the data held.

Data gatherers must not be used to conduct assessments to produce an EPC for individual buildings.

How the EPC and recommendation report is produced

The government approved software programme uses data, together with standard performance tables, to assess the energy performance of the building and to produce the EPC and recommendations. The software also generates a 20 digit non-sequential reference number from the data.

The energy efficiency of buildings is assessed using a method known as Standard Assessment Procedure (SAP). SAP is used during the construction process to demonstrate that a new building meets energy efficiency targets. New buildings typically have a lot of information readily available for the calculation, such as detailed floor plans and specifications. Most new buildings complying with current Building Regulations will achieve a C or B rating. If new buildings are being specifically promoted as being environmentally friendly, you should expect them to be at the top end of the B band or possibly in the A band. When a building is constructed, the EPC must always be based on the full range of information required.

For existing buildings much of the information required to assess the energy performance is not readily available so a survey is needed to collect it. To minimise inconvenience for the homeowner, the method to assess the energy performance was adapted to include a set of assumptions about the building based on conventions and requirements at the time the building was constructed. This means that less information is required from the homeowner for the assessment than for a new build property. This adapted method is called Reduced data Standard Assessment Procedure (RdSAP).

Generally, for buildings being marketed for sale or rent RdSAP is the appropriate method of assessment. For certain types of building, however, the SAP method will give a more accurate rating. The types of property where the SAP method might give a more accurate rating include buildings constructed to current Building Regulations standards, or those that have been refurbished with advanced energy efficiency measures installed. Using the SAP method for an existing building will require more detailed and extensive information. When the SAP method is used for older buildings, the energy assessor will need to ensure that any recommendations proposed are appropriate for installation in the building.

The process for registering EPCs

Only an approved energy assessor can lodge data on to the domestic EPC register (the register) through their accreditation scheme. An EPC is only valid if it has been generated from data lodged on the register and each set of data has been allocated a report reference number. The register is the only official place for storing EPC data.

Once the data has been successfully lodged on the register the energy assessor must provide the seller or landlord with a copy of the EPC. Alternatively, if the seller or landlord agrees, the assessor may provide the report reference number for the data on the register, so they can print off their own copy of the EPC.

Once the EPC data is registered it cannot be altered. Data is kept on the register for 20 years, so one building may have several EPCs for the whole building or individual building units. Only the most recent EPC for each distinct building or building unit is valid.

How these data may be used

Separate guidance is available regarding the use of data; accessing data; and the opting out of certain data being made available.

<https://www.gov.uk/government/publications/making-better-use-of-energy-performance-of-buildings-data-privacy-impact-assessment>

<https://www.gov.uk/guidance/energy-performance-certificates-opt-out-of-public-disclosure>

Chapter 5: Consumer protection and enforcement

Checking the authenticity of an energy assessor

An EPC may only be produced by an accredited energy assessor. Energy assessors must be a member of an approved accreditation scheme.

To check that an energy assessor is a member of an accreditation scheme, a search facility is available on the register website (www.epcregister.com). If a person does not have access to the internet they can ask the energy assessor for the name of the accreditation scheme of which they are a member and for their membership number. This information will help the person who has commissioned the EPC to confirm with the accreditation scheme that the energy assessor is accredited and fit and proper to practice as an energy assessor and to produce the EPC for the type of building being assessed.

Checking the authenticity of an EPC

Only an EPC generated from data lodged on the register and allocated a unique reference number is authentic. The register helps to protect the consumer. Any party holding a copy of an EPC can verify its authenticity by comparing the paper copies against the copies held on the register.

An EPC can be downloaded from the register web site (www.epcregister.com) using the unique reference number or by using the full postcode of the building or a combination of the name of the street and post town in which the building is located (although this will bring up a selection of postcodes for that street). However, the owner or occupier of the building may “opt-out” of making the report available in this way.

An opt-out may be exercised by the owner or occupier of the building to which the data relates notifying the keeper of the register (in writing, or by email) that the data is not to be disclosed. The owner or occupier may withdraw the opt-out in the same way. Both may be done here, <https://www.epcregister.com/opt-out/>

Complaints

To make a complaint about the availability or quality of an EPC or about an energy assessor who produced the documents or carried out the energy assessment:

EPC on sale or rent: for complaints regarding the duty to make available an EPC free of charge to any prospective buyer or tenant, contact the local weights and measures authority. Local weights and measures authorities (Trading Standards) have a duty to enforce most EPC obligations.

Quality or accuracy of the EPC and its recommendations: for complaints regarding the quality and accuracy of the EPC contact the energy assessor in the first instance. If the matter cannot be resolved, contact the accreditation scheme of the energy assessor who produced the EPC. Contact details of both the assessor and accreditation scheme can be found on the EPC.

Complaints regarding an energy assessor or any aspects of the energy assessment: for complaints regarding the energy assessor or the energy assessment contact the energy assessor in the first instance. If the matter cannot be resolved, contact the accreditation body of the energy assessor who produced the EPC. Contact details of both the assessor and accreditation scheme can be found on the EPC.

What happens to these complaints: The accreditation scheme must investigate the complaint and, where necessary, provide the appropriate redress. Where it is found that the information is incorrect a new EPC must be issued and the information on the register amended. This procedure should be followed at no cost to the complainant. In the event that the complaint cannot be satisfactorily resolved, the accreditation scheme will refer the matter to an independent third party for adjudication.

The energy assessor has a duty of care under the regulations, both to the seller or landlord and to the prospective buyer or tenant, to carry out an energy assessment on a building with reasonable care and skill. This duty is enforceable for as long as the EPC subsequently produced remains valid.

If an energy assessor is proven to have been in breach of their duty under the regulations or negligent in any other way, this is a matter that can be taken up in the first instance with their accreditation scheme before recourse to an action in civil law. Energy assessors will have professional indemnity cover against the eventuality that any person to whom they have a duty may suffer loss as a result of their actions.

If an EPC is subsequently alleged to have been produced fraudulently, this is a matter of criminal law, to be pursued by making a complaint to the police.

Enforcement

Local weights and measures authorities (usually through their trading standards officers) are responsible for enforcing the regulations that require an EPC to be made available on the sale or rent of a building. Failure to provide an EPC when required means you may be liable to a civil penalty charge notice. Trading standards officers may act on complaints or undertake investigations. Enforcement action may still be taken up to six months after any failure has been corrected.

A trading standards officer has the power to ask the seller or landlord to provide them with a copy of the EPC for inspection. If requested, a copy of the EPC must be provided within seven days or the person to whom the request was made may be liable to a penalty charge notice for failing to comply. A copy of an EPC can be requested at any time up to six months after the last day for compliance with the duty to make it available.

Non compliance and penalty charges

A fixed penalty charge of £200 may be issued for failure to comply in the following circumstances:

- on sale or rent the seller or landlord failed to make a valid EPC available free of charge to the prospective buyer or tenant at the earliest opportunity or to the person who ultimately becomes the buyer or tenant
- on marketing the seller or landlord did not commission an EPC before the building was put on the market or the person acting on their behalf (i.e. estate or letting agent) did not ensure that an EPC was commissioned for the building
- the seller or landlord or a person acting on their behalf did not secure an EPC using all reasonable efforts within seven days of the building being put on the market. An EPC must be obtained 21 days after the initial seven day period
- the seller or landlord or a person acting on their behalf did not include the energy performance indicator in any advertisement of the sale or rental in commercial media

Review process

If a penalty charge notice is issued but you believe it should not have been issued you can request a review from the local authority. If, after review, you are not satisfied with the outcome of the review you may within 28 days, beginning on the day after the notice is received from the local authority confirming the penalty, appeal to the county court.

Duty to cooperate

A person with an interest in, or in occupation of, a building, must cooperate with any seller or landlord to enable them to comply with requirement to make an EPC available. They must also allow access to the building to any energy assessor appointed by the seller or landlord. The penalty for obstructing an enforcement officer or for imitating an enforcement officer is a fine not exceeding level 5 on the standard scale, upon summary conviction.

Annex A: Glossary of terms

A **building** means ‘a roofed construction having walls, for which energy is used to condition the indoor climate’.

A **building unit** means ‘a section or floor within a building that has been designed or altered to be used separately’.

A **stand-alone** building is defined as a building that is free standing, i.e. entirely detached from any other building.

The **total useful floor area** is the total area of all enclosed spaces measured to the internal face of the external walls, that is to say it is the gross floor area as measured in accordance with guidance issued to surveyors:

- a. the area of sloping surfaces such as staircases, galleries, raked auditoria, and tiered terraces should be taken as their area on the plan; and
- b. areas that are not enclosed, such as open floors, covered ways and balconies, are excluded.

A **dwelling** means a self-contained unit designed to provide living accommodation for a single household. This would imply that it does not share kitchen and bathroom facilities.

A **furnished holiday let** meets the definition provided in s.323 – s.326A of the Income Tax (Trading and Other Income) Act 2005, as amended in April 2012, set out below:

323 Meaning of “commercial letting of furnished holiday accommodation”

- (1) A letting is a lease or other arrangement under which a person is entitled to the use of accommodation.
- (2) A letting of accommodation is commercial if the accommodation is let—
 - (a) on a commercial basis, and
 - (b) with a view to the realisation of profits.
- (3) A letting is of furnished holiday accommodation if—
 - (a) the person entitled to the use of the accommodation is also entitled, in connection with that use, to the use of furniture, and
 - (b) the accommodation is qualifying holiday accommodation (see sections 325 and 326).
- (4) This section applies for the purposes of this Chapter.

324 Meaning of “relevant period” in sections 325 and 326

- (1) For the purposes of sections 325 and 326 “the relevant period” for accommodation let by a person in a tax year is determined as follows.

(2) If the accommodation was not let by the person as furnished accommodation in the previous tax year, “the relevant period” is 12 months beginning with the first day in the tax year on which it is let by the person as furnished accommodation.

(3) If the accommodation—

(a) was let by the person as furnished accommodation in the previous tax year, but

(b) is not let by the person as furnished accommodation in the following tax year,

“the relevant period” is 12 months ending with the last day in the tax year on which it is let by the person as furnished accommodation.

(4) Otherwise “the relevant period” is the tax year.

325 Meaning of “qualifying holiday accommodation”

(1) Accommodation which is let by a person during a tax year is “qualifying holiday accommodation” for the tax year if the availability, letting and pattern of occupation conditions are met.

(2) The availability condition is that, during the relevant period, the accommodation is available for commercial letting as holiday accommodation to the public generally for at least 210 days.

(3) The letting condition is that, during the relevant period, the accommodation is commercially let as holiday accommodation to members of the public for at least 105 days.

(4) For the purposes of the letting condition, a letting of accommodation for a period of longer-term occupation (see subsection (6)) is not a letting of it as holiday accommodation.

(5) The pattern of occupation condition is that, during the relevant period, not more than 155 days fall during periods of longer-term occupation.

(6) For the purposes of this section a “period of longer-term occupation” is a continuous period of more than 31 days during which the accommodation is in the same occupation otherwise than because of circumstances that are not normal.

326 Under-used holiday accommodation: averaging elections

(1) This section applies if during a tax year a person lets both—

(a) qualifying holiday accommodation, and

(b) accommodation that would be qualifying holiday accommodation if the letting condition (see section 325(3)) were met in relation to it (“under-used accommodation”).

(2) The person may make an election for the tax year specifying—

(a) the qualifying holiday accommodation, and

(b) any or all of the under-used accommodation.

(3) The under-used accommodation so specified is treated as qualifying holiday accommodation for the tax year if the average of the number of let days for the tax year of all the accommodation specified in the election is at least 105.

(4) “The number of let days” for a tax year of any accommodation is the number of days during the relevant period for which it is commercially let by the person as holiday accommodation to members of the public.

(5) Qualifying holiday accommodation may not be specified in more than one election for a tax year.

(6) An election for a tax year must be made on or before the first anniversary of the normal self-assessment filing date for the tax year.

(7) This section is to apply separately in relation to accommodation in the United Kingdom and accommodation in EEA states other than the United Kingdom.

326A Under-used holiday accommodation: letting condition not met

(1) This section applies if—

(a) during a tax year a person lets qualifying holiday accommodation,

(b) the accommodation is let by the person—

(i) during the next tax year, or

(ii) during the next two tax years,

(c) the accommodation would (apart from this section) not be qualifying holiday accommodation—

(i) during the tax year mentioned in paragraph (b)(i), or

(ii) during both of the tax years mentioned in paragraph (b)(ii),

only because of a failure to meet the letting condition (see section 325(3)), and

(d) there was a genuine intention to meet the letting condition for the tax year within subsection (1)(c)(i) or each of the tax years within subsection (1)(c)(ii) (as the case may be).

(2) If the person makes an election in respect of that accommodation for any tax year in respect of which the failure mentioned in subsection (1)(c) occurs, the accommodation is to be treated as qualifying holiday accommodation for that tax year.

(3) Subsection (2) does not apply for the purposes of section 326 or subsection (1)(a).

(4) If an election is not made for the first of the tax years within subsection (1)(c)(ii), an election may not be made for the second.

(5) An election for a tax year must be made on or before the first anniversary of the normal self-assessment filing date for the tax year.

(6) References in subsection (1)(a) and (c) to qualifying holiday accommodation include accommodation treated as such under section 326.

Standard assessment procedure (SAP) is the government approved methodology for the energy assessment of dwellings. The current version of has been adopted by government as part of the national methodology for calculation of the energy performance of buildings. It is used to demonstrate compliance for dwellings with Part L of the current Building Regulations in England and Wales.

Reduced data standard assessment procedure (RdSAP)

is the government approved methodology for the energy assessment of existing dwellings. A full standard assessment procedure assessment requires details about a building that cannot be seen in a survey or will take too long to collect. This alternative RdSAP methodology is an industry agreed standard that infers for those missing details.