



# bray fox smith

Occupier Services

Upcoming statutory changes to **Energy Performance Certificates (EPC's)** and potential implications for your current and future workspace

June 2023

**This Factsheet relates to Energy Performance Certificates (EPC) and Minimum Energy Efficiency Standards (MEES) Regulations and Requirements as currently set out by the Government for non-domestic properties as at 2<sup>nd</sup> May 2023**



All non-domestic properties are currently legally required to have an EPC unless exempt.



EPCs are currently valid for a 10 year period and are not required to be renewed each time there is a change of tenancy or ownership.



Exemptions include; a lease term certain of less than 6 months (extensions are prohibited) or for a term certain of 99 years or more.

# Important Dates

## April 2023

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From **April 1<sup>st</sup> 2023**, it is now a statutory legal offence for landlords to lease or sell a non-domestic building with an EPC lower than an **'E' EPC rating**. This also now captures all let properties even if there has been no change in tenant.

## April 2025

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From **April 1<sup>st</sup> 2025**, it is currently a statutory legal offence if non-domestic rented properties within the scope of MEES regulations do not have a valid EPC. Meaning that when the current EPC expires, a new EPC must be in place, regardless of whether the building is being marketed, otherwise penalties will be incurred.

## April 2027

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There are proposed changes to current Legislation which, whilst are still in Government Consultation, are fully expected to become mandatory. If this Legislation is formally passed then from **1<sup>st</sup> April 2027**, all non-domestic rented buildings will require a minimum **EPC rating of at least 'C'**, regardless of whether the property is occupied or not.

## April 2030

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As per the proposed changes to Government Legislation set out above, **From 1<sup>st</sup> April 2030**, all non-domestic rented buildings will require a minimum **EPC rating of at least a 'B'**, regardless of whether the property is occupied or not.





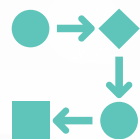
# *What should you be doing now?*



Work in conjunction with BFS to protect your position to achieve the best possible environmental and commercial outcome.



Undertaking a complete EPC audit to understand risks and associated costs.



Assessing your short to long term occupational strategy in context of the current and proposed changes and requirements of MEES & EPC legislation. And also in the context your own organisations ESG policy and goals.



Are you and your existing or new landlords strategies for achieving the requirements with this aligned. A full and frank dialogue should be entered into asap to assess potential future potential liabilities that may arise.



The Government has proposed that shell and core buildings submit a temporary exemption, and that once let, the tenant must have occupied a property for a minimum of six months before the landlord is required to be within MEES compliance.



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Director

Clare has over 15 years' experience in the Suburban London and Greater London office markets.  
Clare's clients have included: Close Brothers, Allocate Software, Consilient Health, Zonin Wines and Kineticco.

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**Ian Leather**  
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Ian has over 30 years' experience in London and the Home Counties with a detailed knowledge of key markets and a wealth of experience working for occupiers on their estates strategy.  
Ian's clients have included: Opus Energy, REED, DoTerra Europe, MHA MacIntyre Hudson Accountants, Symrise and Bluefish Group.

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**Simon Knight**  
Director

Simon has over 30 years' experience and throughout his Career has specialised in the south east and particularly West London and the Thames Valley and has a detailed knowledge of all of the main business centres within this established commercial area.  
Simon's clients have included: Heineken, Tullow Oil, The British Museum and The FIA.

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# Why Bray Fox Smith?

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## Best In Class Services

Our clients entire project will be co-ordinated through a single point of contact and unlike other advisors always ensuring the best in class partners are chosen.

## Forward Thinking

We seek to be at the forefront of our profession, providing the most creative, thoughtful advice to innovative companies.

## Tenacious

Without exception, we will pursue our client's interests with relentless determination, drawing upon detailed, local knowledge and sophisticated negotiation tactics.

## Partnership

We are organised as a partnership and approach our client relationship in the same way. Our goal is to become your trusted partner.

## Knowledge

We have worked on various projects across the UK, with our only goal to secure the best possible terms for our clients. We have purchased and sold over £350m of office space throughout the UK.

## Award Winning

Winner of "OAS Deal of the Year", Runner-up of Costar "Deal of the Year."



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