



Law Society
of Scotland

Consultation Response

Domestic Energy Performance Certificate Metric
Reform Proposals - consultation.

October 2023.



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Energy and Property and Land Law Reform sub-committees welcome the opportunity to consider and respond to the Scottish Government consultation: Energy Performance Certificate (EPC) Reform 2023¹.

We have the following comments to put forward for consideration.

Consultation Questions

Question 1. Do you agree with the set of metrics that we propose to display on the reformed EPC?

Yes, we agree in terms of the general principles.

Question 2. Are there additional metrics that you think should be included on the EPC, or metrics that you do not think should be included?

It is not strictly a metric, however we think it may be beneficial there is an affordability test and a utility test e.g., specifying that efficiency upgrade costs cannot exceed 10 per cent of the value of the building or house, and that solar PV and solar thermal are appropriately included.

¹ [Supporting documents - Energy Performance Certificate \(EPC\) reform: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/energy-performance-certificate-epc-reform-consultation)

Question 3. Considering our proposal to include a Fabric Rating on EPCs, do you think this metric should include domestic hot water heat demand?

Yes, we think it should, and we note information from the Energy Saving Trust² that an average household will use around 17 per cent of its total energy consumption to heat water, and we consider that hot water heat demand is an important part of the efficiency of a home or building.

Question 4. Do you have a view on the way that the Fabric Rating mapped against a scale, for example, how 'A' or 'G' rated performance is determined?

We have no comments.

Question 5. Do you agree with our proposal to give more prominence to the energy efficiency features of the home (such as the depth of loft insulation)?

Yes, we agree.

Non-Domestic Energy Performance Certificate Metric Reform Proposals

Question 6. Do you agree with the set of metrics that we propose to display on non-domestic EPCs?

Yes, we agree in terms of the general principles.

Question 7. Are there any additional metrics that you think should be displayed, or any in the proposed set that should not be included?

- **Should have additional metrics, please explain your view further**

² [How saving water at home can save energy - Energy Saving Trust](#)

We think that there should be an affordability test or utility test, such as where the efficiency upgrade costs cost more than 10% of value of the building or space, and in terms of commercial lettings, where the EPC upgrade costs are more than twenty per cent of the rent payable. We also consider a framework and or a statutory obligation should be established for commercial landlords and tenants to collaborate in relation to EPC improvements, allocating a fair and reasonable proportion of the associated costs to any service charge payable by occupiers, acknowledging that the duration of commercial leases has reduced significantly over the last 5-10 years.

- **Should not be included, please explain your view further**

EPC Purpose and Validity

Question 8. Do you agree with us that the primary role of the EPC should be to provide basic energy efficiency information for the purpose of comparison and act as a prompt to consider retrofit options?

Please give details for your answer

Yes, we agree, and to allow Scotland meeting its statutory climate change targets.

Question 9. If you disagree or have further comments about the role of the EPC, please provide your comments.

We have no comments.

Question 10. Do you agree that the validity period of EPCs should be reduced from 10 to five years?

Please give details for your answer

No, we do not agree, given the number of qualified EPC surveyors, assessors (and resource generally) who are available to carry out such work. What steps will be taken to ensure false/ fraudulent surveys are not carried out?

We consider the validity period of the EPC from 10 years to five, is too short a timescale.

Question 11. We welcome any views on the usefulness of our proposals for other relevant policy areas, such as fuel poverty or the delivery of government schemes.

We consider it is fundamental that funding and grants are available to incentivise landlords and occupiers to make efficiency upgrades. Without funding for grants and investment, the required carbon savings will not be met.

Digital and Accessible EPC Format and Content

Question 12. Do you agree with our proposal that EPCs should move from PDF to webpage format?

Yes, we agree.

Question 13. Do you agree with our proposal to improve signposting to further support and advice schemes on the EPC?

Yes, we agree and we support the proposal to improve signposting for further support and advice schemes on the EPC, as this will help to improve consumers knowledge and decision-making process, however it is important that the information is clear for consumers to understand.

Question 14. Do you agree historical EPCs should be publicly accessible on the EPC register (while clearly marked as historic)?

Yes, we agree.

Question 15. Do you agree that the EPC register should be accessible by API?

Yes, we agree.

Question 16. Do you have any further comments on our proposals to move to a digital and accessible EPC?

This could include services that you think EPCs should signpost to, or comments about the use of an API to access the EPC database.

We have no comments.

EPC Auditing and Assurance

Question 17. Do you agree with our proposals to review and update the auditing and assurance requirements for EPCs in Scotland?

Yes, we agree.

Question 18. Please detail any additional assurance activity that you think would be appropriate to enhance the accuracy and reliability of EPCs.

We believe there should be a quality assurance process and an ability for third parties to raise queries with them, such as solicitors and banks for example.

Legislating for EPC Reform and Timeline

Question 19. Do you have a view on our timeline for reform implementation?

Yes, we consider that reform is required urgently, provided funding is available.

For further information, please contact:

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