



Law Society
of Scotland

Consultation Response

Consultation on funding of the Scottish Energy
Performance Certificate Register

June 2017



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society's Property and Land Law Reform Sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation on funding of the Scottish Energy Performance Register.¹ The Sub-committee has the following comments to put forward for consideration.

Response to questions

Question 1: Do you support the continuation of the funding approach introduced in 2012 – that the operation of the SEPCR be self-financing, supported primarily by the statutory fee levied on each lodgement of energy performance data?

Yes.

¹ <http://www.gov.scot/Resource/0051/00517537.pdf>

Question 2: Do you support the intent to review the lodgement fee on an annual basis to ensure that changes are set at the minimum level need to cover operational costs

Yes. However, we consider that this should be subject to a cap so that if costs are extremely high and the number of applications extremely low in any given year, there is not a vast increase in fees as a result of an anomalous situation.

We also consider that it would be appropriate for fees to be reduced if costs are lowered (again unless there was an extreme or unusual situation). This would mean that there would only be a rise year on year if it was linked to a trend of rising costs.



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