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trading standards law explained

Home Reports and Energy Performance Certificates

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

Energy Performance Certificates (EPCs) give information on the energy performance of a building in a sliding scale from A (very efficient) to G (least efficient). An EPC is part of the Home Report and it enables potential buyers, tenants or building occupiers to consider the energy efficiency of a building before making a commitment to the contract.

A recommendation report on how the building's energy efficiency rating could be improved is given with

every report. If there is an outstanding Green Deal plan attached to the property, the EPC also includes specific Green Deal information. All buildings constructed, sold or rented require an EPC, with some exemptions.

Home Report

The seller of a home must give potential buyers a copy of the Home Report, which consists of three parts:

- Single survey and valuation
- Property questionnaire
- Energy report

The single survey report tells potential buyers about the property. It gives an opinion of the property's market value and an estimated reinstatement (rebuilding) cost for insurance purposes. It includes accessibility information for people with particular needs, and is compiled by a surveyor.

The property questionnaire covers 16 categories of information, including:

- The council tax band
- Alterations, additions or extensions to the home
- Details of specialist works and guarantees
- Details of any notices that affect the property

The energy report gives the home an energy-efficiency rating. It provides information on the cost of running the property and contact details for further advice on how to make a home more energy efficient and save fuel costs. It also includes an EPC and information about how to make cost-effective improvements.

More information about the Home Report can be found on the mygov.scot website.

Exceptions to the duty to provide a Home Report include:

- New housing and newly converted property not previously used in its converted state
- Right-to-buy homes
- Holiday homes that only have permission to be used for less than 11 months per year
- Unsafe property suitable for demolition
- Non-residential properties
- Sales of mixed residential and non-residential properties, when it is clear that both types of property will be sold together - for example, a farm house with associated farm buildings
- A portfolio of residential properties where two or more homes will be sold together and not in isolation

All properties that are intended to be used as a dwelling must have an EPC, even if they are exempt from the requirement to provide a Home Report. Potential buyers or tenants must be given a valid EPC for the building.

The Home Report must be provided to the potential purchaser within nine days, and a reasonable charge may be levied for its provision to cover copying and postage costs. At the time of placing the home on the market, the Home Report must not be more than 12 weeks old. A home may be withdrawn from the market for a period of up to four weeks without the Home Report needing to be updated.

Trading Standards services enforce the duty to provide a Home Report; they have the power to request production of a Home Report.

Single survey and valuation

The single survey and valuation must be completed by a chartered surveyor. It gives information on the type, accommodation, neighbourhood, age and construction of the property. It also details the extent of the inspection, and highlights anything that the surveyor could not inspect.

For each section (for example, gas, electricity, plumbing) an assessment is given in the form of a repair category:

- **Category 1.** No immediate action or repair is needed
- **Category 2.** Repairs or replacement requiring future attention, but estimates are still advised
- **Category 3.** Urgent repairs or replacements are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now

Information is also provided on accessibility, current valuation and rebuilding costs.

Property questionnaire

The seller of a property must complete a property questionnaire for potential buyers. It includes length of ownership, council tax band, parking, alterations, central heating, services and guarantees. The information contained within it is intended to be useful to potential buyers in assisting them with the decision of whether to make an offer on the home, and to speed up the conveyancing process.

Green Deal information

The Government-funded phase of the Green Deal ended in 2015, but privately financed Green Deal plans can still exist. If a property has an outstanding Green Deal plan, the EPC must include specified Green Deal information (for example, the plan number and repayment details), so that prospective occupiers understand the charge attached to the electricity bill. Sellers / landlords should ensure that this information is provided.

The debt stays with the property, so on the sale or rental of a Green Deal property, further information is required on the EPC. This further information includes details on the improvements that have been made, the type of agreement, details of amounts payable and estimated savings.

While the Green Deal scheme is no longer actively funded by the Government, other support schemes for energy efficiency, such as local authority grants and the Boiler Upgrade Scheme, might be available. Checking the latest options for Scotland can be done through Home Energy Scotland, which offers advice and updates on grants and schemes.

What information will an EPC provide?

EPCs contain:.

- The address of the building or building unit
- The asset rating for the building, detailing the estimated amount of energy consumed and carbon dioxide emitted
- A reference value
- The energy performance indicator, on a scale of A (most efficient) to G (least efficient)

- The primary energy usage figure in kWh/m^2/year
- The energy assessor details (assessor's name, accreditation number, company name) and the date they issued the certificate
- Cost-effective and technically feasible recommendations for improving the energy performance of the building or building unit, with a statement that more detailed information is contained within the recommendation report
- Specified information in relation to each Green Deal plan that has been entered into for the property (where the EPC relates to a Green Deal property); further information must be contained within the recommendation report. The report may also state whether these improvements are eligible for Green Deal finance*
- A unique reference number

[*Where the EPC relates to a property that has funded improvements through Green Deal finance that is still outstanding, the EPC must also provide specified information in relation to each Green Deal plan that is attached to the property. The EPC does not need to provide this information for plans that have been paid in full.]

Whose responsibility is it to obtain an EPC?

If the home is being offered for sale, it is the responsibility of the seller to make a copy of the EPC available for inspection to the potential buyer. If a property is being rented, it is the responsibility of the landlord to provide a copy of the EPC to the tenant as part of the tenant information pack.

When the building is advertised for sale or let in commercial media (including advertisements in newspapers or on the internet, as well as in property particulars), the owner of the building must ensure that the energy performance indicator of that building or building unit is stated.

Who prepares an EPC?

The Scottish Government publishes a list of approved organisations. All EPCs must be sent, by the member of the approved organisation issuing the document, to the relevant register before it is issued. A fee may be charged for its entry on to the register. Entry on to a register allows subsequent copies of the original document to be issued after registration.

How much will it cost?

The cost of the EPC will vary from one company to another, and you will have to shop around for the best price. However, it will also depend on other factors, including size, location and age of building.

How long does it take to get an EPC?

This depends on the availability of the energy assessor you decide to choose. The assessment can be carried out within a few hours unless it is a large building. A report will then be prepared and issued within a reasonable period.

For how long is an EPC valid?

An EPC is valid for a maximum of ten years. EPCs and associated recommendation reports issued for the purposes of complying with the Green Deal disclosure obligations will expire one year from the date of

issue or date of request from the register.

What if an EPC is not produced?

Trading Standards services are responsible for the law regarding EPCs. Failure to comply with the requirements to produce or provide an EPC may result in a penalty charge notice.

Certain circumstances will dictate that an owner is not liable for a penalty charge; in these circumstances, an EPC must be provided to the buyer or tenant as soon as practicable after sale or letting the building. This includes, for example, emergency lettings where there is no time to have an EPC produced before the tenancy begins.

Public buildings

Public authority buildings frequently visited by the public, and with a floor area greater than 250 m^2, must display an EPC in a prominent place clearly visible to visiting members of the public.

Other buildings frequently visited by the public with a floor area of 250 m^2 or more only need to display an EPC if they have one.

Exempt buildings

Some buildings do not need an EPC. These include:

- Stand-alone non-domestic buildings with a floor area of less than 50 m^2 that are not dwellings
- Temporary buildings with a planned use of less than two years
- Workshops and non-residential agricultural buildings with low energy demand
- Properties marketed as, and sold for, demolition purposes

Air conditioning reports

All air conditioning systems with an effective rated output of more than 12 kW must be regularly inspected by an energy assessor. There must not be more than five years between inspections.

The inspection of your air conditioning systems by an energy assessor is designed to improve efficiency and reduce the electricity consumption, operating costs and carbon emissions for your system, and the report should include measures that could be undertaken to improve the energy efficiency of the building.

Rental properties

There is no set minimum EPC rating for commercial properties in Scotland, unlike the E rating required in England and Wales.

All privately rented homes currently require a minimum EPC rating of D.

Unfair trading

False or misleading information in an EPC may constitute an offence under the Digital Markets, Competition and Consumers Act 2024 (DMCCA). For more information on the DMCCA, please see 'Protection from unfair trading (criminal law)'.

Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In this update

General detail added.

Last reviewed / updated: May 2026

Key legislation

- Building (Scotland) Act 2003
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2006 (Penalty Charge) Regulations 2007
- Housing (Scotland) Act 2006 (Prescribed Documents) Regulations 2008
- Energy Performance of Buildings (Scotland) Regulations 2008
- Digital Markets, Competition and Consumers Act 2024

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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