

## Exempt from an EPC?

Region: Scotland

**WHY** This snapshot has been posted to provide a springboard for further investigation of non-domestic buildings in Scotland that may not require an Energy Performance Certificate. This briefing snapshot does not represent legal advice, and advice from a solicitor should be relied on.

**WHAT** For the regulations, a building is defined as "a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a part of a building which has been designed or altered to be used separately".

### EXEMPTIONS SNAPSHOT

#### The Heating Rule

An EPC is required where heating is installed or there is an expectation that a building should have heating to condition the indoor environment. All buildings, such as retail, office, leisure, and other types of uses, require an EPC. See low energy demand rule.

#### Small standalone buildings

**Stand-alone** buildings with a total applicable floor area of less than 50 sq m do not require an EPC. A **stand-alone** building is defined as a free-standing, entirely detached property. We understand that retail tenement buildings with an area of less than 50 sq m are not exempt from the legislation as they are adjoining other conditioned buildings.

#### Low energy demand Rule

Industrial sites, workshops and non-residential agricultural buildings with low energy demand.

Buildings termed **industrial sites and workshops with low energy demand** may include foundries, forging and other hot processes, and chemical process buildings without other ancillary uses, such as offices or toilets. A typical example of a low-energy

demand building would be an unheated cow shed with no other associated uses, such as offices as part of the building.

#### Sold for the purpose of demolition

Buildings sold for demolition. We understand that the owner should be able to demonstrate that the building is to be sold or let with vacant possession, the building is suitable for demolition, and the resulting site is suitable for redevelopment; there are reasonable grounds to believe that a prospective buyer or tenant intends to demolish the building (e.g. on evidence of an application for planning permission). Owners could contact the relevant local authority building control or Scottish Building Standards for specific guidance.

#### Temporary buildings

Temporary buildings with a planned time of less than 2 years. **Crown related**

A building owned, occupied or used from time to time by the navy, military, crown or royal family.

#### Prison or young offender institutions

Scottish Government advice explicitly states that places of worship are not exempt.

### REGULATIONS

The Energy Performance of Buildings (Scotland) Regulations 2008

The Energy Performance of Buildings (Scotland) Regulations 2012

Climate Change (Scotland Act) 2009

Assessment of Energy Performance of Non-Domestic Buildings (Scotland) Regulations 2016

Energy Performance of Buildings (Scotland Amendment Regulations 2015. (SSI 2015/386)

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