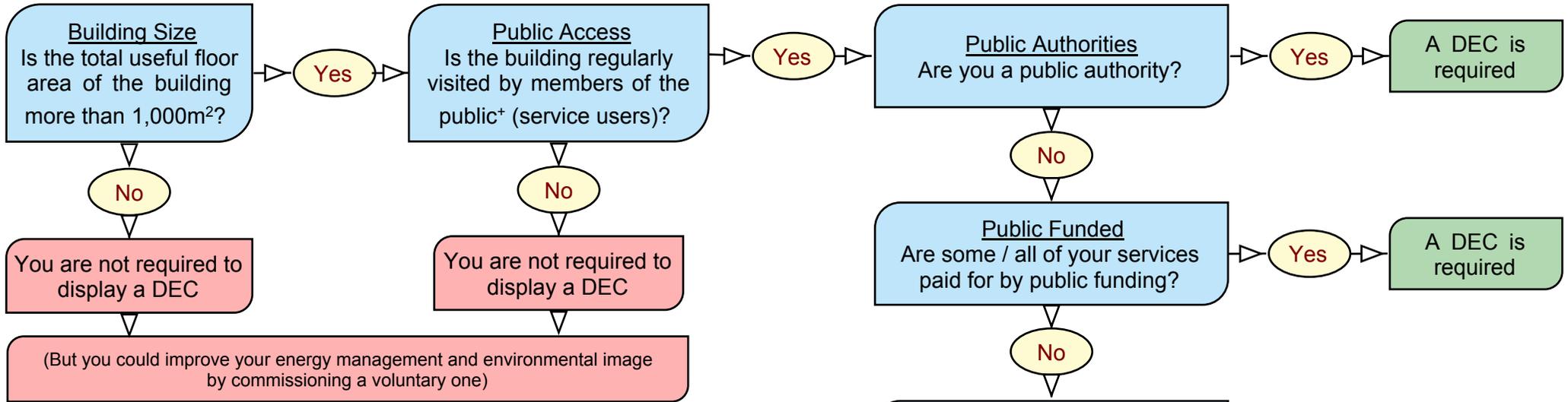


START

GUIDANCE ON WHEN A DISPLAY ENERGY CERTIFICATE (DEC) IS REQUIRED

DECs are a cost effective tool to help building managers reduce carbon emissions and cut costs. It would generally be good practice to commission a DEC even if one may not be required.



Public authorities include (but are not limited to):
 Central and local government
 NHS Trusts
 Schools (maintained and community)
 Police, Courts and prisons
 MOD and army
 Executive agencies
 Statutory regulatory bodies

Affected buildings (public services) include (but are not limited to):
 Schools and colleges
 Leisure centres (but not private clubs)
 Hospitals, health centres, community and daycare facilities
 Nursing and residential homes (if fully or partly public funded)
 Municipal golf clubhouses
 Public libraries
 Museums and art galleries (if fully or partly public funded)

Exceptions which do not require a DEC
 Places of worship.
 Temporary buildings with a planned time of use of less than two years (includes those scheduled for demolition).
 Restricted access establishments such as a missile base, airbase or restricted research establishment.

+ Does not include employees or non-employees visiting only for the purposes of delivery or to carry out maintenance activities.
 * There is no specific definition of what is meant by “large number”. The general interpretation is more than a restricted few e.g. not a private member’s club.
 # A public service is one that is or has in the past been provided by local or central government / local or central government has a duty to provide the service / local or central government plan or fund the provision of the service

This guidance from **Devon & Cornwall Home Inspectors Association (DCHI)** is to clarify the process for deciding whether a building requires a DEC in accordance with The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.
 This guidance is a reference for DCHI members advising on the need for Display Energy Certificates. It is anticipated that solicitors and property managers will also refer to this guidance to decide on the need for a DEC and will show due diligence in doing so (*refer to notes overleaf*).

GUIDANCE NOTES

What is a Display Energy Certificate (DEC)?

A DEC shows the energy performance of a building based on actual energy consumption as recorded annually over periods up to the last three years. Unlike an Energy Performance Certificate (EPC) required when a building is sold or let the DEC indicates how efficiently the building is being managed, not the theoretical efficiency of the building.

(For this reason it is an essential KPI (key performance indicator) for the manager of any significant building.)

The Advisory Report (AR)

A DEC must be accompanied by a valid advisory report which does not need to be displayed but must be available. The AR highlights recommendations to improve the energy performance of the building (i.e. its fabric and associated services such as heating, ventilation and lighting). It can also identify potential improvements to occupier practice which are often free to implement with significant instant reduction in costs.

Responsibilities

Under this legislation it is the responsibility of every occupier of a building affected by these Regulations to:

- Display a valid DEC in a prominent place clearly visible to the public at all times; and
- Have in their possession or control a valid advisory report for each of the buildings affected.

Validity of DEC's and advisory reports

Once a DEC has been produced for a building, it is valid for a period of 12 months. Advisory reports are valid for seven years.

Authenticity of a DEC

A DEC can only be produced by an accredited energy assessor and must be lodged in the central register.

Penalties for not having a DEC

The penalty is £500 for failing to display a DEC and £1,000 for failing to possess or have in their control a valid advisory report. In addition to these penalties, it will

still be necessary to commission the documents, otherwise further offences will be committed.

(An additional penalty is that without the benefit of the DEC and AR energy costs are likely to be higher than necessary and money will be being wasted. In most cases this will cost an organisation significantly more than either the DEC or the fine).

Private organisations, including those that may share a building with a relevant institution, do not need to display a DEC, but may elect to do so on a voluntary basis. *(This exemption does not apply to private organisations that provide a public service with direct or indirect public funding)*

Autonomous organisations

If the institution is entirely autonomous, the service has never been provided by government, local or central government do not have a duty to provide the service and local or central government do not plan or fund the provision of the service, then the services are not likely to constitute public services. Where some, but not all of these factors apply, a case by case approach is necessary and the flowchart overleaf will indicate whether a DEC is required.

Only partially a public service

If any part of your services is designed to provide a public service, or any part is publicly funded, the duty is likely to apply. If a public service is provided only as a consequential byproduct of another operation at no cost to local or central government then it may not.

Not a public authority

If the management of a public service is contracted out, the duty is still likely to apply.

Charities are not exempt from the requirements for a DEC and one must be displayed if the building and service meet the criteria overleaf. If the service, or a significant part, is contracted to and / or partly funded by a local or central government body such as a NHS trust a DEC must be displayed. *(Arguably a DEC is even more important to a charity as it demonstrates to*

trustees and contributors that the money raised is being spent responsibly and energy is not being wasted).

Frequently visited

If the building is provided for members of the public to visit in order to receive a public service or in conjunction with such services, then a DEC should be provided. *(The public do not need to visit "willingly", prisons and institutions to which the public may be "admitted" are also included).*

ADDITIONAL NOTES

The list of organisation types and service types is representative and not intended to be exhaustive. If a type is not listed the nearest equivalent should be sought.

There has been a lack of clarity and consistency concerning interpretation of the regulations. The guidance within this document is provided in good faith by Devon & Cornwall Home Inspectors Association from a consensus among members accredited with a range of different bodies to provide the framework for a consistent approach by all.

Where any doubt exists or there is potential for the guidance to conflict with actual regulation for a specific building the regulation must be adhered to.

It is believed that due diligence will apply if a property professional has correctly based their decision on this guidance even if subsequently shown to be incorrect. You are advised however to seek guidance from a solicitor or your own professional body before choosing to do so. Due diligence may not be sufficient to avoid liability in all cases.

Main stakeholders are asked to advise of any errors in this guidance and should any be identified this guidance will be updated.

DCHI will not in any event be held liable should anyone choose to rely solely on this guidance and not confirm it by other means.