



BRAY FOX SMITH
OCCUPIER SERVICES

MEES & EPC FACTSHEET

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This Factsheet relates to Minimum Energy Efficiency Standards (MEES) and Energy Performance Certificates (EPC) Regulations and Requirements as currently set out by the Government for non-domestic properties as at 2nd May 2023



EPCs are currently valid for a 10 year period and are not required to be renewed each time there is a change of tenancy or ownership.



Exemptions include; a lease term certain of less than 6 months (extensions are prohibited) or for a term certain of 99 years or more.



All non-domestic properties are currently legally required to have an EPC unless exempt.

Important Dates



April 2023

From April 1st 2023, it is now a statutory legal offence for landlords to lease or sell a non-domestic building with an EPC lower than an "E" EPC rating. This also now captures all let properties even if there has been no change in tenant.



April 2023

From April 1st 2025, it is currently a statutory legal offence if non-domestic rented properties within the scope of MEES regulations do not have a valid EPC. Meaning that when the current EPC expires, a new EPC must be in place, regardless of whether the building is being marketed, otherwise penalties will be incurred.

2027

There are proposed changes to current Legislation which, whilst are still in Government Consultation, are fully expected to become mandatory. If this Legislation is formally passed then from 1st April 2027, all non-domestic rented buildings will require a minimum EPC rating of at least 'C', regardless of whether the property is occupied or not.

2023

As per the proposed changes to Government Legislation set out above, From 1st April 2030, all non-domestic rented buildings will require a minimum EPC rating of at least a 'B', regardless of whether the property is occupied or not.

What should you be doing now?



Undertaking a complete EPC audit to understand risks and associated costs.



Assessing your short to long term occupational strategy in context of the current and proposed changes and requirements of MEES & EPC legislation. And also in the context your own organisations ESG policy and goals.



Are you and your existing or new landlords strategies for achieving the requirements with this aligned. A full and frank dialogue should be entered into asap to assess potential future potential liabilities that may arise.



Work in conjunction with BFS to protect your position to achieve the best possible environmental and commercial outcome.



Exemptions

Exceptions include, Listed Buildings where compliance with MEES would alter the character or appearance of the property & failure of the 7-year payback test (expected savings on energy bills over a 7 year period must be equal to or greater than the cost of improvements carried out).



Shell and Core Lettings

The Government has proposed that shell and core buildings submit a temporary exemption, and that once let, the tenant must have occupied a property for a minimum of six months before the landlord is required to be within MEES compliance.



Clare Lane
Director

Clare has over 15 years' experience in the Suburban London and Greater London office markets.

Clare's clients have included: Close Brothers, Allocate Software, Consilient Health, Zonin Wines and Kinetico.

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Director

Ian has over 30 years' experience in London and the Home Counties with a detailed knowledge of key markets and a wealth of experience working for occupiers on their estates strategy.

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Simon Knight
Director

Simon has over 30 years' experience and throughout his Career has specialised in the south east and particularly West London and the Thames Valley and has a detailed knowledge of all of the main business centres within this established commercial area.

Simon's clients have included: Heineken, Tullow Oil, The British Museum and The FIA.

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