



T: 0300 244 4000
E: scottish.ministers@gov.scot

Duncan Massey MSP
Convener
Economy, Tourism and Energy Committee
Scottish Parliament
Edinburgh EH99 1SP

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DRAFT ENERGY PERFORMANCE OF BUILDINGS (SCOTLAND) AMENDMENT REGULATIONS 2026

I am writing to inform the Committee that I am today laying the draft Energy Performance of Buildings (Scotland) Amendment Regulations 2026. These regulations will amend the Energy Performance of Buildings (Scotland) Regulations 2025, which were approved by Parliament in December 2025.

The amendments are necessary to prevent the 2025 Regulations coming fully into force on 31 October 2026. Subject to parliamentary approval, they will now come fully into force on 30 April 2028.

I have taken this decision following the UK Government's confirmation in March 2026 that implementation of EPC reform would be delayed beyond the previously agreed timeline until 'the second half of 2027' – on which the former Cabinet Secretary for Housing updated the Local Government Housing & Planning Committee on 9 March.

The UK Government's programme timescales had a direct impact on the Scottish regulations, since they rely on UK-wide shared technical and operational infrastructure (the new *Home Energy Model (HEM)* calculation methodology and *Energy Calculation as a Service (ECaaS)* system within the new digital EPC Register). The delay was supported by the EPC assessor industry, which is represented by the Property Energy Professionals Association (PEPA).

Since March, the UK Government (as owner of HEM), the Scottish Government and PEPA have held productive discussions to agree a new shared implementation timeline for EPC reform. If this timeline progresses as planned, PEPA has expressed confidence that the industry could be able to deliver from October 2027.

The UK Government wrote to me on 17 July and continues reiterating its planning assumption that EPC reform will be delivered in England and Wales during the second half of 2027 and that this remains achievable. However the UK Government also advised that further assurance from industry against delivery milestones is needed to confirm a specific implementation date.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Given the urgent need to amend the 2025 Regulations to prevent them coming into force this October, and reflecting on the outcome of these discussions, on balance, I have concluded that a precautionary approach in Scotland is appropriate. Bringing the 2025 Regulations into force on 30 April 2028 aligns with the shared implementation plan, while providing additional contingency for any further delays and allowing the UK Government to confirm its final implementation date. This timeline also significantly reduces the likelihood that further amendments to the Scottish regulations will be required.

The Scottish Government remains fully committed to EPC reform. There is no change to the substance of the policies consulted on and approved during the last Parliament. The amending regulations simply revise the in-force date of the regulations and make corresponding provision to delay the transition period.

The regulations also provide for EPC lodgement fees to increase as planned this October. Maintaining the planned fee increase will support delivery of the reforms and secure benefits for consumers through improved EPC quality. The additional funding will contribute to the EPC Register including an interactive EPC digital user interface, completion of HEM development, and the introduction of an strengthened onsite audit.

I look forward to discussing these reforms further with the Committee during its scrutiny of the amending regulations.

I am copying this letter to the Convener of the Delegated Powers & Law Reform Committee.



STEPHEN GETHINS