

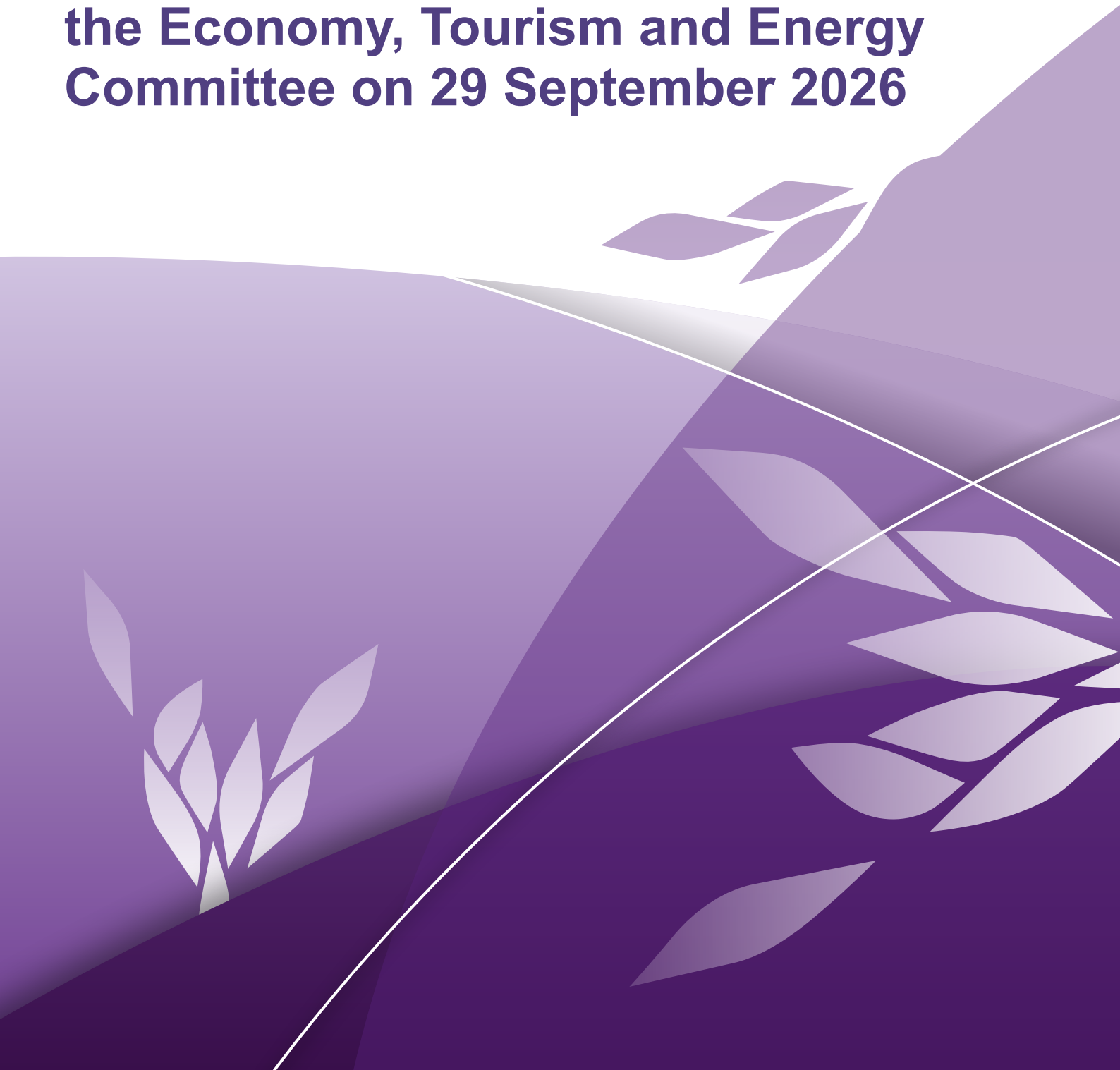


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Economy, Tourism and Energy Committee

Subordinate legislation considered by the Economy, Tourism and Energy Committee on 29 September 2026



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Energy Performance of Buildings (Scotland) Amendment Regulations 2026

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Economy, Tourism and Energy Committee

To consider and report on matters within the responsibility of the Cabinet Secretary for Economy, Tourism and Transport, with the exception of transport, on matters relating to public infrastructure, civil contingencies and resilience, and on matters relating to energy and energy consents

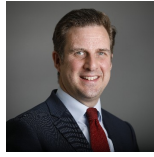


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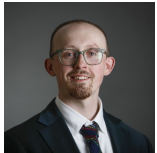
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Energy Performance of Buildings (Scotland) Amendment Regulations 2026 [draft]

Introduction

1. This report sets out the Economy, Tourism and Energy Committee's consideration of the [Energy Performance of Buildings \(Scotland\) Amendment Regulations 2026](#) at its meeting on 29 September 2026.
2. The [minutes](#) of the meeting have been published on the Committee's web page. The [Official Report](#) of the meeting is available on the Scottish Parliament's website.

About the instrument

3. This instrument amends the Energy Performance of Buildings (Scotland) Regulations 2008 and the Energy Performance of Buildings (Scotland) Regulations 2025. These regulations provide the legislative basis for the operation of the Energy Performance Certificate (EPC) system and EPC assessor market within Scotland.
4. EPCs are an important source of information for current and potential building owners and tenants to help them understand the energy performance of their building. Valid EPCs must be provided when a building is advertised for sale or for let to a new tenant, and upon completion of construction of a new building. They must also be displayed in certain large buildings.
5. The instrument makes amendments that delay the date on which the 2025 Regulations come fully into force from 31 October 2026 to 30 April 2028, and alter the dates of saving and transitional provisions in accordance with the amended dates.
6. The delay in bringing the 2025 Regulations into force responds to the UK Government's decision to move the launch of its plans for EPC reform to the second half of 2027. This means the Scottish regulations could not come into force as planned in October 2026. The Scottish and UK Governments are jointly developing the technical and operational infrastructure needed to support the 2025 Regulations coming into force. This includes development of the new Home Energy Model (HEM) calculation methodology, which is owned by the UK Government, and the new EPC register infrastructure, including the Energy Calculation as a Service (ECaaS) system. The delay allows time to finalise this infrastructure, for the market to prepare for the transition, for EPC assessors to be trained, and for the Approved Organisations to develop the operational infrastructure to support the new methodology.
7. The instrument also ensures that increases in the fees which may be charged for registration of energy performance data relating to buildings will still increase on 31 October 2026 as originally planned under Regulation 15 of the 2025 Regulations.

This increase will now be applied by replacing regulations 10 and 10A of the 2008 Regulations. The increase in fees will cover the cost of developing and establishing the new technical and operational infrastructure for EPCs to support and protect consumers, which is already underway (register of certificates, statutory calculation methodology, audit regime) and being phased in whilst the 2008 Regulations remain in force.

8. There is no other change to the substance or content of the 2025 Regulations and there has been no change to the Scottish Government's policy objectives for EPC reform.

Consideration by the Delegated Powers and Law Reform Committee

9. The Delegated Powers and Law Reform Committee considered the instrument on [8 September 2026](#) and reported on it in its [3rd Report, 2026](#).
10. It made no recommendations in relation to the instrument.

Consideration by the Economy, Tourism and Energy Committee

11. The Committee took evidence on the instrument from the Minister for Europe, External Affairs and Energy on [29 September 2026](#).
12. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
13. The Minister stated that the regulations delay Scotland's reformed Energy Performance Certificates (EPCs) from October 2026 to April 2028. The delay is needed because the UK Government has pushed back its EPC reform timetable to the second half of 2027, affecting shared systems such as the Home Energy Model. The EPC assessor industry, represented by Property Energy Professions Association (PEPA), supports the delay to allow more time for the model to be finalised and assessors trained.
14. The Minister explained that the Scottish Government has chosen April 2028 as a cautious date, giving extra time for preparation and for the UK Government to confirm its final timetable. The regulations: move the full implementation date to 30 April 2028; move related transition-period dates to 30 April 2028; and keep the EPC lodgement fee increase from 31 October 2026 to fund the digital EPC Register, Scottish HEM work and a new audit regime.
15. The Minister confirmed that the policy substance of the EPC reforms is unchanged. The Scottish Government remains committed to a modern EPC system with better information and higher-quality assessments.
16. Members questioned the proposed increase in EPC fees and the delay in

implementing the regulations. The Minister and Scottish Government officials explained that the fee increase is intended to fund three main areas of work: a new digital EPC register, development of the home energy model and Scottish-specific methodology, and a new audit and inspection regime. They noted that fees had not been adjusted since 2017 and that the increase is below what an inflation-based rise would have produced.

17. The Committee also asked how the new EPC framework will distinguish between a building's heat retention and the emissions from its heating system. Officials explained that the current system can produce misleading outcomes, such as penalising homes that move from gas to electricity-based heating. The new system will separate ratings for heating-system emissions and building fabric performance.
18. When asked whether the Government remains open to reviewing the changes within two years and how older, listed, rural, and hard-to-improve buildings will be treated, the Minister confirmed that fees will be reviewed in two years and that exemptions will be considered where appropriate. Officials stressed that EPCs are primarily for information, rather than setting mandatory improvement standards.
19. The Minister moved motion S7M-00959—

That the Economy, Tourism and Energy Committee recommends that the Energy Performance of Buildings (Scotland) Amendment Regulations 2026 [draft] be approved.
20. The Motion was agreed to.

21. **Accordingly, the Committee recommends to the Parliament that the Energy Performance of Buildings (Scotland) Amendment Regulations 2026 [draft] be approved.**

