

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### OVERVIEW

#### *Expressions and abbreviations used throughout these notes*

#### **Part 5 - Home information packs**

31. **Part 5** of the Act imposes new legal duties on people marketing residential properties in England and Wales. Before marketing a property, the seller or, more usually, their estate agent must have a home information pack of standard documents available for prospective buyers.
32. In England and Wales, an offer to buy a property and acceptance of that offer are usually made "subject to contract". Normally, the acceptance of an offer does not constitute a legally binding agreement, until an exchange of written contracts proves that an agreement has been reached. Between agreeing terms and exchanging contracts, both the buyer and seller commonly do a number of things. For the seller, this could include:
  - obtaining the title deeds to the property;
  - establishing title and producing Land Registry office copy entries where the property is registered;
  - replying to pre-contract enquiries;
  - preparing a draft contract.
33. The buyer will usually carry out local searches and make other enquiries of the local authority and other organisations. The buyer may also arrange a survey.
34. Therefore these documents and information are, under current practices, normally available only after terms have been negotiated and agreed "subject to contract".
35. **Part 5** of the Act aims to bring forward the availability of some of this information to the start of the process. It requires the person responsible for marketing a residential property to have a home information pack before marketing begins. The pack is expected to contain documents and information similar to those mentioned above, including a report on the condition of the property.