



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 3

OTHER PROVISIONS

CHAPTER 1

SUSTAINABILITY CERTIFICATES

PROSPECTIVE

Supplementary

287 Grants

- (1) The appropriate national authority may make grants towards expenditure incurred by any person in connection with the development of proposals for, or the operation of—
 - (a) a register under section 282, or
 - (b) accreditation schemes or any other provision which may be made by regulations under this Chapter.
- (2) A grant under this section may be made on conditions, which may include (among other things)—
 - (a) conditions as to the purposes for which the grant or any part of it may be used, and
 - (b) conditions requiring the repayment (with or without interest) of the grant or any part of it in such circumstances as may be specified in the conditions.

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288 Suspension of duties

- (1) The appropriate national authority may by regulations suspend (or later revive) the operation of any duty imposed by virtue of section 279.
- (2) Such regulations may provide for the suspension of a duty to take effect only for a period specified in the regulations.
- (3) A duty which is (or is to any extent) revived after being suspended may be suspended again.

289 Disclosure of certificates etc.

- (1) The appropriate national authority may by regulations make provision about the disclosure of—
 - (a) sustainability certificates, interim certificates or statements of the kind mentioned in section 279(1)(b),
 - (b) copies of any such documents,
 - (c) any information contained in, or derived from, any such documents or copies, or
 - (d) any information collected by an authorised assessor for the purposes of preparing a sustainability certificate or an interim certificate.
- (2) A person who, without reasonable excuse, discloses anything whose disclosure is prohibited by regulations under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

290 General powers to make regulations

- (1) The appropriate national authority may by regulations make such provision as the authority considers appropriate—
 - (a) for the general purposes, or any particular purpose, of this Chapter,
 - (b) in consequence of any provision made by virtue of this Chapter or for giving full effect to it.
- (2) Such regulations may, in particular, provide for—
 - (a) the form and content of sustainability certificates and interim certificates,
 - (b) the form and content of written statements of the kind mentioned in section 279(1)(b),
 - (c) ways in which sustainability standards may be met,
 - (d) the issue of guidance for the purposes of this Chapter,
 - (e) the relationship between any provision made by virtue of this Chapter and any provision^{F1}... in relation to energy performance certificates.
- (3) Regulations made by virtue of subsection (2)(a) or (b) may, in particular, provide for the form or content of the documents concerned to be such as may be approved by the appropriate national authority.
- (4) In subsection (2)(e) “energy performance certificate” has the same meaning as in the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991) (see regulation 2(1)) or any corresponding subsequent regulations.

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Textual Amendments

- F1 Words in s. 290(2)(e) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(k), Sch. 18 para. 3, Sch. 25 Pt. 29

291 Powers to extend Chapter

- (1) The appropriate national authority may by regulations provide for this Chapter to apply, with or without prescribed modifications, to—
 - (a) buildings which are not residential properties, or
 - (b) prescribed descriptions of buildings falling within paragraph (a),as it applies to residential properties.
- (2) The appropriate national authority may by regulations provide for this Chapter to apply, with or without prescribed modifications, to—
 - (a) newly converted residential properties,
 - (b) newly converted buildings which are not residential properties, or
 - (c) prescribed descriptions of residential properties falling within paragraph (a) or buildings falling within paragraph (b),as it applies to new residential properties.
- (3) For the purposes of this Chapter a residential property or other building is newly converted if—
 - (a) it has been converted but has never been used for its intended purpose,
 - (b) it is being converted, or
 - (c) its conversion is being designed.
- (4) The appropriate national authority may by regulations provide for circumstances in which a residential property or other building is to be treated as having been converted.
- (5) The references in subsections (1)(a) and (b), (2)(b) and (c) and (3) and (4) to buildings include references to—
 - (a) ancillary land, and
 - (b) buildings and ancillary land which are being designed or constructed or are to be constructed.
- (6) The appropriate national authority may by regulations amend the definition of “purchaser” in section 292(1).
- (7) Regulations under subsection (6)—
 - (a) must ensure that the descriptions of persons falling within the definition on the passing of this Act continue to fall within the definition (but this is without prejudice to the power to amend the text of the definition), and
 - (b) may, in particular, ensure that descriptions of persons who are taking steps with a view to deciding whether to purchase residential properties are included within the definition.

292 Chapter 1: interpretation etc.

- (1) In this Chapter—

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“ancillary land”, in relation to a building, means any land intended to be occupied and enjoyed together with the building,

“appropriate national authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers,

“building” includes part of a building,

“modifications” includes omissions,

“prescribed” means prescribed by regulations made by the appropriate national authority,

“purchase”, in relation to a residential property, means acquire, or agree to acquire, by way of purchase a relevant interest in the property,

“purchaser”, in relation to a residential property, means a person who has—

- (a) made an offer to purchase it, or
- (b) purchased it,

“relevant interest”, in relation to a residential property, means—

- (a) the freehold interest in the property,
- (b) such leasehold interests as may be prescribed, or
- (c) an option to acquire the freehold interest or any such prescribed leasehold interest,

“residential property” means a building which is, or is intended to be, occupied as a separate dwelling (including one that is being designed or constructed or is to be constructed) and includes any ancillary land, but it does not include a newly converted residential property,

“sell”, in relation to a residential property, means—

- (a) dispose, or agree to dispose, by way of sale of a relevant interest in the property, or
- (b) offer such an interest for sale,

“sustainability”, in relation to residential properties, is to be read in accordance with section 280.

- (2) Any reference in subsection (1) or (5) to the disposal of a relevant interest includes a reference to the creation of such an interest.
- (3) For the purposes of this Chapter a person who is selling a residential property is to be treated as selling it as a new property if, at the time in question—
 - (a) the property is being designed,
 - (b) the property is being constructed, or
 - (c) the construction of the property has been finished but the property has never been occupied as a dwelling.
- (4) For the purposes of this Chapter, the construction of a residential property is to be treated as finished if the property—
 - (a) is wind and weather proof,
 - (b) is safe and sanitary for any occupiers or visitors,
 - (c) has facilities for the supply of space heating, hot and cold water and electricity,
 - (d) has washing and drainage facilities, and
 - (e) meets any other prescribed requirements.
- (5) For the purposes of this Chapter a sale is agreed—

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- (a) in the case of a legally binding agreement to dispose by way of sale, when the agreement is entered into, and
 - (b) in the absence of such an agreement, when the disposal is made.
- (6) Any requirement imposed by virtue of section 279 to supply a certificate or statement—
- (a) may be met by supplying a copy of the certificate or statement, and
 - (b) may be met by supplying the certificate or statement (or copy) in electronic form if the intended recipient consents to receiving it in that form.
- (7) For the purposes of this Chapter a certificate, statement or copy supplied in electronic form is only to be treated as being received if the recipient is readily able (using equipment available to the recipient)—
- (a) to view the document in a form that is legible, and
 - (b) to produce hard copies of it in a legible form.
- (8) The sale or purchase of a residential property is not invalid merely because of a failure to comply with any requirement imposed by virtue of this Chapter.

293 Index of defined expressions: Chapter 1

In this Chapter, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

| <i>Expression</i> | <i>Provision</i> |
|--|------------------|
| Agreed (in relation to a sale) | Section 292(5) |
| Ancillary land | Section 292(1) |
| Appropriate national authority | Section 292(1) |
| Building | Section 292(1) |
| Enforcement authority | Section 283(1) |
| Finished (in relation to construction of residential property) | Section 292(4) |
| Interim certificate | Section 279(11) |
| Modifications | Section 292(1) |
| Newly converted | Section 291(3) |
| Prescribed | Section 292(1) |
| Purchase | Section 292(1) |
| Purchaser | Section 292(1) |
| Relevant interest | Section 292(1) |
| Residential property | Section 292(1) |
| Sell | Section 292(1) |
| Sell as new property | Section 292(3) |

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| | |
|--|------------------------|
| Supply (in relation to certificates or statements) | Section 292(6) and (7) |
| Sustainability | Section 280 |
| Sustainability certificate | Section 279(11) |

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 107(2A) inserted by [2023 c. 36 s. 3\(2\)\(c\)](#)
- s. 107(4A)(4B) inserted by [2023 c. 36 s. 3\(2\)\(f\)](#)
- s. 107(6A) inserted by [2023 c. 36 s. 3\(2\)\(i\)](#)
- s. 115(6A) inserted by [2023 c. 36 s. 8\(d\)](#)
- s. 117(1A) inserted by [2023 c. 36 s. 4\(3\)](#)
- s. 117(4A) inserted by [2023 c. 36 s. 4\(5\)](#)
- s. 126A-126D inserted by [2023 c. 36 s. 10\(2\)](#)
- s. 146(2B) inserted by [2023 c. 36 s. 12\(3\)\(e\)](#)
- s. 153(1)(ba) inserted by [2023 c. 36 s. 12\(6\)\(a\)](#)
- s. 153(1A) inserted by [2023 c. 36 s. 12\(6\)\(b\)](#)
- s. 154(2)(ab) inserted by [2023 c. 36 Sch. 1 para. 18](#)
- s. 161A inserted by [2023 c. 36 s. 18\(2\)](#)
- s. 163A applied (with modifications by [S.I. 2023/1311 reg. 9](#))
- s. 163A inserted by [2023 c. 36 s. 17\(3\)](#)
- s. 163B inserted by [2023 c. 36 s. 18\(3\)](#)
- s. 169CA inserted by [2023 c. 36 s. 19\(4\)](#)
- s. 169CB-169CD and cross-heading inserted by [2023 c. 36 s. 20\(2\)](#)
- s. 169ZA inserted by [2023 c. 36 Sch. 5 para. 14](#)
- s. 199(9) inserted by [2023 c. 36 s. 28\(2\)\(c\)](#)
- s. 199A-199B inserted by [2023 c. 36 s. 28\(3\)](#)
- s. 200(4A) inserted by [2023 c. 36 s. 28\(4\)\(d\)](#)
- s. 201A inserted by [2023 c. 36 s. 29\(2\)](#)
- s. 203A inserted by [2023 c. 36 s. 30\(4\)](#)
- s. 215(1A) inserted by [2023 c. 36 s. 29\(3\)](#)
- s. 218(2)(e) inserted by [2023 c. 36 Sch. 5 para. 26\(b\)](#)
- s. 218A-218D and cross-heading inserted by [2023 c. 36 s. 31\(2\)](#)
- s. 220(11B) inserted by [2023 c. 36 s. 10\(3\)](#)
- s. 220(11D)(11E) inserted by [2023 c. 36 s. 31\(3\)](#)
- s. 225A-225H and cross-heading inserted by [2023 c. 36 s. 32](#)
- s. 227(7B) inserted by [2023 c. 36 s. 10\(4\)](#)
- s. 227(7D)(7E) inserted by [2023 c. 36 s. 31\(4\)](#)
- s. 237(5)(6) inserted by [2023 c. 36 s. 31\(5\)](#)
- s. 247(1)(c) and word inserted by [2023 c. 36 s. 31\(6\)](#)
- s. 247(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(5\)](#)
- s. 249(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)
- s. 252(2A) inserted by [2023 c. 36 Sch. 3 para. 9\(b\)](#)
- s. 252A(2)(c)(d) inserted by [2023 c. 36 s. 10\(7\)\(b\)](#)
- s. 252A(2)(e) inserted by [2023 c. 36 Sch. 3 para. 10\(b\)](#)
- s. 252A(2)(f) and word inserted by [2023 c. 36 s. 31\(8\)](#)
- s. 253(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 11\(b\)](#)
- s. 255(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 12\(b\)](#)

- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)
- s. 269(1A) inserted by 2023 c. 36 Sch. 3 para. 18(d)