



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 3

OTHER PROVISIONS

CHAPTER 1

SUSTAINABILITY CERTIFICATES

Supplementary

292 Chapter 1: interpretation etc.

(1) In this Chapter—

“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,

Status: This is the original version (as it was originally enacted).

- (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—
 - (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.