

SCHEDULE 5

regulation 8(h)(i) and 8(j)

Home condition report

Home condition reports

1. A home condition report—
 - (a) must be made by a home inspector following an inspection carried out by him in accordance with the provisions of such approved certification schemes of which he is a member; and
 - (b) must be entered onto a register kept pursuant to any regulations made under section 165 of the 2004 Act.

Terms for the preparation of a home condition report

2. A home inspector must prepare a home condition report on the following terms without exclusion or limitation—
 - (a) that the report will be prepared with reasonable care and skill;
 - (b) that the home inspector will provide in the report an objective opinion about the condition of the property;
 - (c) that such an opinion will be based on his inspection;
 - (d) that the home inspector will identify in the report such conditions within the property as appear to—
 - (i) be defects that are serious or require urgent attention, or both;
 - (ii) give rise to repair or replacement; or
 - (iii) give rise to further investigation;
 - (e) that a responsible person may copy or issue a copy of the report for the purposes of complying with—
 - (i) regulations 5, 6, 8(h)(i), 8(j) and 21; and
 - (ii) section 156(1), (2) and (11) of the 2004 Act; and
 - (f) that any person may do one or more of the following for the purposes of a disclosure or other act authorised by regulations made under section 165 of the 2004 Act—
 - (i) copy a report;
 - (ii) issue a copy of a report;
 - (iii) rent or lend a report;
 - (iv) communicate a report; or
 - (v) make an adaptation of a report or do any of the above in relation to an adaptation.

Third party contractual rights in relation to home condition reports

3. A home inspector must prepare a home condition report on terms enabling the provisions of the contract under which the report is prepared to be enforced in relation to the terms mentioned in paragraph 2 of this Schedule, by the following persons in their own right (whether or not they are a party to such a contract)—
 - (a) the seller;
 - (b) a potential or actual buyer of the property interest; and

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- (c) a mortgage lender in respect of the property interest.

Inclusion of additional or more favourable terms for home condition reports

- 4. A home inspector may prepare a home condition report on any of the following—
 - (a) terms additional to those described in paragraphs 2 and 3 of this Schedule (but without excluding or limiting them); and
 - (b) terms more favourable to—
 - (i) the seller;
 - (ii) a potential or actual buyer of the property interest; or
 - (iii) a mortgage lender in respect of the property interest,than those described in paragraphs 2 and 3 of this Schedule.

Less favourable terms

- 5. Any home condition report which contains terms less favourable to—
 - (a) the seller;
 - (b) a potential or actual buyer of the property interest; or
 - (c) a mortgage lender in respect of the property interest,than those required by this Schedule does not comply with the requirements of this Schedule.

Completion of home condition reports by home inspectors

- 6. A home condition report must be completed by a home inspector so as to contain his record of the following information—
 - (a) his name;
 - (b) whether he has or is likely to have any personal or business relationship with any person involved in the sale of the property;
 - (c) the reference number or code against which the report is registered under paragraph 1(b) of this Schedule;
 - (d) the names of such approved certification schemes as of which he is a member and in which capacity the report is made;
 - (e) such membership numbers or codes as have been allocated to him by those schemes;
 - (f) the name and address of his employer, or if he is self-employed, the name under which he trades;
 - (g) the date of the inspection and the date the report is completed;
 - (h) the address of the property;
 - (i) the year of building of the property or, if this cannot be ascertained by him, his estimate of the year of building;
 - (j) the number of—
 - (i) storeys or levels in the property; and
 - (ii) rooms on each storey or level of the property;
 - (k) such provision as has been made for the parking of vehicles relating to occupants of or visitors to the property;
 - (l) such utility services as are connected to the property and the condition of their visible parts;

- (m) if the property is situated in a flat or maisonette—
 - (i) the number of storeys or levels of the building in which the flat or maisonette is situated;
 - (ii) the number of flats and maisonettes in that building or, if this cannot be ascertained by him, his estimate of the approximate number of flats and maisonettes;
 - (iii) whether the building contains a passenger lift to the storey or level on which the property is situated;
 - (iv) the general condition of such areas that lead to the property as are common to both it and any neighbouring premises; and
 - (v) the general condition of the building in which the flat or maisonette is situated;
- (n) risks to the health or safety of the property’s occupants or visitors, so far as he can ascertain them;
- (o) the condition of the outside parts of the property including such—
 - (i) roof coverings;
 - (ii) rainwater pipes and gutters;
 - (iii) chimney stacks; and
 - (iv) walls, doors and windows,as relate to the property;
- (p) the condition of the inside parts of the property including—
 - (i) roof structures accessible directly from the property;
 - (ii) ceilings and floors;
 - (iii) internal walls; and
 - (iv) kitchen and bathroom fittings,and whether their appearance suggests that they have been materially affected by dampness;
- (q) the general condition of such outbuildings as are part of the property;
- (r) the energy performance of the property, including an energy performance certificate;
- (s) whether any parts of the property to which he would normally expect to have access were not accessible to him on the day of the inspection; and
- (t) any other provision required by an approved certification scheme of which he is a member and in which capacity the report is made.

Conduct of inspections

- 7. Nothing in this Schedule shall be construed as requiring a home inspector to—
 - (a) inspect such parts of the property as are not reasonably accessible on the day of the inspection; or
 - (b) move furniture, fittings or personal items at the property during an inspection.

Prohibition on personal and security information

- 8. A home condition report must not contain any of the following—
 - (a) information or data from which another living individual can be identified from the report;
 - (b) any expression of opinion about a living individual; or

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- (c) information about security features at the property and, in particular, burglar alarm systems, safes or locks.