

SCHEDULE 6

Exception from home condition report for specific new homes warranties

PART 1

General

Interpretation

1. In this Schedule—

“annual increment” means a compound increase occurring each 12 months after the commencement date, the increase being based on the lower of—

- (a) the rate of inflation in re-building residential premises; or
- (b) a rate of 10%;

“common parts” means such common parts—

- (a) as relate to the property;
- (b) as are shared with other premises; and
- (c) as are built or converted by the developer together with the property;

“commencement date” means the day the new homes warranty commences;

“continuous structures” means premises that share common foundations;

“damage” includes water ingress;

“financial compensation” relates to the actual costs incurred in the carrying out of remedial work to the property by a person other than a warranty provider;

“policy-holder” means—

- (a) the owner of the property for the time being; and
- (b) the party to the new homes warranty for the time being (not being a warranty provider);

“structural features” means—

- (a) foundations;
- (b) walls bearing normal residential loads;
- (c) non load-bearing partition walls;
- (d) wet-applied wall plaster;
- (e) external render and vertical tile hanging;
- (f) load-bearing parts of roof;
- (g) tile and slate coverings to pitched roofs;
- (h) ceilings;
- (i) load-bearing parts of floors;
- (j) staircases and internal floor decking and other floor screeds intended to support normal residential loads;
- (k) retaining walls necessary for structural stability of the property;
- (l) double or triple glazed panes to external windows and doors;
- (m) under-ground drainage that the policy-holder is responsible for maintaining; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (n) chimneys and flues;
- “warranty period” means the period of time during which the new homes warranty exists; and
- “warranty provider” is any person who does one or more of the following—
- (a) offers the new homes warranty to an owner or potential owner of the property;
 - (b) effects the contract of insurance which is the subject of the new homes warranty;
 - (c) carries out such a contract;
 - (d) deals with such a contract as an agent;
 - (e) makes arrangements for another person (whether as principal or agent) to buy, sell, subscribe for or underwrite such a contract;
 - (f) makes arrangements with a view to a person who participates in such arrangements buying, selling, subscribing for or underwriting such a contract (whether as principal or agent);
 - (g) assists in the administration and performance of such a contract;
 - (h) advises a person (in that person’s capacity as a policy-holder or potential policy-holder) on the merits of such a contract; or
 - (i) agrees to carry out any of the activities specified in sub-paragraphs (a) to (h), and
- where there is more than one warranty provider in relation to a particular new homes warranty, “warranty provider” refers to any of those persons.