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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the documents to be included in home information packs and the circumstances in which they are included (Parts 1 to 5 of the Regulations). They provide for exceptions and enforcement (Parts 6 and 7) and make further provision in relation to home condition reports (Parts 8 and 9). The duties to have a home information pack which complies with these Regulations are found in sections 155 to 159 of the Housing Act 2004 (“the home information pack duties”). The Regulations apply in England and Wales.

The Regulations make a distinction between “required” documents which must be included in home information packs and “authorised” documents which may be included. A pack must not include any documents not required or authorised (regulation 4) and advertising information must not be included (regulation 12). Part 2 of the Regulations makes provision about the source and clarity of documents included in the original home information pack, and in copies of a pack.

Regulations 8, 9 and 10 are the regulations that set out which documents are required and authorised to be included in packs. The required documents specified in regulation 8 include an index, information about the energy efficiency of the property, a sale statement, title information, additional information for commonhold and leasehold properties and property searches. Schedules 1 to 10 to the Regulations make further provision about these documents, and in some cases prescribe minimum terms necessary for documents to comply with the Regulations. Not all documents are required in every case, and regulation 8 describes this further.

Regulation 9 describes the information authorised to be included in a home information pack. This information may be included in a separate document or within a required document. Authorised information includes a home condition report, translations, Braille versions, summaries or explanations of pack documents, additional title information, additional information relating to commonhold and leasehold properties and additional information about physical condition. It includes further property searches. Searches relating to other premises may be included. Schedule 10 to the Regulations specifies a number of other types of relevant information which may be included. Regulation 10 deals with the required information for new properties where the legal commonhold or leasehold interest being sold has not yet been registered or created.

Part 4 of the Regulations deals with the assembly of home information packs. Regulation 13 prescribes the required order of documents included in a pack and regulation 15 prescribes the age of certain documents at the “first point of marketing” (defined in regulation 3). Under regulations 14, 16 and 17, some required documents must be included before the “first point of marketing” and others should be included within 28 days of that point. In the circumstances specified in regulations 16 and 17 a home information pack temporarily need not include a particular document, so long as reasonable efforts are being made to obtain it. Regulations 18 and 19 make provision for requests for and delivery of documents in relation to the obtaining of documents under Part 4. Regulation 20 makes provision for the event that a document is completely unobtainable.

Part 5 of the Regulations deals with the accuracy of home information packs. Regulations 21 to 23 deal with the circumstances in which the pack or pack documents must or may be updated. The effect of regulation 24 is that a responsible person must provide a seller with a copy of any pack documents requested by him for the purposes of checking their accuracy.

Part 6 of the Regulations makes exceptions from the home information pack duties. These exceptions relate to seasonal accommodation, sales mixed with sales of non-residential premises, dwelling houses used for both residential and non-residential purposes, portfolios of residential properties,

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

unsafe properties and properties to be demolished. The exception under regulation 33 ensures that where a person makes public that a property is on the market before the date the home information pack duties are brought into force, a person does not become a responsible person for the purposes of the home information pack duties if it was put on the market before then, so long as marketing was sustained to a reasonable extent before the date. The exception under regulation 34 applies temporarily and its effect is that home information pack duties do not apply until all the required documents have been commissioned before the property is put on the market, and the responsible person has at least obtained energy information about the property.

Part 7 of the Regulations specifies that the level of penalty charge for penalty charge notices which may be given by enforcement authorities is £200 (for a breach of a home information pack duty). Regulation 36 specifies that penalty charge notices do not apply where the content of a pack document fails to comply with these Regulations, but a responsible person believes on reasonable grounds that it does.

The Regulations require that home condition reports (which may be included in home information packs under regulation 9(a)) must be made by members of certification schemes (home inspectors) approved by the Secretary of State under Part 8. Before approving a scheme, the Secretary of State must be satisfied that it contains appropriate provision for the matters described in regulation 37.

Part 9 of the Regulations makes provision for the keeping of a register of home condition reports and the circumstances in which information may be disclosed from that register. Under section 165(7) of the Housing Act 2004, a disclosure from a register which is not in accordance with regulations is a criminal offence.

A full regulatory impact assessment of the effect that this instrument will have on businesses has been prepared and placed in the libraries of both Houses of Parliament. Copies of the regulatory impact assessment and guidance related to these Regulations will be available at the Department for Communities and Local Government's website and from its Home Information Pack Implementation Division (telephone: 020 7944 6211, fax: 020 7944 3408 and e-mail: [homeinfopacks@communities.gsi.gov.uk](mailto:homeinfopacks@communities.gsi.gov.uk)).