
STATUTORY INSTRUMENTS

2007 No. 1667

The Home Information Pack (No. 2) Regulations 2007

PART 4

ASSEMBLY OF HOME INFORMATION PACKS

Order of pack documents

13. Subject to the provisions of this Part, a copy of a home information pack provided or produced under section 156(1) or 167(1) of the 2004 Act must be composed of pack documents in the following order—

- (a) firstly, the document required by regulation 8(a) (home information pack index);
- (b) secondly—
 - (i) the documents required by regulation 8(b) (energy performance certificate and recommendation report); or
 - (ii) the document required by regulation 8(c) (predicted energy assessment); then
- (c) the remaining pack documents (which may be included in any order).

Time at which pack documents are to be included

14.—(1) Subject to regulations 16, 20 and 34, the documents required to be included in the home information pack under the following provisions of regulation 8 (including that regulation as modified by regulation 10) must be included before or at the first point of marketing—

- (a) paragraph (a) (home information pack index);
- (b) paragraph (b) (energy performance certificate and recommendation report);
- (c) paragraph (c) (predicted energy assessment);
- (d) paragraph (d) (sale statement);
- (e) paragraph (e) (evidence of title for registered estates); and
- (f) paragraph (f)(i) (official search of the index map for unregistered estates).

(2) Subject to regulations 17, 20 and 34, the remaining documents required by regulation 8 to be included in the home information pack must be included before the end of the period of 28 days starting with the first point of marketing.

(3) The pack documents authorised by these Regulations to be included in the home information pack under regulation 9 (including that regulation as modified by regulation 10) may be included at any time.

Age of pack documents when first included

15.—(1) The documents included under the following provisions of regulation 8 (including that regulation as modified by regulation 10) must be dated no earlier than the date that falls three months before the first point of marketing—

- (a) official copies included in the home information pack under—
 - (i) paragraph (e) (evidence of title for registered estates);
 - (ii) paragraph (g) (required commonhold information); and
 - (iii) paragraph (h) (required leasehold information);
 - (b) a certificate of an official search of the index map included in the pack under paragraph (f)(i) (evidence of title for unregistered estates);
 - (c) paragraph (j) (search of the local land charges register);
 - (d) paragraph (k) (local enquiries); and
 - (e) paragraph (l) (drainage and water enquiries).
- (2) The documents included under the following provisions of regulation 8 must be dated no earlier than the date that falls twelve months before the first point of marketing—
- (a) paragraph (b) (energy performance certificate and recommendation report); and
 - (b) paragraph (c) (predicted energy assessment).
- (3) All other pack documents must be such versions of the documents as can reasonably be assumed to be the most recent to the first point of marketing.
- (4) Where—
- (a) a pack document has been amended at any time before its inclusion in the home information pack; and
 - (b) the amendment is not incorporated in the document,
- that amendment must be included in the pack.

Energy information unobtainable before or at the first point of marketing

16.—(1) This regulation applies—

- (a) where the first point of marketing occurs on or after 1st January 2008;
 - (b) where regulation 20 does not apply; and
 - (c) in relation to the following pack documents required to be included in the home information pack before or at the first point of marketing by virtue of regulation 14(1)—
 - (i) energy performance certificate and recommendation report (regulation 8(b)); and
 - (ii) predicted energy assessment (regulation 8(c)).
- (2) If, despite all reasonable efforts and enquiries by the responsible person, a pack document to which this regulation applies cannot be obtained by him before or at the first point of marketing, the home information pack complies with the requirements of these Regulations where—
- (a) the first point of marketing falls no earlier than the end of the period of 14 days starting with the day a request for the document is delivered in accordance with this Part;
 - (b) the responsible person continues to use all reasonable efforts to obtain the document, and in particular, to obtain the document before the end of the period of 28 days starting with the first point of marketing;
 - (c) the document is included in the home information pack as soon as reasonably practicable; and
 - (d) proof of the request for the document is included in the pack(1).

(1) As to proof of the request, see regulation 18(2).

(3) The time at which the document is included in the home information pack becomes the first point of marketing for that document—

- (a) for the purposes of regulation 15(2); and
- (b) until such time (if any) as a further first point of marketing arises under regulation 3(4) or Part 5.

Documents required within 28 days of the first point of marketing

17.—(1) This regulation applies—

- (a) where regulation 20 does not apply; and
- (b) in relation to the pack documents required to be included in the home information pack before the end of the period of 28 days starting with the first point of marketing by virtue of regulation 14(2).

(2) The home information pack complies with the requirements of these Regulations where, in respect of a pack document to which this regulation applies—

- (a) the day a request for the document is delivered falls before the first point of marketing;
- (b) the responsible person believes on reasonable grounds that the latest time a document is likely to be obtained by him is at the end of the period of 28 days starting with the first point of marketing, and uses all reasonable efforts to obtain the document before then;
- (c) where it is reasonable to expect that the document can be obtained by the responsible person earlier than the time identified in paragraph (b), he uses all reasonable efforts to obtain the document before then;
- (d) the responsible person continues to use such efforts if the document cannot be obtained by him in accordance with paragraphs (b) or (c);
- (e) the responsible person records on the home information pack index the information required under paragraph 1(f) of Schedule 1;
- (f) the document is included in the home information pack as soon as the responsible person obtains it; and
- (g) proof of the request for the document is included in the pack(2).

(3) The time at which the document is included in the home information pack becomes the first point of marketing for that document—

- (a) for the purposes of any provision of these Regulations that requires the age or currency of a pack document to be determined by reference to a period preceding the first point of marketing; and
- (b) until such time (if any) as a further first point of marketing arises under regulation 3(4) or Part 5.

Requests for documents under this Part

18.—(1) In this Part, references to a request for a document are to a request—

- (a) which is properly addressed to a person who usually provides or is likely to provide the type of document requested; and
- (b) which—
 - (i) is made in such form;
 - (ii) contains all such information; and

(2) As to proof of the request, see regulation 18(2).

(iii) is accompanied by such payment or an undertaking to make such payment, as is usually necessary to obtain a document of the type requested.

(2) In this Part, proof of a request for a document means a written statement of the following matters—

- (a) which of the required documents has been requested;
- (b) the date that a request for the document is delivered in accordance with regulation 19;
- (c) the name of the person to whom the request has been addressed;
- (d) the date the responsible person believes the document is likely to become available; and
- (e) confirmation that the request complies with paragraph (1).

Delivery of documents under this Part

19.—(1) Subject to paragraphs (2) and (3), the day a request for the document is delivered shall, for the purposes of this Part, be taken to be, depending on the method of delivery—

- (a) the day the request is served personally on the intended recipient;
- (b) the day it would be delivered to the intended recipient's address in the ordinary course of post or (if sooner), the day on which it is proved to have been so delivered;
- (c) the day it is left at the intended recipient's address;
- (d) the second day after it is left at the document exchange of the person making the request or (if sooner), the day on which it is proved to have been so delivered; or
- (e) the day it is sent by fax or electronic communication to the intended recipient's address or (if later), the day on which it is proved to have been so delivered.

(2) Subject to paragraph (3), where a request for a document is delivered to the Chief Land Registrar, the day the request is delivered shall, for the purposes of this Part, be taken to be the day it is delivered in accordance with, or under, the Land Registration Act 2002(3)—

- (a) personally;
- (b) by post, and is the day it would be delivered to the Chief Land Registrar in the ordinary course of post or (if sooner), the day on which it is proved to have been so delivered;
- (c) by document exchange, and is the second day after it is left at the document exchange of the person making the request or (if sooner), the day on which it is proved to have been so delivered;
- (d) orally; or
- (e) by telephone, fax or other electronic method.

(3) For the purposes of this Part, where a request for a document—

- (a) is made in parts, the day the request is delivered shall be taken to be the day the last part is delivered as described in paragraphs (1) and (2);
- (b) is delivered more than once, the day the request is delivered shall be taken to be the first day on which a request is delivered as described in paragraphs (1) and (2); and

(3) An application for an official copy of an individual register, for an official copy of any title plan referred to in an individual register, for an official copy of a document referred to in the register and kept by the Chief Land Registrar or for an official copy of an exempt information document made under Part 13 of the Land Registration Rules 2003 may be delivered by post, document exchange or personal delivery to the proper office of the Land Registry as designated by the Land Registration (Proper Office) Order 2003 (S.I.2003/2040) (as amended by S.I.2005/1765). Under rule 132 of the Land Registration Rules 2003, an application for an official copy under Part 13 of those Rules may also be delivered by any other means of communication during the currency of a relevant notice given under Schedule 2 to the Land Registration Rules 2003, and subject to and in accordance with the limitations contained in that notice. Current notices provide for oral delivery and delivery by telephone, fax and on-line.

- (c) is delivered using more than one method of delivery, the day the request is delivered shall be taken to be the day on which the first request is delivered as described in paragraphs (1) and (2).
- (4) In paragraph (1)(a), “served personally”—
 - (a) in relation to an individual, means leaving it with that individual;
 - (b) in relation to a business, means leaving it with an employee or owner of the business; and
 - (c) in relation to any other body of persons corporate or unincorporate, means leaving it with an employee or member of that body.
- (5) References to a recipient’s address—
 - (a) in paragraphs (1)(b) and (c) are, if the intended recipient is an individual—
 - (i) to his usual or last known residence; or
 - (ii) if his usual or last known residence is the property, to that address and an address (if any) at which it can reasonably be assumed he will be contacted;
 - (b) in paragraphs (1)(b) and (c), are if the intended recipient is a business or other body, to any principal or last known place of business from which a document of the type requested is usually or likely to be provided; and
 - (c) in paragraph (1)(e), are to any electronic address, identification or number published or provided by the intended recipient for the purposes of supplying the document requested.

Required pack documents which are completely unobtainable

20.—(1) The provisions of regulation 8 specified in paragraph (2) do not apply where, after making all reasonable efforts and enquiries, the responsible person believes on reasonable grounds that the document in question—

- (a) no longer exists in any form; or
 - (b) cannot be obtained from or created by any person.
- (2) The provisions are—
- (a) paragraph (c) (predicted energy assessment);
 - (b) paragraph (f)(ii) (documents relied on to deduce unregistered title);
 - (c) paragraph (g) (required commonhold information);
 - (d) paragraph (h) (required leasehold information); or
 - (e) paragraph (i) (leases or licences for dwelling-houses to which section 171(2) of the 2004 Act applies).