
STATUTORY INSTRUMENTS

2007 No. 1667

The Home Information Pack (No. 2) Regulations 2007

PART 6

EXCEPTIONS

Exception – first day marketing during a temporary period

34.—(1) In the circumstances set out in paragraph (2) and subject to paragraph (3), the duties under sections 155 to 159 of the 2004 Act do not apply in relation to a property until the responsible person has in his possession or under his control (where they would otherwise be required by regulation 8)—

- (a) an energy performance certificate relevant to the property and its accompanying recommendation report; or
- (b) a predicted energy assessment relevant to the property complying with Schedule 2.

(2) The circumstances referred to in paragraph (1) are that—

- (a) the property is put on the market by or on behalf of the seller before 1st January 2008;
- (b) requests for all the required documents are delivered before the property is put on the market; and
- (c) those requests comply with regulation 18(1).

(3) The exception described in paragraph (1) does not apply unless the responsible person also satisfies the following conditions—

- (a) that where it is reasonable to expect that the responsible person can obtain a required document before the property is put on the market, he uses all reasonable efforts to obtain the document before then;
- (b) that where he believes on reasonable grounds that he is unlikely to obtain all the required documents by the end of the period of 28 days starting with the date on which the property is put on the market, he uses all reasonable efforts to obtain the documents before then;
- (c) that where sub-paragraphs (a) and (b) do not apply or he cannot obtain all the required documents in accordance with those provisions, he continues to use all reasonable efforts to obtain them.

(4) In this regulation—

- (a) “responsible person” means the person who would be the responsible person if the duties under sections 155 to 159 of the 2004 Act applied;
- (b) “required documents” means the documents that would be required under regulation 8 if sections 155 to 159 of the 2004 Act applied; and
- (c) the day a request for a document is delivered shall be construed in accordance with regulation 19.

(5) Once the duties under sections 155 to 159 of the 2004 Act apply, the point at which the property is put on the market is the first point of marketing for that document—

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- (a) for the purposes of regulation 17(1) and (2) (documents required within 28 days of first point of marketing);
- (b) 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
- (c) until such time (if any) as a further first point of marketing arises under regulation 3(4), Part 4 or Part 5.