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STATUTORY INSTRUMENTS

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**2007 No. 992**

**The Home Information Pack Regulations 2007**

**PART 3**

**CONTENTS OF HOME INFORMATION PACKS**

**Required pack documents**

9. Subject to regulations 11, 12, 13 and Parts 4 and 5, the home information pack must include the following—

- (a) an index to the home information pack complying with Schedule 1 (the home information pack index);
- (b) an energy performance certificate accompanied by the recommendation report for a property—
  - (i) which is physically complete before or at the first point of marketing; and
  - (ii) to which paragraph (c) does not apply;
- (c) an interim energy assessment complying with Schedule 2 for a property—
  - (i) which is physically complete before or at the first point of marketing;
  - (ii) in respect of which the first point of marketing falls during the period starting with 1st June 2007 and ending with 16th September 2007; and
  - (iii) which was constructed at a time when regulation 17C of the Building Regulations 2000<sup>(1)</sup> applied to the work;
- (d) a predicted energy assessment complying with Schedule 3 if the property is not physically complete before or at the first point of marketing;
- (e) a document complying with Schedule 4 (the sale statement);
- (f) if the property interest is or includes the whole or part of a registered estate—
  - (i) an official copy of the individual register relating to that estate; and
  - (ii) an official copy of the title plan relating to that estate;
- (g) if the property interest is or includes the whole or part of an estate, the title to which is not entered in the register of title—
  - (i) a certificate of an official search of the index map issued under rule 145(4) of the Land Registration Rules 2003 in relation to the parcel of land to which the property interest relates; and
  - (ii) such other documents on which the seller can reasonably be expected to rely in order to deduce title to that estate for the purposes of its sale;
- (h) if the property interest is or includes the whole or part of a freehold estate in commonhold land—

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<sup>(1)</sup> S.I. 2000/2531. Regulation 17C is inserted by S.I. 2006/652.

- (i) the documents described in paragraph 1 of Schedule 5; and
- (ii) documents consisting of or containing information about the matters described in paragraph 2 of that Schedule;
- (i) if the property interest is or includes the whole or part of a leasehold interest—
  - (i) the documents described in paragraph 1 of Schedule 6; and
  - (ii) documents consisting of or containing information about the matters described in paragraph 2 of that Schedule;
- (j) if the property interest is or includes the whole or part of an interest in dwelling-houses to which Part 5 of the 2004 Act applies by virtue of section 171(2) of that Act, such leases<sup>(2)</sup> or licences—
  - (i) to which the dwelling-houses are subject or are expected to be subject at the time of, or following completion of the sale of the property interest<sup>(3)</sup>; and
  - (ii) as have not been included in the pack under paragraph (i) of this regulation;
- (k) a search report which relates to the property and which records the results of a search of all parts of the appropriate local land charges register—
  - (i) in the form of an official search certificate, in the case of an official search made pursuant to section 9 of the Local Land Charges Act 1975<sup>(4)</sup>; or
  - (ii) in any other form but made in accordance with Parts 1 and 2 of Schedule 7, in the case of a personal search made pursuant to section 8 of that Act<sup>(5)</sup>;
- (l) a search report which—
  - (i) is made in accordance with Parts 1 and 2 of Schedule 7 and with Schedule 8; and
  - (ii) records the results of a search of records held by or derived from a local authority (local enquiries); and
- (m) a search report which is made in accordance with Parts 1 and 2 of Schedule 7 and with Schedule 9 (drainage and water enquiries).

### Authorised pack documents

10. Subject to regulations 11, 12, 13 and Parts 4 and 5, the home information pack may include documents consisting of or containing any of the following—

- (a) a home condition report which complies with Schedule 10;
- (b) documentary evidence of any safety, building, repair or maintenance work as has been carried out in relation to the property since the date of any home condition report included in the pack under paragraph (a);
- (c) any warranty, policy or guarantee for defects in the design, building, or completion of the property, or its conversion for residential purposes;
- (d) information about the design or standards to which a property has been or is being built;
- (e) an accurate translation in any language of any pack document;

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(2) In this case, “lease” does not only mean a long lease - see regulation 3(1).

(3) Under section 160 of the Housing Act 2004, the duties under sections 155 to 159 do not apply to a residential property at any time when it is not available for sale with vacant possession. However, under section 171(2) of the Housing Act 2004, Part 5 applies where two or more dwellings in sub-divided building are marketed for sale (with any ancillary land) as a single property and one or more is not available for sale as a separate property, but is available with vacant possession.

(4) 1975 c. 76. Section 9 is amended by section 15 of and Schedule 4 to the Constitutional Reform Act 2005 (c. 4) in relation to fees in England and Wales. Sub-section (2) is repealed by sections 158 and 194 of and Schedule 12 to the Local Government and Housing Act 1989 (c. 42).

(5) Section 8 is amended by section 34 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

- (f) an additional version of any pack document in another format, such as Braille or large print;
- (g) a summary or explanation of any pack document, including legal advice on the content of the pack or any pack document;
- (h) information identifying the property including a description, photograph, map, plan or drawing of the property;
- (i) information about a pack document, about information contained within a pack document or about the home information pack, relating to—
  - (i) its source or supply; or
  - (ii) complaints or redress procedures arising from it;
- (j) if the property interest is or includes the whole or part of a registered estate, official copies of any documents referred to in the individual register, including any edited information documents derived from such exempt information documents as are referred to in the register(6);
- (k) if the property interest is or includes the whole or part of a freehold estate in commonhold land, information which—
  - (i) relates to one or more of the matters described in paragraph 3 of Schedule 5; and
  - (ii) would be of interest to potential buyers of the property interest;
- (l) if the property interest is or includes the whole or part of a leasehold interest, information which—
  - (i) relates to one or more of the matters described in paragraph 3 of Schedule 6; and
  - (ii) would be of interest to potential buyers of the property interest;
- (m) one or more of the following search reports which must be made in accordance with Part 1 of Schedule 7 and may be made in accordance with Part 2 of that Schedule, which records the results of a search relating to the property and relating to any of the following matters—
  - (i) information held by or derived from a local authority, and dealing with matters supplementary to those contained in the search reports required by regulation 9(k) (search of the local land charges register) or 9(l) (local enquiries);
  - (ii) common land or town or village greens;
  - (iii) rights of access to, over or affecting the property interest;
  - (iv) ground stability, the effects of mining or extractions or the effects of natural subsidence;
  - (v) actual or potential environmental hazards, including the risks of flooding or contamination from radon gas or any other substance;
  - (vi) telecommunications services;
  - (vii) sewerage, drainage, water, gas or electrical services;
  - (viii) the potential or actual effects of transport services, including roads, waterways, trams and underground or over-ground railways; or
  - (ix) liabilities to repair or maintain buildings or land not within the property interest;

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(6) Part 13 of the Land Registration Rules 2003 describes the nature and effect of exempt information and edited information documents. Under rule 136(1), a person may apply to the Chief Land Registrar for a document to be designated an exempt information document on the basis that it contains “prejudicial information”. This is defined in rule 131 as information that if disclosed would cause substantial unwarranted damage or distress to someone, or would prejudice the commercial interests of the applicant. Under rule 136(2)(b), an application for designation must be accompanied by a version of the document that excludes the prejudicial information (an edited information document).

- (n) where it would be of interest to potential buyers of the property interest, a document which—
  - (i) records the results of a search relating to other premises in the vicinity of the property; and
  - (ii) would otherwise be a report of the type required by regulation 9(k) (search of the local land charges register), 9(l) (local enquiries) or 9(m) (drainage and water enquiries) or authorised by paragraph (m) of this regulation, if references in those provisions and in Schedules 7, 8 and 9 to “property”, “land” and “land on which the property is or will be situated” were references to those other premises;
- (o) any documents referred to in a search report included in the pack under regulation 9(k) (search of the local land charges register), 9(l) (local enquiries), 9(m) (drainage and water enquiries) (subject to paragraph 2(4)(b) of Schedule 9) or paragraphs (m) or (n) of this regulation; and
- (p) information which—
  - (i) relates to one or more of the matters described in Schedule 11; and
  - (ii) would be of interest to potential buyers of the property interest.

### Creation of interests

- 11.—**(1) Subject to regulation 13 and Parts 4 and 5, where the sale involves(7)—
- (a) the whole or part of a commonhold unit, which at the first point of marketing has not been registered by the Chief Land Registrar as a freehold estate in commonhold land; or
  - (b) a leasehold property interest, which at the first point of marketing has not yet been created,
- regulations 9 and 10 apply as respects that freehold estate or leasehold interest, as modified by this regulation.
- (2) Where paragraph (1)(a) applies—
- (a) the sale statement must be completed as if the freehold estate had been registered by the Chief Land Registrar;
  - (b) regulations 9(f) (evidence of title for registered estates), 9(g) (evidence of title for unregistered estates) and 10(j) (documents referred to in the individual register) apply as if for “is or includes” in each paragraph, there were substituted “to be registered as a freehold estate in commonhold land arises from”;
  - (c) paragraphs 1 and 2 of Schedule 5 (required commonhold information) do not apply;
  - (d) regulation 10(k) and paragraph 3 of Schedule 5 (authorised commonhold information) must be construed by reference to the information expected to be relevant to the interest to be registered as a freehold estate in commonhold land; and
  - (e) the home information pack must include documents consisting of or containing information which relates to the matters described in paragraph 4 of Schedule 5.
- (3) Where paragraph (1)(b) applies—
- (a) the sale statement must be completed as if the leasehold interest had been created;
  - (b) regulations 9(f) (evidence of title for registered estates), 9(g) (evidence of title for unregistered estates) and 10(j) (documents referred to in the individual register) apply as if for “is or includes” in each paragraph, there were substituted “is to be created from”;
  - (c) paragraphs 1 and 2 of Schedule 6 (required leasehold information) do not apply;

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(7) Under section 177(2) of the 2004 Act, any reference in the definition of “sale” to the disposal of an interest includes a reference to the creation of such an interest.

- (d) regulation 10(1) and paragraph 3 of Schedule 6 (authorised leasehold information) must be construed by reference to the information expected to be relevant to the interest to be created; and
- (e) the home information pack must include documents consisting of or containing information which relates to the matters described in paragraph 4 of Schedule 6.

#### **Prohibitions relating to home condition reports**

12.—(1) A home condition report must not be included in the home information pack if it was not completed for the purposes of the sale by the seller, of the property interest.

(2) No pack document may be described as a “home condition report” unless it complies with Schedule 10.

#### **Exclusion of advertising information**

13.—(1) Information advertising or marketing goods or services must not be included in the home information pack or a pack document—

- (a) by a responsible person;
- (b) at his request; or
- (c) with his permission.

(2) In paragraph (1), “information advertising or marketing goods or services” does not include information in a document required or authorised to be included under regulations 9 or 10 (including those regulations as modified by regulation 11).