

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5 - Home Information Packs**

##### *Section 164: Home condition reports*

361. **Section 163** enables the Secretary of State to make regulations requiring the home information pack to include a document that contains information on the physical condition of the property and its energy efficiency. This is referred to as a "home condition report".
362. This section allows the Secretary of State to make further regulations where home condition reports must be part of a home information pack. Subsection (3) provides that regulations may require the home condition report to be prepared by a member of an approved certification scheme (these persons will be known as "home inspectors") and in accordance with the provisions of the scheme.
363. Subsection (4) provides that the Secretary of State may approve one or more suitable certification schemes, or withdraw approval from these schemes.
364. Before approving a scheme, subsection (5) provides that the Secretary of State must be satisfied on a number of points, that is,
- That home inspectors are appropriately qualified and that proper standards are maintained
  - That home inspectors have suitable indemnity insurance.
  - That an adequate complaint resolution procedure exists.
  - That arrangements are in place for requiring the registration of home condition reports where provision for a register is made under **section 165**.
  - That arrangements are in place for a public register of home inspectors
  - And any other issues required by the regulations.
365. Subsection (6) allows the regulations to require or authorise a certification scheme which is approved to contain any matters relating to the home condition reports, including the terms of engagement under which home inspectors can carry them out.