

*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 165: Register of home condition reports*

366. Regulations made under section 163 and 164 may be made requiring a home condition report made by a home inspector to form part of a home information pack. This section allows those regulations to make provision for a register of such home condition reports.
367. Subsection (2) provides that the regulations may specify that the register is to be kept by either the Secretary of State or some other person.
368. Subsection (3) provides that a person wishing to put a report on the register may be required to pay a prescribed fee for doing so.
369. Subsection (4) provides that information from the register may only be disclosed in the circumstances set out in the regulations. Subsection (7) provides that anyone who makes an unauthorised disclosure is guilty of a criminal offence and subject, on conviction, to a fine of up to level 5 on the standard scale (currently £5,000). Home condition reports which are properly compiled should not contain personal information about any person, but this provision allows the Secretary of State to ensure that appropriate controls are in place on the use of information so that privacy is safeguarded.
370. Subsection (5) provides that the regulations may prescribe the persons who may gain access to the register or any information contained in or derived from it, and the purposes for which such information may be used. These persons may, upon payment of a fee if required, inspect the register, take or be given copies of documents in the register or be given information contained in the register. The persons who are likely to be given access to the register include sellers, buyers and potential buyers, their professional advisers and, for the purposes of valuations, mortgage lenders.
371. Subsection (6) provides that the purposes for which the information in the register may be used can be public (such as the purposes of local enforcement authorities) or private (such as the purposes of mortgage lenders).