



# Housing Act 2004

## 2004 CHAPTER 34

### PART 5

#### HOME INFORMATION PACKS

##### *Contents of home information packs*

#### **163 Contents of home information packs**

- (1) The Secretary of State may make regulations prescribing—
  - (a) the documents which are required or authorised to be included in the home information pack for a residential property; and
  - (b) particular information which is required or authorised to be included in, or which is to be excluded from, any such document.
- (2) A document prescribed under subsection (1) must be one that the Secretary of State considers would disclose relevant information.
- (3) Any particular information required or authorised to be included in a prescribed document must be information that the Secretary of State considers to be relevant information.
- (4) In this section “relevant information” means information about any matter connected with the property (or the sale of the property) that would be of interest to potential buyers.
- (5) Without prejudice to the generality of subsection (4), the information which the Secretary of State may consider to be relevant information includes any information about—
  - (a) the interest which is for sale and the terms on which it is proposed to sell it;
  - (b) the title to the property;
  - (c) anything relating to or affecting the property that is contained in—
    - (i) a register required to be kept by or under any enactment (whenever passed); or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) records kept by a person who can reasonably be expected to give information derived from those records to the seller at his request (on payment, if required, of a reasonable charge);
  - (d) the physical condition of the property (including any particular characteristics or features of the property);
  - (e) the energy efficiency of the property;
  - (f) any warranties or guarantees subsisting in relation to the property;
  - (g) any taxes, service charges or other charges payable in relation to the property.
- (6) The regulations may require or authorise the home information pack to include—
- (a) replies the seller proposes to give to prescribed pre-contract enquiries; and
  - (b) documents or particular information indexing or otherwise explaining the contents of the pack.
- (7) The regulations may require a prescribed document—
- (a) to be in such form as may be prescribed; and
  - (b) to be prepared by a person of a prescribed description on such terms (if any) as may be prescribed.
- (8) The terms mentioned in subsection (7)(b) may include terms which enable provisions of the contract under which the document is to be prepared to be enforced by—
- (a) a potential or actual buyer;
  - (b) a mortgage lender; or
  - (c) any other person involved in the sale of the property who is not a party to that contract.
- (9) The regulations may—
- (a) provide for the time at which any document is to be included in or removed from the home information pack; and
  - (b) make different provision for different areas, for different descriptions of properties or for other different circumstances (including the manner in which a residential property is marketed).
- (10) In this section “prescribed” means prescribed by regulations under this section.

## **164 Home condition reports**

- (1) Regulations under section 163 may make the provision mentioned in this section in relation to any description of document dealing with matters mentioned in section 163(5)(d) or (e) (reports on physical condition or energy efficiency) which is to be included in the home information pack.
- (2) In this section “home condition report” means a document of that description.
- (3) The regulations may require a home condition report to be made by an individual who is a member of an approved certification scheme following an inspection carried out by him in accordance with the provisions of the scheme.
- (4) The regulations shall, if the provision mentioned in subsection (3) is made, make provision for the approval by the Secretary of State of one or more suitable certification schemes (and for the withdrawal by him of any such approval).

- (5) The regulations shall require the Secretary of State to be satisfied, before approving a certification scheme, that the scheme contains appropriate provision—
- (a) for ensuring that members of the scheme are fit and proper persons who are qualified (by their education, training and experience) to produce home condition reports;
  - (b) for ensuring that members of the scheme have in force suitable indemnity insurance;
  - (c) for facilitating the resolution of complaints against members of the scheme;
  - (d) for requiring home condition reports made by members of the scheme to be entered on the register mentioned in section 165;
  - (e) for the keeping of a public register of the members of the scheme; and
  - (f) for such other purposes as may be specified in the regulations.
- (6) Subsection (5)(d) only applies where provision for a register of home condition reports is made under section 165.
- (7) The regulations may require or authorise an approved certification scheme to contain provision about any matter relating to the home condition reports with which the scheme is concerned (including the terms on which members of the scheme may undertake to produce a home condition report).
- (8) Nothing in this section limits the power under section 163 to make provision about home condition reports in the regulations.