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STATUTORY INSTRUMENTS

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**2007 No. 1667**

**The Home Information Pack (No. 2) Regulations 2007**

**PART 1**

**CITATION, COMMENCEMENT AND INTERPRETATION**

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Home Information Pack (No. 2) Regulations 2007.
- (2) These Regulations shall come into force on 2nd July 2007.

**Interpretation – general provisions**

- 2.—(1) In these Regulations—
  - “the 2004 Act” means the Housing Act 2004;
  - “appropriate local land charges register” means the register described in section 4 of the Local Land Charges Act 1975(1);
  - “approved certification scheme” means a certification scheme approved by the Secretary of State under regulation 37 of these Regulations and from which such approval has not been withdrawn under regulation 39;
  - “the Chief Land Registrar” means the person appointed by the Lord Chancellor under section 99(3) of the Land Registration Act 2002(2);
  - “conservation area consent” means the consent described in section 74(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(3);
  - “developer” means a person who has built or converted, or is building or converting the property;
  - “edited information document” means, where the Chief Land Registrar has designated a document an exempt information document, the edited copy of that document lodged under rule 136(2)(b) or 138(4) of the Land Registration Rules 2003(4);
  - “energy performance certificate” means a certificate which complies with regulation 11(1) of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(5) or regulation 17E of the Building Regulations 2000(6);
  - “exempt information document” means the original and copies of a document so designated under rule 136(3) of the Land Registration Rules 2003;
  - “first point of marketing” means the time described in regulation 3;

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(1) 1975 c. 76. Section 4 is amended by section 25(1) of and Schedule 3 to the Interpretation Act 1978 (c. 30).  
(2) 2002 c. 9.  
(3) 1990 c. 9.  
(4) S.I. 2003/1417.  
(5) S.I. 2007/991, amended by S.I. 2007/1669.  
(6) S.I. 2000/2531. Regulation 17E was inserted by S.I. 2006/652 and substituted by S.I. 2007/991.

- “home condition report” means a document which complies with Schedule 9;
- “home information pack” in relation to a property, means—
- (a) where a duty arises under section 155(1) of the 2004 Act, the home information pack intended by the responsible person(7) to be the one required by that provision; and
  - (b) where a duty arises under section 159(2) of that Act, the home information pack intended by the person to whom that section applies to be the one required by that provision;
- “home information pack index” means the document required by regulation 8(a);
- “home inspector” means a person who is a member of an approved certification scheme;
- “individual register” means the register so named in rule 2 of the Land Registration Rules 2003, the contents and arrangement of which are described in rules 3 and 4 of those Rules;
- “lease” means a long lease except in regulation 8(i), regulation 26(b)(i), paragraph 3(l) of Schedule 4 and paragraph 3(a) of Schedule 5(8);
- “listed building consent” means a consent under section 8(1), (2) or (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990(9);
- “occupant” includes a potential occupant;
- “pack document” means a document (or part of a document) required or authorised by these Regulations to be included in the home information pack;
- “planning permission” means a permission (granted or deemed to be granted) under Part 3 of the Town and Country Planning Act 1990(10);
- “predicted energy assessment” means the document required by regulation 8(c);
- “premises” includes buildings and land;
- “property” means the residential property in respect of which a duty arises under section 155(1) or 159(2) of the 2004 Act(11);
- “property interest” means the freehold interest (including a freehold estate in commonhold land) or the leasehold interest in the property that the seller is proposing to sell(12);
- “recommendation report” has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007;
- “records” includes documents, registers, files and archives, kept in any form;
- “register of title” means the register kept by the Chief Land Registrar pursuant to section 1 of the Land Registration Act 2002;
- “registered estate” means a legal estate the title to which is entered in the register of title, other than a charge the title to which is entered in that register;
- “responsible person” also includes a person subject to a duty under section 159(2) of the 2004 Act;
- “sale” includes the potential sale of a property interest(13);
- “sale statement” means the document required by regulation 8(d);
- “search” means an inspection or investigation (whether manual or electronic) of records;

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(7) The circumstances in which a person becomes and ceases to be a “responsible person” are described in sections 151, 152 and 153 of the 2004 Act.

(8) “Long lease” is defined in section 177(1) of the 2004 Act.

(9) Subsection (2) is amended by S.I. 2001/24.

(10) 1990 c. 8.

(11) “Residential property” is defined in section 148(1) of the 2004 Act.

(12) “Seller” is defined in section 177(1) of the 2004 Act.

(13) “Sale” is defined in section 177(1) of the 2004 Act.

“service charge” has the same meaning as in section 18 of the Landlord and Tenant Act 1985<sup>(14)</sup>;

“title plan” means the plan so named in rule 5(a) of the Land Registration Rules 2003; and

“year” means a period of 12 months.

(2) In these Regulations, any expression relating to commonhold land must be construed in accordance with—

(a) Part 1 of the Commonhold and Leasehold Reform Act 2002<sup>(15)</sup> if it is also used in that Act; or

(b) the Commonhold Regulations 2004<sup>(16)</sup> where those Regulations further define or elaborate upon an expression used in Part 1 of that Act,

and in relation to commonhold land, references to common parts are to those that relate to the property and the commonhold of which the property forms part.

(3) For the purposes of these Regulations—

(a) the property is physically complete if its building or its conversion for residential purposes has been completed; and

(b) where a question arises as to whether the property is physically complete, it must be considered physically complete if it—

(i) is wind and weather proof;

(ii) is safe and sanitary in relation to its occupants or visitors;

(iii) has facilities for the supply of space heating, hot and cold water and electricity; and

(iv) has washing and drainage facilities.

(4) In these Regulations, references to the amendment or revision of a document include its modification or variation.

(5) In these Regulations, references to a number of days, months or years are to a consecutive period of days or months.

### **Interpretation – first point of marketing**

3.—(1) Subject to the provisions specified in paragraph (2), a reference in these Regulations to the “first point of marketing” is to the first time a duty arises under section 155(1) or 159(2) of the 2004 Act in relation to the sale of the property interest.

(2) The provisions referred to in paragraph (1) are—

(a) regulations 16(3), 17(3), 21(3), 22(3) and 23(3); and

(b) paragraphs (3), (4) and (5).

(3) No further first point of marketing shall arise where the property is taken off the market and then put back on the market before the end of the period of one year starting with the day on which the first point of marketing falls.

(4) Except in the circumstances described in paragraph (5), where the property is taken off the market and then put back on the market after the end of the period of one year starting with the day on which the first point of marketing falls—

(a) a further first point of marketing arises; and

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<sup>(14)</sup> 1985 c. 70. Section 18 is amended by paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31) and paragraph 7 of Schedule 9 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

<sup>(15)</sup> 2002 c. 15.

<sup>(16)</sup> S.I. 2004/1829.

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- (b) that first point of marketing is the time at which the property is put back on the market.
- (5) No further first point of marketing shall arise where the property—
  - (a) is taken off the market for any period of time because the seller accepts an offer to buy the property; and
  - (b) is then put back on the market within 28 days of that offer being withdrawn or its acceptance repudiated.