
STATUTORY INSTRUMENTS

2007 No. 1667

The Home Information Pack (No. 2) Regulations 2007

PART 9

HOME CONDITION REPORT REGISTER

CHAPTER 4

AUTHORISED DISCLOSURES

Internal processing of information

51. Any person may make a primary or secondary disclosure, where necessary for the purposes of processing information—

- (a) within a body of persons corporate or unincorporate;
- (b) between principal and agent;
- (c) between an employer and employee; or
- (d) in order to manage the register.

Sellers and their agents

52.—(1) The keeper of the register may make a primary disclosure to a seller or his agent.

(2) Before making a disclosure in accordance with paragraph (1), the keeper of the register may require the person seeking that disclosure to prove that he is the seller or his agent.

(3) Where the home condition report to be disclosed was entered onto the register for the purposes of the sale of the property interest by that seller—

- (a) a seller may make a secondary disclosure to any person; and
- (b) the seller's agent may make a secondary disclosure to a person only if the seller has authorised the agent to make that disclosure.

Potential buyers and their advisers

53.—(1) The keeper of the register may make a primary disclosure to an actual or potential buyer or his agent.

(2) Before making a disclosure in accordance with paragraph (1), the keeper of the register may require the person seeking that disclosure to prove one or more of the following matters—

- (a) that he is an actual or potential buyer or his agent;
- (b) that the request relates to a home condition report for a property the buyer is genuinely interested in buying; or
- (c) that the request is made for the purposes of—
 - (i) checking the authenticity of a home condition report; or

- (ii) checking whether any home condition reports not included in the home information pack have been completed for the purposes of the sale of the property interest by the seller.

Mortgage lenders or automated valuation suppliers

54.—(1) The keeper of the register may make a primary disclosure to a mortgage lender, an automated valuation supplier or their agents.

(2) Before making a disclosure in accordance with paragraph (1), the keeper of the register may require the person seeking that disclosure to prove one or more of the following matters—

- (a) that they are a mortgage lender, automated valuation supplier or their agent;
- (b) that the request relates to a report for a property that the mortgage lender or automated valuation supplier has been asked to consider by or on behalf of an actual or potential buyer; or
- (c) that the request is made for the purposes of—
 - (i) checking the authenticity of that report;
 - (ii) valuing the property; or
 - (iii) appraising the suitability of the property as security for mortgage or loan.

Approved certification schemes or complaints against home inspectors

55.—(1) The keeper of the register may make a primary disclosure to a person operating an approved certification scheme or a person dealing with complaints against home inspectors.

(2) Before making a disclosure in accordance with paragraph (1), the keeper of the register may require the person seeking that disclosure to prove one or more of the following matters—

- (a) that they operate an approved certification scheme or deal with complaints against home inspectors;
- (b) that the request is made for the purposes of —
 - (i) any complaint or disciplinary procedure relating to a home inspector; or
 - (ii) monitoring or assessing the work of home inspectors; or
- (c) that any request made by a person operating an approved certification scheme is made for the purposes of replacing archives of home condition reports prepared by its members, which—
 - (i) have been destroyed; and
 - (ii) were kept (and will be kept) for monitoring or assessing the work of members of that scheme.

Enforcement officers

56.—(1) The keeper of the register may make a primary disclosure to an authorised officer of an enforcement authority.

(2) Before making a disclosure in accordance with paragraph (1), the keeper of the register may require the person seeking that disclosure to prove one or more of the following matters—

- (a) that he is an authorised officer of an enforcement authority;
- (b) that the request is made for the purposes of the enforcement by enforcement authorities of—
 - (i) the duties under sections 155 to 159 and 167(4) of the 2004 Act; or

(ii) any duty imposed under section 172(1) of that Act.

Office of Fair Trading

57.—(1) The keeper of the register may make a primary disclosure to the Office of Fair Trading.

(2) Before making a disclosure in accordance with paragraph (1) in response to a request, the keeper of the register may require the Office of Fair Trading to prove that the request is made for the purposes of the enforcement by the Office of Fair Trading of its functions under the Estate Agents Act 1979(1) or the 2004 Act.

Information from which no particular property is identifiable

58. Any person may make a primary or secondary disclosure where no particular property would be identifiable in doing so.

Disclosures for the purposes of the 2004 Act or these Regulations

59. Any person may make a primary or secondary disclosure for the purposes of—

- (a) section 156(1), (2) and (11) of the 2004 Act; or
- (b) regulations 5, 6, 9(a) and 24.

Prevention of crime

60. Any person may make a primary or secondary disclosure for the purposes of or to facilitate—

- (a) the prevention or detection of crime; or
- (b) the apprehension or prosecution of offenders.

Legal proceedings and court orders

61. Any person may make a primary or secondary disclosure for the purposes of—

- (a) the establishment, exercise or defence of legal rights; or
- (b) an order of a court.