

SCHEDULE 9

regulation 9(a)

Home condition report

Home condition reports

1. A home condition report—
 - (a) must be made by a home inspector—
 - (i) following an inspection carried out by him in accordance with the provisions of the approved certification scheme of which he is a member and in which capacity the report is made; and
 - (ii) using the standard form for home condition report referred to in regulation 37(f).
 - (b) must be entered onto the register kept pursuant to Part 9.

Terms for the preparation of a home condition report

2. A home inspector must prepare a home condition report on the following terms without exclusion or limitation—
 - (a) that the report will be prepared with reasonable care and skill;
 - (b) that the home inspector will provide in the report an objective opinion about the condition of the property;
 - (c) that such an opinion will be based on his inspection;
 - (d) that the home inspector will identify in the report such conditions within the property as appear to—
 - (i) be defects that are serious or require urgent attention, or both;
 - (ii) give rise to a need for repair or replacement; or
 - (iii) give rise to further investigation;
 - (e) that a responsible person may copy or issue a copy of the report for the purposes of—
 - (i) regulations 5, 6, 9(a) and 24; and
 - (ii) section 156(1), (2) and (11) of the 2004 Act; and
 - (f) that any person may do one or more of the following for the purposes of a disclosure or other act authorised by Part 9—
 - (i) copy a report;
 - (ii) issue a copy of a report;
 - (iii) rent or lend a report;
 - (iv) communicate a report; or
 - (v) make an adaptation of a report or do any of the above in relation to an adaptation.

Third party contractual rights in relation to home condition reports

3. A home inspector must prepare a home condition report on terms enabling the provisions of the contract under which the report is prepared to be enforced in relation to the terms mentioned in paragraph 2, by the following persons in their own right (whether or not they are a party to such a contract)—
 - (a) the seller;
 - (b) a potential or actual buyer of the property interest; and

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- (c) a mortgage lender in respect of the property interest.

Inclusion of additional or more favourable terms for home condition reports

- 4. A home inspector may prepare a home condition report on any of the following—
 - (a) terms additional to those described in paragraphs 2 and 3 (but without excluding or limiting them); and
 - (b) terms more favourable to—
 - (i) the seller;
 - (ii) a potential or actual buyer of the property interest; or
 - (iii) a mortgage lender in respect of the property interest,than those described in paragraphs 2 and 3.

Less favourable terms

- 5. Any home condition report which contains terms less favourable to—
 - (a) the seller;
 - (b) a potential or actual buyer of the property interest; or
 - (c) a mortgage lender in respect of the property interest,than those required by this Schedule is not made in accordance with this Schedule.

Completion of home condition reports by home inspectors

- 6. A home condition report must be completed by a home inspector so as to contain his record of the following information—
 - (a) his name;
 - (b) whether he has any personal or business relationship with any person involved in the sale of the property;
 - (c) the report reference number against which the report is registered under paragraph 1(b);
 - (d) the name of the approved certification scheme of which he is a member and in which capacity the report is made;
 - (e) such membership number or identification code as has been allocated to him by the scheme;
 - (f) the name and address of his employer, or if he is self-employed, the name under which he trades;
 - (g) the date of the inspection and the date on which the report is completed;
 - (h) the address of the property;
 - (i) the year in which the property was built or, if this cannot be ascertained by him, his estimate of the year in which it was built;
 - (j) the number of—
 - (i) storeys or levels in the property; and
 - (ii) rooms on each storey or level of the property;
 - (k) such provision as has been made for the parking of vehicles relating to occupants of or visitors to the property;

- (l) such mains utility services as are connected to the property and the condition of their visible parts;
- (m) if the property is or forms part of a flat or maisonette—
 - (i) the number of storeys or levels of the building in which the flat or maisonette is situated;
 - (ii) the number of flats and maisonettes in that building or, if this cannot be ascertained by him, his estimate of the number of flats and maisonettes;
 - (iii) whether the building contains a lift;
 - (iv) the general condition of such areas that lead to the property as are common to both it and any neighbouring premises; and
 - (v) the general condition of the building in which the flat or maisonette is situated;
- (n) risks to the health or safety of the property's occupants or visitors, so far as he can ascertain them;
- (o) the condition of the outside parts of the property including such—
 - (i) roof coverings;
 - (ii) rainwater pipes and gutters;
 - (iii) chimney stacks; and
 - (iv) walls, doors and windows,as relate to the property;
- (p) the condition of the inside parts of the property including—
 - (i) roof structures accessible directly from the property;
 - (ii) ceilings and floors;
 - (iii) internal walls; and
 - (iv) kitchen and bathroom fittings,and whether their appearance suggests that they have been materially affected by dampness;
- (q) the general condition of such outbuildings as are part of the property;
- (r) whether any parts of the property to which he would normally expect to have access were not accessible to him on the day of the inspection; and
- (s) any other provision required by the approved certification scheme of which he is a member and in which capacity the report is made.

Conduct of inspections

- 7. Nothing in this Schedule shall be construed as requiring a home inspector to—
 - (a) inspect such parts of the property as are not reasonably accessible on the day of the inspection; or
 - (b) move furniture, fittings or personal items at the property during an inspection.

Prohibition on personal and security information

- 8. A home condition report must not contain any of the following—
 - (a) information or data from which another living individual can be identified from the report other than the information required under paragraphs 6(a) (name of inspector), 6(f) (name of employer) or 6(h) (address of property);

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- (b) any expression of opinion about a living individual; or
- (c) information about security features at the property and, in particular, burglar alarm systems, safes or locks.