

HOME INFORMATION PACKS

First Phase Commences 1st August 2007

1. HIP

From 1st August 2007 a HIP will be required for properties that are marketed as having four bedrooms or more.

The exceptions are:

- (1) where the property is already marketed
- (2) it is a non-residential property
- (3) dual use properties
- (4) a property sold subject to a tenancy
- (5) live work units
- (6) seasonal and holiday accommodation
- (7) unsafe properties
- (8) properties due to be demolished

2. Estate Agents

Any estate agent in England and Wales who wishes to market a home for which a HIP is required, must be a member of an approved redress scheme. The body to which the estate agent is a member can then deal with complaints relating to HIPs.

MARKETING

1. Properties Marketed before 1st August 2007

If a four or more bedroom property is on the market before 1st August 2007 it does not require a HIP. Currently there is no transitional period so if it remains on the market no pack is needed. If it is taken off the market as a result of an offer being accepted it can continue to be marketed without a pack provided it has been placed back on the market within 28 days of the sale falling through.

2. Properties Marketed from 1st August 2007

If a four or more bedroom property is to be marketed from 1st August 2007 marketing can start provided that a pack has been commissioned rather than first waiting for documents to be available. All required documents must have been requested and reasonable efforts are being made to obtain them as soon as possible. The proof of request for all documents must be made available. This only applies to properties placed on the market between 1st August 2007 and 31st December 2007.

3. Properties Marketed from 1st January 2008

From 1st January 2008 marketing of four or more bedroom properties can not commence until the Energy Performance Certificate has been obtained unless 14 days have passed after the request of the report then marketing can commence without it. Searches and other documents must be available within 28 days of the first point of marketing

CONTENTS OF THE PACK

1. **Required Documents** – must be in the pack.

Note: All searches and official copy title entries must not be more than 3 months old at the first point of marketing. The Energy Performance Certificate must not be more than 12 months old. Other documents may be more than 3 months old but they must be the most recent versions

a. Index

Lists the contents and complies with Schedule 1 of the Regulations.

b. Energy Performance Certificate.

This must be the first document in the pack and attached to the Estate Agents particulars.

c. Sale Statement.

Name of seller, address, post code and details of the property interest being sold. Must also state whether title is registered or not or a new title to be created out of an existing title.

d. Evidence of Title.

- (i) registered land – official copy title entries
- (ii) unregistered land – full abstract of title

e. Unexpired Structural Warranties eg. NHBC documents.

f. “What to look for in your HIP” leaflet (this may become an authorised document and therefore, optional).

g. Local Authority Land Charges Search and Replies to Enquiries in accordance with Schedules 8 & 9 of the Home Information Pack Regulations 2006 (as amended). (This means that the current Con29 would need amending but a new form is expected).

h. Drainage and Water Search.

2. **Leasehold/Commonhold:**

a. Main lease and other leases (eg management company lease).

b. Service charge accounts for last 3 years.

c. Section 20 Landlord & Tenant Act 1985 Notices.

d. Insurance information.

e. Any current regulations made by freeholder/management company.

- f. Memorandum and Articles of Association of a Management Company.
- g. Name of current landlord/management company/managing agents.
- h. Receipts for ground rent/service charges/insurance for the last 12 months.
- i. Any amendments to the lease or other documents.
- j. Relevant Notices.
- k. Details of proposed works.

In case of commonhold further information may be required. Details are omitted here because commonholds are very rare. If you should be asked to market a commonhold property you should refer the matter immediately to a solicitor.

3. Authorised Documents:

These are documents which can be included but not mandatory.

- a. A translation or alternative formats.
- b. Home use form.
- c. Home contents form.
- d. Documents referred to in Official Copy Title documents from the Land Registry.
- e. Warranties Guarantees and work details not being compulsory structural warranties.
- f. Summary.
- g. Plan photograph or drawing.
- h. Home Condition Report.

4. Authorised Searches

- a. Mining Search.
- b. Contaminated land.
- c. Flood risk.
- d. Ground stability and subsidence.
- e. Specialist areas.

RESPONSIBLE PERSON

1. During the period when a property is on the market for sale the person responsible for marketing must comply with the obligations of a Responsible Person i.e.

- a. To have a HIP and
- b. To provide a copy of the HIP on request.

2. Starting to act –

1. A person acting as an estate agent becomes responsible for marketing the property when action taken by him or on his behalf
 - (a) puts the property on the market or
 - (b) makes public the fact that the property is on the market.

Ceasing to act –

2. The responsibility ceases when the conditions below are satisfied:
 - (a) his contract with the seller is terminated (whether by withdrawal of his instructions or otherwise)
 - (b) he has ceased to take any action which means public the fact that the property is on the market and
 - (c) any such action being taken on his behalf has ceased.

3. Any responsibility also ceases when the property is taken off the market and sold

3. Providing a HIP to a Buyer

1. The Responsible Person must provide a HIP to a potential buyer but can ask the buyer for:
 - (a) identification
 - (b) financial information
 - (c) details of any connected and dependent transactions
 - (d) details of any “in principle” mortgage offer.
 - (e) Request for payment of HIP – can claim reasonable copying charges not the cost of compiling the HIP.