



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 3

OTHER PROVISIONS

CHAPTER 1

SUSTAINABILITY CERTIFICATES

PROSPECTIVE

General

279 Certificates for new homes

- (1) A person who is selling a residential property as a new property must supply the purchaser with—
 - (a) a sustainability certificate, or
 - (b) a written statement to the effect that there is no sustainability certificate for the property.
- (2) If the seller is to supply a sustainability certificate, the seller must supply it before the sale is agreed if it is reasonably practicable to do so.
- (3) If it is not reasonably practicable to do so, the seller must—
 - (a) supply an interim certificate before the sale is agreed, and
 - (b) supply the sustainability certificate at such time, or within such period, as may be prescribed.
- (4) If the seller is to supply a statement, the seller must supply it before the sale is agreed.

Status: Point in time view as at 06/04/2017. This version of this cross heading contains provisions that are prospective.

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- (5) The appropriate national authority may by regulations require sellers to supply certificates or statements to purchasers earlier than required by subsection (2), (3)(a) or (4).
- (6) The appropriate national authority may by regulations provide for exceptions from any duty imposed by virtue of subsections (1) to (5) in such cases and circumstances, and to such extent, as may be specified in the regulations.
- (7) Regulations under subsection (6) may impose alternative duties in relation to the supply of certificates or statements.
- (8) The seller is not required to comply with a requirement imposed by virtue of this section if the seller has a reasonable excuse for not complying with the requirement.
- (9) The seller may not charge for supplying a certificate or statement by virtue of this section.
- (10) The power conferred by subsection (3)(b) may, in particular, be exercised so as to prescribe a time, or a period which ends, after the completion of the sale.
- (11) In this Chapter—
 - “interim certificate” means a document which—
 - (a) contains an interim assessment of the sustainability of a residential property, and
 - (b) complies with the requirements of regulations under this Chapter,
 - “sustainability certificate” means a document which—
 - (a) contains a final assessment of the sustainability of a residential property, and
 - (b) complies with the requirements of regulations under this Chapter.

280 Meaning of sustainability

- (1) For the purposes of this Chapter the sustainability of a residential property relates to the extent to which—
 - (a) the materials used in the property,
 - (b) other aspects of the design and construction of the property, and
 - (c) any services, fittings and equipment provided in, or in connection with, the property,
 meet any sustainability standards.
- (2) Sustainability standards are standards prescribed by the appropriate national authority for any of the following purposes—
 - (a) ensuring the health, safety, welfare and convenience of persons in or about the property and of others who may be affected by the property or matters connected with it,
 - (b) furthering the efficient management of the property and of its construction,
 - (c) furthering energy efficiency,
 - (d) furthering the efficient use of water and minimising flood risk,
 - (e) furthering efficient waste management,
 - (f) furthering the protection or enhancement of the environment, and
 - (g) furthering the prevention or detection of crime.

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- (3) The appropriate national authority may by regulations amend subsection (2) so as to add, remove or alter purposes for the time being contained there.
- (4) The references in this section to the construction of the property include references to any related demolition and any off-site activities relating to the construction or demolition.

281 Authorised assessors

- (1) The assessment of the sustainability of a residential property is to be carried out for the purposes of this Chapter by an authorised assessor.
- (2) The appropriate national authority may by regulations make provision about authorised assessors.
- (3) The regulations must specify the persons or descriptions of persons who are to be authorised assessors.
- (4) Subsections (5) to (9) apply if regulations under subsection (2) provide for authorised assessors to be persons accredited under an approved accreditation scheme.
- (5) The regulations may make provision about accreditation schemes.
- (6) The regulations may, in particular, provide for—
 - (a) the approval by the appropriate national authority of one or more accreditation schemes (whether established by the appropriate national authority or another person),
 - (b) the withdrawal by the appropriate national authority of any such approval,
 - (c) the charging of fees under accreditation schemes.
- (7) Any regulations of the kind mentioned in subsection (6)(a) must require the appropriate national authority to be satisfied, before approving an accreditation 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 carry out assessments,
 - (b) for ensuring that a code of conduct for members of the scheme is maintained and published,
 - (c) for ensuring that members of the scheme have in force suitable indemnity insurance,
 - (d) for facilitating the resolution of complaints against members of the scheme,
 - (e) for requiring certificates or other documents given by members of the scheme to be entered on a register under section 282,
 - (f) for the keeping of a public register of the members of the scheme, and
 - (g) for such other purposes as may be specified in the regulations.
- (8) Subsection (7) does not limit the matters which the regulations may require the appropriate national authority to be satisfied about before approving an accreditation scheme.
- (9) Regulations under subsection (5) may, in particular, require or authorise an approved accreditation scheme to contain provision about any matter relating to sustainability

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certificates or other documents with which the scheme is concerned (including the terms on which members of the scheme may undertake to produce such documents).

282 Register of certificates

- (1) The appropriate national authority may by regulations make provision about a register of sustainability certificates.
- (2) The regulations may, in particular, make provision of the kind mentioned in subsections (3) to (7).
- (3) The regulations may provide for a register to be kept—
 - (a) by (or on behalf of) the appropriate national authority, or
 - (b) by such other person as the regulations may specify or describe.
- (4) The regulations may require a person wishing to enter a document onto a register to pay such fee as may be prescribed.
- (5) No person may disclose—
 - (a) a register or any document (or part of a document) contained in it, or
 - (b) any information contained in, or derived from, a register,
 except in accordance with any provision of the regulations which authorises or requires such a disclosure to be made.
- (6) The regulations may make provision as to circumstances in which, or purposes for which, a person or a person of a prescribed description—
 - (a) may (on payment of such fee, if any, as may be prescribed)—
 - (i) inspect a register or any document (or part of a document) contained in it,
 - (ii) take or be given copies of a register or any document (or part of a document) contained in it, or
 - (iii) be given information contained in, or derived from, a register, or
 - (b) may disclose anything obtained by virtue of provision made under paragraph (a).
- (7) The purposes which may be so prescribed may be public purposes or purposes of private undertakings or other persons.
- (8) A person who contravenes subsection (5) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) The appropriate national authority may by regulations provide for interim certificates or other documents to be included on a register.
- (10) In such a case, subsections (1) to (8) apply in relation to the interim certificates or other documents concerned as they apply in relation to sustainability certificates.

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