
STATUTORY INSTRUMENTS

2006 No. 1503

The Home Information Pack Regulations 2006

PART 3

CONTENTS OF HOME INFORMATION PACKS

Required pack documents

8. Subject to regulations 10, 11, 12 and Part 4, the home information pack must include the following—

- (a) an index to the home information pack complying with Schedule 1 (the home information pack index);
- (b) a document complying with Schedule 2 (the sale statement);
- (c) if the property interest is or includes the whole or part of a registered estate—
 - (i) an official copy of the individual register relating to that estate; and
 - (ii) an official copy of the title plan relating to that estate;
- (d) if the property interest is or includes the whole or part of an estate, the title to which is not entered in the register of title—
 - (i) a certificate of an official search of the index map issued under rule 145(4) of the Land Registration Rules 2003 in relation to the parcel of land to which the property interest relates; and
 - (ii) such other documents on which the seller can reasonably be expected to rely in order to deduce title to that estate for the purposes of its sale;
- (e) if the property interest is or includes the whole or part of a freehold estate in commonhold land—
 - (i) the documents described in paragraph 1 of Schedule 3; and
 - (ii) documents consisting of or containing information about the matters described in paragraph 2 of that Schedule;
- (f) if the property interest is or includes the whole or part of a leasehold interest—
 - (i) the documents described in paragraph 1 of Schedule 4; and
 - (ii) documents consisting of or containing information about the matters described in paragraph 2 of that Schedule;
- (g) if the property interest is or includes the whole or part of an interest in dwelling-houses to which Part 5 of the 2004 Act applies by virtue of section 171(2) of that Act, such leases or licences—
 - (i) to which the dwelling-houses are subject or are expected to be subject at the time of, or following completion of the sale of the property interest⁽¹⁾; and

(1) Under section 160 of the Housing Act 2004, the duties under sections 155 to 159 do not apply to a residential property at any time when it is not available for sale with vacant possession. However, under section 171(2) of the Housing Act 2004, [DCLG 4020]

- (ii) as have not been included in the pack under paragraph (f) of this regulation;
- (h) if the property is physically complete on or before the first point of marketing, either or both of the following—
 - (i) a home condition report which complies with Schedule 5; or
 - (ii) the terms of a new homes warranty which has not commenced, which otherwise complies with Schedule 6 and to which the property is expected to be subject, together with the document described in paragraph 4 of that Schedule (cover note);
- (i) a new homes warranty which complies with Schedule 6—
 - (i) where the property is the subject of such a warranty; and
 - (ii) it has not expired at the first point of marketing;
- (j) such other home condition reports complying with Schedule 5 as have been completed in respect of the property within the 12 months preceding the first point of marketing;
- (k) if the property is physically complete before the first point of marketing, the energy performance certificate for the property where—
 - (i) a home condition report complying with Schedule 5 is not included in the pack under paragraph (h)(i) or (j) of this regulation; or
 - (ii) such a certificate is obtained in addition to such a report which is so included and is dated later than such a report;
- (l) if the property is not physically complete before the first point of marketing, a document complying with Schedule 7 (report on a home not physically complete);
- (m) a search report which relates to the property and which records the results of a search of all parts of the appropriate local land charges register—
 - (i) in the form of an official search certificate, in the case of an official search made pursuant to section 9 of the Local Land Charges Act 1975(2); or
 - (ii) in any other form but which complies with Parts 1 and 2 of Schedule 8 in the case of a personal search made pursuant to section 8 of that Act(3);
- (n) a search report which—
 - (i) complies with Parts 1 and 2 of Schedule 8 and with Schedule 9; and
 - (ii) records the results of a search of records held by or derived from a local authority (local enquiries); and
- (o) a search report which complies with Parts 1 and 2 of Schedule 8 and with Schedule 10 (drainage and water enquiries).

Authorised pack documents

9. Subject to regulations 10, 11, 12 and Part 4, the home information pack may include documents consisting of or containing any of the following—

- (a) an accurate translation in any language of any pack document;
- (b) an additional version of any pack document in another format, such as Braille or large print;

Part 5 applies where two or more dwellings in sub-divided building are marketed for sale (with any ancillary land) as a single property and one or more is not available for sale as a separate property but is available with vacant possession.

- (2) 1975 c. 76. Section 9 is amended by section 15 of and Schedule 4 to the Constitutional Reform Act 2005 (c. 4) in relation to fees in England and Wales. This amendment is not yet in force. Sub-section (2) is repealed by sections 158 and 194 of and Schedule 12 to the Local Government and Housing Act 1989 (c. 42). This repeal is not yet in force.
- (3) Section 8 is amended by section 34 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

- (c) a summary or explanation of any pack document;
 - (d) information identifying the property including a description, photograph, map, plan or drawing of the property;
 - (e) information about a pack document, about information contained within a pack document or about the home information pack, relating to—
 - (i) its source or supply; or
 - (ii) complaints or redress procedures arising from it;
 - (f) if the property interest is or includes the whole or part of a registered estate, official copies of any documents referred to in the individual register, including any edited information documents derived from such exempt information documents as are referred to in the register⁽⁴⁾;
 - (g) if the property interest is or includes the whole or part of a freehold estate in commonhold land, information which—
 - (i) relates to one or more of the matters described in paragraph 3 of Schedule 3; and
 - (ii) would be of interest to potential buyers of the property interest;
 - (h) if the property interest is or includes the whole or part of a leasehold interest, information which—
 - (i) relates to one or more of the matters described in paragraph 3 of Schedule 4; and
 - (ii) would be of interest to potential buyers of the property interest;
 - (i) documentary evidence of such safety, building, repair or maintenance work as has been carried out in relation to the property since the date of any home condition report included in the pack under regulation 8(h)(i) or 8(j);
 - (j) any warranty, policy or guarantee for defects in the design, building, or completion of the property, or its conversion for residential purposes;
 - (k) one or more of the following search reports, which comply with Parts 1 and 3 of Schedule 8, which record the results of a search relating to the property and which relate to any of the following matters—
 - (i) information held by or derived from a local authority, and dealing with matters supplementary to those contained in the search reports required by regulation 8(m) or 8(n);
 - (ii) common land;
 - (iii) rights of access to, over or affecting the property interest;
 - (iv) ground stability, the effects of mining or extractions or the effects of natural subsidence;
 - (v) actual or potential environmental hazards, including the risks of flooding or contamination from radon gas or any other substance;
 - (vi) telecommunications services;
 - (vii) sewerage, drainage, water, gas or electrical services;
 - (viii) the potential or actual effects of transport services, including roads, waterways, trams and underground or over-ground railways; or
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- (4) Part 13 of the Land Registration Rules 2003 describes the nature and effect of exempt information and edited information documents. Under rule 136(1), a person may apply to the Chief Land Registrar for a document to be designated an exempt information document on the basis that it contains “prejudicial information”. This is defined in rule 131 as information that if disclosed would cause substantial unwarranted damage or distress to someone, or would prejudice the commercial interests of the applicant. Under rule 136(2)(b), an application for designation must be accompanied by a version of the document that excludes the prejudicial information (an edited information document).

- (ix) liabilities to repair or maintain buildings or land not within the property interest;
- (l) where it would be of interest to potential buyers of the property interest, a document which—
 - (i) records the results of a search relating to other premises in the vicinity of the property; and
 - (ii) would otherwise be a report of the type required by regulation 8(m), 8(n) or 8(o) or authorised by paragraph (k) of this regulation, if references in those provisions and in Schedules 8, 9 and 10 to “property”, “land” and “land on which the property is or will be situated” were references to those other premises;
- (m) any documents referred to in a search report included in the pack under regulation 8(m), 8(n), 8(o) (subject to paragraph 2(4)(b) of Schedule 10) or paragraphs (k) or (l) of this regulation; and
- (n) information which—
 - (i) relates to one or more of the matters described in Schedule 11; and
 - (ii) would be of interest to potential buyers of the property interest.

Creation of interests

- 10.**—(1) Subject to regulation 12 and Part 4, where the sale involves⁽⁵⁾—
- (a) the whole or part of a commonhold unit, which at the first point of marketing has not been registered by the Chief Land Registrar as a freehold estate in commonhold land; or
 - (b) a leasehold property interest, which at the first point of marketing has not yet been created,
- regulations 8 and 9 apply as respects that freehold estate or leasehold interest, as modified by this regulation.
- (2) Where paragraph (1)(a) applies—
- (a) the sale statement must be completed as if the freehold estate had been registered by the Chief Land Registrar;
 - (b) regulations 8(c), 8(d) and 9(f) apply as if for “is or includes” in each paragraph, there were substituted “to be registered as a freehold estate in commonhold land arises from”;
 - (c) paragraphs 1 and 2 of Schedule 3 do not apply;
 - (d) regulation 9(g) and paragraph 3 of Schedule 3 must be construed by reference to the information expected to be relevant to the interest to be registered as a freehold estate in commonhold land; and
 - (e) the home information pack must include documents consisting of or containing information which relates to the matters described in paragraph 4 of Schedule 3.
- (3) Where paragraph (1)(b) applies—
- (a) the sale statement must be completed as if the leasehold interest had been created;
 - (b) regulations 8(c), 8(d) and 9(f) apply as if for “is or includes” in each paragraph, there were substituted “is to be created from”;
 - (c) paragraphs 1 and 2 of Schedule 4 do not apply;
 - (d) regulation 9(h) and paragraph 3 of Schedule 4 must be construed by reference to the information expected to be relevant to the interest to be created; and

(5) Under section 177(2) of the 2004 Act, any reference in the definition of “sale” to the disposal of an interest includes a reference to the creation of such an interest.

- (e) the home information pack must include documents consisting of or containing information which relates to the matters described in paragraph 4 of Schedule 4.

Prohibitions relating to home condition reports

11.—(1) A home condition report complying with Schedule 5 must not be included in the home information pack if it was not completed for the purposes of the sale by the seller of the property interest.

(2) No pack document may be described as a “home condition report” unless it complies with Schedule 5.

Exclusion of advertising information

12.—(1) Information advertising or marketing goods or services must not be included in a pack document—

- (a) by a responsible person;
- (b) at his request; or
- (c) with his permission.

(2) In paragraph (1), “information advertising or marketing goods or services” does not include—

- (a) trade names used to describe the materials used in the building of any premises;
- (b) the information described in paragraph 1(h) of Schedule 8 (description of how relevant search documents can be obtained); or
- (c) the information described in paragraphs 12, 19 and 20 of Schedule 10 (names of sewerage and water undertakers and those billing for sewerage and water services).