

Alison Fielden & Co.

Solicitors & Notary Public

FACTSHEET

Home Information Packs - How Are They Working?

In June 2007, Home Information Packs started to be phased in, firstly for four bedroom houses; later in the year for three bedroom dwellings and from January 2008 one- and two-bedroom dwellings were also included in the regulations.

What exactly are Home Information Packs?

They are packs of information provided by and at the expense of sellers when putting their property on the market for sale.

The content of Home Information Packs was much debated before their introduction. Regulations were rushed through and replaced with others. The current regulations require the following to be included:

1. an index;
2. an Energy Performance Certificate;
3. a Sale Statement;
4. an official copy of the Register;
5. a Local Search;
6. a Water Search.

There is a much longer list of non-compulsory documents, including: the much debated Home Condition Report, which was the mainstay of the Home Information Pack when it was mooted some years ago; various warranties and guarantees for work done at the property; environmental and other searches.

What exactly is required in the case of the compulsory documents?

1. INDEX

There is a prescribed form for the index which must be followed, even if the documents set out in it are not included in the Pack.

2. ENERGY PERFORMANCE CERTIFICATE

A qualified Energy Performance Assessor has to be instructed to provide a report, again in a standard form, which contains an energy performance rating and information on how the property could be made more energy efficient.

3. SALE STATEMENT

This has to include prescribed information. It must have the title "Sale

Statement"; it must contain the address of the property and indicate whether it is freehold or leasehold. It must specify whether the whole or part of the property is being sold. It must give the name of the seller and the capacity in which they sell. Finally, it must specify whether vacant possession is being given.

4. OFFICIAL COPIES OF THE REGISTER

These are compulsory for registered property and they should be obtained from the Land Registry. Nothing but an official copy of the register will be sufficient, according to the latest guidance from the Communities and Local Government Department.

If the property is not registered, then title documents consisting of copies of the previous conveyances and similar documents have to be obtained, normally with the help of a solicitor. If the property is leasehold, the lease must form part of the Pack, and again a solicitor's help will normally be needed.

5. LOCAL SEARCH

By contrast with the stipulations about official copies of the Register (4 above), the Department for Communities and Local Government is happy to accept either personal searches of the local authority, or official searches as provided by the authorities themselves. Guidance has been given by the Government to the local authorities to allow facilities to the search companies for making the personal searches. This means that the local authorities have to set time aside when representatives from search companies can visit and physically inspect the Registers and provide the information for the Packs, as well as the local authorities answering written enquiries themselves.

6. WATER SEARCH

These are obtained from the local water authority in the area supplying the property.

How do I obtain a Home Information Pack?

Typically, you can ask either your estate agent or your solicitor to supply a Home Information Pack and whichever you choose they will liaise with the other body. Both solicitors and estate agents can engage the help of search companies to keep the prices down and it is quite commonplace to be able to obtain a Home Information Pack complying with minimum requirements for £299 plus vat or even less. It is also possible to customise the Home Information Pack so that it contains documents which will be of greater help to purchasers, including: extra searches and all of the non-compulsory items specified in the regulations, as mentioned above.

Where title is not straightforward, such as leasehold properties or titles not yet registered at the Land Registry, a solicitor's help will usually be needed.

Do I have to obtain a Home Information Pack or are there any exceptions?

Generally, it is compulsory to obtain a Home Information Pack for any residential property. There are certain exceptions including:

1. Where the property has not, in fact, been marketed and is a private sale
2. Non-residential properties
3. Seasonal and holiday accommodation
4. Mixed sales (e.g. shop with flat)
5. Right to buy and similar sales
6. Sales of portfolios of properties
7. Properties not being sold with completely vacant possession
8. Unsafe properties and properties to be demolished

Please note that if a seller fails to obtain a Pack, contrary to the Law, then a fine can be imposed.

Are any further changes going to happen?

Yes, there will be further changes in the coming months.

If you need any information on Home Information Packs and how the law now stands, we shall be very pleased to give you information, or you can call into our office for a brief chat at no charge.

Alison Fielden & Co.

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The Gatehouse
Dollar Street
Cirencester
Glos. GL7 2AN

Tel 01285 653261

Fax 01285 885372

<http://www.alisonfielden.co.uk/>