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## STATUTORY INSTRUMENTS

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### 2007 No. 1667

## The Home Information Pack (No. 2) Regulations 2007

### PART 3

#### CONTENTS OF HOME INFORMATION PACKS

##### Creation of interests

- 10.**—(1) Subject to regulation 12 and Parts 4 and 5, where the sale involves<sup>(1)</sup>—
- (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(e) (evidence of title for registered estates), 8(f) (evidence of title for unregistered estates) and 9(j) (documents referred to in the individual register) 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 4 (required commonhold information) do not apply;
  - (d) regulation 9(k) and paragraph 3 of Schedule 4 (authorised commonhold information) 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 4.
- (3) Where paragraph (1)(b) applies—
- (a) the sale statement must be completed as if the leasehold interest had been created;
  - (b) regulations 8(e) (evidence of title for registered estates), 8(f) (evidence of title for unregistered estates) and 9(j) (documents referred to in the individual register) 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 5 (required leasehold information) do not apply;
  - (d) regulation 9(l) and paragraph 3 of Schedule 5 (authorised leasehold information) must be construed by reference to the information expected to be relevant to the interest to be created; and

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<sup>(1)</sup> 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.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (e) the home information pack must include documents consisting of or containing information which relates to the matters described in paragraph 4 of Schedule 5.