

2007 No. 3301

HOUSING, ENGLAND AND WALES

The Home Information Pack (Amendment) Regulations 2007

Made - - - - 22nd November 2007

Laid before Parliament 23rd November 2007

Coming into force - - 14th December 2007

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 163 and 250(2) of the Housing Act 2004(a).

In accordance with section 250(3) of that Act, the Secretary of State has consulted the Welsh Ministers in relation to residential properties in Wales(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Home Information Pack (Amendment) Regulations 2007.

(2) These Regulations shall come into force on 14th December 2007.

(3) In these Regulations, “the principal Regulations” means the Home Information Pack (No. 2) Regulations 2007(c).

Amendments relating to leasehold information

2.—(1) After regulation 10 of the principal Regulations, add—

“Leasehold information included during a temporary period

10A.—(1) This regulation applies where the first point of marketing falls before 1st June 2008 (except where a further first point of marketing arises under regulation 3(4) or Part 5).

(2) Subject to paragraph (3), the documents required for inclusion in a home information pack under regulations 8(h) and 10(3) shall be treated as if they are authorised for inclusion under regulation 9(1).

(3) This regulation does not apply to the document required under regulation 8(h) by virtue of paragraph 1(1)(a) of Schedule 5 (the lease).”

(a) 2004 c. 34.

(b) The expression “Welsh Ministers” is to be construed in accordance with section 45(2) of the Government of Wales Act 2006 (c. 32). Section 250(3) of the Housing Act 2004 refers to consultation with the National Assembly for Wales. Under paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006, functions of the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)) conferred or imposed on it by an Act are transferred to the Welsh Ministers.

(c) S.I. 2007/1667.

- (2) In consequence of paragraph (1), the principal Regulations are amended as follows—
- (a) in regulations 4(1)(a)(i), 4(1)(b)(i), 12(2), 14(1), 14(3), 15(1), 21(1) and 23(1), for “regulation 10”, substitute “regulations 10 and 10A”;
 - (b) in regulations 8 (required pack documents) and 9 (authorised pack documents), following “Subject to regulations 10,”, insert “10A,”; and
 - (c) in regulation 10 (creation of interests), for “Subject to regulation”, substitute “Subject to regulations 10A,”.

Amendments relating to first day marketing

3.—(1) In regulation 34(2)(a) of the principal Regulations (exception – first day marketing during a temporary period), for “January”, substitute “June”.

(2) In consequence of paragraph (1), in regulation 16(1)(a) of the principal Regulations (energy information unobtainable before or at the first point of marketing), for “January”, substitute “June”.

Amendments relating to Welsh Ministers

4.—(1) In paragraph 24(1)(b) of Schedule 8 to the principal Regulations (authorised departures from water quality standards), for “National Assembly for Wales”, substitute “Welsh Ministers”.

(2) In paragraph 24(2)(b) of Schedule 8 to the principal Regulations, for “The Secretary of State or the National Assembly for Wales has”, substitute “The Secretary of State has or the Welsh Ministers have”.

22nd November 2007

Yvette Cooper
Minister of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Information Pack (No. 2) Regulations 2007 (“the principal Regulations”). Under sections 155 to 159 of the Housing Act 2004, a home information pack must comply with the principal Regulations.

Regulation 2 adds a new regulation 10A to the principal Regulations, the effect of which is to treat required leasehold documents, other than the lease, as authorised documents for a temporary period until 1st June 2008. The amendments in paragraph (2) are consequential upon that amendment.

The amendment in regulation 3(1) extends the period described in regulation 34 of the principal Regulations (first day marketing during a temporary period), until 1st June 2008. The amendment in paragraph (2) consequentially amends the date when regulation 16 of the principal Regulations applies (energy information unobtainable before or at the first point of marketing).

Regulation 4 amends the principal Regulations to take account of the transfer of functions from the National Assembly for Wales to Welsh Ministers, effected by the Government of Wales Act 2006.

STATUTORY INSTRUMENTS

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