

PROGRESS

an industry update on Home Information Packs

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HIP exceptions

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HIP exceptions

Home Information Pack duties have applied to all residential properties in England and Wales marketed since 14 December 2007. The vast majority of sales of residential properties will be subject to these duties, but there are some exceptions.

In response to enquiries from stakeholders and members of the public, this issue of Progress takes a closer look at why HIP regulations allow for some exceptions and lists the kinds of sales to which these exceptions apply.

Exceptions are intended to ensure that sales that are not part of the 'standard' housing market are unaffected by the HIP duties, although some apply specifically to properties which were already on the market when the HIP duties commenced. There is also a temporary exemption from the duty to have a pack in place before marketing begins but only where the required documents have been requested.



Properties marketed before the commencement dates:

There is special provision for excluding properties marketed before the HIP duties came into force for a particular category of property:

- 1 Aug 2007 — sales of homes with four or more bedrooms
- 10 Sep 2007 — sales of homes with three or more bedrooms
- 14 Dec 2007 — sales of homes with one or two bedrooms

Residential properties not available for sale with vacant possession:

Where a residential property is not available for sale with vacant possession HIP regulations will not apply. However, this exception will not apply where two or more dwellings in a sub-divided building that was originally built as a single dwelling are being marketed as a single property and one or more is not available with vacant possession.

Seasonal and holiday accommodation:

There is no requirement to provide a HIP where there is a planning restriction which either limits the occupancy of the property to 11 months or less in a 12 month period, or limits the use of the property to holiday accommodation.

Mixed sales:

The duty to have a HIP does not apply to a 'mixed sale'. This applies where a residential property is marketed for sale as 'ancillary' to (i.e. is intended to be occupied and enjoyed with) one or more other buildings or areas of land used for non-residential purposes. Examples of mixed sales include a farm house sold with agricultural land and buildings, or a property consisting of a shop on one floor and a flat above it. The exception for a mixed sale only applies if at the time of first marketing, the marketing material makes it clear to potential buyers that the seller only intends to accept an offer for the property as one lot.

Dual use of a dwelling/house:

The HIP duties do not apply to properties that have a 'dual use' and can be used for both residential and non-residential purposes simultaneously. An example of dual use would be a house that has been divided and where one part is used as a dentist's surgery and the other part serves as the dentist's home.

Portfolios of properties:

Duties do not apply where one or more residential properties are marketed for sale together if the seller does not intend to accept a sale in isolation from the others, and it is clear from marketing materials that offers will only be accepted for the complete portfolio.

Unsafe properties:

A HIP is not required when marketing an unoccupied property that is unsafe, posing a serious risk to the health and safety of potential occupants and visitors, and this is made clear in the marketing material.

Properties due to be demolished:

A Home Information Pack is not required when marketing a property intended for demolition and redevelopment. This applies where the relevant planning permission has been obtained.

Park homes:

Park homes are not treated as 'dwelling houses' under the terms of housing legislation and therefore fall outside the scope of the HIP regulations.

New Builds:

Although sales of homes built to the most recent Building Regulations (Regulation 17C, Part L, 2006) are currently exempt from the need to have a HIP, this is set to change later in 2008. For more detailed information on new builds, click [here](#).

NOTE: The above is only intended to be an indicative list of the circumstances under which HIP regulations do not apply. For detailed information on exceptions the above should be read in conjunction with:

- [Home Information Pack Regulations 2007 Procedural Guidance](#)
- [Home Information Pack Guidance for Enforcement Officers](#)

Bulletin and round-up**Update for Estate Agents**

A new brief guide for estate agents was published in December — *What you need to know about Home Information Packs*. For a printable version, click [here](#).

Multiple hardcopies are available for order by e-mailing communities@twoten.com quoting product code: 07HIP104597UEA

Energy Performance Certificates for Private Marketed Sales of Dwellings: Validity Period of Certificates

CLG have published a consultation on the validity period for EPCs including an Impact Assessment. The consultation closes on 6 March 2008.

<http://www.home-information.info/doc?id=121>

Your questions

The HIPs Team fields a large number of enquiries from consumers and stakeholders on HIPs policy. Here we feature some that might be of interest to others:

Q. Are estate agents allowed to charge potential buyers for seeing copies of packs?

A. Potential buyers of properties are entitled to see a copy of the Home Information Pack free of charge. Estate agents can, however, charge a reasonable fee to cover postage and material costs if a HIP has been requested by post or special formats such as large print.

For more information on Estate Agents responsibilities for sharing HIPs with potential buyers, visit:

<http://www.home-information.info/doc?id=125>

EPCs and climate change

The EPC is an important part of the HIP and underlines the Government's commitment to cut carbon emissions. Here we feature some core facts about energy savings and how EPC recommendations can help cut fuel bills.



Did you know?

- UK households use £1.9 billion worth of electricity every year on lighting alone, accounting for 10–15% of the total energy bill for most households.
- If every UK household installed three energy efficient bulbs, enough energy would be saved in a year to supply all street lighting in the UK.

[Source: Energy Savings Trust]

For more information on EPCs and green issues visit:

<http://www.communities.gov.uk/epbd>

<http://www.energysavingstrust.org.uk>