

## Home Information Packs

Since December 2007, all homes being marketed for sale in England and Wales need a Home Information Pack ('HIP').

Your solicitor is well placed to prepare or arrange the HIP.

Typically your property will be sold through an Estate Agent, and they must ensure that a HIP has been commissioned before putting your property on the market.

There are advantages in asking your solicitor to arrange the HIP for you. We have a detailed understanding of the Pack contents, and it is particularly advisable to use your solicitor to prepare the HIP if the title to your property is unregistered. Also, if you commission the HIP through us, it will belong to you, so you would not have to pay for another HIP if you decide to switch to another Estate Agent.

### FAQ's

#### **What is the cost of preparing the HIP?**

The cost of obtaining a HIP through Wilmot & Co is typically between £370 and £470, although this may vary according to the type and location of the property.

#### **What documents must a HIP contain?**

The mandatory documents are:

- An index
- A statement of the basic nature of the sale
- Evidence of legal title
- An Energy Performance Certificate (EPC)
- A local authority search
- A drainage and water company search
- A copy of the Lease (if appropriate)

Optional HIP documents include:

- A Home Condition Report
- Additional leasehold information
- Guarantees and warranties
- Other searches relevant to the particular area

See a sample HIP: [www.homeinformationpack.gov.uk/pdf/sample\\_HIP\\_11.pdf](http://www.homeinformationpack.gov.uk/pdf/sample_HIP_11.pdf)

**Who pays for supplying copies of the HIP?**

Potential buyers may ask the Estate Agent to provide them with a copy of the Pack, and can be charged a reasonable sum to cover the costs of copying and postage.

### **Why use a solicitor to prepare the HIP?**

Your solicitor is best placed to identify potential legal problems that might be revealed in the preparation of the HIP. We have seen examples of HIPs prepared by a 'HIP provider' company that have incorrect legal title documents and inaccurate 'personal' local authority searches.

### **What are 'personal' local authority searches?**

The Regulations permit a HIP to contain either an "official" or a "personal" local authority search result. There is a common misunderstanding about "personal" searches.

A *personal* search is just the result of a search agent viewing some of the Council's records. The search agents are usually not given access to all information held by the Council, such as Building Control and enforcement notices. Moreover, personal searches can be inaccurate: we have seen personal searches that show incorrect information about planning permissions, and erroneous statements that adjoining private roads are maintained as public highways.

An *official* search result is issued by the local authority itself, following a full analysis of all relevant registers and records held by the District and County Councils. An official search result is invariably comprehensive and accurate, because the Council is liable for any errors or omissions.

It is therefore prudent for a purchaser to see a recent, *official* search result, before they proceed with their purchase. We always advise our clients accordingly, as do most good solicitors across the country. A *personal* search may be supported by insurance cover, but that will be of little comfort to the buyer if they subsequently discover a road is to be built through the garden of their new home! Furthermore, many clients buying with the aid of mortgage finance will need to have an *official* local search in order to satisfy the lender's requirements.

Whilst the other benefits of Home Information Packs remain questionable, it is certainly useful to have an accurate official local search result available at an earlier stage in the selling process. It can prompt the seller to obtain copies of any relevant planning permissions and Building Regulations consents in readiness for when a buyer is found.

### **How soon can my house be put on the market?**

Until 31<sup>st</sup> December 2008, your Estate Agents are permitted to put your house on the market as soon as the HIP has been instigated, provided the contents will become available within 28 days.

### **I'm selling my house privately - do I need a Home Information Pack?**

If you are marketing your property, even if it's just by putting a 'for sale' sign in the window, you do need a Pack. Sales where no marketing takes place (e.g. a privately agreed sale) do not need a Pack.

### **What if my house was previously on the market?**

The requirement for a HIP was introduced in stages. The Regulations currently state that you do not need to provide a HIP if your property was already on the market on the following dates:

- homes with four or more bedrooms - 1st August 2007;
- homes with three or more bedrooms - 10th September 2007;
- all other homes - 14th December 2007.

### **What happens to Energy Performance Certificate once it is complete?**

All domestic Energy Performance Certificates are lodged in a central database. Energy Assessors (through their accreditation schemes) lodge them as they are produced, with each EPC being given a unique reference number. Access to the database is restricted, so only those who have the unique reference number can access the EPC for your property.

### **Need more information?**

If you have any questions regarding Home Information Packs, please contact Philip Nicholas:

[philip.nicholas@wilmots.co.uk](mailto:philip.nicholas@wilmots.co.uk)

01285 650551