



The Independent HIP Group

HIP Questions *and* Answers

Change of Estate Agent

If a property has been marketed before a HIP was required and the seller changes estate agent after a HIP would normally be required, no HIP will be required as long as the marketing of the property has been continuous.

Duty to hold a HIP

The responsible person (the person marketing, usually the estate agent) must have a HIP in his possession or under his control. That does not mean he has to hold a hard copy as long as he has access (electronic) to a copy and can provide a hard copy within 14 days.

Who owns the HIP?

This would depend on a number of issues. Under normal circumstances, if the seller requests the HIP from Hipag and pays for it then the seller would own it. However, if he has signed a contract with the agent or solicitor saying otherwise then the terms of that contract would probably take precedence.

Whether the HIP could be moved from one agent to another would, again, depend on the above.

Does every new owner need a HIP?

Yes, even if they have only owned a property for a short while. In theory they could have made some additions or alterations to the property.

What constitutes private selling or marketing?

A property is put on the market when its availability, or possible availability, for sale is advertised or otherwise made know to the public or a "section of the public" in England and Wales. Family members or small defined groups of people would not be considered a "section of the public" for these purposes.

Duty to Renew the HIP

Where a property is taken off the market, and then remarketed within one year, the date of the original first point of marketing is unchanged and the seller will not be under a duty to renew the pack or any part of it. Packs do not need to be renewed if marketing stops and then restarts within a year of first being put on the market. The seller can voluntarily renew documents if they are so out of date to be of little use to potential buyers.

Properties marketed before 1st August or 1^{0th} September

If a relevant property was marketed before a commencement date (1st August or 10th September) and therefore did not need a pack and it is taken off the market, where an offer is received, the property may be placed back on the market without a pack provided it goes back on the market within 28 days of the transaction aborting.

Age of HIP documents

These documents must not be more than three months old when the property is first marketed

Official Land Registry copies

Official search of the Index Map

Local Search

Water and Drainage Search

The Energy Performance Certificate (EPC) or Predicted Energy Assessment (PEA) must not be more than 12 months old at the first point of marketing.

No exchange without EPC

Contracts may not be exchanged until an EPC has been made available.

What constitutes marketing?

Marketing begins when an estate agent, acting on instructions from the seller, starts to tell potential buyers about the availability of a specific property – e.g. by telephoning a potential buyer.

Required (compulsory) documents

Index

Energy Performance Certificate (EPC)

Sale Statement

Local Search

Water and Drainage Search

Evidence of Title

Additional documents for Leasehold

Additional Documents for Commonhold

Exempt properties

As at today date one and two bedroomed residential properties (temporary)

Tenanted properties

Non-residential properties

Seasonal and holiday accommodation

Mixed sales (e.g. shop with a flat)

Dual use properties (e.g. work live units)

Sales of portfolios of properties

Unsafe properties

Properties due for demolition and redevelopment

New Homes

"New homes built under the most recent building regulations (i.e. Part L of the 2000 Regulations as amended by regulation 17C) are excluded from the HIPs scheme under the two commencement orders made so far. They will probably be brought in on 1 January via a separate commencement order."

A Predicted Energy Assessment (PEA) is needed (this can be carried out by any suitably qualified person). However as soon as the property is physically complete this must be replaced by a full Energy Performance Certificate (carried out by a Home Inspector or a Domestic Energy Assessor).

Providing a copy of the HIP

The responsible person must provide a copy of the pack to a potential buyer if requested. A reasonable charge may be made for copying and postage. The pack must be supplied within 14 days of the request or within 14 days of payment of any copying or postage charge being paid. Electronic copies can only be supplied if the potential buyer agrees.

There are three circumstances when a pack may not have to be supplied:

- Where there are reasonable grounds to believe the person making the request cannot afford the property.
- Where it is believed the person making the request is not really interested in buying the property in question or one like it.
- Where it is believed that the potential buyer is not someone the seller would wish to sell to.

Estate Agents and a Redress scheme

The estate agent must belong to an approved redress scheme.

Penalties and Enforcement

It is the duty of every local weights and measures authority to enforce the HIP duties.

The penalty charge has been set at £200.00; this can be repeated if the breach is repeated.

Repeated breaches could result in a **Banning Order** being issued.

Enforcement of a breach can't take place 6 months after the responsible person ceases to be the responsible person.

In order to make this document easily readable these guidelines are accurate (as at the date set out below) but for obvious reasons not entirely comprehensive. Full details of the relevant Legislation will be found in the Housing Act 2004, The Home Information Pack Regulations (No.2) 2007 and The Energy Performance of Buildings (Certificates and Inspection) (England and Wales) Regulations 2007.

TESTIMONIALS

“We have found the ordering of Hips through Hipag to be quick, easy, trouble free and competitively priced. Hipag has certainly allayed our initial fears of the unknown!”

Duncan Rawlinson, **Solicitor**, Dickson Haslam, Preston.

“I found the ordering of the Hip very straightforward and the support staff helpful and polite. Ideally I want to work with our local solicitors and Hipag.”

Rufus Williams, Winkworth, **Estate Agent**, Barnes.

"The ordering is simple....the support staff were always very helpful."

Diane Moisley-Mason, Kirbys **Solicitors**, Harrogate.

"The over all service seems very quick, efficient and reasonably priced."

Gary Sheen, **Estate Agent**, Clacton on Sea.

"If I can use Hipag Online to order my Hips, anyone can!"

Stephen Maggs, **Estate Agent**, Bristol.

“I would like to say thank you to all at Hipag. Hips were considered a daunting process. From my personal point of view, I can honestly say that I have experienced no problems that could not and were not overcome by email/telephone. Keep up the good work!

Sharon Hardy, **Conveyancer**, Porter Dodson, Sherborne.

Hipag

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