



BRIEF ENCOUNTER

What happened to Hips?

Q Our two-bedroom bungalow has been on the market with estate agents since June, and it was made clear to us that we did not require a Home Information Pack (HIP). This morning, however, our agent rang to say that we would need an EPC (energy proficiency certificate), otherwise “they could be fined”. The cost of this, we were told, was £95. Is our agent misinformed?

A The requirements for Home Information Packs appear in sections 155 to 159 of the Housing Act 2004 and they were introduced in phases between August and December 2007. The coalition Government suspended them on May 21 this year by way of the Home Information Packs (Suspension) Order 2010.

However, the new Government was unable to scrap all parts of the HIP because of the European Council directive 2002/91/EC. This required governments to ensure that an EPC was

produced whenever a building was constructed, sold or rented. EPCs had formed part of the Hip, but the directive meant that the EPC could not be abolished at the same time.

EPCs are dealt with under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007. Before marketing a property, the seller and the agent must have commissioned a report from a recognised domestic energy assessor. In addition, you must either have paid for the report or promised to do so. Once the property is on the market, the seller must make reasonable efforts to secure a certificate within 28 days.

The rules will be tightened further in January 2013, when a new EU directive comes into effect. If you don't comply, your local council can issue you or your agent with a penalty notice for £200, and fine you £200 a day until you do. In summary, yes, you still need an EPC even though the Hip has gone.

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