

Proposed New-Build Homes (Buyer Protection) (Scotland) Bill

Introduction

A proposal for a Bill to establish standard missives for the sale of new-build homes, including redress for purchasers in respect of defects in construction. The consultation runs from 5 April 2019 to 27 June 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

I have just purchased a New Build property in a Development. Having to deal with misleading missives which do not highlight financial obligations for the maintenance of roads, footpaths and lighting in "non-adoptive" areas. This is a one paragraph in the Deeds of Conditions which then refers to attached plans with all sorts of colours highlighted on it. I have spoken with 6 neighbours and not one of them had any knowledge of this obligation.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Howard Hughes

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Aim and Approach

Q1. Which of the following best expresses your view of establishing statutory standardised clauses for builders' missives?

Fully supportive

Please explain the reasons for your response.

Clauses like the Seller will build the roads, footpaths, drains and sewers to Council standards is totally misleading. Non- adopted areas are not checked by the Council, so how can these standards be proved. Most Developers do not have qualified staff to actually check and sign off the work as meeting Council Standards. We have been left with inadequate lighting in non adopted areas. Lighting which we have to maintain. 1 year warranty within 2 years parts are obsolete, no recourse. This dark area is used for unlawful activity. The Developer has agreed to install two better lights and to light the stairway, with the proviso that this is the end of the matter, no further discussion. We are still left lighting which is not accepted by Aberdeen Council. Yet Council Standards have been met. If you take photos of the adopted area and compare it to photos of the non adopted areas it is like chalk and cheese. But built to Council Standards?

Q2. Which of the following best expresses your view of providing a statutory route for home buyers to obtain redress for major failings on new-build property?

Fully supportive

Please explain the reasons for your response

We have no redress to ensure that we have a home that is sound and we live in a Development which is

Q2. Which of the following best expresses your view of providing a statutory route for home buyers to obtain redress for major failings on new-build property?

not going to collapse around us. Which could in turn ruin peoples lives, especially first time buyers who are trying to get on their feet financially, after struggling to raise the deposit have a mortgage an so on.

Q3. What do you think would be the main practical advantages and disadvantages of the proposed Bill?

Advantages would be to make this process a level playing field. The down fall is the intentions of a bill are one thing, however the interpretation of the wording is another, while enforcement is another issue. However if the Scottish Government made the people their priority then they will find the resources to overcome any issue and protect the people.

Q4. What length of time do you think is most appropriate for a builder's warranty for a new-build home?

Other (please specify)

Please explain the reasons for your response.

House, flat minimum 10 years. Roads, footpaths, drains and sewers 15 - 25 years warranty. Lighting a minimum of 5 years warranty, and like a kettle or TV a designated period when spares and support will be available.

Q5. Which of the following best describes your view of having standard missives that provide a right for buyers to carry out a full survey of the property within a specified period, and a right to pull out of the purchase if severe or very serious defects are discovered?

Fully supportive

Please explain the reasons for your response

This is the minimum requirement to enable buyers to have sound knowledge that their property is sound. This can only be proved if there are strict quality control steps through the actual building process. With qualified staff signing off on the different stages of the build. Which is then made available to the buyer.

Q6. If you have bought a new-build home in the past, please tell me about your experience, taking care not to name individuals/companies or the location of the property/development.

Bought a new build in and new Development in a city. Missives state Council Standards will be met on the roads, footpaths, drains and sewers. Parts are adopted by the Council, Standards checked and signed off during construction. Non adopted areas no checks or proof the Standards have been met. When you look at the areas they are like chalk and cheese. No definition of Council Standards - buyer beware, no recourse. Huge financial implications.

Financial Implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
Government and the public sector		X				
Businesses (including housebuilders)		X				
Individuals (including new-build house buyers)		X				

Please explain the reasons for your response.

Everyone will need to bear the cost of having this assurance that their homes are sound.

Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response.

This will benefit every buyer.

Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

With the improved clarity and standardisation there would savings as well as costs. Savings on the amount of money spent on litigation which involves various departments of Government both national and local. Standards are already in place, but lack clarity. Clear standards make it easier for those already employed to maintain these standards less arduous of a task, greater efficiency. The purchase of property is already taxed, so an increase would be easily applied.

General

Q10. Do you have any other comments or suggestions on the proposal?

The original proposal requires clear and understandable wording which is easily enforced. Providing a serious deterrent to cowboy builders/developers and empowers buyers to make decisions with a clear understanding of what they are buying, the various warranties and their financial obligations clearly defined.