

# 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:**

Technical background. Self taught in building pathologies since owning a newbuild house.

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I would like this response to be published anonymously

**If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):**

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).

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.**

New-build houses are not being built correctly or checked correctly in Scotland. There is no consumer legislation which protects homeowners.

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**

Spent 10k in legal fees to try and get missing fire protection barriers fixed in my new build home and no further forward. Our next move is to consider a 96 poster billboard on the M8 as we are sick of no help from government or the warranty provider. Building control did not inspect this property at all stages of construction.

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

No disadvantages. House builders need regulation and self regulation does not work

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

6 months

**Please explain the reasons for your response.**

We need it now. People are suffering up and down the country due to the lack of regulation

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 should have been in place in 2016 when we purchased our defective building. The defects were known about by the warranty provider before moving in but not dealt with by the builder. Had we known about the lack of consumer rights we would never have purchased a new build property.

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.

New build house purchased in 2016. Discovered missing firestopping, holes in the external building fabric, thermal survey to identify further insulation defects, cavities exposed to the inner building fabric that should not have existed. Even my weep vents were missing and fake. We would not recommend buying a new home from any developer at the moment. Defects are being known about and covered up during construction and I can prove it.

## 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
<b>Government and the public sector</b>			X			
<b>Businesses (including housebuilders)</b>		X				
<b>Individuals (including new-build house buyers)</b>					X	

**Please explain the reasons for your response.**

10k in legal and survey fees and no further forward. Legislation has near zero impact on government. It

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

has an impact on housebuilders as they will need to do proper QA control and build houses as per specification and not cut corners.

## 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.**

Not applicable.

## 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.**

Not relevant. I would argue that not doing this has an impact on sustainability and your carbon figures. Houses not lasting the 60year lifespan and EPC not matching reality due to major building defects resulting in higher gas and electricity

## General

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

People are suffering. We are supposed to be enjoying our new home and we can't wait to fix it and get out. New build houses are not built to specification and in some cases are downright dangerous. I would not recommend anyone to buy a house in Scotland right now due to lack of building control on site verification and a paper pushing exercise