

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 purchased two new build homes.

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).

Craig Marr

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.

In my most recent house build purchase I have felt isolated from any statutory rights. The snagging list was almost infinite, yet this is not documented by anyone but the builder themselves who then continue to make the same mistakes (or take the same shortcuts). Through my purchase from Builder X it has become apparent how financially focused they are with little or no focus on the customer - this has to change.

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

The stress homebuilders put their customers under when they buy a faulty new build home is quite unbearable. However, customers receive little or no redress for this stress. Personally, I did receive a form of compensation due to the issues I had - but many others don't. In all honesty if I could return the house for my money back, I would.

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

It would present guidelines to both homebuilders and consumers. This means we both know where we stand.

Overall I would expect it to lead to better quality homes.

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

5 years

Please explain the reasons for your response.

Due to settlement in a new build home the warranty should be 5 years. Also, the house should last a lifetime so to give anything less would, frankly, be pathetic. There are also reoccurrences of issues that need to be caught.

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

On the day I was due to get the keys to my new house I phoned my solicitor and told them not to hand the money over. This because I had driven past my house the night before to see how it looked. To my amazement it was not finished. It had not been detailed as it should have been, door canopies were missing and no grass had been laid. We eventually received a call from the regional construction manager who convinced us to part with our cash and receive the keys, however this was only the start of our troubles. We actually also knew we had to pay up as the missives are written in the builder's favour against us pulling out. This is where our lack of consumer rights became so apparent

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.

The first new build home I bought had several problems. The biggest issue was that it was not connected to the drains. This took a lot of testing to get to the bottom of. But the builder never told us what the issue was. They said there was a crushed pipe. However the workers sent to fix it, by digging up our entire front driveway, told us the real truth. You shouldn't be able to lie to customers like that. We also had boilers fall off the wall and several potentially dangerous gas issues that were fixed under our servicing policy.

On my second new build lets just say a site manager from another building site was tasked as being a dedicated site manager for my house only. That is how bad it was! I have been in this house for two years now and I hate the company who built it with every bone in my body for the stress they have put us through. I have felt cheated and robbed. Meanwhile this company is making record profits and is giving directors £100m bonuses. They can only afford this due to the shortcuts they take when designing/building their homes.

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			

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

Businesses (including housebuilders)		X				
Individuals (including new- build house buyers)			X			

Please explain the reasons for your response.

Builders who already follow good practices should not see much change. Public sector may need to produce some processes, but overall it is for a good cause. I don't foresee consumers costs increasing unless they are purchasing from a bad builder, the type this legislation is really being targeted at.

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.

I bought my first house at 22 and there was a lot of naivety from me. I also felt the builders treated me like a child. I have even experienced this from the sales people when looking at new homes as they don't think I can afford it (because the media tells the public young people can't afford homes). My neighbours in my new house are Indian and from what they have told me the builders treat them like they are stupid. They are lovely people but I feel they have had to fight even harder than what I have to get their problems resolved. So overall I think this bill will help against discrimination.

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.

As mentioned previously, I do not expect builders, who follow good practices already, to see this bill as a burden. Which means their customers won't either.

General

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

Not at the moment but would be happy to discuss.