

# 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".)

Professional with experience in a relevant subject

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).

Peter Cole

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.**

Consumer rights in relation to new build homes are not being best represented.

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**

Quality in new builds is not being monitored correctly.

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

Creating consumer redress in relation to defects but more importantly creating a culture of independent impartial Clerk of Works being employed to monitor quality and prevent large snagging lists.

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

1 year

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

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

One year as this is the industry standard within JCT contracts, however there is an option to sue for 'latent defect' for up to six years. The NHBC model may be more suitable for sites of multiples.

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 a basic consumer right applied to say a mobile phone contract, it should apply to a house purchase as well. This right should also allow a consumer to employ an independent professional to inspect the 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.

I haven't but a friend has and the build quality is shocking.

## 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.**

Building control is public sector in NI (where I live and work) and it will need more time spent inspecting perhaps? Property developers (builders) will have to up their game on quality and inspection and continuing professional development for their staff. This is instead of a race to the bottom on price. Individual house buyers are going to have to pay for independent construction professionals to report on matters that require redress. The possibility of an increase in cost of house building due to the skills shortage is likely.

## 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?

Neutral (neither positive nor negative)

## 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.**

This bill is a good starting point in resolving the great quality in construction debacle. It's all positive.

## General

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

The council of mortgage lenders should make it a condition of loan that all properties money is lent against have been constructed with an independent impartial Clerk of Works providing quality through inspection, avoiding snagging lists and adding value for money to the house building process. This will further enhance the consumer buying experience. If you go to buy a new car the finance houses will throw money at you. If you want to buy a second hand car the finance houses are less keen and will lend at a less competitive rate to reflect risk. Why are we lending mortgage money on substandard properties with poor redress for consumers?