

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 been employed in Public Sector Housing for 40 years but although I am now retired I am still involved in housing on a part time basis.

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

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.

So many house buyers are either first time buyers or do not have the expertise to understand the technical details of missives. Standardised clauses will make the process easier for buyers and their agents.

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

At present any faults in new build properties are directed back to the builder however not all builders are co-operative and a statutory route for redress would simplify and clarify the process.

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

The advantages are that a uniform approach will protect house buyers when they are dealing with defects in their homes and provide much needed support especially for first time buyers.

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

5 years

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.

Many individual components of a new build home will have warranties in excess of 5 years and there is no reason why the builders warranty should be any less than this.

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

There are many examples of buyers identifying defects after they have been living in a new build house for a short time and builders not providing satisfactory actions to address the faults. If buyers had the right to carry out a full survey and pull out of the purchase if appropriate it would give buyers peace of mind and make developers more diligent in their construction standards.

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.

When I bought a new build house, several defects became apparent soon after I had moved in - doors and windows not closing properly and small leaks under sinks. These were repaired quickly as the builders were still on site, however as soon as they moved off site I had great difficulty getting them back to attend to problems, such as cracks in roughcast on external walls.

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.

Public Sector/ Government would incur costs in implementing and managing proposed Bill; Businesses would possible experience delays in selling homes of purchasers wanted inspections carried out, also cost of improving standards on site to prevent defects; No cost increase to buyers but peace of mind immeasurable.

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)

Please explain the reasons for your response.

Equality Act 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.

Bill can only improve economic and social impacts by encouraging developers to be more efficient and support buyers to purchase new homes.

General

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

No