

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

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

Being Clerk of works for two housing associations, delivered multi-million developments and recently been headhunted by a housing association to raise their standards. There are serious problems with the construction industry and I have recommend that all workers' CSCS card numbers are lodged against work that tradesperson is doing. My employer has introduced BiM360 to closely monitor quality issues, non-compliance, snagging and the correction of issues.

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).

James Bett

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.

The standards within the construction industry is at all time low, quality is non existent and every house (private or social) needs to be fit for purpose and not just covered up.

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

All new properties, private or social are an investment and sub-standard work reduces the life-span of house, can be dangerous, even life threatening.

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

Advantage is accountability on house builders who think the work only needs to survive the rectification period (1 year - outwith the latent/patent or BS800 time periods). I can see now disadvantage other than making house builders responsible for their works. Also people who have invested their life into a botched property investment could be suicidal if no other avenue available, this act needs pushed into force.

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.

Major defects might not be evident for decades, passive fire stopping in cavities, wall ties and usually appears after a disaster, or loss of life, life-span of properties for these defects

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 period should extend into their living in the property and costs of full survey should be met by seller

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 home with sub standard electrics, roof covering at end of life which was not disclosed or evident during viewings

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	

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

Please explain the reasons for your response.

House-builders need to employ Quality Support Managers (ex-Clerk of works) to educate their management and site operatives, carrying out CPD talks, provide literatures on approved codes of practices and examples of best practices. The ownership of these issues belongs to house-builders. The reduction in maintenance costs of poor construction will benefit RSL's, Local authorities and government.

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.

The issue of poor construction is not influenced by this act, rubbish work is down to individuals not equality

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.

Doing the work corrected first time reduces the carbon foot-print of abortive and remedial works

General

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

Yes, holding worst offenders accountable especially when their bonuses are of the backs of hard working individuals who have bought a defective building, HSE are leading the way in making companies accountable, even imprisoned worst offenders. I wholeheartedly agree something needs done to raise the construction industry standards.