

# 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

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.**

We live on a new build estate with houses that have been built with mortar not fit for purpose. It has been an absolute fight to have the builder take responsibility and remedy the situation. They are putting a minimum fix in place and this has resulted in a lack of confidence in these homes and they can take longer to sell and sell for less than similar homes in the area. We are actually lucky as you read of so many builders not taking any responsibility as there is no protection within the current laws. Warranty Provider 'A' is mainly funded by builders and 9 times out of 10 take their side. A completely independent body is required and laws need to be in place to protect new build buyers. Your home is a massive, costly investment and there must be protection in place for when builders cut corners and present shoddily built homes.

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**

Currently individuals have no protection when the home they have invested in has major faults. You are at the mercy of the builder doing the right thing and many don't. Legal fees are massively expensive and not many can afford to take the builder on, and builders know this. If there was a statutory route builders would know they cannot present shoddily built homes and expect no recourse. This would massively improve the

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quality of new homes being built and a route would be in place for when building faults present themselves and the builder will not provide recourse.

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

Main advantage would be an independent body that is not in the pocket of builders. It would be a lifeline for a lot of people who have invested their life savings or taken on a large mortgage for a property which would be unsellable in its current form when major faults present. It should improve the quality of new builds as builders would be aware the organisation existed. To be truthful I cannot think of any disadvantages of this bill.

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.**

It can take a while for faults to present, e.g. mortar eroding over a period of time.

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 would provide more confidence in the new build you are buying. You cannot see the quality of the build until it is complete so it makes sense to have this in place.

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.

We purchased a new build and unfortunately the mortar of the house was not fit for purpose. It has been a very stressful period trying to fight the builder to remedy the problem. We have only been successful as all the neighbours pulled together and involved the local council and MSP. Even then it is a minimum fix and time will tell if confidence returns to the estate. I have been out locally and people have told me my house is falling down. I wish to sell and move back to my home city and it is worrying that this is the local opinion of the estate.

## 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.**

There will be set up cost for government and public sector, along with the cost of maintaining the organisation. Housebuilders would no doubt have significant costs if they lose a sale due to major faults with the home or having to put the situation right.

## 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.**

I would not see how this bill would affect these characteristics negatively or positively. If anything it will be positive as more people will be offered protection.

## 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.**

The Bill will ensure buyers' and sellers' confidence in new build homes.

## General

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

This Bill should absolutely go ahead - protection should be mandatory for the public when making such an expensive investment. You have more protection buying a kettle or toaster than what you do when spending hundreds of thousands pounds on your home!