

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 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).

Robert Newman

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.

Having purchased a house 3 months old until now...13 years later...we have been fighting builders /warranty provider to correctly fix problems. The initial fix is always a quick fix. If both builders & warranty provider investigate fully the fault & correct first time, they would save time & money & respect from house buyers!! The New Bill would ensure that this is done as its in their interest both financially & respectfully for them.

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

13 years to fix various problems is a joke!!

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

Builders will be more careful in the sign off of houses. Can only lead to improvements i.e. better standard of finish knowing full well full payment will only be received when both parties happy with product. Downside is how to control the percentage held back for poor workmanship. Who steps in to decide on blame/repairs? Warranty provider? - not a good idea as they are self funded by builders who may have a controlling interest. A totally 'independent' body would be required.

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.

Settlement takes 2 years before any major issues raises its head. Poor groundwork conditions can take up to 5 years, which can have a big detrimental effect on buildings. If homes are built correctly, then builders should stand by their guarantee. 5 Years for builder and then 5-7 years for warranty provider.

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?

Partially supportive

Please explain the reasons for your response

Commitment required on both sides. Prospective buyers can easily pull out if "fully supportive", whereas partial support gives both sides equal say. If you go down line of Fully Supportive this will have a detrimental effect on house builders & may lead to builders going bust. (their fault if poor workmanship)

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.

As soon as ££££ changed hands VERY difficult to get minor repairs done. Your at their behest!!

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.

Self financing, so no cost to Gov. Business costs could increase as buffer required for either repairs or longer lead times for house sales due to repairs or disputes re condition of property. Individuals increase in cost to purchase to provide builders with buffer e.g. 5% increase to allow for repairs/disputes.

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.

Should not impact

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?

Unsure

General

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

Long overdue!!

MSP Graeme Simpson already knows what sort of impact this would have, especially on my Estate!! Our problems opened a can of worms!!