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Home Report: 4 weeks to go

The way that homes are bought and sold in Scotland is changing from 1 December 2008. This bulletin is for professionals involved in the house buying and selling process. This edition focuses on some of the key issues for implementation.

Latest news

Home Report publicity campaign now underway

The Scottish Government's Home Report publicity campaign started on 13 October. It is a targeted campaign, mainly aimed at reaching house sellers and buyers currently involved or thinking of becoming involved in the process. The campaign includes advertorials and editorials in the national, local and property press, and online, radio and billboard adverts.

Industry Training

The formal programme of industry training sponsored by the Scottish Government and delivered by the National Association of Estate Agents, The Royal Institution of Chartered Surveyors and the Law Society is now almost complete. If your staff members have missed out on the training programme, please send us an [email](#) and we can arrange to discuss how best to meet your training needs.

Marketing Materials & Podcast

Marketing materials for industry professionals are now available for download on the Home Report website [here](#). Click [here](#) to view the podcast produced for training purposes. If your office would like additional copies of the Home Report leaflets or a DVD, please send us an [email](#) request.

Purchaser's Questions and the Single Survey

The Royal Institution of Chartered Surveyors has advised its members that they should not provide answers to any questions from a prospective buyer or their agent prior to an offer being made for a house. However, a surveyor may answer questions from a buyer or their agent once a written offer has been conditionally accepted, which will then enable missives to be concluded.

Energy Performance Certificates

A new section on Energy Performance Certificates ("EPCs") has been published [here](#) on the Home Report website. It explains what the legal requirements and timelines are and contains a link to the website of the Building Standards Division for additional information on who can provide EPCs in Scotland. Guidance leaflets covering the various types properties that need an EPC can be accessed [here](#). If you have questions about the introduction EPCs for any property type, please send an email to [Building Standards](#).

Property Misdescriptions Act & the Property Questionnaire

Where agents are instructed to complete the Property Questionnaire (“PQ”), they should be aware of the provisions of the Property Misdescriptions Act 1991 (“PMA”) making it an offence in some circumstances to make a false or misleading statement. Trading Standards Officers are responsible for enforcement of the duties to provide Home Reports. John Geddes, representing The Society of Chief Officers of Trading Standards in Scotland (“SCOTSS”) said that ‘in the vast majority of circumstances, it is not likely that the PMA will be invoked by investigators, but when a complaint is received, Trading Standards Officers will be duty bound to consider the circumstances of how, when, and by whom the PQ was completed. Our guidance to Trading Standards officers in all Scottish local authorities is that when a PQ is completed by a seller it should be treated as third party information and therefore the PMA should not be invoked.’

Shared Ownership Properties & Remortgages

If a shared ownership house is put “on the market”, as defined in the Housing (Scotland) Act 2006, then a Home Report is required;

- A person purchasing (with or without Registered Social Landlord support) should expect to see a Home Report.
- A person selling on the open market (whether or not they have had RSL support) has to have a Home Report.
- A person selling his or her share to an RSL in a situation where a house is not on the market (due to some prior arrangement with the RSL) does not need a Home Report

Remortgaging does not involve a house going on the market and therefore the home owner does not need to obtain a Home Report.

Some reminders:

Before and after 1 December...

From 1 December, the duty to provide a Home Report will apply to houses that are ‘on the market’ defined in [Section 119](#) of the Housing (Scotland) Act 2006, with some exceptions. Houses already on the market on 1 December will not need a Home Report. If a house was on the market prior to 1 December, is taken off the market and then re-marketed on any date after 1 December, the duty to provide a Home Report will apply.

Shelf Life

The legislation does not prescribe a ‘shelf life’ specifying a period of time for which a Home Report is valid. Anyone using any survey report or valuation should take account of how old it is and decide if they want to rely on it or not. It is possible that a buyer may wish to have the survey or valuation refreshed in the later stages of the transaction in order to satisfy their lender that it is still a sound basis for releasing money. Any instruction to ‘refresh’ a Single Survey would be made by the seller and any charge will be determined by the surveyor or Home Report provider as part of their service.

Home Report Logo

The Home Report logo must not be used by an organisation on any commercial material or products. Use of the logo is restricted to the Scottish Government’s own use for marketing and any joint work or sponsored events involving the Scottish Government.

