



www.homereportscotland.gov.uk

The way that homes are bought and sold in Scotland changed on 1 December 2008. This bulletin provides an update for professionals involved in the house buying and selling process and answers some of the questions we have been asked on a number of occasions recently.

Latest news

Data Needs study to inform interim review of the Home Report

Prior to Christmas, the Scottish Government committed to an interim evaluation of the Home Report and a full policy evaluation further down the line to assess its impact. To establish what information will be required to inform those studies, we will commission a research contractor to undertake a small data needs study. The Home Report Implementation Group has now commented on the research brief.

Marketing without a Home Report

It has come to our attention that some selling agents may be marketing homes without a Home Report on the grounds that they can obtain one and make it available within 9 days of a request from a potential purchaser. However this approach does not comply with the law. The Home Report legislation requires that the person marketing the house (the seller or selling agent if one is used), must have the Home Report in their possession before placing the house on the market. The 9 day permitted period relates to the duty to provide, not to possess a Home Report.

Not giving the seller the opportunity to make judgements about marketing based on the information in the Report is to their disadvantage as a consumer. This approach may also be to the detriment of selling agents who do comply with the law.

The Society of Chief Officers of Trading Standards in Scotland (SCOTSS) is also aware of the situation. John Geddes, representing SCOTSS said, 'SCOTSS is aware of the situation and takes complaints about non-compliance extremely seriously. SCOTSS will be recommending that Local Authority Trading Standards services carry out a market exercise to gauge the level of compliance. This would involve writing to any companies concerned to give them fair warning, outlining SCOTSS concerns and following up with a national programme of visits to Estate Agents and Solicitors.'

Some reminders:

Does a change in agent or adding a joint agent trigger the need for a Home Report?

No. Any house which has been continuously marketed prior to 1st December 2008 does not require a Home Report. A change in selling agent, or adding a joint agent, from that date, does not trigger the need for a Home Report – so long as the house has remained on the market the legislation does not apply.

‘Private Sales’ / ‘on the market’

Since 1 December 2008, anyone marketing a house (with some exceptions) on the market must have a Home Report and provide, upon request, a copy to prospective buyers. Section 119 of the Housing (Scotland) Act 2006 defines the term ‘on the market’.

Private sales that take the form of an agreement between two parties (perhaps, for example, two family members) may not involve putting a house on the market. If such a sale does not fall within the definition of ‘on the market’ then the legislative duty to provide a Home Report does not apply. In such cases the prospective buyer may choose to pay for their own survey of the property.

Single Survey and Energy Report Providers

The Housing (Scotland) Act (Prescribed Documents) Regulations 2008 state that the only persons who may prepare the prescribed documents set out in Schedule 1 of the regulations (the ‘Single Survey’ and the ‘Energy Report’) are surveyors registered with, or authorised to practise by the Royal Institution of Chartered Surveyors ("RICS").

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. Further guidance on the use of the logo is available [here](#).

If you have any further queries in relation to the Home Report, please email the [Home Report team](#).

