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7 months to go

Are you or your organisation involved in buying or selling houses? You need to be prepared for the Home Report when it becomes law on 1 December in Scotland. The Scottish Government knows that many organisations have already made good progress with preparations – has yours?

If you wish to subscribe to this monthly bulletin, please send us an [email](#) request. Click [here](#) to see the first bulletin. More information about the Home Report is on our [website](#).

Latest news

The Law Society of Scotland, the National Association of Estate Agents and the Royal Institution of Chartered Surveyors (RICS) are preparing training and awareness sessions for property professionals. These will help you and your colleagues prepare for meeting the new legal requirements. Details of these planned events will be posted on the Home Report [website](#) in the coming weeks and months. What you may have learnt about the system in England and Wales will not apply in Scotland – the Home Report is geared to the nature and processes of the Scottish market .

The Home Report documents

Sample copies of the **Single Survey**, **Energy Report** and **Property Questionnaire** can be found [here](#). Frequently asked questions are available [here](#).

The legislation - know your dates

- To comply with the legislation, the Home Report documents must be prepared prior to a house going 'on the market'. The duties in the Housing (Scotland) Act 2006 apply only when a house (or flat) is available for sale with vacant possession.
- **'On the market'** - The 2006 Act defines a house as being 'on the market' as 'when the fact that it is or may become available for sale is made public, by advertising or otherwise, with a view to marketing the house'. A 'house' includes a flat and a sale includes a lease for a period exceeding 20 years.
- **'Vintage'** – The Home Report must be no more than 12 weeks old when the house is put on the market. However, to allow for the consideration of offers, and holiday periods, a house may be taken off the market for up to 4 weeks on any number of occasions and put back on the market without having to obtain a new Home Report, as long as it has not been sold in the meantime.

- **Providing copy documents to prospective buyers** – A seller or their agent has 9 calendar days in which to provide the Home Report to prospective purchasers when they request a copy.
- **Validity period of the Home Report** – The legislation does not prescribe a ‘shelf life’ specifying a period of time for which a Home Report is valid. This reflects current practice for surveys and valuations. As long as a Home Report is no more than 12 weeks old when a house goes on the market, it will continue to meet the statutory requirement until the house is sold or taken off the market.

Other issues

Charging for copy documents – A person responsible for marketing may charge for the copy documents, but this must not exceed the reasonable cost of making and sending the copies. Conditions may be placed on the use or disclosure of the information in the documents.

Some sellers may be tempted to rush to market their property prior to 1 December to avoid the cost of a Home Report. In reality, there is little incentive to do so - they will still have survey costs as a buyer of their next house, so any savings are likely to be minimal.

Enforcement

Trading Standards Officers are responsible for enforcement of the duties to provide Home Reports. An enforcement officer who believes there has been of a breach of the duty to provide a Home Report may give a penalty charge notice to the person in breach. The notice requires payment of a penalty charge, set at £500, within a specified period of time.

Exceptions to the duty to provide a Home Report

The duty in the Act is to have a Home Report available before the house (or flat) is marketed. Sales of new build and converted houses are notable exceptions to the duty because they do not follow the same pattern as second-hand sales - in many cases, they are sold ‘off-plan’ before they are completed. It would be impractical to require a survey on a house not yet built. A number of other exceptions can be found [here](#).

Providers of the Home Report

At present, almost all surveys and valuations of residential property are undertaken by members of the RICS. Going with the grain of the current system, the Home Report regulations say that only members of the RICS or their European equivalents can legally provide Single Surveys. However, this does not preclude others from being added to the regulations in the future. Other Single Survey providers may be added to the regulations if they demonstrate that they meet certain criteria which are published on the Home Report website. If you think it meets the criteria, ask your professional body to [contact us](#).

Survey providers should not be confused with those in the market acting as a ‘Home Report provider’ by offering a service for sourcing and combining the various elements of the Home Report as a single package.

