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**Home Report: 5 months to go**

**The way that homes are 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 the Property Questionnaire**

Latest news

Training events have been announced by the Royal Institution of Chartered Surveyors (RICS). For more information and a booking form, please go [here](#).

We will shortly publish guidance on the Home Report website on the use of the Home Report branding and will be modifying the logo in response to market research.

## Purpose of the Property Questionnaire

The Property Questionnaire provides buyers with useful information in addition to the information they will receive in the Single Survey and Energy Report. Like the rest of the Home Report, it gives information earlier in the process than is currently the case. As well as helping the potential buyer it may alert conveyancers to potential issues at an early stage and may lead to necessary building warrants and other documentation being obtained earlier in the conveyancing process.

There should normally be marketing advantages in providing good and useful information to prospective buyers.

## Information in the Property Questionnaire

Click [here](#) to see a sample Property Questionnaire. Here are a few key features of the Property Questionnaire:

- Council Tax Banding
- Car parking arrangements
- Alterations/additions/extensions to the house
- Services connected to the house
- Charges associated with the house (e.g. factoring costs)

## How the Property Questionnaire was developed

The Property Questionnaire builds on existing practices amongst selling agents. It was proposed by a representative of the Law Society of Scotland on the Purchasers Information Advisory Group as an alternative to the approach which has been introduced in England and Wales whereby sellers have to provide certain search documents to prospective buyers. The concept and form were further developed by a sub-group involving representatives from the Law Society, Scottish Consumer Council and National Association of Estate Agents.

An early draft of the Property Questionnaire was tested in the Scottish housing market in Spring 2007. The key findings included:-

- Agents found it took most house sellers less than 10 minutes to complete
- Many prospective purchasers said the Property Questionnaire would help inform their decision on whether to make an offer for a property and that it would also provide them with valuable information on properties.
- In half of all cases, it acted as a trigger to obtain documentation earlier than usual.

## Completing the Property Questionnaire

Only the seller or a person authorised by a seller can complete a Property Questionnaire. A 'Note for Sellers' on the Property Questionnaire advises them to answer all questions correctly as the answers will help to ensure that the sale of the house goes smoothly. The Note also advises sellers to inform their selling agent if any information has changed before the date of entry.

## What if the information in the Property Questionnaire is wrong?

A seller who makes a negligent or fraudulent misrepresentation, whether in the Property Questionnaire or not, could be liable in damages to a purchaser. In addition, where agents are instructed to complete the questionnaire, they should be aware of the provisions of the Property Misdescriptions Act 1991 making it an offence in some circumstances to make a false or misleading statement.

## Will the Property Questionnaire be used in the missives?

The purposes of the Property Questionnaire are to provide better information for buyers and their advisers and to assist with and not fundamentally change the conveyancing process. The Home Report legislation provides the market with flexibility that allows for solutions to particular issues. It is therefore open to parties to agree whether or not to include the Property Questionnaire or specific parts of it in the missives for sale. Early indications suggest that the Law Society of Scotland believes that the Property Questionnaire will not be referred to in the missives.

## Occupier not present to complete Property Questionnaire

There may be certain circumstances, such as the sale of repossessed homes or executor sales, when a Property Questionnaire may contain less information than usual. In these situations, it may still be possible to include certain information in the questionnaire, such as information that can be obtained from the internet (see below). In such cases, potential buyers will also benefit from the information in the Single Survey and Energy Report. Overall buyers will be in a better position than they currently are and will be no worse off where the questionnaire answers are limited.

## Useful websites to assist completion of the Property Questionnaire

The following websites may be useful for completing a Property Questionnaire:-

- Council Tax Banding - <http://www.saa.gov.uk/>
- Conservation Area – <http://www.scotland.gov.uk/Publications/2005/03/29141519/15200>
- Listed Buildings – contact the local authority or <http://www.historic-scotland.gov.uk/index/historicandlistedbuildings.htm>
- Private Water Supply - [http://www.privatewatersupplies.gov.uk/private\\_water/23.html](http://www.privatewatersupplies.gov.uk/private_water/23.html)

