

Law Society of Scotland submission of 20 January 2023

PE1957/F: Home Reports – make surveyors more accountable

Thank you for your letter of 9 December 2022 inviting us to comment on the actions called for in the above petition.

Home Reports do have limitations and do not represent a full structural survey of the property. We understand that the scope of the Home Report survey is outlined at the beginning of the report and within the terms and conditions. This sets out the limitations of the survey. This information is therefore clearly stated to purchasers and to sellers at the outset.

If strict liability was to be imposed, then this is likely to increase the insurance costs incurred by surveyors considerably and will inevitably have an effect on the consumer by way of an increase in the costs of reports.

We also understand that members of the Royal Institution of Chartered Surveyors carrying out the single survey and valuation in a Home Report must be appropriately qualified, and they also are covered by indemnity insurance.

Surveyors carrying out Home Reports are required, we understand, to have in place a complaints-handling procedure. This process also includes recourse to RICS to consider the complaint further. There are details of the liability of the surveyor as well as a note of how to raise a complaint contained within the Home Report. We are not able to comment on the specific nature of the complaints process itself and its accessibility as this is beyond our remit and knowledge.

Solicitors involved in the conveyancing process can provide only very high level advice to their clients about Home Reports. This would include pointing out areas which may affect the conveyancing process, such as where alterations have been noted and so Building Warrants/Plans and Completion Certificates are likely to be required. However, solicitors cannot provide advice about structural issues or issues relating to the building condition etc as they are not qualified to do so. This would be the role of the surveyor.

We also understand that the Scottish Government is considering a review of Home Reports in the near future and these concerns may be considered within that review.

We hope that you find our comments helpful.

If we can be of further assistance, please do not hesitate to contact us.