

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1957](#): Home Reports – make surveyors more accountable

Issues raised by the petition

The petition relates to the system of [Home Reports](#). It calls on the Scottish Parliament to urge the Scottish Government to:

- ensure surveyors are legally responsible for the accuracy of information provided in the single survey; and
- increase the liability on surveyors to pay repair bills where a Home Report fails to highlight existing faults in the condition of the property.

Home Reports

The Home Report system was introduced by Part 3 of the [Housing \(Scotland\) Act 2006](#) (2006 Act).

It requires the sellers of most homes¹ to provide three documents, together comprising the Home Report, to prospective buyers.

The documents, as set out in the [Housing \(Scotland\) Act 2006 \(Prescribed Documents\) \(Regulations\) 2008](#) (the Regulations), are:

- **The Single Survey** – this is an assessment by a surveyor of the condition of the home, a valuation and an accessibility audit
- **The Property Questionnaire** – this is completed by the seller of the home and includes information about the condition of the property
- **The Energy Report** - an assessment by a surveyor of the energy efficiency of the home and its environmental impact.²

The single survey and energy report have to be drawn up by a surveyor “registered with or authorised to practise by the Royal Institution of Chartered Surveyors” (Regulation 5(1) of the Regulations).

¹ There are limited exceptions in [the Regulations](#). For details see [the Scottish Government's guidance on Home Reports](#).

² For examples of the documents see [the Scottish Government's archived webpage on Home Reports](#).

Single Survey

The main objective behind the 2006 Act was to improve the quality of private sector housing. One of the main aims behind the introduction of the single survey was to reduce the likelihood that buyers would purchase properties without any survey or that they would have to pay for a survey for each property which they bid on. The [Policy Memorandum to the Housing \(Scotland\) Bill](#) notes that:

“130. One underlying principle of the Bill is that owners should take responsibility for maintaining their property ... Most purchasers rely on a mortgage valuation, which provides limited information on the condition of the house. Purchasers may therefore find themselves owning houses requiring repairs and maintenance that they are unable to afford.

131. The traditional “blind bidding” system leads to the expectation that, in most cases, a survey will be carried out before making a bid. When more than one prospective purchaser is competing for the property, this usually leads to multiple surveys being commissioned on the same property. Where a survey is carried out and a bid put forward unsuccessfully, prospective purchasers have paid for a wasted survey ...”

The single survey is not the same as a structural survey which provides more detailed information on the structure and fabric of a property.

There is a narrative at the start of the prescribed form for the single survey which reflects this (see Schedule 1 of the Regulations). It explains that the single survey is based on a visual inspection only, without moving any obstructions or heavy furniture and without causing damage to the building or causing danger to the surveyor or the occupiers.

Liability of surveyors

Surveyors have various legal responsibilities for information in the single survey.

Under article 3 of the Housing (Scotland) Act 2006 (Consequential Provisions) Order 2008, if a buyer of a house has obtained a copy of the single survey and “suffered material loss” due to the single survey not meeting specified requirements, they have a right to damages against the surveyor.

The specified requirements are that the report is:

- based on an inspection of the house;
- has been prepared in a fair and unbiased way; and
- has been prepared with reasonable skill and care.

“Material loss” is defined as where the market value of the house at the date of the single survey is materially lower than the value given in the report and the buyer has paid more than the market value of the house.

Surveyors also have more general obligations under the law of delict for negligent or fraudulent misstatements causing loss (i.e. under the rules on professional negligence).

The Royal Institution of Chartered Surveyors (RICS) also requires the surveyors which it regulates to comply with various [professional standards](#).

Angus Evans
Senior Researcher
25 August 2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP