
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 76

HOUSING

**The Housing (Scotland) Act 2006
(Prescribed Documents) Regulations 2008**

Made - - - - - *21st February 2008*

Coming into force - - - - - *1st October 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 99(2), 104(1) to (3) and 105 of the Housing (Scotland) Act 2006⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 191(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Housing (Scotland) Act 2006 (Prescribed Documents) Regulations 2008 and come into force on 1st October 2008.

Interpretation

2. In these Regulations—

“the 2006 Act” means the Housing (Scotland) Act 2006;

“the duties” means any of the duties in sections 98, 99(1) or 101(2) of the 2006 Act;

“on the market” has the same meaning as in section 119 of the 2006 Act.

Permitted period

3. The period specified for the purposes of section 99(2) of the 2006 Act is 9 days.

Prescribed documents

4. The documents prescribed for the purposes of section 98, 99(1) and 101(2) of the 2006 Act are—

(a) a survey report containing—

- (i) the information in, or as nearly as may be in, the form set out in part 1 of Schedule 1; and
 - (ii) the information on energy efficiency in part 2 of Schedule 1; and
- (b) a property questionnaire in, or as nearly as may be in, the form set out in Schedule 2.

Persons who may prepare prescribed documents

5.—(1) The persons who may prepare the prescribed document set out in Schedule 1 are surveyors registered with or authorised to practise by the Royal Institution of Chartered Surveyors.

(2) The person who may prepare the prescribed document set out in Schedule 2 is the seller of the house or a person authorised by the seller to act on the seller's behalf.

Date to which information in a prescribed document relates

6.—(1) The date to which information in a prescribed document relates must be no earlier than the date at the beginning of the period of 12 weeks before the date on which the house is put on the market ("the market date").

(2) In circumstances where the house—

- (a) is not sold;
- (b) is withdrawn from the market for a period or periods not exceeding 4 weeks at a time; and
- (c) is put on the market again;

the date to which information in a prescribed document relates when the house is put on the market again remains no earlier than the date at the beginning of the period of 12 weeks before the market date referred to in paragraph (1).

Exception for portfolios of properties

7.—(1) There is an exception to the duties in relation to a house—

- (a) which is to be sold with one or more other houses; and
- (b) where it is clear from the manner in which the houses are marketed that the seller does not intend to accept an offer to buy one of those houses in isolation from another.

(2) This exception does not apply where the houses to be sold comprise only a principal house and one or more ancillary houses.

Exception for seasonal and holiday accommodation

8. There is an exception to the duties in relation to a house—

- (a) which is subject to a condition imposed under section 41(1)(a) of the Town and Country Planning (Scotland) Act 1997(2) regulating the use of the house to either or both of the following—
 - (i) occupation for less than 11 months in any 12 month period; or
 - (ii) use only for holiday accommodation; and
- (b) where it is clear from the manner in which the house is marketed that it is subject to such a condition.

(2) 1997 c. 8.

Exception for mixed sales

9. There is an exception to the duties in relation to a house—
- (a) to be sold with one or more non-residential premises;
 - (b) which is or forms part of the property ancillary to those non-residential premises; and
 - (c) where it is clear from the manner in which the property is marketed that the seller does not intend to accept an offer to buy the house only.

Exception for dual use

10. There is an exception to the duties in relation to a house which is part of a property—
- (a) which was, immediately before being put on the market, used for both residential and non-residential purposes; and
 - (b) which is marketed for—
 - (i) non-residential use; or
 - (ii) both residential and non-residential use.

Exception for unsafe properties

11. There is an exception to the duties in relation to a house—
- (a) which is unoccupied;
 - (b) the condition of which poses a serious risk to the health or safety of its occupants or visitors; and
 - (c) where it is clear from the manner in which the house is marketed that it is unsuitable for occupation in that condition.

Exception for new housing

12. There is an exception to the duties in relation to a house which has not previously been used as a house or as any other premises.

Exception for properties to be demolished

- 13.—(1) There is an exception to the duties in relation to a house—
- (a) where it is clear from the manner in which it is marketed that—
 - (i) it is or forms part of property suitable for demolition; and
 - (ii) the resulting site is suitable for re-development;
 - (b) where all the relevant—
 - (i) planning permissions;
 - (ii) listed building consents; and
 - (iii) conservation area consents,exist in relation to the demolition; and
 - (c) where in relation to the re-development—
 - (i) either outline planning permission or planning permission exists, or both; and
 - (ii) where relevant, listed building consent exists.
- (2) In paragraph (1)—

“conservation area consent” has the meaning given in section 66(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(3);

“listed building consent” has the meaning given in section 7(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;

“outline planning permission” has the meaning given in section 59 of the Town and Country Planning (Scotland) Act 1997;

“planning permission” has the meaning given in section 277 of the Town and Country Planning (Scotland) Act 1997.

Exception for newly converted premises

14.—(1) There is an exception to the duties in relation to a house which is being converted or has been converted to a house if it has not previously been used in its converted state.

(2) For the purposes of this regulation a house is converted if—

- (a) its use is being or has been changed from any other use to that of a house;
- (b) it is one of a number of houses created out of a larger house or number of houses; or
- (c) it is created out of more than one house.

St Andrew’s House,
Edinburgh
21st February 2008

S MAXWELL
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulations 4 and 5

PART 1

Survey Report Form

Survey Report

On

[Property address]

Customer:

Customer address:

Date of inspection:

Prepared by:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. INFORMATION AND SCOPE OF INSPECTION

This section tells you about the type, accommodation, neighbourhood, age and construction of the property. It also tells you about the extent of the inspection and highlights anything that the surveyor could not inspect.

All references to visual inspection refer to an inspection from within the property without moving any obstructions and externally from ground level within the site and adjoining public areas. Any references to left or right in a description of the exterior of the property refer to the view of someone standing facing that part of the property from the outside.

The inspection is carried out without causing damage to the building or its contents and without endangering the occupiers or the surveyor. Heavy furniture, stored items and insulation are not moved. Unless identified in the report the surveyor will assume that no harmful or hazardous materials or techniques have been used in the construction. The presence or possible consequences of any site contamination will not be researched.

Services such as TV/cable connection, internet connection, swimming pools and other leisure facilities etc. will not be inspected or reported on.

Description	<input type="text"/>
Accommodation	<input type="text"/>
Gross internal floor area (m ²)	<input type="text"/>
Neighbourhood and location	<input type="text"/>
Age	<input type="text"/>
Weather	<input type="text"/>
Chimney stacks	<input type="text"/>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Roofing including roof space	<input type="text"/>
Rainwater fittings	<input type="text"/>
Main walls	<input type="text"/>
Windows, external doors and joinery	<input type="text"/>
External decorations	<input type="text"/>
Conservatories / porches	<input type="text"/>
Communal areas	<input type="text"/>
Garages and permanent outbuildings	<input type="text"/>
Outside areas and boundaries	<input type="text"/>
Ceilings	<input type="text"/>
Internal walls	<input type="text"/>
Floors including sub floors	<input type="text"/>
Internal joinery and kitchen fittings	<input type="text"/>
Chimney breasts and fireplaces	<input type="text"/>
Internal decorations	<input type="text"/>

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Cellars

Electricity

Gas

Water, plumbing and bathroom fittings

Heating and hot water

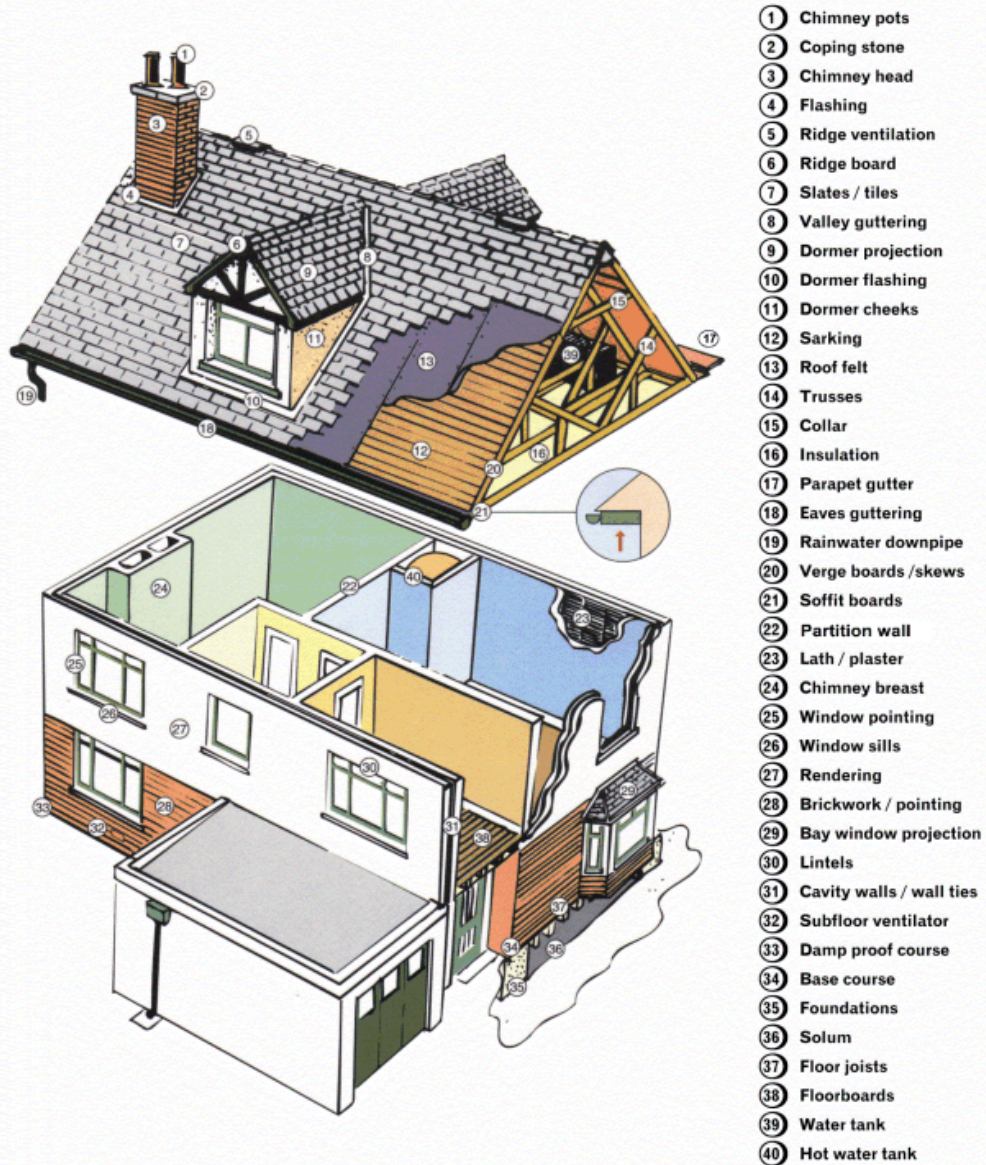
Drainage

Fire, smoke and burglar alarms

Any additional limits to inspection:

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Sectional Diagram showing elements of a typical house








Reference may be made in this report to some or all of the above component parts of the property. This diagram may assist you in locating and understanding these items.

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2. CONDITION







This section identifies problems and tells you about the urgency of any repairs by using one of the following three categories:

<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>	<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>	<p>Category 1: No immediate action or repair is needed.</p>
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 <p style="text-align: center;">Structural movement</p>	
Repair category	
Notes:	
 <p style="text-align: center;">Dampness, rot and infestation</p>	
Repair category	
Notes:	
 <p style="text-align: center;">Chimney stacks</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Roofing including roof space</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Rainwater fittings</p>	
Repair category:	
Notes:	






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<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>	<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>	<p>Category 1: No immediate action or repair is needed.</p>
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 <p>Main walls</p>	
Repair category:	
Notes:	
 <p>Windows, external doors and joinery</p>	
Repair category:	
Notes:	
 <p>External decorations</p>	
Repair category:	
Notes:	
 <p>Conservatories / porches</p>	
Repair category:	
Notes:	
 <p>Communal areas</p>	
Repair category:	
Notes:	
 <p>Garages and permanent outbuildings</p>	
Repair category:	
Notes:	






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<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>	<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>	<p>Category 1: No immediate action or repair is needed.</p>
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 <p style="text-align: center;">Outside areas and boundaries</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Ceilings</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Internal walls</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Floors including sub-floors</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Internal joinery and kitchen fittings</p>	
Repair category:	
Notes:	




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<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>	<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>	<p>Category 1: No immediate action or repair is needed.</p>
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 <p style="text-align: center;">Chimney breasts and fireplaces</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Internal decorations</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Cellars</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Electricity</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Gas</p>	
Repair category:	
Notes:	

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<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>	<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>	<p>Category 1: No immediate action or repair is needed.</p>
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 <p style="text-align: center;">Water, plumbing and bathroom fittings</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Heating and hot water</p>	
Repair category:	
Notes:	
 <p style="text-align: center;">Drainage</p>	
Repair category:	
Notes:	

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Set out below is a summary of the condition of the property which is provided for reference only. You should refer to the comments above for detailed information.

		Repair Categories
Structural movement		<p>Category 3: Urgent Repairs or replacement are needed now. Failure to deal with them may cause problems to other parts of the property or cause a safety hazard. Estimates for repairs or replacement are needed now.</p>
Dampness, rot and infestation		
Chimney stacks		
Roofing including roof space		
Rainwater fittings		
Main walls		
Windows, external doors and joinery		
External decorations		
Conservatories / porches		
Communal areas		
Garages and permanent outbuildings		
Outside areas and boundaries		
Ceilings		
Internal walls		<p>Category 2: Repairs or replacement requiring future attention, but estimates are still advised.</p>
Floors including sub-floors		
Internal joinery and kitchen fittings		
Chimney breasts and fireplaces		
Internal decorations		
Cellars		
Electricity		
Gas		
Water, plumbing and bathroom fittings		
Heating and hot water		
Drainage		<p>Category 1: No immediate action or repair is needed.</p>

Remember

The cost of repairs may influence the amount someone is prepared to pay for the property. We recommend that relevant estimates and reports are obtained in your own name.

Warning

If left unattended, even for a relatively short period, Category 2 repairs can rapidly develop into more serious Category 3 repairs. The existence of Category 2 or Category 3 repairs may have an adverse effect on marketability, value and the sale price ultimately

achieved for the property. This is particularly true during slow market conditions where the effect can be considerable.

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3. ACCESSIBILITY INFORMATION

Guidance Notes on Accessibility Information

Three steps or fewer to a main entrance door of the property: In flatted developments the 'main entrance' would be the flat's own entrance door, not the external door to the communal stair. The 'three steps or fewer' are counted from external ground level to the flat's entrance door. Where a lift is present, the count is based on the number of steps climbed when using the lift.

Unrestricted parking within 25 metres: For this purpose, 'Unrestricted parking' includes parking available by means of a parking permit. Restricted parking includes parking that is subject to parking restrictions, as indicated by the presence of solid yellow, red or white lines at the edge of the road or by a parking control sign, parking meters or other coin-operated machines.

1. Which floor(s) is the living accommodation on?	
2. Are there three steps or fewer to a main entrance door of the property?	Yes/No
3. Is there a lift to the main entrance door of the property?	Yes/No
4. Are all door openings greater than 750mm?	Yes/No
5. Is there a toilet on the same level as the living room and kitchen?	Yes/No
6. Is there a toilet on the same level as a bedroom?	Yes/No
7. Are all rooms on the same level with no internal steps or stairs?	Yes/No
8. Is there unrestricted parking within 25 metres of an entrance door to the building?	Yes/No

4. VALUATION AND CONVEYANCER ISSUES

This section highlights information that should be checked with a solicitor or licensed conveyancer. It also gives an opinion of market value and an estimated re-instatement cost for insurance purposes.

Matters for a solicitor or licensed conveyancer

Estimated re-instatement cost for insurance purposes

Valuation and market comments

Report author:

Address:

Signed:

Date of report:

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PART 2

Regulations 4 and 5

Information on energy efficiency

1. The total floor area of the rooms in the house which are artificially heated or cooled.
2. The main type of heating and fuel.
3. The calculation tool used in compiling the energy report.
4. A list of recommended measures to improve the energy efficiency of the dwelling, including measures that may become cost-effective in the future and measures that may be cost-effective when other building work is being carried out.
5. Information describing each recommended measure.
6. The typical cost of each recommended measure.
7. Typical cost savings for each recommended measure.
8. An indication of current carbon dioxide emissions resulting directly or indirectly from energy use within the house (for heating, lighting, mechanical ventilation and air conditioning but not for appliances) and an indication of potential emissions if the recommended measures were implemented.
9. An indication of current and potential (if the recommended measures were implemented) energy use expressed in kilowatt hours per square metre (kWh per m²) of floor area per annum.
10. An indication of current and potential (if the recommended measures were implemented) running costs for lighting, heating and hot water.
11. An indication of current and potential (if the recommended measures were implemented) energy efficiency of the house.
12. An explanation of the standard assumptions made about occupancy, heating patterns and geographical location, and the factors that the calculations of energy use and fuel costs take into account.
13. Advice that works to carry out recommended measures may require permissions, warrants or certificates to be obtained.
14. Contact details for sources of further information on energy efficiency.

SCHEDULE 2

Regulations 4 and 5

Property Questionnaire

PROPERTY ADDRESS:	
SELLER(S):	
COMPLETION DATE OF PROPERTY QUESTIONNAIRE:	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PROPERTY QUESTIONNAIRE

NOTE FOR SELLERS

- **Please complete this form carefully. It is important that your answers are correct.**
- **The information in your answers will help to ensure that the sale of your house goes smoothly. Please answer each question with as much detailed information as you can.**
- **If anything changes after you fill in this questionnaire but before the Date of Entry for the sale of your house, tell your solicitor or estate agent immediately.**

PROPERTY QUESTIONNAIRE

Information to be given to prospective buyer(s)

1. Length of ownership
How long have you owned the property?
2. Council Tax
Which Council Tax band is your property in?
A B C D E F G H
3. Parking
What are the arrangements for parking at your property? (Please indicate all that apply)
<ul style="list-style-type: none">• Garage• Allocated parking space• Driveway• Shared parking• On street• Resident permit• Metered parking• Other (please specify):

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4. Conservation Area	
Is your property in a designated Conservation Area (i.e. an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance)?	Yes/No/ Don't Know
5. Listed Buildings	
Is your property a Listed Building, or contained within one (i.e. a building recognised and approved as being of special architectural or historical interest)?	Yes/No
6. Alterations / additions / extensions	
<p>a. (i) During your time in the property, have you carried out any structural alterations, additions or extensions (for example, provision of an extra bath/shower room, toilet, or bedroom)?</p> <p><u>If you have answered yes</u>, please describe the changes which you have made:</p>	Yes/No

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	<p>(ii) Did you obtain planning permission, building warrant, completion certificate and other consents for this work?</p> <p><u>If you have answered yes</u>, the relevant documents will be needed by the purchaser and you should give them to your solicitor as soon as possible for checking.</p> <p>If you do not have the documents yourself, please note below who has these documents and your solicitor or estate agent can arrange to obtain them.</p>	Yes/No
b.	<p>Have you had replacement windows, doors, patio doors or double glazing installed in your property?</p> <p><u>If you have answered yes</u>, please answer the three questions below:</p>	Yes/No
	<p>(i) Were the replacements the same shape and type as the ones you replaced?</p>	Yes/No
	<p>(ii) Did this work involve any changes to the window or door openings?</p>	Yes/No

c.	<p>Do you have a maintenance contract for the central heating system?</p> <p><u>If you have answered yes</u>, please give details of the company with which you have a maintenance agreement:</p>	Yes/No
d.	<p>When was your maintenance agreement last renewed? (Please provide the month and year).</p>	
8. Energy Performance Certificate		
<p>Does your property have an Energy Performance Certificate which is less than 10 years old?</p>		Yes/No
9. Issues that may have affected your property		
a.	<p>Has there been any storm, flood, fire or other structural damage to your property while you have owned it?</p> <p><u>If you have answered yes</u>, is the damage the subject of any outstanding insurance claim?</p>	Yes/No Yes/No
b.	<p>Are you aware of the existence of asbestos in your property?</p> <p><u>If you have answered yes</u>, please give details:</p>	Yes/No

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10. Services

a. Please tick which services are connected to your property and give details of the supplier:

Services	Connected	Supplier
Gas / liquid petroleum gas		
Water mains / private water supply		
Electricity		
Mains drainage		
Telephone		
Cable TV / satellite		
Broadband		

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b.	Is there a septic tank system at your property? <u>If you have answered yes</u>, please answer the two questions below:	Yes/No
c.	Do you have appropriate consents for the discharge from your septic tank?	Yes/No/ Don't Know
d.	Do you have a maintenance contract for your septic tank? <u>If you have answered yes</u>, please give details of the company with which you have a maintenance contract:	Yes/No

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11. Responsibilities for Shared or Common Areas		
a.	<p>Are you aware of any responsibility to contribute to the cost of anything used jointly, such as the repair of a shared drive, private road, boundary, or garden area?</p> <p><u>If you have answered yes</u>, please give details:</p>	Yes/No/ Don't Know
b.	<p>Is there a responsibility to contribute to repair and maintenance of the roof, common stairwell or other common areas?</p> <p><u>If you have answered yes</u>, please give details:</p>	Yes/No/ Not applicable
c.	<p>Has there been any major repair or replacement of any part of the roof during the time you have owned the property?</p>	Yes/No
d.	<p>Do you have the right to walk over any of your neighbours' property - for example to put out your rubbish bin or to maintain your boundaries?</p> <p><u>If you have answered yes</u>, please give details:</p>	Yes/No

e.	<p>As far as you are aware, do any of your neighbours have the right to walk over your property, for example to put out their rubbish bin or to maintain their boundaries?</p> <p><u>If you have answered yes, please give details:</u></p>	Yes/No
f.	<p>As far as you are aware, is there a Public Right of Way across any part of your property? (A Public Right of Way is a way over which the public has a right to pass, whether or not the land is privately-owned.)</p> <p><u>If you have answered yes, please give details:</u></p>	Yes/No
12. Charges associated with your property		
a.	<p>Is there a factor or property manager for your property?</p> <p><u>If you have answered yes, please provide the name and address and give details of any deposit held and approximate charges:</u></p>	Yes/No

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b.	<p>Is there a common buildings insurance policy?</p> <p><u>If you have answered yes</u>, is the cost of the insurance included in your monthly/annual factor's charges?</p>	<p>Yes/No/ Don't know</p> <p>Yes/No/ Don't know</p>
c.	<p>Please give details of any other charges you have to pay on a regular basis for the upkeep of common areas or repair works, e.g. to a Residents' Association, or maintenance or stair fund.</p>	

13. Specialist Works		
a.	<p>As far as you are aware, has treatment of dry rot, wet rot, damp or any other specialist work ever been carried out to your property?</p> <p><u>If you have answered yes</u>, please say what the repairs were for, whether you carried out the repairs (and when) or if they were done before you bought the property</p>	Yes/No
b.	<p>As far as you are aware, has any preventative work for dry rot, wet rot, or damp ever been carried out to your property?</p> <p><u>If you have answered yes</u>, please give details</p>	Yes/No

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c.	<p>If you have answered yes to 13(a) or (b), do you have any guarantees relating to this work?</p> <p>If you have answered yes, these guarantees will be needed by the purchaser and should be given to your solicitor as soon as possible for checking. If you do not have them yourself <u>please write below who has these documents</u> and your solicitor or estate agent will arrange for them to be obtained. You will also need to provide a description of the work carried out. This may be shown in the original estimate.</p> <p>Guarantees are held by:</p>						Yes/No
14. Guarantees							
a.	Are there any guarantees or warranties for any of the following:						
(i)	Electrical work	No	Yes	Don't Know	With title deeds	Lost	
(ii)	Roofing	No	Yes	Don't Know	With title deeds	Lost	
(iii)	Central heating	No	Yes	Don't know	With title deeds	Lost	
(iv)	NHBC	No	Yes	Don't know	With title deeds	Lost	
(v)	Damp course	No	Yes	Don't know	With title deeds	Lost	

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(vi)	Any other work or installations? (for example, cavity wall insulation, underpinning, indemnity policy)	No	Yes	Don't know	With title deeds	Lost
b.	<u>If you have answered 'yes' or 'with title deeds', please give details of the work or installations to which the guarantee(s) relate(s):</u>					

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c.	<p>Are there any outstanding claims under any of the guarantees listed above?</p> <p><u>If you have answered yes, please give details:</u></p>	Yes/No
15. Boundaries		
	<p>So far as you are aware, has any boundary of your property been moved in the last 10 years?</p> <p><u>If you have answered yes, please give details:</u></p>	Yes/No/ Don't Know
16. Notices that affect your property		
In the past 3 years have you received a notice:		
a.	<p>advising that the owner of a neighbouring property has made a planning application?</p>	Yes/No/ Don't know

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b.	that affects your property in some other way?	Yes/No/ Don't know
c.	that requires you to do any maintenance, repairs or improvements to your property?	Yes/No/ Don't know
<p><u>If you have answered yes to any of a-c above, please give the notices if you have them to your solicitor or estate agent, including any notices which arrive at any time before the date of entry of the purchaser of your property.</u></p>		

Declaration by the seller(s)/or other authorised body or person(s):

I / We confirm that the information in this form is true and correct to the best of my/our knowledge and belief.

Signature(s) :

.....
.....

Date:

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under the [Housing \(Scotland\) Act 2006 \(asp 1\)](#), prescribe the documents which a seller or a selling agent must possess and provide in response to a request from potential buyers. The documents, which are prescribed in regulation 4, are a survey report which also contains information on energy efficiency, set out in Schedule 1, and a property questionnaire, set out in Schedule 2.

Regulation 3 provides that a copy of the prescribed documents must be supplied within 9 days of the request.

The persons who may prepare each of these documents are prescribed in regulation 5.

Information in a prescribed document must, according to regulation 6, relate to a date no earlier than 12 weeks before the house is put on the market. If, however, the house has previously been on the market and withdrawn for periods of 4 weeks or less, then the information must relate to a date no earlier than 12 weeks before the house was first put on the market.

Marketing certain types of property, exceptionally, does not give rise to the duties to possess and provide the prescribed documents. These exceptions are listed in regulations 7–14.