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STATUTORY INSTRUMENTS

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**2008 No. 1889**

**The Housing (Scotland) Act 2006  
(Consequential Provisions) Order 2008**

**Liability for a prescribed survey report**

3.—(1) If the buyer of a house has—

- (a) obtained a copy of a prescribed survey report under section 99(1) of the 2006 Act in respect of that house; and
- (b) suffered material loss as a result of the report not meeting any of the requirements in paragraph (2),

the buyer has a right to damages against the person who prepared the report.

(2) The requirements are that the prescribed survey report—

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

(3) For the purposes of this article, material loss has been suffered when—

- (a) the market value of the house on the date of the prescribed survey report is materially lower than the value given in the prescribed survey report; and
- (b) the buyer has paid more than the market value of the house.