

Consumer Code Check List for Home Builders and Estate Agents

If you are the Builder of a new home covered by an NHBC, Premier Guarantee or LABC warranty or an Estate Agent working for such a Builder, then the Code applies to you. The following checklist provides a guide to support your Code compliance and further detailed Guidance can be found on our website at: www.consumercode.co.uk

At all times, you must consider the evident needs of Vulnerable Customers.

Point of Sale Requirements	
Do you have a procedure/system in place to ensure that your company or an Estate Agent working for your company complies with the Code?	
Have you prominently displayed the Code Scheme Logo in your sales office and in your sales brochures and incorporated into your website and other sales literature?	
Have you trained your sales staff or those employed by Estate Agents about their responsibilities under the Code?	
Is your sales and advertising material clear and truthful and compliant with all relevant legislation?	

Pre Contract Information	
Do you have the following information available for those who wish to Reserve a Home:	
1. A written Reservation agreement compliant with the Code;	
2. An explanation of the Home Warranty Cover;	
3. A description of any management services/charges that will apply and how they will be administered;	
4. The nature and method of assessment of any event fees such as transfer fees or similar liabilities	
If the home is not completed, have you provided all appropriate information including:	
1. A brochure or plan illustrating the general layout, appearance, plot position;	
2. A list of contents;	
3. The standards to which the Home is being built.	
Have you told the Buyer who to contact to deal with their questions during the sales/completion process:	
1. Have you given the Home Buyer information about the Warranty cover;	

2. Have you informed the Home Buyer of health and safety precautions on site;	
3. Have you advised the Home Buyer to appoint an Independent legal adviser once the home is reserved;	
4. Have you given the Home Buyer a reservation agreement that complies with the Code (See clause 2.6 of the Code).	

Exchange of Contract	
Are the contract of sale terms and conditions:	
1. Clear and fair;	
2. Compliant with all relevant legislation; and	
3. Inclusive of the contract termination rights.	
Are your staff aware of the need to inform Home Buyers of significant change to design, size, appearance and value of the home and to seek their agreement:	
1. Are your staff aware of the Home Buyer's cancellation rights (Clause 3 of the Code);	
2. Are your staff aware that extra work or the incorporation of extra items that the Home Buyer has agreed to pay for should be set out in writing using a separate quotation and written order together with cancellation and refund rights. Extra time for completion should be agreed by the legal adviser to both parties.	
3. Does the agreement to extra works incur additional time in the building programme and has this been agreed between legal advisors?	
Have you told the Home Buyer about their right to terminate the Contract and the circumstances under which it may be used?	
Have you made provision for protecting Home Buyers contract deposits and pre-payments and informed the Home Buyer of this?	

Construction, Completion and Handover	
Have you given the Home Buyer reliable information about the date construction will be finished, legal completion and the date of handover. (See Clause 3.2 of the Code)?	

After-Sales Services	
Have you provided the Home Buyer with an after-sales contact and explained what the service includes, who to contact and warranties and guarantees apply to the Home?	

Health and Safety

Have you told the Home Buyer of the health and safety precautions to be taken on a development where work is continuing when visiting a site under construction?

Complaints and Disputes

Have you got a complaints procedure in place and have you let the Home Buyer know in writing about this, how it operates and about the Code's Independent Dispute Resolution Scheme?

Co-operation with Professional Advisors

Have your staff been made aware that they need to co-operate with professional advisers appointed by the Home Buyer to resolve disputes?

For more information go to www.consumercode.co.uk