



Consumer Code for

**NEW HOMES**



## **GUIDE FOR SOLICITORS**











Consumer Code for New Homes - [www.consumercodefornewhomes.com](http://www.consumercodefornewhomes.com)

## What is the Consumer Code for New Homes?

The Consumer Code for New Homes, approved by the Chartered Trading Standards Institute, has been established to ensure that best practice is followed by registered Developers in respect of the marketing, selling and purchasing of New Homes to consumers. The Code also sets expected standards for after sales customer care service.





It has been established to be of maximum benefit to consumers and its ultimate aim is to provide a genuine commitment to consumers, to improving standards of construction and raise customer service standards in the New Homes market, recognising that part of that commitment is providing consumers with a voice and a clear complaints process when things simply don't go according to plan when they buy a New Home.

The Code ensures that Buyers of New Homes:

-  are treated fairly by the Developer (and their Agent)
-  are confident about the Developer's legal and professional status as a company
-  are given clear and reliable pre- contract information upon which to make decisions about purchasing a New Home
-  are reassured that their reservation deposit is protected and that they have 14 days to cancel the agreement
-  know what standards of construction to expect from the Developer
-  know what service levels to expect from the Developer (and their Agent)
-  are given reliable and realistic information about construction, completion and handover dates
-  understand what they have to do to maintain their New Home and address any problems that may arise
-  know how to make a complaint and access speedy, low-cost Dispute resolution arrangements if they are dissatisfied.
-  in a vulnerable position are identified and given suitable support to help assist them in making decisions.

## What does the Code offer my Client?













The Consumer Code for New Homes sets higher levels of consumer protection above and beyond the law. The Code covers the New Home buying process to ensure that the selling activities the Developer engages in are of a consistently high standard. This includes:

-  **Pre-Purchase Stage:** ensuring high standards of customer service, fair and clear documentation, adequate information provision
-  **Contract Exchange Stage:** governing the Contract of Sale, requiring minimum standards for fair and transparent contracts, accurate information about when the property will be available and protecting deposits
-  **Handover and After Sales:** providing minimum standards for handover and after sales processes, ensuring consumers' health & safety and ensuring they have suitable information for maintaining and living in your property
-  **Complaints & Disputes:** giving consumers access to clear, speedy and low cost dispute resolution if things don't go according to plan

Nothing contained within this Code affects a Buyer's existing legal rights and does not replace any existing legislation regarding the sale and marketing of New Homes to consumers.

### What obligations are placed on the Developer under the Code?

To ensure the high standards of the Code are maintained the Developer must:

-  Sign a Code Member Agreement consenting to abide by the rules of the Code
-  Train all consumer-facing staff (including Agents) so that they fully understand the Code requirements
-  Ensure all advertisements and marketing material is clear, truthful and not misleading
-  Publicise their commitment to the Code on their website and wherever they sell New Homes
-  Provide Buyers clear pre-purchase information so that they can make informed decisions about purchasing a New Home
-  Provide a fair and clear Contract of Sale, clearly explaining any terms and conditions
-  Provide additional support to Vulnerable Consumers including first-time Buyers
-  Protect all Buyers deposits and any pre-payments they make
-  Provide reliable and realistic information about construction, completion and handover dates
-  Provide high standards of construction and service levels
-  Have a clear complaints procedure and take part in the alternative dispute resolution process in good faith, abiding by any awards made
-  Provide regular monitoring information to assist us with measuring the effectiveness of the Code

### How is the Consumer Code enforced?

Compliance with the Consumer Code for New Homes is mandatory for Developers which are members of the Code and monitoring of the effectiveness of the Code is a fundamental aspect of the Code Sponsor's activities. Developers are fully vetted before they are accepted as members, and then audited annually to ensure they remain in compliance with the Code.

Our Code Users (the Warranty Bodies who are signed up with us) also undertake site surveying activities during the construction phase of each New Home which helps to ensure that the quality of build is in compliance with the relevant regulations and expected quality standards.

If a Developer (or their Agent) is found to be in serious breach of the Code, the Code can apply a range of sanctions, including removal from the Code's Register of Members. This will also result in removal from the registers maintained by the Warranty Bodies which support the Code.

### How can my Client make a Complaint?

Taking consumer complaints seriously is very important to the Consumer Code for New Homes and because of this, the Code sets out a clear complaints process which is also supported by an independent Dispute Resolution Scheme, if complaints and issues with Developers turn into disputes.

The Code covers consumer complaints which are made in writing to our Developer Members within two years of the date of the completion of your New Home purchase; and it also benefits second (and subsequent) Buyers of the New Home in respect of after sales matters.

If your Client needs to make a complaint, they should raise this with your Developer in the first instance, since they will be able to deal with a complaint quickly and effectively under their own Complaints Handling Procedure. However, if your Client is not satisfied with the outcome of this, they can then bring a Dispute to the relevant Warranty Body for mediation free of charge (if the problem falls under the Developer's responsibilities under the Structural Warranty) or direct to the Code's Independent Dispute Resolution Scheme run by the Centre for Effective Dispute Resolution.

## Independent Dispute Resolution Scheme

One of the fundamental aspects of the Consumer Code for New Homes is the provision of access to a low-cost and effective dispute resolution scheme in the event that a dispute arises between a Buyer and a registered Developer. This can help to avoid costly and protracted legal action.

The Consumer Code for New Homes Dispute Resolution Scheme is operated by:

**Centre for Effective Dispute Resolution**



The scheme is independent of the Developer and the Warranty Bodies and any matter referred to this scheme concerns Disputes under the Consumer Code for New Homes only. The adjudication will be independent and conducted by a trained independent Adjudicator who must be a member of the Centre for Effective Dispute Resolution (CEDR).

Find out more about the CCNH Dispute Resolution Scheme at: [www.consumercodefornewhomes.com/dispute-resolution](http://www.consumercodefornewhomes.com/dispute-resolution)

## Feedback

This is a Consumer Code which we expect to grow and improve as the industry, consumer habits and expectations change, so in order to ensure we can continually improve, we are always keen to hear from solicitors, consumers and members about their experiences of the Code in action and buying (or selling) a New Home.

Whether you had an excellent experience when buying a New Home from one of our Members, if someone went above and beyond for you or a relative or if you think there are positive improvements we can make to the Code, please don't hesitate to contact us.

In order to provide us with your feedback, please email us at [feedback@ccnh.co.uk](mailto:feedback@ccnh.co.uk).

Your views and customer feedback is a vital part of the Code monitoring process and all communications will be read and considered; we do appreciate your feedback as this will help us to maintain the high standards we have set for the Code.

## How can I find out more?

You can find out a lot more about the Consumer Code for New Homes on our website: [www.consumercodefornewhomes.com](http://www.consumercodefornewhomes.com)

If you would prefer to contact us, you can use one of the following methods:

Call: 0333 900 1966

Email: [admin@ccnh.co.uk](mailto:admin@ccnh.co.uk)

Write: 11 Milbanke Court, Milbanke Way, Bracknell, Berkshire, RG12 1RP