

EDINBURGH CONVEYANCERS FORUM

WINDOW POLICY – December 2012

All members of the ECF will be aware of the discussions regarding the procedures adopted in Edinburgh in respect of windows and window reports in Edinburgh. Following upon the consultation period, which ended on 17th December 2012, the Board at ECF recommends that a new policy and procedures should be adopted in residential conveyancing transactions in Edinburgh with effect from 3rd January 2013.

All of the surveying firms who operate regularly in Edinburgh have been contacted for their views and the indication is that they will be pleased to co-operate in the new policy. It was considered that it is appropriate for the surveyor to report where there are replacement windows, but surveyors have been asked to report the existence of replacement windows only in the appropriate descriptive section of the Home Report. They should only comment in the “matters for solicitor” section of the Home Report if they consider there to be a particular health and safety issue, or if the building is listed and the replacement windows would be an issue in a specific location.

Where the Home Report makes no reference to the windows in the “matters for solicitor” section, then in those circumstances, as an agent for the purchaser, you need make no further enquiry regarding the windows. As agent for the seller, you should resist any request for a window report in those circumstances.

Window Declarations should also not be requested, except in exceptional circumstances.

It is accepted that replacement windows in Listed Buildings may need to be treated in a different manner, but the position is already covered by the appropriate condition in the Combined Standard Clauses. In the current addition of 2011 this is Condition 7.

There is no specific reference to windows in the Combined Standard Clauses and the matter has been dealt with by way of an additional condition in the offer. It is proposed that all firms should remove that condition from their standard offer as from 3rd January 2013. If firms do not remove the condition, then, when acting for the seller, you should delete that clause.

It is recognised that there will be a period when Home Reports prepared prior to 3rd January 2013 will still be used and, in those circumstances, it is recommended that the seller’s solicitor should ask the surveyor to confirm in writing that where they have referred to replacement windows in the “matters for solicitor” section, they have no particular concerns regarding the windows in that property.

The policy is intended to apply to properties within Edinburgh but it is hoped that the same procedures can be adopted in both East Lothian and West Lothian.