

SCOTTISH GOVERNMENT GUIDANCE ON MOVING HOME

BUYING AND SELLING DURING THE COVID-19 OUTBREAK

Introduction

1. **This guidance applies only to people buying or selling private residential homes in Scotland**
2. There may be no need to pull out of transactions but we should all be trying to reduce social interaction between people in order to reduce the spread of coronavirus (COVID-19). People are therefore urged to delay moving to a new home while stay-at-home measures are in place.
3. We recognise that this will be difficult for people who had hoped to move house in the next few months but urge all of those involved to adapt and be flexible. Prioritising the health of individuals and the public must be the priority. View the guidance on social distancing on [NHS inform](#).
4. We all need to ensure we are following social distancing guidance at all times, including the specific measures for those who are presenting symptoms, self-isolating or shielding. [View the guidance on shielding](#).
5. New measures have been introduced to enforce social distancing. People in Scotland are being asked to only go outside if they have a 'reasonable excuse'. This includes shopping for necessary food, household and medical supplies, travelling to and from work where working from home is not an option, and daily exercise that adheres to social distancing guidance. People are allowed to leave their homes to move home but only where it is reasonably necessary, which may include where a new moving date cannot be agreed.
6. This Guidance is directed at moving home involving the buying and selling of property. Similar considerations apply to people moving in other circumstances.

Advice to the public

7. **In all circumstances, we recommend that you speak to your solicitor.** You should also remember that the process of moving home involves a number of different people and businesses who may also be affected by COVID-19.

What does this mean for my property move which is scheduled whilst the stay-at-home measures against coronavirus (COVID-19) apply?

8. Home buyers should, where possible, delay moving to a new home house while stay-at-home measures are in place to fight COVID-19.

9. In light of the risks to health arising from COVID-19, no one should be contemplating a home move involving not only themselves but any other parties in the process, e.g. sellers still in residence, solicitors, surveyors, removal companies or estate agents and their relevant support staff. A home move involves many others, over and above the purchaser, who should not be asked to place themselves at risk.
10. Where move dates have already been agreed, we encourage all parties to do all they can to amicably agree alternative dates to move, for a time when it is likely that stay-at-home measures against coronavirus (COVID-19) will no longer be in place.
11. All parties should work together to agree a delay or another way to resolve this matter.
12. If the parties are unable to reach an agreement to delay, people must follow advice on social distancing to minimise the risk of spreading the virus as a result of the move.
13. Anyone with symptoms, self-isolating or shielding from the virus, should **not** move house at the present time. All parties should prioritise agreeing amicable arrangements to change move dates for households with individuals in this group. This includes where someone in the chain of those involved in the proposed move is in this group, particularly where that person is being shielded from the virus.

If you have not yet agreed a date of entry

14. People who have not yet agreed a date of entry should not agree a date that falls within the period during which stay-at-home measures apply. It should be noted that these measures might be extended. Any agreement made between parties around a future date of entry should make explicit provision for the possibility of deferring that date.

If you have agreed a date of entry

15. People who have an agreed date of entry should seek to delay that date with agreement from the other people involved in the transaction, taking account of the period of time the restrictions are likely to be in place. Bear in mind that you may have reached a formal legal bargain to buy or sell on a particular date and discuss this with your solicitor. You should also agree the approach to any future potential need to delay as a result of COVID-19.

If you must move

16. If you must move and the following both apply, then you may proceed to do so:

- a) you are able to complete the move safely, i.e. you and anyone else involved in the move can maintain all the social distancing requirements (view the guidance on social distancing on [NHS inform](#)); and
- b) the property into which you are moving is empty or can also be safely vacated.

What if an extension goes beyond the terms of a mortgage agreement?

17. UK Finance have confirmed that, to support customers who have already set dates for completion, mortgage lenders are working to find ways to enable customers to extend their mortgage offer for up to three months to enable them to move at a later date.
18. If a customer's circumstances change during this three month period or the terms of the house purchase change significantly and continuing with the mortgage would cause house buyers to face financial hardship, lenders will work with customers to help them manage their finances as a matter of urgency.

If your home is not yet on the market

19. You may find getting your home onto the market more challenging than usual during this period. There should be no visitors to your home.
20. If you are thinking about selling, you can use this time to start gathering together all of the information you will need to provide to potential purchasers.
21. Advice for people to stay at home and away from others means you should not invite unnecessary visitors into your home, including people involved in marketing your home.

Viewings

22. If your property is already on the market, you can continue to advertise it being for sale but you should not allow people in to view your property.
23. There should not be any visitors into your home, and you should not therefore let people visit your property for viewings. Your agent may be able to conduct virtual viewings and you could speak to them about this possibility.

Accepting offers

24. The buying and selling process can continue during this period but you should be aware that the process is likely to take longer than normal.
25. You are free to continue to accept offers on your property. However, the selling process may take longer. You should seek advice from your solicitor.

26. Advice for people to stay at home and away from others means you should not invite visitors into your home, including prospective buyers or agents.

Concluding missives

27. We recommend that all parties should work either: to delay concluding missives until after the period where stay-at-home measures to fight coronavirus (COVID-19) are in place; or to include explicit contractual provisions to take account of the risks presented by the virus.
28. If you have concluded missives, you have entered into a legal agreement to purchase the property. In these circumstances, we encourage all parties to do all they can to amicably agree alternative dates to move, for a time when it is likely that stay-at-home measures against coronavirus (COVID-19) will no longer be in place. You should seek advice from your solicitor about the implications for you.

Advice to businesses

29. All businesses, including all those involved in residential property, and helping people move home, must follow the [Scottish Government's latest Guidance for employers and businesses on COVID-19](#). The following is subject to that advice.

Estate Agents

30. Estate Agents should continue to support clients during this period, taking into account the latest Scottish Government Guidance.
31. In line with business closure advice, agents should not open branches to the public during this period or visit people's homes to carry out market appraisals.
32. Agents should ensure that employees can work from home to support existing clients and advise potential new clients.
33. Agents should continue to progress sales where this can be done whilst following stay-at-home guidance.

Solicitors

34. Solicitors should continue to support the sales process as far as possible and consistent with the protection of the safety of themselves, their staff, clients and the wider public and compliance with the stay-at-home measures against coronavirus. Solicitors should make sure their clients are aware of the difficulties of completing transactions in this period, particularly where any documentation requires to be physically signed (and/or witnessed), including dispositions and standard securities. Reference is made to the Guidance and

Practice notes issued by the Law Society of Scotland and the [Keeper's up-to-date guidance on registration](#). In particular, solicitors should make every effort to support clients who are due to move in the stay-at-home period to change the date of the move.

35. Where possible, as noted above, if missives have been concluded, encourage seeking agreement between the parties to a variation to missives concluded to take account of the COVID-19 outbreak and not to move.
36. Priority should be given to supporting anyone with symptoms, self-isolating or shielding from the virus, and we urge them to do all they can to help a new date to be agreed in these circumstances.
37. Where reasonably necessary, the movement restrictions imposed by the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (S.S.I. 2020/103) may provide a reasonable excuse to allow clients to move (regulation 8(5)(I)). This may apply where contractual provisions remain binding and safety precautions are taken.

Surveyors

38. Surveyors should follow the latest Scottish Government guidance and may continue to support the residential property market if they can do so in a way which is fully consistent with the social distancing advice.

Housebuilders

39. Housebuilders should follow the latest Scottish Government guidance, which makes specific reference to the construction industry, due to be published shortly.
40. Housebuilders can continue to take online reservations during this period and can work with their customers to line up sales for completion in the future.

Removal Firms

41. There will be people who have already committed to moving home; where possible, we are encouraging them to delay their move but a small number of moves may need to go ahead. We would urge everyone to take all sensible precautions to ensure the move can happen safely.
42. Removers can honour their existing commitments where it is clear that the move can be done safely for the client and their own staff and it is clear that the moving date cannot be moved.
43. Removers should follow the latest Government guidance and it is important to ensure Government's social distancing and hygiene guidelines are followed,

including maintaining a 2 metre distance from others, and washing hands with soap and water often for at least 20 seconds (or using hand sanitiser gel if soap and water is not available).

44. No work should be carried out by a person who has coronavirus (COVID-19) symptoms, however mild.

Scottish Government

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