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Tel: 0800 043 2698

This Agreement and Bond is made on the _____ day of _____ 200 ____

BETWEEN: -

A) **NATIONAL HOUSE-BUILDING COUNCIL** ("NHBC") registered office
Buildmark House, Chiltern Avenue, Amersham, Bucks HP6 5AP

B) [] registered office [] ("the Surety")

C) [] registered office [] ("the Builder/Developer")

Recitals

1. The Builder/Developer has applied to be entered in the NHBC Register of Builders and Developers ("the Register") and has applied to NHBC for consent to offer home(s) ("the home(s)") for sale with the benefit of the NHBC Ten Year Warranty and Insurance Scheme ("the Buildmark").

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2. The Builder/Developer agrees to observe and comply with the obligations to NHBC and to the Purchaser or Purchasers of the home(s) in accordance with the agreement and undertakings set out and referred to herein.
3. The Surety agrees as a principal to indemnify NHBC in accordance with this Agreement in the event that the Builder/Developer fails to observe and perform the obligations set out and referred to herein.

The Consideration

4. NHBC will provide cover under the Buildmark for the home(s) in return for the agreement and undertakings by the Builder/Developer and the Surety contained herein.

The Agreement

5. The Builder/Developer will pay and discharge all sums and debts due to NHBC and NHBC Services Limited and will observe and perform all the obligations undertakings and requirements set out in:

5.1 the Rules of Registration of NHBC in force from time to time; and

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- 5.2 the Buildmark in respect of the home(s)
6. The Surety will as principal indemnify NHBC against all costs losses expenses damages or fines which NHBC pays or which it becomes liable to pay as a result of the Builder/Developer's failure to observe and comply with the obligations undertakings and requirements set out in clause 5 herein.
7. The maximum aggregate amount which the Surety will be liable to pay under this Agreement is £ (**Pounds Sterling**) for the payment of which sum to NHBC the Surety hereby binds itself.
8. Any breach by the Builder/Developer of the Agreement herein and in particular any claim made under the Buildmark may be dealt with by NHBC and the Surety's liability hereunder will not be altered or reduced thereby in any way.
9. Any claim(s) hereunder shall be made by NHBC in writing and sent to the Surety at its address: -

[]

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- incorporating a signed statement declaring that the Builder/Developer has failed to observe and comply with all or any of the obligations undertakings and requirements set out in clause 5 herein. Such claim(s) and statement shall be accepted by the Surety as conclusive evidence (and admissible as such) that any sum stated therein is properly due and payable to NHBC for the purposes of this Agreement.
10. The Surety's liability under this Agreement shall terminate on the earlier of the date:
- (a) two years and six months after the date of receipt by the Surety of a notice in writing from NHBC confirming that the name of the Builder/Developer has been cancelled/removed from the Register (any such notice and its content is conclusive evidence for all purposes under this Agreement of such cancellation/removal from the Register);
or
 - (b) two years and six months after the date on which the Surety has given written notice of termination to NHBC, provided that the Surety may not give such notice earlier than the third anniversary of this Agreement,

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- and any claim received by the Surety after the earlier of such dates shall be ineffective for the purposes of this Agreement whether or not this Agreement is returned to the Surety for cancellation.
11. Any notice given under this Agreement may be sent by ordinary pre-paid post to the Builder/Developer at his/its address herein or to his/its last known or usual place of business and to the Surety at its address (if stated) in clause 9 above (and if not stated then to that in clause (B) above).
 12. The benefit of this Agreement is personal to NHBC and is not transferable or assignable without the Surety's prior written consent such consent not to be unreasonably withheld.
 13. This Agreement shall be governed by and construed in accordance with the laws of England and Wales and shall be subject to the exclusive jurisdiction of the English Courts.

Signed as a Deed by []

Director _____

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Director/Secretary _____

Signed as a Deed by [_____]

Director _____

Director/Secretary _____

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