

The Role Of The Solicitor

Why Do I Need A Solicitor?

Solicitors play a vital role in the house buying process, and you won't obtain a mortgage without one. However, before you appoint your solicitor, check that he or she is acceptable to the lender. Mortgage companies normally require at least three partners in the practice, and for the firm to have been in existence for a certain number of years. Also, if you are moving locally check that your buyer or the person you are buying from hasn't instructed a solicitor from the same firm. If they have 'conflict of interest' regulations it may mean that one of you will have to switch firms.

As an alternative to a solicitor, you can use a licensed conveyancer who carries out exactly the same legal tasks as a solicitor, the only difference being that a conveyancer specialises only in property related legal work.

The role of the solicitor in the house buying process:

- To request **property documents** from the vendor's solicitor. (To provide the same to your buyers if you are also selling a property).
- To carry out a **local search** with the local authority to check for development, or any other plans that might have an impact on the price or desirability of the property you wish to buy.
- To check any additional **legal documents**, such as lease and title deeds, which relate to the property.
- To send a list of questions about the property, called **pre-contract enquiries**, to the vendor's solicitor. When responding, the vendor must reveal any known issues that might affect the buyer, and declare any items that they intend to remove from the property or garden.
- To prepare a **contract for both parties' signature**, once:
 - terms of the contract, including completion dates, have been agreed;
 - searches have been returned;
 - enquiries have been answered;
 - your mortgage lender has offered a suitable amount;
 - your buyer (if there is one) is ready to proceed.
- To **exchange contracts** with the vendor's (and, if relevant, your buyer's) solicitor which makes the agreement(s) binding.
- To prepare a document for your signature which will **transfer the "title"** of the property to your name.
- To perform **Land Charges Registry** and **Land Registry searches** (although some may initiate this before exchanging contracts).
- To ask you to pay a **deposit** if you are paying one.
- To **complete** the purchase on the agreed date.
- **Completion involves:**
 - sending your payment to the vendor's solicitor;
 - receiving the property Deeds, called "Title Deeds", from the vendor's solicitor;
 - transferring ownership from the vendor to you;
 - stamping the transfer of ownership;
 - activating the mortgage;
 - registering ownership with the Land Registry;
 - forwarding the Deeds to the lender if you have a mortgage, or dealing with them according to your instructions if you do not.