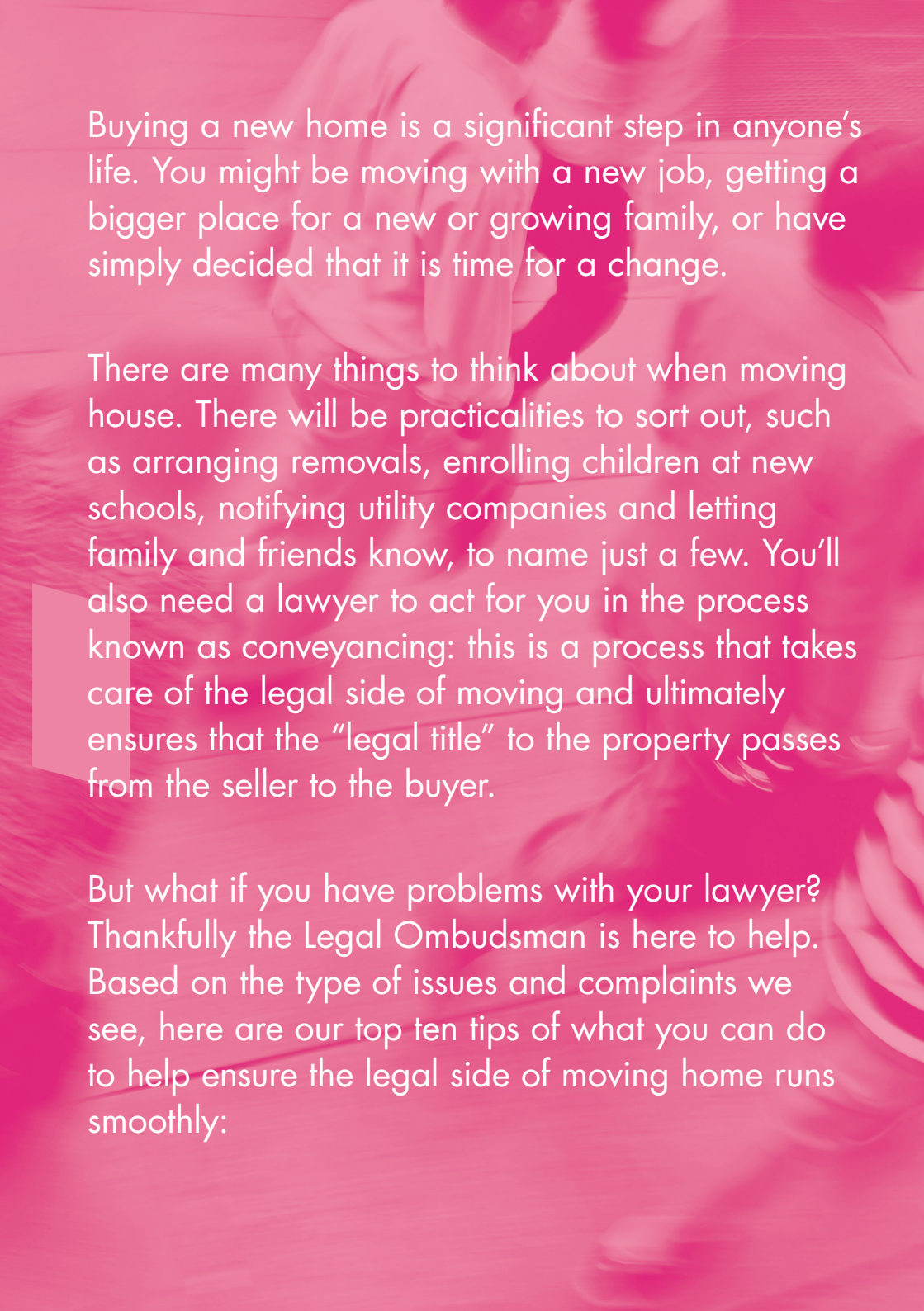

Using a conveyancing lawyer: Ten helpful tips

LEGAL
OMBUDSMAN

A family of four is sitting on a light-colored rug in a living room. They are all looking at a laptop screen that is open on the floor in front of them. The father is on the left, the mother is in the middle, and two children are on the right. The scene is brightly lit, and the overall atmosphere is one of a family making a decision together.

Buying a new home is a significant step in anyone's life. You might be moving with a new job, getting a bigger place for a new or growing family, or have simply decided that it is time for a change.

There are many things to think about when moving house. There will be practicalities to sort out, such as arranging removals, enrolling children at new schools, notifying utility companies and letting family and friends know, to name just a few. You'll also need a lawyer to act for you in the process known as conveyancing: this is a process that takes care of the legal side of moving and ultimately ensures that the "legal title" to the property passes from the seller to the buyer.

But what if you have problems with your lawyer? Thankfully the Legal Ombudsman is here to help. Based on the type of issues and complaints we see, here are our top ten tips of what you can do to help ensure the legal side of moving home runs smoothly:

1. Think about the type of conveyancing service you're buying

The way we purchase legal services is changing. Ten years ago you'd probably see a local solicitor on your high street, often in an office located above a shop. But things have moved on. Legal services are now also available online or through call centres. These modern alternatives might look more cost effective – since they have lower overheads by offering remote services – but they might also be based at the other end of the country.

However, this type of service delivery is more likely to work if your conveyancing transaction is straight forward without any particular issues. You may be taking a risk if anything unusual, or unexpected, crops up during the transaction. The individual responsible for your case may not have the same qualifications or experience as the lawyer on your local high street, which could mean that the advice you get may not be as informed as you'd like it to be.

Choose a method of service delivery which suits you. One size won't fit all, but you need to be comfortable with the method of service delivery offered by your lawyer.

2. Shop around

It pays to shop around and get a few quotes before deciding on a particular lawyer to use.

Make sure that the quotes are like-for-like. A lawyer will usually charge legal fees (the firm's fee/profit costs) plus VAT and disbursements (we explain what disbursements are later on). Make sure that all the quotes you get are for the firm's fees, VAT and all disbursements so that you can truly compare like for like.

3. Cheapest doesn't necessarily mean best value

While it's a good idea to get quotes, remember that buying a house is in all likelihood the biggest financial outlay you'll have in your life. By all means make sure that you've got a competitive quote but don't become consumed with getting the cheapest.

A few quotes are usually enough. If you're spending hundreds of thousands of pounds on a house, in the overall scheme of things once you've got a few quotes to compare ask yourself whether it is a good use of your time to spend days ringing around twenty lawyers in an effort to save maybe £20 on legal fees?

4. Be wary of hidden costs, disbursements and VAT

Disbursements are sums paid by your lawyer to third parties such as search fees, Land Registry fees and stamp duty. Double check when getting a quote what disbursements apply to your transaction and query any disbursements that haven't been mentioned by other firms. For example, Firm B might quote legal fees at £100 cheaper than Firm A, but what about that unusual 'disbursement' of £125 that Firm B is charging as an 'expedition fee'? In truth it may not really be a disbursement at all, but might be a way of Firm B making their overall quote sound more competitive by adding on costs disguised as 'disbursements'.

Make sure that any quotes you get contain all costs, disbursements and VAT. Beware of quotes that look a lot cheaper than others – as the saying goes, if it looks too good to be true, it probably is.

5. Check what costs you'll have to pay if the sale falls through

Unfortunately, planned house sales and purchases can fall through for a variety of reasons. Check with your lawyer from the beginning how much you'll need to pay if the move doesn't go ahead. Even with a sale or purchase that falls through, your lawyer might still have done a substantial amount of work. Law firms are businesses; their product is their legal advice and they'll probably still want to be paid for the work they've done.

Some lawyers might offer 'no move, no fee' deals. Double check what this means. Will you still have to pay search fees paid out to third parties, for example? Is there an insurance policy that you have to purchase to cover legal fees on an aborted transaction? If so, how much will this cost?

6. Be wary of referrals and recommendations

As with lots of service providers, often recommendations from family and friends can be worth their weight in gold. But there are lots of players in a conveyancing transaction; estate agents, mortgage brokers and lenders might all suggest lawyers for you to use. Sometimes these lawyers might be known to one of the organisations as being good in their field, but sometimes there might be a commercial relationship behind the recommendation. Remember that you are free to choose your own lawyer. However, bear in mind that some mortgage providers specify a panel list of lawyers you have to use for the mortgage related work in your transaction.

7. Communication is key

We've all heard about location, location, location. Well, what about communication? It's a two way street. Sure, your lawyer needs to communicate with you – but you need to communicate with them too.

Remember, your lawyer will see all of the paperwork concerning the property you're buying but they won't visit the property themselves to see it in the flesh. You will have done though.

If there is something that worries you, maybe a disused industrial unit nearby and you're wondering whether it might be used again, or rumours you've heard about new houses being built on a field at the back of the property, for example, then tell your lawyer. They won't know unless you tell them. If they don't know, they won't be able to make enquires about your concern.

When purchasing a house, there are a range of searches that the lawyer can carry out for you. Some popular searches include:

- A Local Authority search. This will provide information about planning permissions and building regulation consent for the house you are buying, as well as confirmation of whether the Local Authority is responsible for the upkeep of the road and footpath outside the house.

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- A Water and Drainage search. This will confirm whether the property is connected to the mains water supply and public sewerage system and if not, what arrangements are in place for these things.
- An Environmental search. This will provide information about past use of the land on which the property is built and identify whether there might be any potentially costly and dangerous contaminated land concerns. This search will also usually identify whether a house is at risk of flooding.

You should talk to your lawyer at the beginning about the different searches available and decide which searches you would like. Ask your lawyer to explain the differences between searches and what information the results will give you.

Your lawyer will usually send the search results to you and draw your attention to any relevant information. But make sure you read the results too, and if anything isn't clear then double check with your lawyer.

Ask your lawyer about the limitations of particular searches. Imagine you're buying a particular house because you've fallen in love with a view over open countryside. Generally your lawyer will carry out searches on land within the boundary of the property you're buying. But that won't include the open field at the back. So if the view over the open field is a major reason for you buying the house, you should make sure you tell your lawyer so that they can carry out searches against the field to check whether there might be plans to build new houses there.

8. Ask questions

There is no such thing as a silly question. For instance, you might ask if you can park your work van, or caravan, on the drive. Or you might be wondering whether you have to pay towards the cost of a shared private driveway.

Whatever it is, if you're unsure about something, ask. Your lawyer is the legal expert and that's what you're ultimately paying them for. All too often people can feel intimidated when dealing with professionals who are experts in their field but you shouldn't. Most lawyers will welcome questions if there is something you're unsure of or worried about.

9. Be sure of what you're buying

Usually your lawyer will show you a document known as the 'title plan'. This will show the full outline of the property you are buying – the boundary will usually be marked red. If your lawyer doesn't show you this plan, ask to see it. It is a good idea to visit the property to check that what is shown on the plan agrees with what you think you're buying on site.

All too often buyers mistakenly think that a piece of land at the side of the house is theirs, or that a hidden 'secret garden' located on the other side of a hedge is theirs, only to find out that the legal title to the property doesn't include this land and they aren't actually buying what they think they are. Always be satisfied that the title plan matches the physical position at the property.

10. Remember you have the right to complain

Buying a house is a big step and arranging all of the practicalities that go with it (mortgages, removals, notifying utility companies, family and friends) can be stressful. Your lawyer shouldn't do anything to add to that stress and if there is a problem with the lawyer's service you are entitled to complain.

Following our top ten tips should help reduce your chances of adding to the stresses that can come with moving home. However, if things do go wrong, and you can't resolve the complaint with your lawyer directly, the Legal Ombudsman may be able to help. You can contact us in the following ways:

Call: You can call us on **0300 555 0333**

(Calls to the Legal Ombudsman cost the same as a normal 01 or 02 landline number, even from a mobile phone, and are recorded for training and monitoring purposes.)

We are open Monday to Friday
between 8.30am and 5.30pm.

If you are calling from overseas,
please call +44 121 245 3050.

For our minicom call 0300 555 1777.

Email: You can also email us at
enquiries@legalombudsman.org.uk

If you want to find out more about us and what we do, please visit www.legalombudsman.org.uk

Write: If you prefer, you can write to us at
Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ

If you need information in another language or in large print, Braille or on audio CD, please get in touch.