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# Moving house: Your guide to the law

Presented by:

**MacRae & Kaur Solicitors**  
Property Law Experts

Buying or selling a property is the biggest financial decision most of us will ever make – but it's something we're never taught at school and many of us have never done before.

Selling a house is a complicated business – this guide is here to help you know what should happen and when, what nasty surprises you might need to prepare for and what questions you should be asking.



# Your guide to the law

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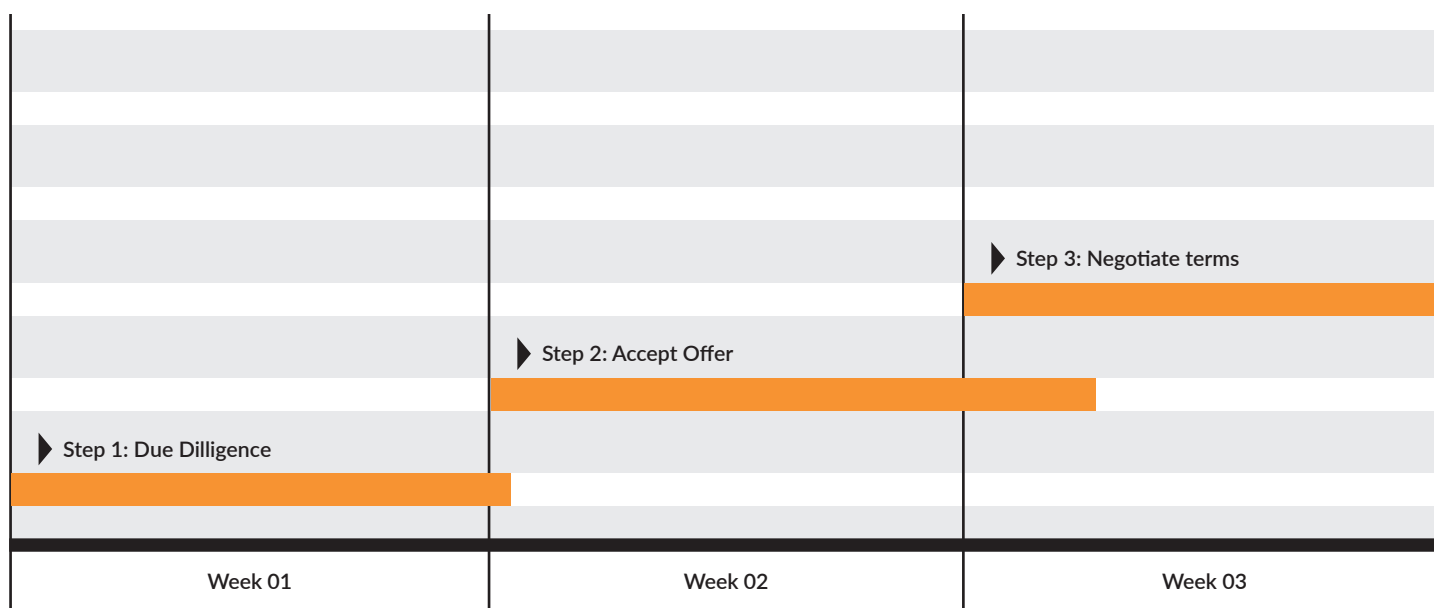
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# WHAT TO EXPECT

After it just being about you and the Estate Agents there are suddenly a lot more people involved - buyer's solicitor, seller's solicitors, surveyors, mortgage lenders....and they've all got their own agenda. Conveyancing can be a tricky business but a good solicitor will see you through.

There are lots of stages to conveyancing but many of them overlap it doesn't have to be as drawn out as it looks. The aim is to move to a 'Concluded Contract' as quickly as possible, ensuring both parties are committed to the deal. What can be even more confusing is that we rarely use the term "Conclude Contract" - we usually say 'Exchange Contracts' or 'Concluded Missive'.



## ESTATE AGENT

The Estate Agent handles the advertising of properties, manages viewings and tries to get the seller the best possible price. Once an offer has been made and accepted their work is largely finished and things are passed over to both sides' legal teams, who will keep them updated on progress.

## SOLICITOR

If you haven't done so already, make a shortlist of solicitors. Ideally you want someone with extensive conveyancing expertise, and who is approved by your mortgage lender. A lot of Estate Agents will recommend you a solicitor - but be sure to ask if they receive commission for making that recommendation.

Be on the lookout for firms who are far away or only deal by email as this can add a lot of stress to the home-moving process.

## DUE-DILIGENCE

Once you instruct a solicitor they will ask you to complete a series of questionnaires to ascertain more details about your property. These include:

- + *Fixtures & Fittings*
- + *Factors*
- + *Planning & Building consents*
- + *Time scales*
- + *Warranties & Guarantees*
- + *Government Initiatives*
- + *Mortgage Details*
- + *Identification*
- + *Money Laundering*

## ACCEPT OFFER

You will receive a series of offers via your Estate Agent and the preferred one will be passed to your solicitor who will go through the terms with you in detail. There will then be a formal written response to this offer which normally involves modification of its terms.



# DUE-DILIGENCE CHECKLIST

Even though you've probably heard the term used in reports of major business deals it really just means a list of things which need to be checked before ownership of a home can be transferred. Most of these are pretty straight-forward and self-explanatory but the government is putting much greater emphasis on tackling Identity Theft and Money Laundering at the due diligence stage.

01

**FIXTURES & FITTINGS**

Are you planning on leaving carpets, curtains and appliances behind when you move out?

02

**FACTORS**

If property factors are involved, who are they? Are there major works proposed to the common areas?

03

**ID & ANTI MONEY LAUNDERING**

Standard Identity checks are carried out (typically copies of passports, bank statements etc. are required). In addition, to provide proof of source of funds for deposits there must be an audit trail for all monies that are received by the client.

04

**PLANNING & BUILDING CONSENTS**

Notes of alterations or additions to the property, which require consents. Have you been notified of any proposed neighbouring building work?

05

**SIMULTANEOUS ENTRY**

Is the sale subject to purchasing a property - consider simultaneous dates of entry to avoid additional supplementary Land and Buildings Transaction Tax (LBTT)

06

**WARRANTIES & GUARANTEES**

Details of NHBC or equivalent new homes warranty scheme. Guarantees in connection with any appliances, fittings or specialist works.

07

**GOVERNMENT INITIATIVES**

Does the property subscribe to the Green Deal and/or benefit of solar panel or other electricity micro-generation installation? Does property ownership form part of shared equity or help to buy scheme.



# WHAT CAN GO WRONG?

Everyone has heard a horror story when it comes to buying or selling a house. Here are some surprisingly common pitfalls to look out for. A good solicitor is crucial to easing you through the process.

## UNAUTHORISED ALTERATIONS

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The Home Report will detail any alterations carried out to your property and you will have to provide necessary documentation and proof you secured appropriate approval before work was carried out. If you can't produce this paperwork you may have to apply to your local council or an approved firm for a 'Letter of Comfort', where a building control officer or architect investigates whether or not the alterations have been carried out correctly.

If the alterations do not comply with building regulations you will have to negotiate with the buyer as to how to proceed – either by fixing the problems, by reducing your price or by obtaining indemnity insurance to cover the works.

## STATUTORY NOTICES

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A Statutory Notice is an order served on a property by the local council demanding certain repairs be carried out.

If one has been served on your property, you remain liable for the repairs. This often means negotiating a 'retention from the purchase price' - money which will be retained by your buyer's solicitors until the repairs are carried out.

## SPECIALIST REPORTS

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The Home Report may highlight that your property has received treatment for things like damp and dry rot. If this is the case you will need to provide your buyer with the relevant guarantees for the work. If you cannot produce these, your solicitor will have to negotiate with the buyer's solicitor about how to move forward.

## BOUNDARY DISPUTE

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The Land Certificate (or Sasine records if the property has not changed hands for a long period) will detail the exact boundaries and burdens affecting the title. Typically, problems can arise where the Sasine description does not match up to the OS map used by the Land Register. If the Title Deeds are not examined carefully, once you move in, you may discover that you have no legal right to a parcel of land which you presumed formed part of the purchase.

## BUYER WALKS

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If timescales are slipping or either party cannot agree the terms of the contract, the buyer or seller may decide walk away from the contract without penalty. It is essential that all parties are clear about their expected timescales and reach agreement over any potentially thorny issues as early as possible. Only once agreement is reached and the contract has been concluded and locked into are both parties legally obliged to commit to the deal.

# CHOOSING THE RIGHT SOLICITOR

Most of us don't have a regular solicitor and it can be tempting to choose a law firm "recommended" by our Estate Agent.

**Remember: Your Estate Agent will probably be getting paid a commission to give you this recommendation.**

This is probably the biggest financial decision of your life – you should be the one to choose who's on your team. Here are the questions you need to ask before choosing a solicitor.

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## WHO WILL DO THE WORK?

A lot of firms will pass on property work to inexperienced and junior staff – some of whom won't even be qualified solicitors. Ensure your work is carried out by someone senior, willing to meet with you and happy to discuss things over the phone.

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## HOW MUCH WILL IT COST?

Money Saving Expert suggests you should expect to pay from £400 to up to £1500 for conveyancing work. Check in advance whether your fee includes any extra work for things like the issues discussed in this guide.

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## WHERE WILL MY SOLICITORS BE BASED?

Your Estate Agent can often recommend solicitors based hundreds of miles away. Make sure you know how to contact your solicitor (some won't even respond to emails!) and discuss what you need to do if you need to meet face to face.

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## WHO ARE THEY AUTHORISED BY?

Major banks and building societies only deal with approved solicitors. Make sure your solicitor is on one of their approved panels.



## ABOUT US

**WE SPECIALISE IN PROPERTY  
LAW AND ONLY PROPERTY LAW.**

**ALL OUR WORK IS CARRIED OUT  
BY OUR HIGHLY-EXPERIENCED  
SENIOR PARTNERS.**

MacRae and Kaur are Glasgow's conveyancing experts, with offices conveniently located in the heart of the city.

We are authorised to act for most of the high-street lenders including Bank of Scotland, RBS, Clydesdale, TSB, Virgin, Tesco Bank, Santander, Skipton, Nationwide, HSBC, Barclays, Halifax and many more.

Our conveyancing fees start from only £499 +VAT and your first consultation is free. We promise total fees transparency – all costs will be laid out clearly before you make a commitment and we don't start charging extras.



**KENNETH MACRAE**  
partner



**JATINDER KAUR CHALL**  
partner

*Abu Gray*



*We were badly let down by the recommended solicitor, calls were never returned, very glad we switched to MacRae & Kaur - they have been brilliant."*

- Joy Singha



“

*Perfection is achieved, not when there is nothing more to add, but when there is nothing left to take away.”*

- ANTOINE DE SAINT-EXUPÉRY





**THANK YOU.**



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