COLLAS CRILL

The role of your conveyancer

SEPTEMBER 2024

Conveyancer is a professional within a law firm who deals with the act of transferring (or '**conveying**') ownership (**title**) of a property and / or land from one party to another.

A Conveyancer's role principally comprises as follows:

Legal title/the contract

If you are purchasing a property then it is imperative that your Conveyancer is able to ascertain that the seller of the property is the true legal owner of that property, and that nobody else has any legitimate claim to it or rights in relation to it. This is achieved by tracing 'title' or ownership back no less than 40 years. In some instances, especially with older properties, your Conveyancer will research back to virgin land to rule out the possibility of any historical building restrictions (such as height limitations, for example) placed on the land prior to any buildings being established on that land.

Once the title check is complete, if necessary, the Conveyancer will raise queries with the seller's lawyers.

Boundaries

A site visit will take place in order to establish that the boundaries of the purchase property match up with the legal limits as detailed in the contract of purchase, whilst also determining

- who owns those boundaries, and
- which house owner is responsible for their current and future maintenance or replacement.

Your Conveyancer will also need to consider whether there is evidence of encroachments onto neighbouring land or properties, and whether or not there are any breaches of covenants or legal restrictions. If there is evidence of such then your Conveyancer will not only brief you on those issues, but will write to the law firm acting for the seller/s with a view to remedying the issues.

Should you have plans to develop your property then your Conveyancer can advise on any future plans in respect of the boundaries and covenants, albeit it is imperative advice and planning permission is obtained from the relevant authorities prior to carrying out such development.

Searches

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Your Conveyancer will enquire in respect of main services such as electricity, gas, foul drainage and water, and whether or not the services cross other properties before reaching your property, while ensuring that they have all necessary rights to do so.

We liaise with the parish or the Planning and Environment Department to ensure that all is in order in this respect.

Mortgage

Your Conveyancer will check that all loan documentation relating to your mortgage is in order and thereafter will arrange a meeting with you to:

- run through the documentation
- provide the necessary legal advice in respect thereof, and
- arrange your signing of the documentation

prior to returning this all to the lending bank's law firm to enable loan sign off ahead of completion.

Completion

Your Conveyancer will attend the Royal Court with you, or on your behalf as your Attorney, to pass the contract of purchase and will ensure that all goes smoothly for completion.

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