



THE  
LAW SOCIETY  
OF NORTHERN IRELAND

100  
YEARS

# Consumer guide to buying and selling residential property



## Why do I need a solicitor to buy or sell a house?

Your solicitor is a trained expert who will guide you through the house buying or selling process to make sure your interests are protected. This process of moving house is a legal process, commonly known as the conveyancing process. All properties are different, even ones in the same street/apartment block and your solicitor will consider all matters relating to your property individually.

Your solicitor will do the following:

- Explain the process to you;
- Handle the process for you;
- Give advice;
- Deal with the solicitor acting for the other party;
- Resolve issues that arise in the course of the transaction.

## What will it cost?

Buying or selling a property is likely to be the biggest transaction you will undertake in your life. It is a legal process and there are many things that your solicitor needs to consider to ensure that your interests and your investment are protected.

The solicitor who will act for you is highly trained. Legal costs account for the time and expertise it will take for your solicitor to make sure that the process is carried out correctly. You should obtain a fee estimate from your chosen solicitor (or a number if you haven't decided which one to use yet). This must be in writing, and in the format set down by the Law Society of Northern Ireland. This should ensure that you are able to compare 'like for like'.

The more information you can give to the solicitor, the more accurate the fee estimate will be.

There may be matters which arise later on which make the case more complex or require more of the solicitor's time and expertise. If that happens, then they must provide you with an updated fee estimate and seek your permission to go ahead with the work.

## What am I getting? - Buying

When you buy a property, your solicitor must check that it has "good and marketable title". This means that they investigate matters affecting the property:

- The legal title, to check on things like: ownership; restrictions on use; restrictions on alterations; subletting;
- Services and easements, to check on things like access to and from the property and the results of any enquiries;
- Legal issues from searches such as boundaries, planning permission or building control matters and the impact on how these may affect your use and enjoyment of the property. Your surveyor will comment on things like flooding and climate change.

If you are buying a property and need a mortgage, your solicitor will also review and report to you on the legal formalities around what a mortgage is, what you will be liable for, and what will happen if you fail to make your monthly payments. Your solicitor can only advise you on legal aspects of the mortgage.

Your solicitor will also draft the transfer of your property and arrange for registration at Land Registry and will usually submit your Stamp Duty Land Tax return, which you are required to do with HMRC.

## What am I getting? – Selling

When you sell a property, your solicitor will prepare the title pack. This will include things like getting your deeds together and drafting the contract for sale. Your solicitor will also help you with Replies to Pre-Contract Enquiries and order property certificates and searches in relation to your property. In addition, they will answer questions raised by your purchaser's solicitor in relation to the legal title to the property. If you have a mortgage, when you sell, your solicitor will arrange to discharge the mortgage using the net sale proceeds.

## New Build Properties

The process for buying a new build property is different from how existing properties are bought and sold. As most new build properties are part of a larger development, the title deeds will deal not only with your own property, but will also set down requirements for the way in which your relationship with other property owners (and the developer) is managed. Your solicitor will advise you about this.

Also, with a new build property, it is usually the case that the connections to the existing services outside of the development (such as public roads, public water mains and public sewerage system) will be new, and sometimes not entirely finalised. Your solicitor will advise you on this. As the property is newly built, there is usually a structural warranty or insurance policy to cover build defects; these vary in nature, and your solicitor will advise you on this.

## Leasehold

If your property is held under a lease, there may be covenants or conditions affecting how you may be able to use the property. Your solicitor will review these and tell you so that you know what these are and can decide how these may affect you or your intended use of the property.

## Apartments

With apartment buildings, you will usually obtain a long lease for the apartment, but the common parts such as hallways, staircases, garden or other grounds, parking, etc will usually be dealt with by a management company. Your solicitor will advise you on the terms and conditions of these so that you know what your obligations are.

## Fraud

Your solicitor will provide you with a Call Check and Confirm leaflet. Fraud is an ever-growing risk when you are buying or selling your property. You should review the Call Check and Confirm leaflet and always take your solicitor's advice in connection with how you transfer any money.

## Mortgages

Mortgage lenders have a number of requirements. Your solicitor will review the mortgage instructions and confirm whether the title to your property is considered good and marketable to meet the lender's requirements. This can be a time-consuming process. Remember, your solicitor will be acting for you AND your mortgage lender equally, which means that even if you want to proceed with something, your solicitor might not be able to unless the mortgage lender is also in agreement.

# Common Issues



## BUYING

- When your offer to purchase a property is accepted, you should instruct a solicitor as soon as possible.
- Your solicitor will complete Anti-Money Laundering checks.
- They will review the documents provided by the seller's solicitor, including the contract, the title deeds and the searches.
- They will raise any enquiries with the seller's solicitor.
- They will also review the legal aspects of your mortgage (if applicable).

### Pre-Contract

- Once your solicitor is satisfied with the title and the entries on the searches and property certificates and has reported to you on these and a mortgage offer is in place (if applicable) you will be at the contract stage.
- Once you sign the contract, it is sent to the seller's solicitor.

### Contract Stage

At this stage the contract is binding to purchase/sell the property.

- Once the completion date is set, your solicitor will transfer the completion money.
- Your solicitor will arrange to submit any relevant Stamp Duty Land Tax on your behalf.
- You should notify LPS Rates and ensure that you have insured the property.

### Completion

- The final stage is registration at Land Registry. Your solicitor will arrange for this and if necessary, once the process completes, send the title deeds to the mortgage lender.
- At this stage you will be registered as the legal owner.

### Post Completion

## SELLING

- When you accept an offer to sell your property, your agent will fill out a sales advice note and you will need to have your solicitor's details.
- You should instruct your solicitor as early as possible so they can do things like get your deeds from a mortgage lender, which is a common cause for delay in the process.
- Your solicitor will prepare the documents, such as ordering property certificates and searches and drafting the contract including any special conditions and scheduling the title deeds which will be sent to the purchaser's solicitor.
- Your solicitor will also answer any legal enquiries raised by the purchaser's solicitor.

- Once you sign the contract, the contract will be formed when the purchaser or their solicitor receives a copy of the purchaser's offer, as accepted by you.

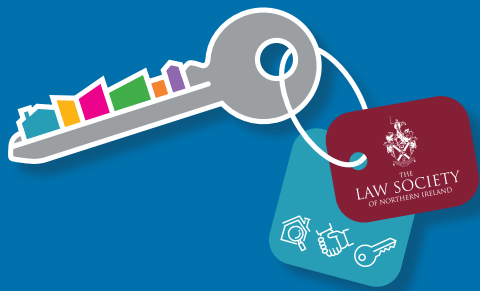
- Once your solicitor receives the completion money, they will be able to confirm completion and that the keys can be released.
- Your solicitor will, (if applicable) arrange to discharge your mortgage and/or complete your associated purchase.
- You should update LPS Rates of the date of completion, take any meter readings and cancel your property insurance.

- Your solicitor will arrange to contact your mortgage lender to get a release of the mortgage and will send it to the purchaser's solicitor to register at Land Registry.
- If applicable, they will also arrange to pay the estate agent's fee from the net sales proceeds.

## Where can I find a solicitor?

You may have used a solicitor before for another matter, or a family member or friend has experience of using one whom they can recommend to you. You can also carry out an online search for solicitors who carry out conveyancing, and then you can find out more information about them, including reviews that they've received.

**You can find a solicitor on The Law Society's Solicitor Directory  
located at: <https://lawsoc-ni.org/solicitors>**



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The information contained in this brochure is merely a guide. It does not constitute legal advice.  
The Law Society recommends you consult your solicitor as early as possible regarding the process.