



# THE BUYER'S CONVEYANCING PROCESS

*Your simple step by step guide*

As seen on



The Telegraph

THE  TIMES



The conveyancing process is commonly accepted as being one of the most stressful experiences you can go through. When asked, many clients have said this is made worse by not knowing what to do and when to do it.

Over the years we have successfully helped thousands of people move home and have gained invaluable experience about knowing what our clients really want, which is essentially a clear guide telling them what to do at the various stages.

In our Conveyancing Process we have set out a simple step-by-step guide to lead you through from the very

beginning when you make your offer right up to when the property is finally registered in your name. At every stage we explain what is going on and what to expect - including time frames - and best of all we tell you what you need to be doing.

This guide has been made for you and will make your life easier as you progress through the conveyancing process. Make sure to follow the tips and tick each of your 'To-Do' tasks as you go along. If at any stage you aren't sure what to do or perhaps you simply want to get a second opinion, then give us a call and we'll help you – **0333 344 3234** (local call charges apply).

## Understand the difference between the buyer and the seller

Before you get underway, you need to understand that the conveyancing process is different for buyer and seller.

### Conveyancing process for the seller:

For the seller, the process is front-loaded with work as they would need to complete the property forms for their buyer and include as much information as they can to address any questions the buyer might have. Once the seller completes their forms, their solicitor drafts contracts and then they have to wait for the buyer to do their work in turn.



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### Conveyancing process for the buyer:

For you as a buyer, the journey has more stages and the work doesn't stop until the keys are collected on completion - and even months afterwards while your property is registered.

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# 3 things you need to know about conveyancing

## 1 Buyer Beware!

Properties in England and Wales are sold under the Latin term *caveat emptor* or 'buyer beware'. This principle means that you as a buyer are solely responsible for checking the quality and suitability of the property before you purchase it.

So if you agreed to buy a property which then fell apart after you completed, you would not be able to sue the seller because you should have checked the property sufficiently before you bought it!

This is why you must, even if you are a cash buyer, check to make sure the property is:

1. Legally ok (and able to be mortgaged);
2. Structurally sound; and
3. Valued at the right price.

You'd never want to buy a property which couldn't afterwards be sold on the open market to someone buying with a mortgage!

## 2 Anyone can pull out until you exchange contracts

In England & Wales, buyers and sellers can pull out from the transaction at any time for any reason with no financial recourse right up until you exchange contracts. This is one of the main reasons why buyers and sellers so often feel under pressure to get to exchange as quickly as possible.

## 3 Talking direct to your seller? Always get it in writing

In the age of online estate agents, buyers and sellers are now talking directly to each other more and more. This can feel like a great idea as you don't have a middleman in between you, getting in the way and slowing down the process.

Be careful though when agreeing anything directly with your seller as you may find it is not legally binding unless it is agreed through your solicitor.

As an example, if the seller informs you they are leaving you the washing machine, make sure you inform your solicitor and confirm the item is included in the fixtures and fittings.

For another, if you agreed to pay extra for the washing machine as part of the sale, then make sure you inform your solicitor so the item is included within the contract for completion.



Click to read about instructing your solicitor



Andrew is Co-Founder of SAM Conveyancing and a qualified accountant (MAAT).

He has guided literally thousands of clients through the complex process of buying a home both personally and through his teams of expert solicitors, surveyors and mortgage advisers.

Andrew often comments in the media and notably uncovered exclusions within the Help to Buy ISA scheme and worked successfully with Katie Morley at the Telegraph to bring these to the attention of the wider public. His findings resulted in all the main stakeholders of the scheme, from the government to mortgage lenders, reassessing its terms and conditions and giving much-needed clarification to first time buyers. You can read the full story here - [How we uncovered the truth behind the Help to Buy ISA](#)

Andrew published his first book in November 2014 on the housing market crisis called '[How Long Before You'll Never Be Able to Buy a House](#)' and is currently working on his new book called 'The First Time Buyers Survival Guide' due to be released summer 2017.

As a housing market expert, Andrew has been invited to speak on the BBC (both television and radio), London Live and Tip TV and has been quoted widely in most of the mainstream press. He continues to support the drive for home ownership actively.

Andrew also works alongside the Royal Holloway University of London to mentor students wishing to become entrepreneurs: most recently his help assisted a student in setting up a sustainable fashion company. You can read more about Andrew's mentoring work here - [Inspiring Entrepreneurs: Royal Holloway University of London](#)



# CONVEYANCING PROCESS

## INSTRUCT YOUR SOLICITOR

The first thing you need to do after getting an offer accepted is to instruct your solicitor. The estate agent will need these details in order to send out the sales memorandum. The sales memo details your agreed offer, the details for the buyer's and seller's solicitor and any specific information related to the offer such as 'offer made subject to contract'.

### To do list

- ☐ Instruct your solicitor
- ☐ Send your solicitor your photo ID
- ☐ Send your solicitor your proof of address
- ☐ Send your solicitor your signed purchase questionnaire
- ☐ Check the length of your chain



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### Things to read:

- ▶ [When do you pay money during the process?](#)
- ▶ [Purchase completion statement explained](#)
- ▶ [What ID does your solicitor need?](#)



### Andrew's Top Tips

You should instruct your solicitor straight after getting your offer accepted because this will speed up the process of taking the property off the market so no more offers can be considered.



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To instruct our conveyancing solicitors, call **0333 344 3234**





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This stage is all about ensuring not only that you have the money in place for your intended purchase but also that you can show where the money came from for compliance purposes and whether, for example, any money you're using is a gift or a loan, something which your lender will need to know.

### To do list

- ☐ Send your solicitor your proof of funds
- ☐ Send your solicitor your gifted deposit letter (if applicable)
- ☐ Get your mortgage in principle
- ☐ Book your mortgage valuation
- ☐ Get your mortgage offer



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### Things to read:

- ▶ [What is the mortgage process?](#)
- ▶ [What is a Gifted Deposit](#)
- ▶ [How to prove your source of funds](#)
- ▶ [What to do if your Gifted Deposit involves receiving money from overseas](#)
- ▶ [What is a Non-Refundable Deposit?](#)
- ▶ [What to do when buying a house without a mortgage](#)
- ▶ [What to do if your mortgage lender undervalues your property](#)



### Andrew's Top Tips

Get your proof of funds and gifted deposit letter (if applicable) to your solicitor as soon as possible to ensure there's no unnecessary delays in the process.

If you're buying with a mortgage, you should book your lender's mortgage valuation survey as soon as possible after you've instructed your solicitor because the process can take up to 3 weeks before you receive your mortgage offer.



Click to read about surveys

Book your mortgage advisor appointment **0333 344 3234**



# CONVEYANCING PROCESS

## SURVEY

This is the point when you get an expert in on your behalf to check over the property you're thinking of buying to see if there are any serious defects. It's not the same as a mortgage valuation - that's just the bank seeing if your property's worth what it's being sold for. The information you get from your RICS surveyor can help you decide whether to go ahead with the purchase at the price offered, bargain with the vendor for a discount or even pull out of buying the property entirely.

### To do list

- ☐ Book a RICS Building Survey
- ☐ Send your Building Survey results to your solicitor



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### Things to read:

- ▶ [What happens during a house survey?](#)
- ▶ [Homebuyers Report or Building Survey?](#)
- ▶ [Property Survey Defects](#)
- ▶ [What is a Mortgage Valuation?](#)
- ▶ [How to Negotiate When Buying a House](#)
- ▶ [Japanese Knotweed Removal](#)
- ▶ [What is a non-intrusive survey?](#)
- ▶ [What is Rising Damp?](#)
- ▶ [Building Regulations](#)
- ▶ [Planning Permission](#)



### Andrew's Top Tips

You should bear in mind that you may be waiting up to a week after booking a survey before the inspection takes place and then another five working days before you get your survey report back. For outright speed, you should book your home buyers survey straight after you instruct your solicitors and the latest you should book it is when you've received notification that you've been successful in getting your mortgage offer.

If you're worried with any particular aspects of the property, you should inform your RICS surveyor about this before the inspection.



Click to read about property searches

Book your RICS home buyers survey **0333 344 3234**



# CONVEYANCING PROCESS

## PROPERTY SEARCHES

Property searches are obtained from the council, water board, environment agency and other bodies to provide critical information for you, your solicitor and the mortgage lender. Typical information includes if the property has planning permission and building regulation certificates, if the property has been flooded or if it is built on contaminated land.

### To do list

- ☐ Order your property searches:
  - ▶ Local Authority Search including Title Plan
  - ▶ Environmental Search
  - ▶ Water and Drainage Search
  - ▶ Chancel Indemnity
- ☐ Order additional searches (if required):
  - ▶ Flood Report
  - ▶ Energy & Infrastructure Report
  - ▶ Coal & Brine Report
  - ▶ Subsidence Report
  - ▶ Radon Risk Report
  - ▶ Planning Report (Plansearch Plus)



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### Things to read:

- ▶ [Property Searches - which searches do you need?](#)
- ▶ [What is a Local Authority Search?](#)
- ▶ [What is a Water and Drainage Search?](#)
- ▶ [What is an Environmental Search Report?](#)
- ▶ [What is Chancel Repair Liability Insurance?](#)
- ▶ [What is a Flood Risk Report?](#)
- ▶ [What is the difference between a Regulated Personal and an Official Local Authority Search?](#)
- ▶ [Buying a Property on Contaminated Land? What you need to do](#)



### Andrew's Top Tips

Property searches are mandatory if you're buying with a mortgage but cash buyers should also obtain them so they know of any issues affecting the property; especially if in future they want to sell to anyone who is intending to buy the home with a mortgage. Property searches can take weeks to come back from the council and the other providers so make sure you order them when you instruct your solicitor, or at the latest, when you book in your mortgage valuation.



Click to read about draft contracts

Book your property searches **0333 344 3234**



# CONVEYANCING PROCESS

## CONTRACT REVIEW/ENQUIRIES

Draft contracts include the formal contract drafted by the seller's solicitor, the transfer document, title deeds, lease (if leasehold), leasehold information pack (if leasehold), property information forms completed by the seller and all the supporting warranties, guarantees and certificates that relate to the property. Your solicitor reviews all of the documents for any legal concerns and then raises enquiries that the seller and their solicitor must answer.

### To do list

- ☐ Review the seller's property information forms:
  - ▶ Has the property ever flooded?
  - ▶ Has the property been affected by subsidence?
  - ▶ Does the boiler work? When was the boiler last maintained?
  - ▶ Do you have parking?
  - ▶ Is your boundary correctly shown?
  - ▶ Has the property had any extensions or alterations?
- ☐ Check the fixtures and fittings forms
- ☐ Send your solicitor any questions you have about the property
- ☐ Get a buildings insurance quote (if buying a freehold)
- ☐ Close your HTB ISA and send closing statement to your solicitor



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### Things to read:

- ▶ [What is the draft contract pack?](#)
- ▶ [What are legal enquiries?](#)
- ▶ [What is the Leasehold Information Pack?](#)
- ▶ [Guide to buying a leasehold](#)
- ▶ [TA6 Property Information Form explained](#)
- ▶ [TA7 Leasehold Information Form explained](#)
- ▶ [TA10 Law Society Fittings and Contents Form explained](#)



### Andrew's Top Tips

Check the seller's forms to confirm:

1. Have any alterations/extensions been listed with building control certificates?
2. Has the property been affected by flooding or subsidence (needed for insurance purposes)?
3. Do you have parking?
4. Has the seller included everything they verbally told you they were leaving?
5. How many years are left to run on your lease?
6. Check the lease for things you can't do in the property such as have pets or wooden flooring
7. Who is your landlord?



Click to read about exchange of contracts

Order a flood report for £29: **0333 344 3234**



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# CONVEYANCING PROCESS

## EXCHANGE OF CONTRACTS

Exchange of contracts is the formalisation of your intention to buy the property - up until this point both you and the seller can pull out for any reason without penalty. If both you and the mortgage lender are happy to proceed you can sign your contract, transfer document and mortgage deed and your solicitor can then exchange contracts. Click to read more about exchange of contracts.

### To do list

- ☐ Send your solicitor your signed:
  - ▶ Contract (by special deliver)
  - ▶ TR1 transfer document
  - ▶ Stamp Duty Land Tax (SDLT) form
  - ▶ Mortgage Deed (if applicable)
- ☐ Pay your solicitor your 10% deposit
- ☐ Get a removals quote
- ☐ Put in place your Buildings Insurance in time for exchange (if buying a freehold)



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### Things to read:

- ▶ [What is Exchange of Contracts?](#)
- ▶ [How long between exchange and completion?](#)
- ▶ [Can I pull out after Exchange of Contracts?](#)
- ▶ [When should you hand in your notice to your landlord?](#)



### Andrew's Top Tips

You should organise your buildings insurance to start on the day of exchange because you are contracted to buy the property from this point and are responsible for it in the event of a disaster.

You should inspect the property before you exchange and also take note for insurance quote purposes of the following:

- a) security/locks on the doors
- b) alarm system (if any)
- c) type and age of the property
- d) type of roof



Click to read about completion

Get a buildings insurance quote: **0333 344 3234**



# CONVEYANCING PROCESS

## COMPLETION

This is the day when you collect the keys from the estate agent and move in! You have to ensure that you've given your solicitor the balance of the purchase money and all the costs including stamp duty, land registration fees and the balance of your solicitor's bill. Your solicitor draws down the mortgage and once they have your money, your solicitor sends the completion monies to the seller's solicitor.

### To do list

- ☐ Transfer your completion money to your solicitor, including stamp duty, land registration fees and the legal fees.
- ☐ Collect all keys to the property inc back doors, gates and sheds
- ☐ Check the property is completely vacant and empty
- ☐ Take note of the electricity, gas and water readings
- ☐ Call the service providers and transfer the accounts to you



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### Things to read:

- ▶ [What happens on completion day?](#)
- ▶ [Purchase Completion Statement explained](#)
- ▶ [Moving house checklist](#)



### Andrew's Top Tips

Ensure you transfer all your completion monies and your solicitor should draw down the mortgage advance on the day before completion. If you are at the bottom of the chain you should be able to collect your keys between 9.30-11am, even if the contractual completion time is 1pm or 2pm. If you complete after the time agreed, then you might be liable for related costs incurred by the seller. You'll need to get all the necessary keys to the property. Note down all the meter readings and call the suppliers to transfer the accounts to you. These suppliers should be listed in the seller's TA6 Property Information Form.



Click to read about post completion

For advice on completion call **0333 344 3234**



# CONVEYANCING PROCESS

## POST COMPLETION

Officially you have nothing more to do - on your behalf your solicitor transfers your stamp duty to HMRC within 30 days after completion and your land registry fees to the land registry. You'll have plenty of your own things to do - time to start putting your own mark on your home and scoping out your new neighbourhood!

### To do list

- ☐ Organise broadband (minimum 2 weeks to install)
- ☐ Update your addresses/contact details for credit cards, driving licence, store accounts, electoral roll and council tax
- ☐ Change doctors and dentist (it can take months to transfer your NHS records)



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### Things to read:

- ▶ [What happens after completion?](#)
- ▶ [What is stamp duty?](#)
- ▶ [Land Registry Registration Fees explained](#)



### Andrew's Top Tips

Your move is complete but the legal work is still underway and can take up to 3 months for a freehold or 6 months for a leasehold (sometimes longer). Don't worry about this as it is your solicitor's job to pay your stamp duty, inform your freeholder of the purchase (if leasehold) and then register your property in your name. Once they have done all of this they'll send you confirmation that you are the registered owner of your new home.

Thinking of extending or refurbishing? Call **0333 344 3234**

We have hand-selected some of the best service providers in the market and we work alongside them to ensure that you experience your best move ever.

Whether you have chosen a survey from one of our expert local RICS surveyors or are consulting with our independent mortgage brokers, we are always on hand to answer any questions you may have and to ensure that you are looked after from start to finish.

Call us on 0333 344 3234 if you need help with any of the following services:

(local call charges apply)



Conveyancing Solicitors



Mortgage Brokers



RICS Surveys



Property Searches



Home Removals



Buildings Insurance



Deeds of Trust

Proud of our customer reviews

Google

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