

LEAP

Best Practice Standard

Conveyancing



- All conveyancing files must be opened in LEAP
- All data and documents to be recorded and managed in LEAP
- All searches to be ordered via InfoTrack
- Consent to 5 external file audits per quarter (up to 300 matters)

1. For client purchase instructions we will always

- Inform clients of complaints procedure and person responsible in Client Care Letter.
- Perform Client ID and proof of address checks.
- Perform a risk analysis and record the results.
- Perform AML and PEP checks.
- Inform clients of the costs at the outset and update if required.
- Identify client's requirements, recorded objectives, and confirm in writing.
- Ask for consent to providing information to other parties if member of CQS for the Law Society Conveyancing Protocol.
- Record details of the property and terms agreed for the purchase.
- Ensure client has sufficient money to purchase the property and to pay the related costs of purchase.
- Obtain & record information on what buyer intends to use the property for post-completion.
- Ensure retainer documents are signed and returned by client.

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2. We will record on all purchase matters the following information

- Contract issued date, exchange date, completion date.
- Record any Undertakings given or discharged.

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3. If the client requires a mortgage we will always

- Ascertain source of funds/reported to lender. Discuss deposit and mortgage funding. If the client has already arranged a mortgage, check through the figures to ensure that all necessary items of expenditure have been taken into account.
- Ensure client commissions an independent survey of the property or declines a survey. Discuss arrangements for insurance for the risk in the property passed to the client once the contract is entered into and arrangements for life assurance and building contents insurance.

4. For sale matters we will always

- Obtain title deeds, if necessary, to check seller's ownership and entitlement to sell.
- If the land is registered, make an application to the Land Registry Office for official copies of the register entries form (OC1). If additional documents have been filed at the Land Registry then submitted form (OC2), if necessary.
- Ask the lender about the approximate amount outstanding on the seller's mortgage.
- Examine and photocopy or make pdf copies of documents received from Land Registry.
- If leasehold, obtain details of managing agent (LPE1) and enquire as to costs of leasehold pack. Obtain client approval and receive payment on account. Pay managing agent to reply to LPE1 form. Prepare the pre-contract package.
- Consider seller's capacity to sell and consider any trustees, personal representatives, mortgage lenders, and any persons suffering from mental disability.
- If the seller is a company, commission a company search, including a credit and insolvency search. Check the company is extant and officers authorised. If additional shareholders, then carry out AML and PEP searches.

5. During Deduction/investigation of title we will always

- If the title is unregistered, ensure the seller proves ownership by supplying an abstract or epitome of the title deeds.
- Ensure the seller produces documentary evidence of title & raise any questions before exchange. If the title is registered, analyse official copies prepared directly from the register which are less than six months old. If the title is registered, discuss the official copies and title plan with client. Consider any adverse entries and overriding interests and discuss the Index Map search at Land Registry with client, and examine all documents supplied in the abstract or epitome. Inspect the original deeds and check for evidence and occupiers.

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6. During Pre Contract Searches and Enquiries we will always

- Ensure all necessary pre-contract searches are carried out. When acting for a mortgage lender, ensure all searches are no more than six months old at the date of completion. Perform Local Land Charges Register search (form LLC1).
- Enquiries of the local authority (form CON29R). Submit more specialised enquiries in form CON29O. Raise pre-contract enquiries of the seller. In residential property, obtain a PIF from the seller for freehold properties or the TA06/TA07 Leasehold Information form for leasehold properties. Raise issues regarding nearby railways with the seller if applicable.
- Submit Water and Drainage enquiries using the application form published by the water service company serving the property. Perform Environmental searches and surveys. Perform Company searches if applicable. Perform Chancel Check search. In commercial property, submit CPSE Form 1 to the seller.
- Perform Land Charges Department search. In unregistered land, submit form K15 to the Land Charges Department. In both unregistered and registered land, if also acting for the lender make a bankruptcy search against the buyer/borrower by submitting form K15/K16 to the Land Charges Department. Encourage client to personally inspect the property. Check flood risk using the Environment Agency's Flood Map tool online. Also, check the Land Registry's Flood Risk Indicator online.
- Complete Coal Mining search (form CON29M) (if appropriate). Make enquiries to the Environment Agency regarding maintenance of riverbanks and to the British Waterways regarding maintenance of canals. Analyse replies regarding highways on the form CON29R. Commons registration enquiry (tick box for enquiry 22 in the form CON29O).

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7. Upon receipt of draft Contract we will always

- Consider the terms of the contract and send back with queries.
- Record all Undertakings given following correct procedures.

8. When preparing a Contract for Sale we will always

- Prepare contract and send to buyer's conveyancers with transfer (TR1), if possible. Retaining copies on file. Receive buyer's enquiries and obtain client's instructions and reply.
- If leasehold, obtain replies to LPE1 and supply to buyer's conveyancers and deal with matters arising. Receive approval to contract and transfer (TR1), if possible, and have your client sign the contract and execute the transfer. Ensure that the contract is properly signed including occupiers and that the transfer is correctly executed.

9. Upon receipt of a Mortgage Offer we will always

- Assess conflict of interest issues when you are acting for the buyer and the lender when considering the mortgage offer. Ensure client understands the conditions and terms attached to the mortgage offer. Check if lender requires formal acceptance of the offer.
- Check to see whether the mortgage offer is expressed so as not to be legally binding on the lender, or contains a condition which allows the lender to withdraw from the offer at any time. Accept the mortgage offer if required.

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10. Upon Exchange of contracts we will always

- Pay the seller a deposit of 10% (or otherwise agreed) of the purchase price. Obtain instructions from the buyer as to how buyer is funding payment of the deposit. Arrange insurance of the property in advance of actual exchange which covers the risk of accidental damage (if you wish to advise on insurance contracts you must rely on the professional firms exemption). Consider other types of insurance as appropriate (e.g. life assurance).
- Ensure all necessary searches have been carried out, and replies have been checked. All arrangements are ready to comply with any conditions attached to the mortgage advance.
- Establish date of exchange and completion date and exchange formula and exchange time. Ensure both parties have signed the contract and exchange contracts and inform lender of the exchange. Record all details of transaction in desk diary. Inform client of exchange and enter the completion date in central diary or file. If exchange took place by telephone, send a signed copy of the contract to the seller and a deposit cheque in accordance with the undertaking given.

11. Upon registering the Contract we will always

- Agree practical arrangements for completion with the seller's conveyancer by raising requisitions on title. Confirm with the seller that nothing has been altered since the date of exchange.
- Prepare the transfer deed (TR1) and send to seller for approval.

12. At Pre-Completion we will always

- Ensure pre-completion searches are carried out (e.g. search against title number at the Land Registry for registered land, search at the Land Charges Department against the names of estate owners in the land for unregistered land, if acting for the lender a bankruptcy search against the borrower). Analyse results of the searches.
- Carry out a final inspection of the property if appropriate. Ensure vacant possession and agree arrangements for handing over keys. Ensure the transfer deed has been approved and responses received to the request.

13. Preparation of Financial Statement we will always

- Submit financial statement and bill to client (with a copy of the completion statement).
- Receive mortgage advance from lender and balance of funds from buyer. Check figures for accuracy. Pay into client account and ensure cleared funds prior to completion. Advise seller's conveyancer to act as agent on completion (if appropriate).
- Notify estate agents of completion arrangements. Make arrangements to send completion money to seller's conveyancer.
- Complete and prepare signed relevant SDLT forms.

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14. At Completion we will always

- If unregistered, obtain title deeds and a certified copy of any memorandum enclosed on retained deeds. Obtain the original lease and the executed transfer deed. Obtain form DS1/DS3/discharged mortgage or undertaking in respect of the discharge.
- Obtain keys to the property (when required). Provide seller with executed duplicate transfer deed/lease. Make payment by a direct transfer of cleared funds. Discharge seller's existing mortgage over the property. At Completion ensure that it takes place by agreed method of completion in accordance with the contract.

15. Post Completion we will always

- Inform the client of completion. Complete the mortgage deed by insertion of the date. Complete file copies of the mortgage, transfer deed and any other documents.
- Submit the land transaction return and pay SDLT.
- Ensure copies of all documents sent to the Land Registry and apply for registration of title using form AP1 (or form FR1 if first registration).
- If applicable, register any company charges (MRO1) at Companies House within 21 days of its creation. Check Land Registry entries.

16. When closing a file we will always

- Follow your firm's File closing procedure and add an archive date on file and a file location number. Arrange storage of file. Advise Client about storage and retrieval arrangements for papers.
- Send Client satisfaction form to client.
- Complete a file review.

If you would like to become a member of the LEAP Best Practice Standard – Conveyancing, adhering to the rules and conditions for membership please provide your details overleaf:

■ Number of conveyancing fee earners:

■ Number of conveyancing matters opened per calendar month:

■ Existing PII broker and insurer:

■ Existing PII cost:

■ What percentage of your business is conveyancing?:

Name _____

Email _____

Signature _____

Company _____