



Your guide to **Buying a home**

Getting advice

Buying a home can be an exciting prospect, but without the help of a solicitor it can also be a legal minefield. Your solicitor is there to help you avoid potential problems and to protect your interests at every step, from making an offer to getting the keys to the door.

This is a guide to the services you can expect from your solicitor when buying a home.

If you are buying a flat you should also look at our guide to **Buying a flat**.

Finding a solicitor

You should contact a solicitor as soon as you think about buying a home.

You might want to look for a solicitor who is a member of the Law Society's Conveyancing Quality Scheme (CQS) who will meet the high standards set by the Law Society. You can find out about the scheme at www.lawsociety.org.uk/conveyancingquality

If you don't already have a solicitor visit our website www.lawsociety.org.uk/cqs-search or ask your family or friends for a recommendation.





Services and costs

Services and charges vary between solicitors. Before you decide who to use, check with a few solicitors to compare the services they are able to provide and their fees.

The cheapest estimate may not always be your best option. Consider what might be helpful to you.

For example:

- is the solicitor local so you can call in to sign and pick up documents to save postal delays?
- what are their opening hours?
- do they open on Saturdays?
- are they able to update you about your move online or by text?

Remember you will also need to pay a variety of other expenses such as stamp duty land tax, Land Registry fees, VAT and search fees.

What your solicitor will need from you

Your solicitor will ask you for some information. This could include:

- personal identification
- the address and price of the property
- any factors that may influence the exact time you want to buy the property (for example: to coincide with school holidays)
- how you are planning to pay for the property.

They will also need to know whether:

- you have applied for a mortgage
- you plan to carry out work on the property
- you are buying with someone else
- the seller is buying another property
- you have a property to sell or own any other residential properties.

What your solicitor will need from you...

Personal identification documents



The price of the property

Any factors that may influence the exact time you want to buy the property



How you plan to pay for the property

Energy performance certificates

When the house or flat is put on the market the seller (or the estate agent selling it) must have commissioned someone to prepare an Energy Performance Certificate (EPC) if there isn't one currently in place for the property.

The EPC contains a rating for the energy performance of the property, and recommendations for improving it. Your solicitor will be able to give you more advice.



Survey advice

If you are applying for a mortgage, your mortgage lender will need an independent valuation of the property. Usually they will appoint their own valuer to do this, and you will have to pay for it. Remember that this is a valuation for your lender for mortgage purposes and not a survey.

You should consider appointing your own surveyor to carry out a survey or prepare a home buyers report on the property. It is up to you to satisfy yourself that the property is structurally sound before you buy it. If the survey or report reveals that building work is needed, you should tell your solicitor. You may wish to renegotiate the price.

Contacting the seller's solicitor

Once you have chosen a solicitor, they will contact the seller's solicitor, who will provide your solicitor with a draft contract and other documents. A form listing the fixtures and contents which will be included when you buy the property will be given to your solicitor. You will need to check this list carefully.

Searches

Your solicitor will make various searches, including enquiries of the local authority. These can help to reveal local issues affecting the property, such as road improvements and details of any planning permission granted for the property.

These searches will only provide information about the property itself and not generally about any neighbouring properties. You will have to ask your solicitor if you want to know about planning permissions in relation to the neighbouring properties. Your solicitor will also be able to carry out flooding, mining and contaminated land searches if you require these. If any of these searches show matters of concern, your solicitor will let you know.



Leasehold properties

If the property is leasehold (particularly common when buying a flat), there will be detailed lease terms and conditions. This may include the need to obtain the landlord's prior consent to your purchase or to the carrying out of any works at the property. You will need to check the length of the lease. If this is less than 85 years you need to discuss this with your solicitor. Your solicitor will also ask the seller's solicitor or the managing agents of the property about the service charges and management costs you will have to pay.

To find out more you should read our guide to **Buying a flat**.

Mortgage offer and terms

If you are taking out a mortgage to buy a property you will usually need a satisfactory offer of a mortgage before exchanging contracts. You should be sure that you can meet any conditions in the offer.

You should read the offer letter and mortgage conditions very carefully. Your solicitor can explain them to you if there is anything you don't understand.

Signing the contract

Your solicitor will report back to you on all the investigations that they have made for you so far. If you are still happy to go ahead, your solicitor will finalise the terms of the contract and explain it to you. You then need to sign the contract and provide the deposit money – often 5-10% of the purchase price.

Exchanging contracts

This is the crucial moment when the agreement is made between you and the seller. The solicitors insert the date you have agreed with the seller in the contract for completing the sale. Your solicitor and the seller's solicitor exchange contracts so that you have the contract the seller has signed and the seller has the contract you have signed.

This is then a binding deal which should be completed on the agreed date.



Final balance

Between exchanging contracts and completion, your solicitor will request the mortgage money from your lender and the rest of the money from you to purchase the property. This will include costs, VAT, Land Registry fees and stamp duty land tax (if any). Your solicitor will carry out final searches and make arrangements with the seller's solicitor for paying off any existing mortgages on the property. Your solicitor will also prepare the transfer deed and send it to the seller's solicitor and possibly also to you for signing.

Completion

This is the final stage in the conveyancing process when your solicitor hands over the money to the seller and the keys are released to you. Your solicitor will pay the stamp duty land tax and Land Registry fees on your behalf. Your solicitor will register the interest of your mortgage lender and record you as the new legal owner of the property at the Land Registry.

Related legal matters

Buying a property may introduce other related legal matters.

For example:

- if husband and wife are buying a home in joint names they should consider how the property will be owned if one of them dies
- if you are buying a home with someone who you are not married to, you may need to enter into a 'deed of trust' to set out what share of the property each person owns
- if you do not have a will, you should consider making one
- if you do have a will, you may need to update it.

In all cases your solicitor can offer you legal advice as part of a complete professional service.





Looking for help with a legal issue?

Most of us need expert legal help at some point in our life. The law can be complicated so it is important to get the best advice you can. This free guide is part of a series looking at common legal issues that are designed to help you get the right advice. They explain the legal process and terms, how a solicitor can help, timescales and costs involved in getting advice, as well as information you may need to provide.

Our free guides cover common legal issues, including: relationship breakdown and family conflict, moving house and renting, help with a will, personal injury or claiming asylum.

Download the guides free from our website: www.lawsociety.org.uk/for-the-public

Find a Solicitor

The Law Society's Find a Solicitor is a free website for anyone looking for information about organisations or people providing legal services in England and Wales that are regulated by the Solicitors Regulation Authority (SRA).

Use 'quick search' to find your nearest legal adviser who can help with your legal issue. You can also identify individuals or organisations that hold one of our accreditations to help you find legal advice quickly and confidently.

Find your nearest solicitor:
solicitors.lawsociety.org.uk



Conveyancing Quality Scheme (CQS)

The Law Society's Conveyancing Quality Scheme (CQS) provides a recognised quality standard for residential conveyancing practices. Membership establishes a level of credibility for firms with stakeholders such as regulators, lenders and insurers as well as residential homebuyers and sellers.

It is only open to law firms and other organisations that are authorised and regulated by the SRA.

Find an accredited conveyancing solicitor near you:
www.lawsociety.org.uk/cqs-search

The Law Society is the independent professional body for solicitors in England and Wales. We do not provide legal advice.

We can make the information in this leaflet available in other formats on request.

Email accessibility@lawsociety.org.uk



The Law Society

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