

Your Legal Questions

Stephen Soper
Partner & Solicitor



Q. I'm buying a property and I have heard that I may have to pay for more searches even though the sellers have a Home Information Pack. Is this right?

A. A Home Information Pack is requested when a property is put on the market for sale. The Estate Agent should provide it at the time the property is viewed and it provides useful information to a buyer when making a decision to purchase. Amongst other things it must contain both a Local Search and a Drainage Search. However, the Local Search within the pack is generally a "personal" Local Search carried out by a search company and some lenders do not accept these type of searches. This would mean that your solicitor would have to obtain a further Local Search directly from the Local Authority at your expense to satisfy the lender's requirements.

Searches are generally only acceptable to lenders if they are less than six months old. Even if you do not need a mortgage it is not advisable to rely on any searches which are older than three months as during that time something may have changed e.g. the Local Authority may have issued a compulsory purchase order or may have plans to introduce traffic calming measures to the area etc.

If the searches within the pack are older than this, new searches ought to be applied for. These will usually be at the cost of the buyer although it may be possible to negotiate with the seller to reach a compromise.

There are other conveyancing searches which are not contained in the Home Information Pack but which may be essential to your purchase e.g. a coal mining search. Your solicitor will have to obtain these and you will have to pay for these separately.

Stephen Soper is a Partner and Solicitor in the Commercial and Property Department, Powells Solicitors.

*Direct dial 01934 637931
brading@powellslaw.com*