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PowellsLaw 

Property Insight
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Top Tips - How to Choose a Conveyancing Solicitor

Moving house can be one of the most stressful things you do. Your conveyancing solicitor plays an important role in protecting your interests and ensuring that everything proceeds as smoothly as possible.

Here are our top tips for choosing a conveyancer.

1. Check Credentials

Do you know the name of the main person who will be handling your house sale and purchase and does the firm comply with the Law Society Quality Conveyancing Scheme? What qualifications and experience do they have? They should be happy to discuss this with you.

2. Check Recommendations

Family and friends can be a good place to start, ask them who they would or wouldn't recommend. Check out online reviews – comments as well as overall ratings. A reputable firm will be happy to publish these on their website.

3. Think About the Property

Are there unusual or complex features of the transaction such as the age, nature, location or occupancy that might benefit from specialist experience? In reality, no two-house purchases or sales are ever quite the same so breadth of experience is always helpful.

4. Check the Cost Breakdown

A reputable conveyancer will give you a detailed breakdown of the likely costs at the outset so you know how much you will be paying and what for, assuming it all goes to plan.

5. Think About Local Knowledge

Local conveyancing firms will know about the area you are moving to. This may alert them to issues that might not show up on standard searches. During the process there will be many documents to provide, read, sign and return. Using a local firm can make all of this quicker, simpler and more convenient than using the postal service or remote online quoting.

For the full article, please visit www.powellslaw.com/2019/11/11/top-tips-how-to-choose-a-conveyancing-solicitor/



Your **Step-By-Step** Guide to Buying a Home

Conveyancing is a term for the legal process of transferring ownership of a property from one party to another. The first time you buy a property the conveyancing process can seem involved and complex. Even if you've bought or sold properties in the past it may have been some time ago and you may need reminding of some of the details.

To help clarify the various stages of the buying process, here's our step-by-step guide. Although the process can seem a bit drawn out at a time when you just want to get on with moving, it's worth remembering that it's there to protect the interests of both buyer and seller. Short cuts in the conveyancing process can have significant and long-lasting effects.

Instructing a Solicitor

After the seller has formally accepted your offer you need to instruct a solicitor to act on your behalf. Before going ahead, you should receive a breakdown of the likely costs and fees that will be incurred. Your solicitor will need to be satisfied that you have the necessary funds in place to complete the purchase including all fees and any Stamp Duty Land Tax (SDLT) due. If you plan to use money from relatives the solicitor will need to check on this.

Searches

The solicitor will arrange for searches to be carried out with various agencies to reveal information about the property. The aim is to identify any potential issues that could affect your use or the value of your home.

Local authority searches will cover planning issues including applications approved or rejected for the property, any restrictions to permitted developments, as well as any proposed major developments or road schemes nearby. It will also identify any issues with potentially contaminated land.

Other searches will investigate possible issues with flooding, drainage, sewers, subsidence or services such as energy, telecoms and water.

Queries

Your solicitor will request a draft contract from the seller's solicitor. This should include details of everything that is included or specifically excluded from the sale. If anything is unclear or if potential issues are raised by the searches your conveyancer will make enquiries on your behalf.

Surveys

Although not necessarily part of the conveyancing process it is common to have a survey carried out on the property you are buying. Your mortgage lender, if you are buying with a mortgage, will probably insist on a valuation survey and you might decide to have a more detailed inspection to identify any potential defects. Your survey may identify further questions for your solicitor to take up with the seller's solicitor before you exchange contracts.

Exchange of Contracts

Once all of the queries are resolved and your lender has confirmed they are happy to advance the funds contracts will be exchanged between you and the seller. At this point you are legally committed to completing the purchase by a date specified in the contract.

You will pay a deposit (usually 10% of the asking price), which you will forfeit if you decide not to complete.

Completion

On completion day, your solicitor receives the funds from your mortgage lender (or from your buyer's solicitor if you are buying and selling) and transfers all outstanding money to the seller's solicitor. After confirmation, the property is yours and you can collect the keys and move in.

After the Sale

Your solicitor will pay any SDLT due on your behalf within 30 days of completion and then register the transfer of the property and any mortgage with the Land Registry.

Throughout the process, attention to detail is essential, which is why choosing an experienced and professional conveyancer is so important. PowellsLaw is accredited under **The Law Society's Conveyancing Quality Scheme**. If you have any questions about **buying your home**, we will be happy to help.



Our Simple Guide to Stamp Duty



Stamp Duty Land Tax (SDLT) is the cost people are most likely to forget when they budget to buy a home. This can be a significant oversight as SDLT can run into several thousands of pounds.

The way SDLT is calculated depends on many factors, which we explain below. There are different rates for residential and non-residential purchases but here we're just going to focus on residential.

The key factors are the purchase price, whether the house will be your main home, and whether you are a first-time buyer. There can also be some differences for leasehold properties.

Moving Home

If you are already a homeowner and you are simply moving from one property to another the calculation is fairly simple. The SDLT due accumulates according to the following bands:

- The first £125,000 attracts no tax.
- From £125,000 to £250,000 the rate is 2%.
- For the portion of the purchase price between £250,000 and £925,000 5% is payable.
- Above £925,000 up to £1.5m is taxed at 10%
- And anything above £1.5m attracts a tax of 12%

Example: If you are buying a property for £350,000 you will have to pay £7500. That is made up as follows:

- Up to £125,000 = £0
- £125,000 – £250,000 ($£125,000 \times 2\%$) = £2500
- £250,000 – £350,000 ($£100,000 \times 5\%$) = £5000

First Time Buyers

If you have not previously owned your own home, you pay no stamp duty for the first £300,000 if the purchase price is less than £500,000. You then pay 5% on anything between £300,000 and £500,000.

If the property is worth more than £500,000 the standard SDLT rates apply (no first time buyer relief). If your spouse already owns a property you will not normally qualify as a first time buyer.

Second Homes

For second homes and buy to let, SDLT rates are higher. Anything over £40,000 attracts a minimum rate of 3%. There is then a 3% surcharge on each of the SDLT bands shown above. You can see the difference in this table:

Property Price Segment	Standard SDLT Rate	Second Home Rate
£0 – 40,000	0	0%
£40,000 – £125,000	0	3%
£125,000 – £250,000	2%	5%
£250,000 – £925,000	5%	8%
£925,000 – £1.5m	10%	13%
£1.5m +	12%	15%

It might be the case that you buy a second home and plan to make it your main residence but haven't yet sold your current home. You will need to pay SDLT rates for a second home. You can reclaim the additional SDLT if you sell your original home within 3 years.

Shared Ownership

Shared ownership schemes allow you to 'own' part of a property and pay rent on the portion that you don't own. The SDLT rules can become quite complicated based on whether you can, and intend to, gradually increase your share of the ownership and whether you are able to buy the freehold.

You can pay SDLT in a single upfront payment (a market value election), or in stages as you increase your share. If you have to pay a high rent for the part of the property you don't own this can attract additional SDLT. We strongly recommend getting advice to work out your best option.

Leasehold

In most cases SDLT will be calculated on the price paid for the lease on the same basis as for freehold properties. There can, however, be additional SDLT to pay if there is rent to pay over the life of the lease.

Paying SDLT

In most cases your conveyancing solicitor will complete the SDLT tax return and pay the tax on your behalf within the specified time. The cost of the SDLT will be added to the fee.

If you have any questions about Stamp Duty or any other aspect of buying a house, please contact the friendly team at [PowellsLaw](#).

What to Consider **When Buying a Property with Somebody Else**

The days when homes were predominantly bought by married couples are long gone. However, sharing the cost means sharing the ownership and there are risks you need to understand and protect yourself against.

Types of Joint Ownership

In English law there are two types of joint ownership. You can either be tenants in common or joint tenants.

As **joint tenants**, you both own the whole of the property. You cannot leave your interest in the property to whoever you want in your will, it will automatically pass to the other joint tenant. This type of arrangement is most common for married couples and partners.

As **tenants in common**, you each own a share of the property. This is the normal arrangement if a group of friends buy a property together or if family members agree to buy a share. Tenants in common can leave their share to whoever they like in their will. Some married couples use this arrangement to ensure that their share of the property is put into trust for their children should they die.

Deed of Trust

A deed of trust is also known as a declaration of trust. The deed can include how much money each joint owner paid towards a deposit. It can also set out what should happen if the relationship breaks down, one person is unable to pay their share of the mortgage or you want to sell the property. It takes the risk, uncertainty and reliance on other people acting honourably out of the arrangement.

For the full article, please visit www.powellslaw.com/2019/10/24/buying-a-property-with-someone-else/.



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