



Conveyancing Searches when buying a house:

The standard searches when buying a house that should be carried out by your Solicitor during the conveyancing process, before you legally commit yourself to the purchase, are:

1. Local Authority

This search will give you information on a number of different areas, e.g., planning issues, road works, the proximity of railway or tube lines, and whether the property is listed or is situated in a conservation area.

These matters must all be found out before you exchange contracts since they may affect your enjoyment or use of the property. For example, if the property is in a conservation area, there will be restrictions in terms of external alterations to the property, or, if it transpires that major road widening schemes are planned, you may change your mind about the purchase.

2. Water and Drainage

This search will reveal matters such as the proximity of public sewers, whether there is a sewer running through the boundaries of your property, whether the property is connected to the main water supply, whether foul water and surface drainage from property drain to a public sewer and location of the water mains.

Other Conveyancing Searches

There are also some non-routine searches that need to be undertaken in certain circumstances. Your Conveyancing Solicitor will advise you on which searches need to be carried out:

3. Environmental

In each transaction the conveyancer must make an assessment as to whether land contamination is an issue. Lenders generally do not require an environmental search to be carried out and it is not one of the routine searches, however, care must be taken to make sure environmental issues are considered where necessary, if, for example, it is known that there is a landfill site nearby.

If there are serious land contamination issues highlighted in the report (if one is commissioned), the buyer and lender must be advised. The lender will then consider whether they need to withdraw the mortgage offer. The potential clean-up costs, if land is found to be contaminated, can be considerable.

4. Commons Registration

This search should be carried out where the property borders on common land or a village green. If it transpires that any such land has been registered under the Commons Registration Act 1965, no development is permitted over that land. This search can also be undertaken as an optional enquiry on the CON 290 Optional Enquiries of Local Authority. This search should always be carried out when dealing with agricultural land.

5. Coal Mining

This search should be carried out where the property is situated in an 'affected' area. The search results will reveal whether there is anticipated coal mining activity or whether there was activity in the past, the existence of underground coal workings and mine entries which may cause problems with subsidence. It will also reveal whether any claims for compensation due to subsidence have been made. It should be noted that in some cases where compensation has already been paid out due to subsidence caused by coal mining, it will not be paid out again even if subsidence continues to be a problem.

6. Land Charges

This search should be taken when dealing with unregistered land. This will reveal whether any bankruptcy proceedings are registered against the owner of the land. It will also reveal information relating to encumbrances over the land, e.g., restrictive covenants, mortgages, estate contracts and home rights.

7. Index Map Search

It should be made in all cases involving unregistered land and it also useful when buying land comprised in more than one registered title. The search will reveal whether the land has already been registered or there is a pending application.

8. Disadvantaged Areas Search Relief

You should do this search to ascertain whether the property is situated in a disadvantaged area for which relief can be applied for provided the value of the property does not exceed £150,000. This means that stamp duty land tax does not have to be paid.

9. Chancel Repair Liability

If the property is situated near to a church, a chancel liability search should be carried out. The deeds will often reveal whether the owner is liable to contribute towards church repairs but it should not be assumed that such a responsibility will necessarily be recorded in the deeds. In the first instance, the seller should be asked this question when enquiries are raised. Chancel repairs can be very costly.

10. Indemnity Insurance

In some circumstances indemnity insurance can be taken out in place of conveyancing searches. Your conveyancer will advise you on this.