



The Conveyancing Committee would like to remind practitioners of the practice note published by the committee in the November 1990 issue of the Gazette and republished last September at page 5.10 of the new Conveyancing handbook. Once again, practitioners are reminded that a solicitor who gives a certificate of title undertakes to furnish an engineer's or architect's certificate that the property in question has been erected in accordance with the planning permission granted. In the case of a house in the course of construction, a solicitor cannot undertake this and where the lending institution is paying out the loan by instalments, the solicitor's undertaking to the lending institution should be amended accordingly. If the undertaking to the lending institution is not amended, and if a practitioner pays out a loan cheque or any instalment of a loan to his client before the house is completed, he is at risk if there is a failure by his client to comply with the planning permission granted.

UNDERTAKINGS: HOUSE IN THE COURSE OF CONSTRUCTION – A REMINDER