

**CERTIFICATE OF
NO DEALINGS
PENDING**

The Conveyancing Committee has been requested to clarify the practice note published in the July/August 1993 edition of the Gazette as it applies to the practice of furnishing certificates of no dealings pending.

The Committee had recommended that a certificate should only be given by a vendor's solicitor in relation to the purchase, lease or charge of a folio due to the difficulty of making a priority search *where there are dealings already pending* affecting other parts of the same folio.

The Committee wishes to clarify that the purchaser's solicitor should not insist upon a certificate unless there are in fact dealings pending which are revealed by the purchaser's searches. It is then the responsibility of the vendor's solicitor to establish the subject matter of the relevant dealings and to give a certificate that those dealings do not affect the portion of the property being acquired, leased or charged (if this be the case).

However, it is recommended that the certificate should not be a blanket certificate but should be specific by reference to the numbers or other means of identification of the relevant dealings. This is because other dealings may have been lodged by third parties which may not be known to the vendor's solicitor such as those relating to judgement mortgages, cautions etc., or relating to transactions in respect of which another solicitor had been instructed by the client or which may not be revealed on the search. A blanket certificate would arguably cover these other dealings and thus would leave the vendor's solicitor exposed to an action from the purchaser.