



BUILDING DEVELOPMENT

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A member has drawn the attention of the Conveyancing Committee to the fact that solicitors for some Builders selling houses on developments which comprise unregistered land are refusing to furnish Memorials executed by the Vendor as has always been the practice. The Committee feels that a Purchaser is entitled to have a Memorial executed by the Vendor and can see no good reason for a departure from the practice that in building estates a Memorial duly executed by the Vendor is furnished at his expense.

PROPERTIES ON HOUSING ESTATES

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While many of the solicitors acting for the leading building firms are known to be using the agreed Law Society/Construction Industry Federation Contract there are still a small number who are using other forms. The Conveyancing Committee while recognising the right of individual solicitors, or their clients, to use their own contracts points out that the working party which drafted the standard contract when examining a number of the contracts then in use on building estates found that many of them had serious defects. A most common one was that in the event of a dispute the decision of the builder's architect would be final. Provisions of this sort have been deemed unenforceable by the Courts. Accordingly the Committee would urge members acting for the developers of building estates to give serious consideration to using the standard Law Society/Construction Industry Federation form.