



**UNFAIR TERMS  
IN BUILDING  
AGREEMENTS**

**T**he Conveyancing Committee has received numerous complaints from practitioners to the general effect that some builders' solicitors still insist not only on inserting terms in building agreements which are in breach of the Unfair Terms in Consumer Contracts Regulations 1995 but persist in refusing to remove such terms when the fact of their being in such breach is pointed out.

Builders' solicitors should be aware that the High Court Order obtained by the Director of Consumer Affairs last year contains a specific prohibition on the use, or continued use, of such terms.

The Committee will be vigilant to ensure that the use of such conditions is eliminated as far as possible, and to this end, practitioners are asked that if they meet a persistent refusal to remove such terms, they should bring the matter to the attention of the Director of Consumer Affairs and / or the Conveyancing Committee.

Colleagues are further advised that the continued use of such terms is in breach of the Regulations and the Order of the High Court. The Director has indicated her willingness to issue High Court proceedings against specific builders and solicitors who continue to use the prohibited terms.

**PRACTITIONERS ARE REMINDED OF THE FUTILITY OF INSERTING SUCH TERMS, AS THEY ARE UNENFORCEABLE.**