



**LAND REGISTRY
APPROVED
SCHEME MAPS**

It has been brought to the attention of the committee that it is becoming a frequent occurrence that a solicitor acting for the purchaser of a new house or apartment would be required by the contract to accept an undertaking on closing from a builder's solicitor in respect of the Land Registry Scheme Map and close the purchase based only on a copy map provided for identification purposes. It seems that this new practice is designed to limit the builder's exposure to the cost of amending Land Registry scheme maps according as the development progresses.

From a conveyancing point of view this new practice is completely unacceptable and all solicitors are encouraged to ensure that it is stamped out before it gains any further ground in practice. The acceptance of such a condition in a contract means that a purchaser cannot proceed, following closing and stamping, to register the client's title or the lender's mortgage, where applicable. In registration terms it places the client's and the lender's priority in great jeopardy and if accepted by the borrower's solicitor, places that solicitor in breach of his or her obligations under the undertaking given to the lender. It is the view of the committee that no solicitor should expose their client in this manner to the risks associated with a builder going into liquidation or otherwise going out of business in circumstances where a development may be unfinished and where the architect or engineer on a project has not provided Land Registry approved scheme maps for the client's site.

The committee will be urging all the lending institutions that participate in the certificate of title system to refuse to accept proposed qualifications to solicitors' undertakings or certificates of title in this regard.