



## HIGH COURT ORDER

On 20th December 2001, the High Court found that certain terms that had been used in building agreements were unfair within the meaning of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (“the Unfair Terms Regulations”). This Order was based on an application by the Director of Consumer Affairs pursuant to the Unfair Terms Regulations, which application was prompted by numerous complaints by purchasers' solicitors to the Conveyancing Committee. The Order directed that no person should use such terms or terms having a like effect in a building contract.

Despite the making of the said Order, a number of solicitors for builders are still using the prohibited terms and terms having the like effect as those found to be unfair. The Complaints and Client Relations Committee (formerly known as the Registrars Committee), following discussions with the Conveyancing Committee, has indicated that it will consider complaints against solicitors alleging breaches of the High Court Order. Any complaints arising from any such alleged breach that are upheld may be deemed to be misconduct and, if so found, will be dealt with accordingly.

## REGISTRAR OF SOLICITORS and CONVEYANCING COMMITTEE

## CHAPTER 5

NEW HOUSES/HOMEBOND/  
BUILDERS AND NEGATIVE  
SEARCHES FOR HOUSING  
DEVELOPMENTS

## BREACH OF UNFAIR TERMS ORDER MAY BE DEEMED TO BE MISCONDUCT

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