



The Professional Purposes Committee has been considering the prevalent practice of solicitors sending out to Auctioneers copies of Contracts for sale where premises are for sale by private treaty and not by auction. It appears that Auctioneers frequently seek contracts from the Vendors' Solicitors once a sale has been agreed.

The Committee considers that the best interests of the public and solicitors duty are not served by the existence of this practice which does not allow a Purchaser's Solicitor a reasonable opportunity of considering the pre-contract title which is being offered before advising his client as to whether he should proceed to complete the contract.

There must be also some doubt as to whether a purchaser who executes a contract presented to him by an Auctioneer, without having had the opportunity either personally or through a solicitor of inspecting the title documents referred to in the first schedule of the standard form of contract, would be bound thereby.

The Committee considers that a party to a sale should have an opportunity of having the Contract vetted by a Solicitor before executing same and recommends that in Private Treaty Sales the practice (where it exists) of sending out copies of contracts to Auctioneers be discontinued.¹

SALE BY PRIVATE TREATY

ISSUE OF CONTRACTS TO AUCTIONEERS

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1. See page 12.2 hereof