



**DOCUMENTS  
SCHEDULE IN  
CONDITIONS OF  
SALE**

**T**he intention of the Law Society Conveyancing Committee in preparing the standard Conditions of Sale for general use was that the Vendor would disclose at contract stage sufficient and adequate particulars of the Vendor's title to enable a Purchaser's solicitor to consider properly the adequacy of such title before completion of contracts in accordance with long standing conveyancing practice.

The Conveyancing Committee anticipated that the documents which would be listed by Vendors' solicitors in the Documents Schedule to a draft contract would disclose *inter alia*, the root of title and also the length of title being furnished.

The Conveyancing Committee has become quite concerned at the developing practice of solicitors acting for vendors furnishing to purchasers' solicitors copies of all documents relating to the vendor's title coupled with a special restrictive condition worded in the following or similar terms viz:

"The title shall consist of the documents listed in the Documents Schedule and shall be accepted by the purchaser as full and adequate evidence of the vendor's title to the subject property".

It is the view of the Committee that such a practice is a highly undesirable one as the Committee considers it to be unfair to purchasers and their solicitors as it is a clear attempt to restrict the raising of proper requisitions on title. Furthermore, the Committee considered that such practice also is unfair to purchasers and their solicitors as by putting them on notice of such documents at the pre contract stage it obliges the purchaser's solicitor to carry out a full and detailed investigation of title before advising his client to complete the contract.

The Conveyancing Committee disapproves of the foregoing practice and recommends that in accordance with established conveyancing practice the documents listed in the Documents Schedule to the standard Conditions of Sale should be limited to:-

- a) The root of title being shown.
- b) Any document to which title is stated to pass under the special conditions.
- c) Any document which is specifically referred to in a special condition.
- d) Planning documentation.<sup>1</sup>

The Conveyancing Committee disapproves, save in very exceptional circumstances, of a practice which would unreasonably restrict solicitors for purchasers in carrying out proper and detailed investigations of title on behalf of their clients

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1. "d) Planning documentation"  
was added in October, 2000