



**PROPER
PRE-CONTRACT
ENQUIRIES**

It has been brought to the attention of the Conveyancing Committee that, in an increasing number of cases, pre-contract enquiries such as or similar to the following are being raised as a matter of course by solicitors acting for purchasers:-

"Has the Vendor disclosed all letters, notices, orders or documents or other matters relating to the property which might prejudice the Purchaser?"

It is the view of the committee that the above is an improper pre-contract enquiry as it effectively purports to negate the principle of caveat emptor as it applies to the Law Society's standard contract for sale.

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**PRE-CONTRACT
ENQUIRIES
REGARDING
PROTECTED
HABITATS**

The following enquiries should be raised pre-contract, as part of a prospective purchaser's pre-contract investigations, where there is a prospect that there is a sensitive habitat in the area, or that an environmental protection is in place. They are not appropriate for residential property in the middle of urban areas, and would rarely be necessary in the case of other residential properties, unless a significant land holding is involved.

Where replies in the affirmative are received then further and more detailed enquiries should be made.

Habitats Directive and related environmental legislation

1. Is any part of the property designated as a natural heritage area, special area of conservation or special protection area?
2. If not, is the vendor aware of any proposal for any such designation affecting the property?
3. Has any order been made, notice served or agreement entered into under the Wildlife Acts 1976 and 2000 affecting any part of the property?

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