



Certain Requisitions have been revised and only those Requisitions which have been updated or changed in some way are commented on in this note.

Requisition No.s

New

2 Services

2.1.a.(i) This is new for the purpose of establishing the type of drainage.

3 Easements and Rights

3.2.a This has been expanded to include turbary rights or other profit a prendre.

16 Taxation

16.7 The figure of £100,000 has been replaced with the words "the Capital Gains Tax threshold current at the date of this contract".

16.9 The figure of £100,000 has been replaced with the words "the Capital Gains Tax threshold current at the date of this contract".

16.11 The words "current at the date of this contract:" have been added to the end of the first paragraph.

This Requisition has also been changed by the addition of paragraphs a. and b. pursuant to Section 135 of Part 5 of the Finance Act, 2000. No Residential Property Tax Clearance Certificate needed (even if property exceeds threshold) provided the property was previously sold for full consideration post 5/4/1996.

16.13 This is new to cover transactions which involve a non-residential element together with a residential element where the consideration is required to be apportioned for stamp duty purposes.

16A Value Added Tax

16A.1. to 5. These requisitions on VAT are new. For a more detailed explanation of them please see the explanatory memorandum which was published when the new VAT requisitions were first circulated in October, 2000 and which was re-published in the first update to the Conveyancing Handbook in February, 2001 at pages 8.9 to 8.14.

22 Registered Property

22.2.d This has been expanded so that the Undertaking will also cover the payment of

LAW SOCIETY REQUISITIONS ON TITLE

2001 EDITION

EXPLANATORY MEMORANDUM



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MEMORANDUM**

(Contd.)

Land Registry Mapping Fees.

This has also been amended to provide that the Undertaking will be given by the Vendor (and not by the Vendor's solicitor as has been the practice until now).

- 22.2.f This Requisition has been expanded to provide that the Section 72 Declaration should contain an additional paragraph, so that the Vendor declares that there have been no deaths or voluntary dispositions on title within the previous twelve years. This is in accordance with the Law Society Conveyance Committee Practice Note published in July/August 1993 Gazette.

- 24 **Family Home Protection Act 1976, Family Law Act 1995 and Family Law (Divorce) Act 1996.**

Note additional reference to Family Law (Divorce) Act, 1996.

- 26 **Judicial Separation and Family Law Reform Act 1989, Family Law Act 1995 and Family Law (Divorce) Act 1996.**

Note additional reference to Family Law (Divorce) Act, 1996.

- 36 **New Flats / New Managed Properties**

- 36.12.a This has been amended to provide that the Undertaking will be given by the Vendor (and not by the Vendor's solicitor as has been the practice until now).

- 37 **Second Hand Flats / Second Hand Managed Properties**

- 37.2.d This has been amended to provide that the Undertaking will be given by the Vendor (and not by the developer's solicitor's as has been the practice until now).

- 39 **Milk Quotas**

These requisitions are new. They refer to the 2000 Regulations and they replace the previous requisitions which referred to the 1995 Regulations. For a more detailed explanation please see the updated commentary at Pages 6.1 to 6.7 of the Conveyancing Handbook as circulated in February, 2001.

*Circulated to the profession
with a sample of the new
requisitions, December 2001*

UPDATE: Practitioners should bear in mind that there may be further amendments in subsequent editions of the Requisitions on Title or in subsequent practice notes.