



It is with great disappointment that the Conveyancing Committee notes that, notwithstanding the publication in the Gazette of notices on two previous occasions since the Certificate of Title documentation as agreed with the lenders was introduced, the profession has to be reminded once again of the basis of the operation of the Certificate of Title system. It is quite clear from the numbers of queries received by the Committee that some solicitors appear to have difficulties dealing with documentation that does not conform with the agreed package.

In reiteration of the Committee's previous advices, the package consists of the following three agreed documents:- Certificate of Title, Undertaking and Guidelines.

Certain lenders are purporting to enlarge the solicitor's responsibility by way of including correspondence accompanying the above documents and by the inclusion of such words as "instructions to act", requesting solicitors to accept letters of instructions and by including other documents and forms which have not been agreed with the Conveyancing Committee.

It cannot be emphasised enough that, for the protection of the individual solicitor and of the profession, such documents should be rejected and returned to the lender pointing out that:-

1. the solicitor does not act for the lender,
2. the only documentation being accepted is that contained in the agreed package.

There is a clear onus on solicitors to read the documentation furnished to them and to proceed only in accordance with the Practice Notes already published by the Committee.

CERTIFICATES OF TITLE IN RESIDENTIAL (NON-COMMERCIAL) CONVEYANCING

*Circulated to the profession
on the 3rd June, 1998*

CHAPTER 11

LOANS, MORTGAGES
AND CHARGES

LAW SOCIETY CONVEYANCING HANDBOOK



CERTIFICATES OF TITLE IN RESIDENTIAL (NON-COMMERCIAL) CONVEYANCING

(Contd.)

CERTIFICATE OF TITLE DOCUMENTATION

The wording of the current documentation in use in connection with the Certificate of Title System issued to the profession in December, 1996 is currently under review and the revised wording is expected to be agreed shortly. New forms of documentation will be issued in due course for insertion in the Appendix to this handbook.

August 1998

UPDATE: See the current certificate of title documentation at Appendix 7 hereof.