



Conveyancing

In Ireland





Are you thinking of buying or selling a property here in Ireland? If so, you should think about getting a solicitor for buying or selling the house in question.

What Is Conveyancing?

Firstly, it is important to understand what conveyancing is. Conveyancing is a legal process that allows for the legal title of property to be transferred to another person. In other words, ownership and control over property is transferred to another person. In addition to buying and selling property, conveyancing deals with remortgaging and more.

Remortgaging:

Remortgaging is the process of taking out a brand-new mortgage on a home you own. If you are remortgaging your home, you will need a reportage solicitor to assist you in the reportage process. Generally, remortgaging fees are disclosed upon meeting with the solicitor, and before you consent to anything.

What Does Having Legal Title Mean?

“an important legal concept by which one assesses the strength of one’s right to exercise [this] control over land.”

In other words, title proves that you have the right to control the land you allege you own.

How to Pick a Property.

The type of questions you need to ask yourself before you purchase property are as follows.

- a) Are there alterations that need to be done to the property?
- b) Is it in my price range? For instance, conveyancing costs and property costs
- c) Is this property satisfying my needs? For instance, is it within reasonable distance to work?
- d) Are there any health and safety hazards?
- e) Am I applying for a mortgage?
- f) Is there a time limit to put in an offer?
- g) Do I need a mortgage advisor?
- h) Am I paying a cash deposit?
- i) Do I need to apply for the Help to Buy Scheme?
- j) Do I want a brand new or second-hand home?



What Is Commercial Property?

Commercial property is used for business purposes for example, offices, retail stores and more.



What Is Residential Property?

Residential property is used for living purposes for example, apartments and housing. Buying or selling residential property is known as residential conveyancing.



Two Systems That Regulate The Registration Of Land.

Both systems are provided for by the Property Registration Authority. See <https://www.prai.ie/> for more information on the Property Registration Authority.

1. Registration of Title deals with Registered land

Property registered with the Land Registry have a folio. Ownership of property is identified by a folio number on the register. The folio describes the property, issues arising and provides a map of the property.

2. Registration of Deeds deals with Unregistered land

This system has a record of all deeds and land transactions.



How Do I find The best Conveyancing Solicitor?

1. You should ask yourself “Are there conveyancing/property solicitors near me”?
2. Gather information on solicitor fees for buying and selling a house.
3. Is the solicitor offering a fixed price for conveyancing?
4. What are their qualifications
5. Will they be able to adhere to my interests and needs?

What Are Searches?

When buying a home, enquires are carried out to ensure there are no defects with the property along the conveyancing process. The type of searches that are carried out are licence search, planning search, land registry company search, registry of deeds search, water and drainage search, environmental search and more.

What Does A Conveyancing Solicitor Do?

- A. Ensure the transaction runs smoothly
- B. They assist you in your land conveyance
- C. Carry out conveyancing services such as searches regarding issues with the property.
- D. Request and get a copy of your mortgage offer if it applies to you.
- E. Connect with your lender throughout the process
- F. Examine and explain the contract for sale, planning permission and title deeds with you
- G. Transfer deeds
- H. Deals with the Land Registry
- I. Review your interests to see if they comply with the sale. For instance, distance, rooms needed and if you are buying a second-hand property a planning survey will need to be completed by an architect or engineer. This will identify any defects to the property. This is really important due to the fact if parties sign the contract before this happens, you are agreeing to take the property as it is

Conveyancing Process:

Step 2:

The next stage in the conveyancing process is the vendors solicitors create a contract for sale. Once the contract is created, they will send the purchaser's solicitor the Title Deeds and the Contract for Sale.

Next, if applicable the lending institution will send parties a loan offer. This is where your solicitor and mortgage advisor review the terms of the offer. If all parties are satisfied with the terms, then parties will sign it

Step 1:

The auctioneer will inform parties of an agreed price and the purchaser will give the auctioneer a deposit for the property. This deposit can be refunded to you during this process. Despite your deposit, no legally binding contract/agreement is created yet.

Step 3:

Next, the title documents will be examined. If problems or questions arise from the title documents, your solicitor will reach out to the vendor and find a possible solution for instance, issues regarding rights of way or planning. Upon examination of title documents, both parties must be happy with the terms.

Step 4:

In this stage, the purchasers solicitor will give the signed contracts to the vendors solicitor to sign. It is now that a legally binding contract is formed. Next another deposit and closing date is established. A deed of transfer is produced by the purchasers solicitors and sent to the seller. The purchaser's solicitor may raise requisitions Here replies are welcome regarding requestions on title and the objections. Once the vendor agrees, the documents are sent back to the seller. A loan cheque is obtained by the purchasers solicitor from the lender.

Step 5:

On the agreed date, the purchaser will pay off the balance of the payment and will receive their keys. Searches are conducted and once the searches come back in a positive manner, the rest of the purchase price is given to the seller's solicitor. Last but not least, the keys are given to the purchaser.

The purchaser has to pay the Revenue Commissioner stamp duty and change the register with the Land Registry.



Step 6:

Move into your home.



What Is Included In A Contract For Sale?

The buying and selling of property is provided for by Section 2 of the *Statute of Frauds (Ireland) Act*, 1695 (replaced by section 51, *Land And Conveyancing Law Reform Act 2009*). It includes the following,

1. Writing:

Generally, contracts for sale or agreements selling land must be in writing. Particularly the price, parties, property and particulars should be in writing.

2. Sections For Non-Owning Spouses:

As mentioned above, section 3 of the FHPA prohibits the sale of the family home without the consent of a spouse.

3. Sections For Personal Information:

Information such as parties name, price, deposit, address and solicitors name

4. The Closing Date Of Sale

5. Planning Permission

6. Additional Documents

7. Additional Terms And Condition

Are There Any Additional Costs?

Conveyancing quotes	Description:	Checklist:
<p>Stamp Duty</p> 	<p>Stamp duty is a mandatory component for buying property and is valued at the price of the property in question.</p>	
<p>Solicitor fees</p> 	<p>The most common question that arises is , what are solicitor costs/ fees for selling or buying a home ?</p> <p>Solicitor fees for buying/ purchasing and selling a house will be disclosed to you before you consent to anything.</p>	
<p>Insurance</p> 	<p>Depending on the type of insurance obtained, you will need to pay fees. For instance, mortgage cover, life insurance, house insurance and protection from the date you signed the agreement.</p>	
<p>Registration</p>  <p>An tÚdarás Clárúcháin Maoine Property Registration Authority</p>	<p>Registration of your property is a mandatory component in conveyancing and payment is needed to register the title of property.</p>	
<p>Engineer/Surveyor fees</p> 	<p>Payment needed will be disclosed to you before you consent to anything. Surveyors fees will be valued to the extent of defect in the property.</p>	
<p>Search fees</p> 	<p>Search fees are valued according to the amount of enquires and the title of the property in question.</p>	
<p>Mortgage Advisor fees</p> 	<p>Payment needed will be disclosed to you before you consent to anything.</p>	
<p>Renovations</p> 	<p>This additional cost is not mandatory and depends on the parties own interests.</p>	



The Family Home and Legal Title:

Legislation: Family Home Protection Act 1976/Civil Partnership Act 2010.

What does the legislation do?

The 1976 Act applies to all married people and was introduced to solve the difficulties that arise where one spouse owns the family home with the other having no rights over it. This put non-owning spouses and the children of the marriage in a vulnerable position.

What happens if my home is being sold without my consent and I don't have legal title?

Section 3 prohibits a disposition of the family/shared home by one spouse/civil partner without the prior consent in writing of the other spouse/civil partner with no legal title.

A conveyance is described under s.1(1) of the 1976 act as “*a mortgage, lease, assent, transfer, disclaimer, release and any other disposition of property otherwise than by will or a donatio mortis causa and also includes an enforceable agreement ... to make any such conveyance[.]*”

Not acting in accordance with section 3 may result in the conveyance being invalid only if court proceedings are brought within a 6-year time period.