Devon and Somerset Law Society Response to Government Home Buying and Selling Reform

Question 1 – Question 4

This response is provided by the Devon and Somerset Law Society (DASLS) of Aston Court, Pynes Hill, Exeter, Devon EX2 5AZ, an organisation/professional body. The person submitting the response on behalf of DASLS is Pippa Bruce, Vice Chair of the Property and Private Client Committee for DASLS who is contactable on 01395 220021 or pippa.bruce@everys.co.uk.

Question 5 & 6
Q5 Do you agree with the following proposed objectives?
Q6 Are there any objectives you think should be changed, removed, or added?

- *Faster more reliable transactions enabled by better digital tools, streamlined processes and reduced repetition*. We agree with the objectives. More reliable transactions will avoid unnecessary costs and stress for buyers and sellers, and avoid unnecessary work by conveyancers, if transactions do not proceed. Streamlined processes and reduced repetition will avoid unnecessary delays, stress and frustration for all involved. Digital tools will be helpful if they are entirely fit for purpose and providers give full liability and insurance to cover all issues arising, although we believe most conveyancing practitioners will already use digital tools to a some extent in the conveyancing process (e.g. in respect of ID verification, onboarding clients, reporting matters to buyers, ordering searches, and Land Registry matters). We would warn of the increased vulnerability to cyber-crime when transactions rely heavily on digital tools, and also the risk of transactions being at a standstill if online or digital systems fail. With regard to making transactions faster, the actual work involved in the legal conveyancing process is time consuming as there are many factors which require thorough consideration in terms of common law and legislation, and what affect these have on properties/transactions which buyers, sellers and lenders need to be made aware of in terms of risk and liability (including financial risk and liability to them) - the actual conveyancing part of the process will still need deliberation and careful explanation to parties involved to ensure they understand and can make an informed decision without having an unreasonable time-pressure. A property is likely the most expensive thing most people will buy in their lives, and they need to be made aware of issues which could significantly affect value, saleability, mortgage-ability, and use and enjoyment of that home, especially if they are purchasing the property to live in. It is even more important to protect individual's financial interests in property when many people are struggling financially and do not have surplus funds to put right any defects or issues that arise following 'botched' conveyancing carried out in a hurry, or by those without sufficient knowledge/skills to identify issues, risks and liability and advise buyers, sellers and lenders appropriately during the conveyancing process. Further, regulatory complexity and duplicated risk controls (such as AML) tend to delay transactions. There appear to be overlapping or duplicated obligations during the house buying and selling process which must be frustrating for buyers, sellers and other parties involved, for example the AML rules where we understand Estate Agents are required to check source of funds for buyers, the mortgage broker is required to check source of funds for buyers, the bank where the funds are held for buyers are required to check the source of these funds, and then finally the conveyancer is required to check the source of funds for buyers - allocating AML/source of funds checks to banks only would reduce time spent in this respect for the other professions who also currently are required to duplicate this work, and would also reduce legal costs for time spent in reviewing what can sometimes be extensive paperwork to evidence source of funding and considering the same. Regulatory complexity such as the voluminous post-Grenfell safety obligations has resulted in many law firms not taking on transactions which involves the Building Safety Act as this legislation is not straightforward, and the risk too high - firms who do deal with transactions involving the Building Safety Act are in many cases uncertain resulting in delay and higher cost for buyers and sellers.

- *Reduced fall throughs and risks, including those caused by property chain.* We think this objective ought to be removed unless there is some fundamental change to the buying and selling process - how are individuals going to buy and sell without chains where this would not actually delay transactions to a much greater extent? Most transactions are within chains as buyers need to sell their property simultaneously to be able to buy another property, and very few transactions have just one buyer and seller, or have sellers who are able to break chains due to personal and financial circumstances.
- *High professional standards ensuring competence and accountability across the sector.* We agree this objective as this ties in with our comments above relating to the complex nature of properties and transactions, and the risks issues and liabilities (financial and otherwise) affecting the same; it also ties in with our comments on property being the most expensive purchase most people will make in their lives and the need for their financial interest to be protected as much as possible. We would also add to this objective that conveyancing should only be carried out by regulated individuals who are sufficiently knowledgeable and skilled to carry out such work without unnecessarily complicating or delaying the process - it seems so many individuals who carry out the conveyancing process lack the necessary knowledge of common law and legislation, and the Conveyancing Protocol, and are dealing with transactions with minimal (or we suspect in some cases no real supervision of the most important parts of the conveyancing process) which leads to unnecessary delays, frustration and stress in the transaction for all parties involved when

unnecessary enquiries are raised during the transaction, relevant enquiries are not addressed appropriately during the transaction, important matters (issues, risks or liabilities) are not identified during the transaction and advised upon to buyers sellers and lenders which then causes further delay and costs to individual buyers and sellers when issues have to be addressed upon future re-sale.

- *Better informed consumers through improved education and transparency.* We agree this. If buyers and sellers are provided with an information/guidance booklet to make them aware of the complex nature and risks involved in the conveyancing process, to include what is involved in the conveyancing process, and to educate that this is a legal process and the law requires consideration to protect buyers sellers and lenders, then this may help manage expectations and avoid impatience from parties who previously had a lack of knowledge or understanding of the process. Matters such as Grant of Probate or Letters of Administration, work carried out without building regulations compliance or planning evidence, estate rentcharges, complex and time consuming nature of leasehold transactions or defective leases being involved should also be included in the information for buyers and sellers, as these can delay the transaction significantly.
- *Trust and confidence in the system leading to higher satisfactions and a more resilient market.* Agree - our comments above and our additional objectives should already cover this.

We would add the following objectives:

- *Conveyancing costs to better reflect the complexity of work involved in the conveyancing process and level of risk involved in conveyancing transactions.* The cost needs to better reflect the amount of time and the level of skill required to properly consider the risk and complexity of transactions and to advise buyers sellers and lenders accordingly. The conveyancing cost needs to be enough to allow for more manageable caseloads in order to progress transactions swiftly and give good customer service, and still be able to identify risks, issues and potential liabilities for buyers and sellers and lenders and advise appropriately for an informed decision to be made. The risk of getting things wrong can be significantly expensive for individuals and conveyancers/firms (e.g. if a property worth £1million has defects or issues which render its value reduced by hundreds of thousands of pounds, that is the cost of getting things wrong). For the reasons mentioned in our comments above. Financial priorities for buyers and sellers need to be shifted so that the work involved to ensure legal risks, issues and liabilities are identified and advised upon by conveyancers is understood and valued - if property owners assets are devalued, unsaleable or un-mortgageable the adverse financial impact would be significant to home owners so the skills of qualified and regulated conveyancers is vital.

- *Only regulated, and suitably skilled and knowledgeable persons to carry out the conveyancing process.* As mentioned above, there seems to be a large amount of individuals carrying out conveyancing without adequate knowledge or skill, which leads to delays and risk to buyers and sellers for many reasons, some of which we have identified above. There should be mandatory baseline skill/competence for conveyancers, minimum CPD requirements and much better supervision and management for unqualified or unregulated conveyancers.
- *All lenders having standard instructions for conveyancers.* At present mortgage lenders have many differing instructions on what they will and will not accept, what they require to be notified of for their consent to proceed, and further steps required. Having just one set of standard instructions for all lenders may simplify property purchases involving lenders and save time in the transaction. Further, the frequency of variations to each of the lenders' individual handbook/guidance means lawyers are having to regularly check during the course of a single property transaction that the guidance hasn't changed on a particular area of law and further evidencing this for their file should this ever be in contention, again taking additional time and cost to the consumer.
- *Local authorities holding readily available planning documentation.* At present planning agreements for developments can be extremely lengthy, liability can pass to individual property owners (resulting in possibly significant costs to buyers unless the financial planning obligations have been discharged or liability is specifically excluded within the planning document) and obtaining evidence of discharge for planning obligations and planning documents delays transactions as it can take a significant amount of time for conveyancers to locate the correct documents on local authority websites or request direct from a local authority who many times make an additional charge for providing the required information. Further, obtaining evidence of discharge of conditions for planning for an individual property or extension etc can delay transactions as these can be time consuming to locate on local authority websites or request direct from a local authority, who again seem to sometimes make charge for providing the required information (if planning conditions have not been met then the planning is invalidated, meaning the construction is illegal and enforcement action to remove the works is available). If all necessary planning agreements/obligations and conditions were readily available from local authorities this would avoid delay and additional cost to buyers and sellers for conveyancers additional time spent in locating this documentation.

Guiding principles for objectives

• Reform must be evidence-led and *pilotable* so only measures that demonstrably shorten average transaction times or reduce abortive costs should be adopted nationally.

• Reform must protect buyers and sellers and their conveyancers from new legal and building defect exposures (e.g. misrepresentation, undeclared construction defects, developer 'ransom'-style practices) and strengthen professional oversight of 'unauthorised' staff, not weaken it, especially in conveyancing 'factories'.

Question 7

Do you agree that there should be a mandatory requirement for sellers and estate agents to provide comprehensive upfront information?

If the "buyer beware"/caveat emptor principle remains in place, the information would have to be entirely correct and accurate and liability would have to be accepted by the seller and information providers for any inaccuracies, however this could be problematic if a buyer needs to rely on the information and the duty of care is only to the seller or the person paying for the information. Given the price of property (i.e. the cost of getting things wrong), the financial liability could be unacceptable to sellers and information providers. Any changes to the property or matters affecting the property would need to be updated immediately to prevent issues or unreliability of the information provided.

Matters such as financial implications for home owners (e.g. council tax banding, any financial liabilities attached to the property under the title or land charges, any freehold estate charges, leasehold service charges and ground rend etc) could be helpful and may avoid transactions failing at a later stage - if buyers cannot afford the outgoings this will stop those parties from even starting the house buying process for an unaffordable property.

If title information is provided, a very basic guide/explanation on the rights and covenants affecting the property could be included to avoid buyers from proceeding with an unsuitable property, e.g. if use of a property is restricted to non-holiday or Airbnb letting or HMO because of the wording or effect of a covenant, and a buyer is looking specifically for this type of property; if there is a shared private driveway which is in bad repair or will be expensive to maintain and repair and would be unaffordable for that buyer; if a buyer wants to develop or extend the property and there is a restriction preventing this. This may avoid transactions failing later in the process when a property is not appropriate for a buyer.

If land charges, planning and building regulations information is provided, there should be guidance provided to potential buyers on implications of planning constraints (e.g. Listed building), lack of building regulations compliance for construction of or alteration of or addition to the property, and lack of planning permission for construction of or addition to or alteration of the property, to avoid the transaction failing later in the process for buyers or lenders who find the information unacceptable.

Pre-sale information pack fees would need to include legal cost for sellers as a conveyancer would need to be instructed prior to marketing the property to provide relevant information and explanation on the same - buyers are highly unlikely to be able to assess risk and identify all potential issues without adequate guidance. Sellers may not be able to afford the pre-sale pack costs - many sellers are downsizing to free up finance or just do not have available finances available to pay for this up front cost.

Further we envisage an issue in the explanation of information being provided, as the legal representative/conveyancer for the seller would not be acting in the interests of the buyer, and the legal advice would therefore need to be duplicated and expanded on considerably by the buyers legal representative/conveyancer. An additional problem is that property related issues cannot be corrected in all circumstances, and it often takes a conveyancer with adequate knowledge and skill to advise buyers and lenders of the risks, and identify and advise on any suitable insurance policies for transactions with issues to reassure and enable transactions to proceed - without adequate guidance, buyers may be overcautious of adverse matters revealed in up-front information and this could result in many sellers failing to find a suitable buyer for their property.

We therefore disagree that this information would make transactions faster and cheaper for buyers and sellers, it just appears to be shifting responsibility for some of the costs involved.

Question 8

Do you agree that this should include a requirement to order property searches and undertake a property condition report?

This will result in costs to the seller being much more than they are currently, and may result in reduced availability of housing as this may be unaffordable to many sellers. Further, the information would need to be reported on to buyers for them to understand the implications of the results. Please refer to our comments to Question 7 for issues envisaged in this respect. Searches and survey would need to be automatically updated immediately when any information changes, and a buyer, their lender and their conveyancer must be able to fully rely upon the same. Liability must also accepted entirely by the providers for any issues or costs arising as a result of inaccurate information - suitable insurance should be provided by the providers for the benefit of buyers, sellers and conveyancers for any inaccuracies in the information provided. Further, we cannot see a survey/property condition report would be helpful unless it is a full structural survey which can cost a minimum of £1,000 which is likely to be unaffordable to many sellers. Again, we disagree that this up front information would make transactions faster and cheaper for buyers and sellers.

Question 9

What steps should government take to ensure that conveyancing lawyers, estate agents and surveyors have the capacity and capability to implement this change?

In view of our responses to Questions 7 and 8, we cannot see such duties are appropriate, proportionate, and effective. Mandatory upfront information risks higher costs, duplication, consumer confusion, and unfair liability.

Question 10

What resources and additional training would be needed to implement these changes?

We would refer you to our responses to Questions 7, 8 and 9 above - we do not believe these changes will result in faster, cheaper transactions for buyer and sellers.

Question 11, Question 12, Question 13, Question 14 & Question 15

Q11 Do you agree that we should intervene to drive up standards amongst, and improve trust in, property agents?

Q12 Do you agree with our proposal to bring forward a Code of Practice on a non-statutory basis, and to legislate to put this on a statutory footing in future if necessary?

Q13 Do you agree with our proposal to consult on mandatory qualifications for estate and lettings agents?

Q14 Are there additional interventions you think government should take to drive up standards amongst property agents?

Q15 Are there any other areas across the property agent sector that needs to be monitored or regulated in order to improve the customer journey?

We can only speak from our experience as conveyancers in our response. Estate agents are on the front line of the house buying and selling process - they are the initial point of contact for most buyers and sellers, and they are the ones who can liaise directly between buyers and sellers, and with estate agents in the rest of property chains. They are vitally important to the buying and selling process and their work should be valued, but they should also be held accountable and to a high standard due to the nature of the item they are selling - a property is likely the most expensive item any of us will buy, and if the person selling the item isn't honest and does not disclose matters they are required to, this undermines respect and trust in the process. A Code of Practice on the face of it seems a sensible idea - estate agents fees tend to be a percentage of the property and are not insignificant - their standards should reflect this. Mandatory qualifications also seem a sensible idea, but the government may consider offering a loan or financial incentive to individuals who are required to qualify to continue with their occupation - we understand being an employed estate agent is not a highly paid occupation and this could be unaffordable to many within the profession.

Question 16, Question 17 & Question 18

Q16 Do you agree that government should aim to support the wider use of digital property logbooks and packs?

Q17 If yes, what do you think would drive their wider adoption? How could government support this and do you think that legislation might be needed to bring about this change?

Q18 What risks would need to be considered when creating and storing digital logbooks?

We can only answer from the point of view of conveyancers in this response. Please also refer to our responses to questions 7, 8 and 9 above. All the data would need to be current and updated immediately when any changes to the property or matters affecting the property. Liability will need to be accepted by the parties providing the information and suitable insurance provided, to be relied upon by buyers, sellers, lenders and conveyancers. The transaction and title will still need to be reviewed thoroughly by a suitably skilled and knowledgeable conveyancer to ensure the risks, liabilities and issues affecting a property are properly identified and appropriate further information/documentation is obtained where necessary and the limitation of the information provided in the sales pack made clear to potential buyers.

Digital property logbooks should be approached with caution as these do not appear to address the deeper structural problems in the homebuying process such as fragmented regulation, inconsistent standards of disclosure, and the erosion of professional oversight - logbooks risk becoming an additional burden rather than a solution. Moreover, loading upfront costs and responsibilities onto sellers could deter listings, particularly for lower-value properties, and exacerbate affordability pressures. Therefore, while digital tools may have a role, government should prioritise strengthening legal safeguards, professional accountability, and consumer protection before mandating their wider use.

The risks include:

- Centralised digital repositories increase vulnerability to cyberattacks and unauthorised access

- Reliance on third-party digital identity providers without robust reliance agreements could expose consumers to fraud.
- Requiring sellers to fund logbooks upfront risks deterring market participation and disproportionately impacts those with limited means.
- Ownership and control of property information must remain with the homeowner, not commercial operators who may monetise or repurpose data.
- Over-reliance on digital packs could erode the role of property lawyers, transferring responsibility to unaccountable commercial providers.

Government support should therefore be cautious, evidence-led, and grounded in the public interest.

Question 19

Do you agree that government should support mechanisms to make property transactions binding at an earlier stage?

From our experience, the vast majority of failed property transactions tends to be as a result of buyers or sellers individual circumstances changing (e.g. losing a job; having to move to another part of the country for work; no longer being able to afford the property they were purchasing; buyers or sellers passing away and Probate or Letters of Administration taking too long to be Granted etc), from adverse survey results, and/or chains collapsing due to the same and then affecting all the properties in that chain.

Failed transactions are rarely the result of matters revealed during the conveyancing process when suitable solutions and guidance/advice is provided to buyers and sellers. Suitable advice and solutions may not always be provided by conveyancers who lack knowledge or understanding of legal issues or lack the ability to provide appropriate solutions and advice, which may result in the parties feeling uncomfortable or uncertain on how to proceed and withdrawing from the transaction. Sometimes transactions fail due to the conveyancing process taking a long time and a buyer or seller in the chain becoming so frustrated that they withdraw from the transaction. We expect that a vast number of failed transactions can be mitigated by only skilled and knowledgeable conveyancers dealing with the conveyancing process to provide proper guidance, advice and solutions to issues identified in the legal documentation.

The law in England and Wales currently is that the buyer bears the burden of legal due diligence. Binding parties before title checks, planning compliance, searches, and other investigations are complete would shift risk unfairly onto consumers and undermine the role of legal professionals. The House Buying and Selling Reform proposal appears to mimic systems in France or Germany, where notaries conduct pre-contractual investigations. In England and Wales, such mechanisms would be unsafe and legally incoherent.

Attempting to define in a reservation agreement what would constitute a fair contingency allowing a buyer to withdraw without penalty presents significant legal risks. Such definitions risk being either overly restrictive, unfairly penalising buyers, or too vague, leading to disputes and uncertainty. Further, lenders vary significantly in their requirements on a purchase transaction and buyers may find their financing contingent on conditions not covered by the reservation agreement or discover issues that make the property un-mortgageable — yet still feel trapped by the deposit. The complexity of property transactions, variability of circumstances, and the need for professional legal judgment mean that any rigid statutory or contractual criteria would be difficult to draft and enforce, potentially resulting in increased litigation and consumer harm rather than protection.

We therefore do not believe making property transactions binding at an earlier stage will benefit buyers and sellers.

Q20 What do you think is the most effective means of doing this - incentivise estate agents to offer this as a service, raise consumer awareness of binding agreements, legislate to require their use in property transactions etcetera?

None of the above. In the current legal and regulatory environment, all three approaches would increase consumer harm:

- Incentives for estate agents to promote binding agreements would create serious conflicts of interest. Agents are not regulated to the same standard as regulated property lawyers and have no duty to ensure legal readiness.
- Awareness campaigns risk misleading consumers into believing that early stage agreements are safe or standard, when in fact they often bypass legal advice and expose buyers to disproportionate risk.
- Legislation mandating binding agreements would override professional judgment and due process. It would force consumers into premature commitments, undermining the principle that contracts should only be binding once material risks are understood and legal advice obtained.

We do not believe an early binding agreement would be appropriate in a vast majority of property transactions. There is already the availability for property to be sold via auction should sellers feel this necessary.

Q21 What would be appropriate costs or penalties for failure to comply with binding contracts?

None — unless and until the underlying agreements are safe, balanced, and legally coherent. In practice, buyers are already penalised through non-refundable deposits, even when they withdraw on professional advice due to serious legal or structural concerns. Introducing statutory penalties would entrench coercive practices and further tilt the balance of power in favour of developers and agents. If the government insists on pursuing this route, any penalties must be:

- Strictly proportionate to actual loss incurred
- Independently assessed by a professionally qualified third-party, not enforced by the seller or agent. Subject to clear exceptions, including adverse legal findings, material non-disclosure, or professional advice not to proceed.

Without these safeguards, penalties would deter responsible legal advice and increase litigation.

Q22 Would there be any listed exceptions, or certain situations, for binding contracts not being applied?

Yes — and they must be extensive. Binding contracts should never apply where:

- The property is part of an incomplete or non-compliant development.
- There are unresolved title, planning, or building safety issues.
- The buyer has not received independent legal advice.
- The transaction involves vulnerable consumers or complex legal risks (e.g. payment of overage, leasehold traps).
- The developer has failed to comply with planning conditions, S106 obligations, or the New Homes Code.

In short, binding agreements should only be permitted where the transaction is legally ready, professionally audited, and free from material uncertainty. Anything less would turn binding contracts into instruments of exploitation, not efficiency.

Question 23

Q23 Do you agree that publishing information on the services of property professionals would improve home buying and selling by supporting consumer choice and driving competition?

Our response refers to the legal process of buying and selling a property. We would refer to our earlier responses recommending the government implement a requirement that only suitably skilled and knowledgeable conveyancing professionals deal with the conveyancing process, and for conveyancing costs to better reflect the level of skill, knowledge and consideration required to undertake property transactions to underline the value of the work required. Regulated conveyancers are required to undertake continued professional development to keep up with common law and legislative changes in respect of property transactions whereas unqualified unregulated conveyancers have no such requirement. If consumers were made fully aware that their transaction could only be dealt with by a legal professional who is suitably skilled and knowledgeable to undertake the legal process of a property transaction, and of the complexity and risk of such a transaction and that the cost reflects the work undertaken, this should greatly improve public awareness of the importance of the conveyancing process. We do not disagree that publishing information on services of property professionals would support consumer choice and competition within the profession. Conveyancers should pride themselves on being able to offer a good service for their client. Specific types of transaction/specialisms each qualified regulated professional is particularly skilled in would assist consumers in choosing the right conveyancer for their transaction circumstances.

Many of the delays in conveyancing stem not from lawyers but from successive governments: over 1,500 pages of AML and source-of-funds requirements, the Building Safety Act 2022, complex planning agreements, and environmental legislation enforceable against individual homeowners. Publishing superficial service information does nothing to address these structural causes of delay. Consumer choice is best supported by reinforcing professional standards and transparency in regulation, not by commoditising legal services.

Q24 What information would you want to see included in a service of this type?

If government proceeds with such a service, the only meaningful information would be:

- Regulatory status and professional qualifications
- Evidence of compliance with statutory obligations
- Clear accountability mechanisms through the Solicitors Regulation Authority or other regulatory authorities, and professional indemnity insurance

Anything beyond these risks misleading consumers. Price or speed alone are not indicators of quality. Regulated property lawyers' ethical duties and professional accountability are what protect the public, not superficial comparisons.

Question 25

Do you think a charter as set out above would be useful in supporting consumers to identify quality professional services?

A charter would be at odds with the very fabric of professionalism. Regulated property lawyers already operate under statutory regulation and ethical codes. Introducing parallel charters dilutes accountability, risks confusing the public, and undermines the centuries-old ethical foundations of the legal profession. Property lawyers are not “legal services salesmen.” They are professionals united by duties of integrity and independence. A charter would conflate their role with estate agents, which is precisely what the profession seeks to avoid. The public interest is best served by strengthening existing frameworks, not layering voluntary badges of quality. We would repeat our advice that only suitably skilled and knowledgeable conveyancers should be allowed to deal with property transactions as stated in our response to Question 6.

Question 26

Do you agree that AML checks should be streamlined?

Strongly agree, but believe AML checks should not be the responsibility of conveyancers to the extent they are currently. The current requirements delay transactions as buyers and sellers do not understand what is meant by "source of funds" when explained, they often provide far more documentation than is required, and change the source of funds, leading to unnecessary time being spent by conveyancers and additional fees incurred for additional time spent. We would recommend banks bear the responsibility of AML checks, as conveyancers do not generally accept large cash sums, so the monies used in conveyancing transactions will always be via the buyers bank - their bank should have already carried out their own checks on the source of funds received into it to comply with their own AML regulatory duties. The government could legislate for property purchase funds to only be received into conveyancers accounts via bank transfer to prevent any uncertainty.

Currently AML checks appear to be duplicated as the bank, the estate agent, the mortgage broker/lender and the conveyancer is required to carry out these checks.

Question 27

How can government most effectively support the application of AI conveyancing technology?

Government should proceed with caution. AI can assist with administrative efficiency, but conveyancing is a legal process rooted in judgment, ethics, and accountability. The Horizon IT scandal stands as a stark warning of what happens when technology is imposed without adequate legal oversight. The UK property market is vast and sophisticated, and already a prime target for cyber-crime. To expose it to flawed IT initiatives without statutory safeguards would be reckless. Support should focus on research, pilot projects under professional control, and legal frameworks that ensure technology serves lawyers, not replaces them. People are individuals and their needs and circumstances are all different - conveyancers have been trained to cater for this and to offer information in a way that is tailored to each individual.

Question 28

What else do you think government should do to streamline the conveyancing process?

The most effective step is legislative restraint. Successive Acts — Building Safety, planning, environmental obligations — have added complexity that no IT system can erase. Streamlining requires:

- Simplifying statutory obligations
- Standardising lender requirements (to end the current patchwork of inconsistent demands)
- Ensuring data suppliers are legally accountable for accuracy, rather than disclaiming responsibility and pushing liability back onto lawyers and the public

Without these foundations, digital initiatives will only transfer risk to consumers and legal practitioners.

Question 29

Do you agree that this is the correct direction of travel? (Digitalisation of the house selling and buying process)

We do not agree this is the correct direction of travel. While the objectives of reform are shared, the current approach — IT-led, data-driven, estate-agent-centred — is flawed. Reforms must be lawyer-led, grounded in professional ethics and statutory safeguards. Technology must serve as a tool, not the driver. The public good demands reforms that strengthen professional integrity, not commoditise it. The Horizon scandal illustrates the dangers of privileging IT over professional judgment. The risks of cyber-crime in the property market make it imperative that reforms are led by lawyers, not by the law-tech sector

Question 30

Is there anything else that government should be doing to promote digitalisation of the property sector?

'Digitalisation' must be pursued responsibly. Government should:

- Legislate for data accuracy and supplier accountability, ending the current practice of disclaiming responsibility.
- Invest in secure cyber-infrastructure to protect against cyber-crime, recognising the scale of the threat to the property market.
- Ensure reforms are lawyer-led, with technology supporting professional judgment and ethical duties.
- Avoid conflating legal services with estate agency sale functions, which risks undermining consumer protection.

Digitalisation without legal leadership risks repeating the mistakes of Horizon, undermining consumer protection, and destabilising the property market.

Conveyancing is a multi-agency process. Many of the proposals, often raised, to digitise the process are based on individual pain points in the process. Taken individually all of the proposals tend to be single-issue solutions. Biometric identification, upfront information, digital signatures (as examples) are all momentary requirements in a much broader picture. They do not address wider business or consumer culture.

Conveyancing involves so many stakeholders including Law Firms (of varying sizes), Banks, Estate Agents, Surveyors, Developers etc.. all of whom have their own internal processes streamlined to maximise their own internal efficiencies. Unfortunately, the way a certain Lender or another Law Firm works internally does not always align with other people or service providers in the system. Cherry picking moments in a process which is complex, both in regulatory terms and sheer logistics, will not deliver change. To use an analogy lots of these digital advances provide very fast racecars, sadly we do not have a racetrack to race them on. Government should be looking at building that racetrack. That racetrack is a common platform where all stakeholders are required to centralise transactions. It would be a deal room where communication and transparency is placed at the heart of the process. Varying user statuses are given dependant on role (akin to the Crown Court Criminal Case System). Identification can be completed once by clients, not multiple times for multiple stakeholders. Search results uploaded. Enquiries raised and answered. All parties can see the live status of transaction. Communication and the excessive amount of emails, phone calls and "chasing" will become a thing of the past as all stakeholders will have access to the same milestones and timelines. Everyone knows where all transactions are through transparency. Lawyers and Agents are particularly hampered by excessive communication (or chasing the lack of communication). If government wishes to make the process more efficient then start with centralised communication which provides instant transparency over ongoing transactions.

Suggestions surrounding further regulatory layers of qualifications, reviews, training, and supervision simply bloat the already bloated process further.