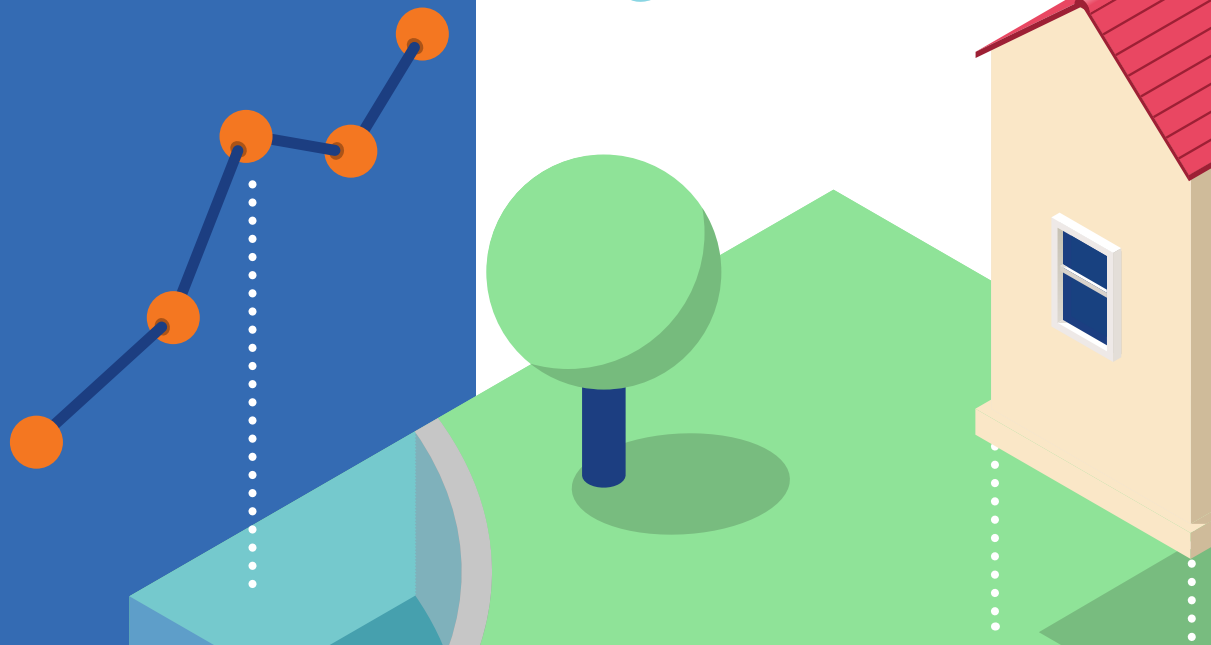


Contents

What are conveyancing searches?	3
.....	
Examples of Register charges	4
.....	
Requisitioning a Search	5
.....	
CON29 search process	6
.....	
The different types of searches	7
.....	
What to ask your Solicitor or Conveyancer	10
.....	
Contacting Land Data	11
.....	



What are conveyancing searches?

Where they come from and why you need them

The term “conveyancing searches” covers a number of different searches offered by Local Government, Government Agencies, Utilities and commercial organisations. The aim of any search is to provide you with information about any potential restrictions, benefits and conditions which may affect the property and ultimately your use and enjoyment of it. There are numerous searches available, although many are specialist searches relevant only to a small minority of properties. They cover anything from financial charges to environmental information. This guide provides information on a selection of the most common searches.

Local Authority Searches

As you would expect, local authorities maintain a large amount of data relating to properties in their area and searches of these records (often called “Local Authority Searches”) provide vital information to the conveyancing lawyer and the home buyer.

Some of this information can be found on a register known as the Local Land Charges Register, maintained by local authority officers. All local authorities across England and Wales are bound by law to maintain such a register.

However, from 2018 through to approximately 2027 HM Land Registry will be conducting a consolidation programme to pull all local authority held Local Land Charge Registers under their control. The contents of the Register, as outlined below, will remain the same.

The Search of the Local Land Charges Register

When a ‘charge’ is created against a property or piece of land it is recorded on the local authorities Local Land Charges Register. The Register contains details of matters, which, upon completion of the sale, will be **binding and enforceable against you, the new owner**. The Register is divided into twelve parts and all ‘matters’ on the Register are referred to as ‘charges’. It is worth pointing out that the term ‘charge’ is a generic term and relates to non-financial as well as financial matters.



Examples of Register charges

Examples of charges that can be found on the Register are:-

Conservation Area & Tree Preservation Orders

Conservation Areas help preserve the appearance of the general area, however they may restrict an owner's ability to carry out work without the specific permission of their local authority. All trees within a conservation area are protected whether or not they are covered by a specific tree preservation order – they cannot therefore be topped, lopped or cut down without the consent of the local authority.

Smoke Control Order

Properties in Smoke Control Areas can only burn smokeless fuel and are affected by other restrictions. Most of London is covered by a Smoke Control Order.

Conditional Planning Permissions

You need planning permission from your local authority for a variety of home improvement works. If a house has been extended, or even has a conservatory it is important to check that the relevant permissions (where required) have been obtained. Some planning permissions contain ongoing conditions (around usage or occupancy for example), so it is important to make a note of those to ensure compliance.

Financial Charges

The local authority may need to carry out work to make a property secure for health and safety or other reasons, such as in the case of a dangerous structure. In some instances the local authority is able to recover the money spent from the property owner. Prudent buyers will want to ensure that any outstanding financial charges are paid before they complete on the property. If these are not paid the new owner will take on the debt. These charges do not cover 'personal' debts such as non-payment of council tax.

Listed Buildings Notification

Most buildings built before 1840 will be listed, but some more recent buildings may be listed by virtue of their "special value". In effect, the listing means that they appear on a list of Historic Buildings held by Historic England.

It is important to ensure that any proposed works to a listed building, either to the inside or externally are discussed with the relevant local authority before work commences.

Did you know

Most of London is covered by a Smoke Control Order.

Financial Charges relates to work carried out on the property or land by the local authority or an appointed/ approved body.

Recent buildings may be listed by virtue of their "special value".

Further information can be obtained from Historic England at: www.historicengland.org.uk/listing/the-list

Requisitioning a Search

Anyone can requisition a local authority search of the Local Land Charges Register and this will be the case when the Register moves to HM Land Registry. You could do this yourself or through your conveyancing lawyer by submitting the required form (known as the LLC1) and paying a fee to the local authority. A copy of the LLC1 form is signed and dated by the local authority and the results are returned to the person who submitted the request.

Once a local authority has migrated its Local Land Charges to the HM Land Registry register, you can [search online at GOV.UK](#)

Whilst the Local Land Charges Register shows existing 'charges', against a property, it does not show all of the land and property related information which might affect the property. There is another form, also replied to by the local authority, called the CON29 which will reveal more information. The CON29 shows matters which may be pending, such as a tree preservation order, prospective new road schemes or parking restrictions, roadhumps on the road outside your intended new property, or a compulsory purchase order. The contents of the CON29 form is considered by many solicitors and licensed conveyancers to be one of the most comprehensive information documents used during the house-buying process.

There are two CON29 forms

CON29

The CON29 is the standard form of enquiry. The enquiries, drafted by the Law Society, are considered relevant for every transaction.



CON290

The CON290 is an optional set of enquiries which can be ordered on an individual, question by question or multiple question basis. Some, although not all, of the enquiries relate specifically to commercial purchases.



CON29 search process

How does the CON29 search process work?

In order to requisition the replies for the CON29 or CON29O, it must be submitted to the relevant local authority along with the required fee. These fees are set by each local authority. The local authority will then contact all of the relevant internal departments who need to supply information such as, Planning, Housing, Highways, Building Control and Environment.

Local Authorities embracing digital platforms

In 2001, HM Land Registry carried out a pilot to assess the feasibility of delivering local authority searches electronically. This was a great success and the Improvement and Development Agency launched the service known as the National Land Information Service (NLIS) nationally. Over 27 million searches have been carried out by NLIS. The service can be accessed through one of the NLIS licensed channels, for more information, visit the NLIS website at www.nlis.org.uk.

Alternative Data Access Routes and Providers There is another way of obtaining information, it is called a personal search. Anyone can attend the local authority office and inspect the Local Land Charges Register.

Registers may be kept in different formats and some information may even be held elsewhere within the local authority. You may need to interpret maps, index sheets and registers. In addition, it is not always possible, or indeed from a liability position, appropriate for the local authority to provide trained staff for interpretation purposes.

There are commercial organisations, often referred to as personal search companies, who will offer to carry out a search of all publicly available local authority records on behalf of you or your solicitor / licensed conveyancer.

So far we have described the search of the Local Land Charges Register and the replies to the CON29 questionnaire.

Did you know?

Land Data manages and regulates the commercial contracts underpinning NLIS. Every local authority in England and Wales is connected electronically to the NLIS Hub and its NLIS Channels. NLIS is the only network that offers one hundred percent regulated electronic connectivity to local authorities, it is the safest, most secure data hub in the land and property market today.



The different types of searches

HM Land Registry Searches

HM Land Registry provides the Legal Evidence of Title to the land that has been registered in England and Wales. The Title Plan shows, usually by red edging, the general extent of the property registered under the title number shown. Title plans are prepared on the latest Ordnance Survey map available at the time of registration. The plan does not normally show who owns boundary features, such as fences and hedges.

The Title Register contains the details relating to the property. Each title register is in three parts:



Property register

A description of the property and any rights that may benefit the property.



Proprietorship register

Who owns the property and any restrictions upon their power to deal with the property.



Charges register

Further information such as mortgages or rights that may adversely affect the property.

More information on the above and on other searches offered by HM Land Registry can be found here www.gov.uk/search-property-information-land-registry.

Drainage and Water Searches

The Water Companies of England and Wales offer specialist drainage and water searches across the country. As the owners and guardians of public water and sewer networks, they fully understand the technical infrastructure, as well as its implications on searches and property ownership. Data is frequently checked and updated, so you can be assured that your information is coming from a reliable source. For more information contact www.con29dw.co.uk.

Mining Searches

Past or current coal mining activity can affect property and in coal mining areas a mining search is essential prior to the completion of a house purchase to ensure the house has not been built over, or near to old coal mineshafts.

The Mining Remediation Authority holds and maintains the national coal-mining database and its Mining Reports Service provides a fast, accurate, property-specific and cost-effective service for any property in Scotland, England and Wales. A mining report enables you to determine whether a property has been subject to a coal mining related subsidence damage notice or claim since 1984. In addition, it provides information on past, current and proposed underground coal mining activity along with details of any recorded old coal mineshafts and licenses for future mining. Whilst coal mining may affect a property due to subsidence, owners of property damaged by coal mining may be entitled to remedies including repair or depreciation compensation payments under the 1991 Coal Mining Subsidence Act. To see if your property may be affected by coal mining activity, visit their online search service at www2.groundstability.com.

The Mining Remediation Authority provides a range of reports affecting land and property on or off the Coalfield areas.

China Clay

China clay, (or Kaolin) as the name suggests, was first used in China more than ten thousand years ago to make fine white porcelain. This search will reveal whether the property is likely to be affected by clay deposits. A number of providers offer these searches.

Limestone Mining

A limestone mining search will reveal whether the property is likely to be affected by subsidence. A number of providers offer these searches.

Utility Searches

Utility searches include the following examples:

National Grid

A search will provide details of existing or proposed overhead or underground electricity equipment, way leave orders and access agreements. The search will also confirm whether or not the property benefits from an electricity supply.

Gas

A gas search will reveal gas mains and works in the close vicinity of the proposed purchase and can indicate whether a gas supply to the property is available.

Other utility searches may be carried out with:

- ✓ Regional Electricity Companies
- ✓ British Telecom
- ✓ Virgin Media
- ✓ Kingston Communications

Transport Searches

There are a range of Transport related searches that your conveyancer may choose to order if they believe your property is, or might be affected, for example:

British Waterways

A British Waterways search should be made if you are considering purchasing a property in close proximity to a river, stream or canal and particularly if any of those mentioned pass through the property boundary. The results will reveal riverbank ownership, drainage rights, fishing rights and licences – such as those relating to the taking or diverting of water.

London Underground

Carry out railway searches for properties affected by existing and proposed Tube services, or by proposed transit, tram, and rail schemes. They can also provide advice if a property is affected by schemes for which Transport for London (TfL) is seeking compulsory purchase powers.

Port of London Authority

Regarding mooring licences relating to the Port of London and the River Thames.

The Highways Agency

This search will reveal if there are any trunk road/motorway construction or improvement proposals that would physically affect the property. It is worth noting however that many of these searches merely replicate the enquiries that can already be found on the local authority CON29, so care should be taken.

Other Searches

There are numerous other searches available which may be relevant to specific types of residential conveyances, for example:-

Chancel Repair

This search will reveal whether a property is liable to pay a contribution towards the repairs of the local parish church. The rights of Church tithes go back to 1189 and they affect some 5,200 pre-reformation churches across England and Wales.

In an effort to inform the home-buying public about these onerous liabilities the Land Registration Act 2002, which became effective on the 13 October 2003, contained a Transitional Order which temporarily preserved the status of these repairs until 2013. Thereafter, the liability would only be binding on successive owners of registered land if it had been protected by an entry in the Register kept by HM Land Registry. Owners of unregistered land will not be protected as a register entry is obviously not possible.

To add to the complexity of this liability, a simple check to see whether the property is near a medieval church is not sufficient, nor is it safe to assume that properties in urban areas will necessarily be free from any chancel repair liability.

The primary way to determine whether a property is likely to be liable is for a Personal Chancel Liability search to be carried out at the National Archives in Kew. In addition, enquirers are recommended to check the deeds, with HM Land Registry and with the current landowners for any relevant information.

Environmental Searches

These cover a host of issues from land contamination, to fracking and flooding and they can be ordered from a range of providers.

Common Land and Village Green

A commons registration search will reveal whether land adjoining or adjacent to the property being purchased is affected by any of the provisions of the Commons Registration Act. This may provide the owner with rights of access to their property, it may also mean that other third parties have access or other rights.

Specialist Searches

In addition to the above there are a number of specialist searches which may affect only a small area of the country such as the Williamson's Tunnel search in Liverpool.



What to ask your Solicitor or Licensed Conveyancer

The biggest purchase of your life

Most of us rely on our solicitors to make the right decisions, to help us with purchasing the home of our dreams. Many people do not know (and don't want to know) what a Local Authority, coal, or a water search is, or that there are alternative products.

As with every choice there are risks and you should consider these carefully particularly when making a big financial commitment. If you are concerned or in any doubt about the relevance of a particular type of search or product supplier ask your legal advisor to explain the differences and implications of your (or their) choice.

How can queries relating to the search be raised?

Make a note of the name of the search provider and their contact details and keep this information safe. Remember, problems don't always come to light immediately.

What to watch out for and what to do if your search highlights a problem

Any immediate problems will be investigated by your Solicitor or Licensed Conveyancer. If a problem comes to light in the future, then depending on who carried out the search you may be able to contact the Property Codes Compliance Board (for searches carried out by subscribing private search company members), the relevant water company, or the local authority who supplied the search. All local authorities, water companies and The Mining Remediation Authority have detailed and regulated complaints and redress procedures.

Did you know?

Many highway searches merely replicate the enquiries that can already be found on the CON29 form.



Contacting Land Data

As a **not-for-profit** working with local authorities, **drainage & water companies**, The **Mining Remediation Authority** and HM Land Registry, Land Data **focuses** on the provision of electronic, efficient, effective, **current data direct from the official source**.

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Land Data regulates NLIS under an agreement made in 1999 with local government to fulfil objective 43 of the Modernising Government Action Plan and carries the sole mandate for NLIS commercialisation. IDeA established Land Data to serve the interests of the general public by making authoritative property search information accessible to all, whilst at the same time improving the home buying and selling process. We fulfil this remit by promoting official electronically sourced land and property searches via NLIS, throughout England and Wales.