



Highland Property Services House Buying – The Scottish System

Welcome to our brief guide to property purchase in Scotland. When buying a property in Scotland, consideration should be given to the differences between the English system and the Scottish house buying system. Our experienced Office staff will also assist you in securing an experienced solicitor who is able to formally act for you in any property conveyancing.

When buying a property in the Highlands our Office will provide a selection of properties for your consideration and offer you a brief resume of the Scottish house buying system. In addition all property coming to the market will also be featured on our website. Once a suitable property has been selected we will arrange a viewing at a mutually convenient time. Please be advised that although our Office is open six days per week including Saturdays, this is unusual in this area of the Highlands and accordingly we always recommend arranging appointments prior to travelling.

Due to the small local population, there is normally only a limited selection of available properties for purchase, so do not be surprised if it takes between 6 months to a year to find something suitable. Our Office will forward details of any new properties coming onto the market, normally by e-mail, for so long as you wish to remain on our mailing list.

We do not have property "chains" in Scotland so until you have secured a sale in England it may not be advisable to even consider offering for a property in Scotland. This may not always be that easy where you risk finding yourself homeless but our Office will be pleased to provide you with a selection of **properties for Lease** which are available for a minimum of six months. This enables you to re-locate to the area with a comfortable "base" whilst you establish whether the area is really suitable for your needs. Clearly, it also allows you to move quickly to purchase a property of your choice assuming an agreed period of Notice is provided. Please ask for more information!

Once you have found a suitable property, our staff will confirm all the selling arrangements prior to arranging a local solicitor to Offer for the property on your behalf. Clearly, the solicitor will only carry out your instructions and the Offer should of course reflect EXACTLY what has been agreed verbally.

We can also arrange for an independent Survey of the property with the Report and Invoice going directly to your home address.

THE OFFER: In summary, the legal system in Scotland is geared to a fast moving exchange of formal letters, known as **missives**. The purchaser's solicitor makes an offer including a price, date of entry, and a series of conditions covering, e.g. common burdens, rights of way and a host of other practical points. The seller's solicitor replies, accepting some conditions, rejecting some, and qualifying others. The exchange of letters goes on until differences have been settled, at which point the magic words are used "**we hold the bargain as concluded**". From that moment there is a binding contract. The whole process can be completed within a few days but normally will take a number of weeks – frequently 4 / 6 weeks.

The speed and finality of the Scottish system imposes responsibilities on both buyer and seller. Unless both parties agree otherwise the **Date of Entry** in the offer is the date on which the seller must make his property available, and the buyer must have the price ready.

The seller has the responsibility of exhibiting local Searches and proving his title is good, although he may try to shift some of this responsibility to the purchaser in the missives. It has to be remembered that what is not covered in the missives does not form part of the contract. It is vitally important therefore to either party, buyer or seller, that they check the terms of the missives being prepared in their name, and discuss them fully with the estate agent and their solicitor. The buyers' principal responsibility is to ensure that they have made arrangements for the price to be available on the date of entry. This is relatively straightforward where there is no other sale involved, or the other sale is through the Scottish system. If however a person is selling in England and buying in Scotland this should be drawn to the attention of the estate agent and solicitor acting in Scotland so that suitable arrangements can be made.

For most people buying and selling a house is one of the biggest transactions they will ever undertake. Nobody can say that the process will be problem free: no two people will see things in quite the same way! It is nice to know however that by buying your house the Scottish way you cannot be gazumped, stuck in a chain, or have the other side pull out day before the furniture van arrives because contracts have still not been exchanged. **What the Scottish legal system offers is peace of mind.**

On the **completion / settlement date** it is important to liaise with the estate agent and respective solicitors prior to arranging to collect keys etc. The estate agent or solicitor will not pass over the keys until all funds are seen to have cleared into the appropriate account. Thereafter, you can relax in you new home - **Welcome to the Highlands!**

