

A Guide to buying and selling property in Jersey

Insights - 11/11/2016

| A Guide to buying and selling property in Jersey

1. The legal process - Sellers

When Ogier acts for the seller we prepare a draft deed of sale for the buyer's lawyer, deal with queries raised by the buyer's lawyer and carry out any research required to address those queries. We will also liaise with the seller's mortgage lender to ensure that all mortgages and secured charges are settled from the sale monies and that the charges against the property are cancelled.

2. The legal process - Buyers

Statutory Searches

We make enquiries of Planning, Transport and Technical Services, the relevant parish, Jersey Electricity, Jersey Water, Jersey Gas, the Rent Control Tribunal and Public Health in order to obtain any available information which may affect the buyer's decision to buy the property

The Property

We will assume that the Property is classified as Qualified under the Control of Housing and work (Jersey) Law 2012. If you believe that the property may be Registered (i.e. what was previously known as unqualified) or may have "if let" or other special features please ensure that you draw this to our attention.

Checking Title

We also check title to the property using the records of contracts kept by the Public Registry. It is our responsibility to ensure that the buyer receives good and clear title to the property.

Site Visit

Once title has been checked and we have the replies to our statutory searches we attend on site to review the seller's draft contract. Boundaries and encroachments are examined and servitudes such as rights of way and drainage rights are considered.

If any defects are discovered we will explain the issues and discuss the available options. Sometimes it is necessary to ask a neighbour to join into the contract to agree certain remedial clauses.

The Contract

We will review the terms of the contract with you, explain its terms and answer any questions that you may have.

Inventory

The agent usually prepares an inventory of contents, which should be checked carefully by both parties so that they can raise any discrepancies with the agent.

Timing of Completion

It usually takes three to five weeks to complete a transaction. As it is not possible to guarantee completion on a particular date, due to mortgage complications, chains etc. you should treat tentative completion dates with caution.

3. General Information

Buyers and Sellers

Instructions and Requirements

We need to know the essential terms of the transaction, i.e. the address of the property, your funding arrangements and the proposed completion date as early on as possible. Please remember that providing early and full instructions helps us to help you. You should feel free to contact us at any time to discuss the progress of your transaction.

If a buyer has any special requirements or concerns about the property, requires it for a particular purpose, or if planning any extension or major alteration works, we should be informed about this as soon as possible.

Removals and Services

You will need to arrange your own removals and the transfer of utilities and services.

Attending Court

The buyer and seller must either attend or be represented before the Royal Court to pass contract. If you will be unable to attend you can sign a Power of Attorney so a member of this firm can represent you.

The Royal Court dress code requires gentlemen to wear a jacket and tie. A member of the Ogier team will attend the Royal Court with you to guide you through the process.

Vacant Possession and Keys

Whilst a set of keys is usually exchanged in the Royal Court, the estate agent often negotiates the exact time at which possession is handed over.

4. Buyers

Mortgage

Delay in finalising the mortgage is a common cause of postponed completion. It is important to make your arrangements as early as possible and that you supply any supporting documentation to your lender promptly. Always ask us for help if you need to.

Survey

The contract will provide that you acquire the property in its current condition, with all hidden or apparent defects. Ogier cannot provide professional advice as to the structural condition of any building nor as to its value and would always suggest that you think about obtaining a full survey of the property.

Insurance

The property should be insured in your own name at the point of completion, with the interest of any lender noted on the policy. You should make preliminary arrangements at an early stage, and confirm them closer to completion.

Wills

It is important to consider making or revising a Will when purchasing a property to ensure that it devolves in accordance with your wishes.

Fees and Stamp Duty

Stamp duty is payable by the buyer on both the purchase contract and any registered mortgage. Stamp duty discounts are available to first time buyers. Please ask us for advice if you think this might apply to you.

We must hold cleared funds equal to the purchase price, all stamp duty payable, our legal fees and

disbursements (less the sum to be paid directly to this office by your lender) by the end of business on the day before completion. We will provide you with definite figures as soon as your loan is finalised.

Qualification to Buy

Buyers of freehold property need to be able to demonstrate their legal entitlement to buy property in Jersey by producing a valid and up to date registration card.

5. Sellers

Sellers should advise their lender at an early stage of their intention to sell the property. They should also should liaise with their lawyers and be ready to provide timely instruction on the queries raised by a buyer's lawyers closer to the time of completion sellers should provisionally arrange their removals and for meters to be read, confirming those arrangements when completion looks firm.

6. Rates

The owner of the Property as at 1st January in any year will be responsible to pay the full amount of annual rates to the Parish but your sale contract will provide for the rates to be apportioned. You will therefore be entitled to seek a proportionate contribution from the new owner.

7. Change of Address

Under both the Rates (Jersey) Law and the Control of Housing and Work (Jersey) Law you are obliged to file a notification of your change of address. You can find the necessary forms which you will need to complete, sign and submit following completion on the States of Jersey website.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The

information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

Meet the Author



[Jonathan Hughes](#)

Partner

[Jersey](#)

E: jonathan.hughes@ogier.com

T: [+44 1534 514336](tel:+441534514336)