

**REGS 19 & 20 OF THE SOLICITORS PRACTICE REGULATIONS
1987 (AS AMENDED)**

19 (1) Subject as hereinafter provided, a solicitor shall not act for both vendor and purchaser on a transfer of land for value at arm's length or for both lessor and lessee on the grant of lease for value at arm's length.

(2) Provided no conflict of interest appears and the vendor and/or lessor is not a builder or developer selling or leasing as such this regulation shall not apply if:

(a) the parties are associated companies; or

(b) the parties are related by blood, adoption or marriage; or

(c) both parties are established clients and both parties have been informed in writing that:-

(i) the solicitor is acting for both parties; and

(ii) no conflict of interest appears to the solicitor at the time of receipt of instructions; and

(iii) in the event of such a conflict of interest arising the solicitor will be unable to continue acting for either party in the transaction; or

(d) on a transfer of land the consideration is less than £3,000; or

(e) one of the parties is the Northern Ireland Co-Ownership Housing Association;

(3) ⁱⁱⁱWhere the vendor and/or lessor is a builder or developer this regulation shall not apply if

(a) no conflict of interest appears; and

(b) the purchaser is :-

(i) an associated company of the vendor/lessor; or

(ii) a director or partner of the vendor/lessor; or

(iii) a person related by blood, adoption or marriage to such director or partner; or

(iv) the solicitor himself; or

(v) an employee or partner of the solicitor or his firm
and

(c) both parties have been informed in writing that:-

(i) the solicitor is acting for both parties; and

ⁱⁱⁱ Inserted by the Solicitors Practice (Amendment) (No.2) Regulations 2003

- (ii) no conflict of interest appears to the solicitor at the time of receipt of instructions; and
 - (iii) in the event of such a conflict of interest arising the solicitor will be unable to continue acting for either party in the transaction.
- (4) Notwithstanding the provisions of paragraph (2) and (3) hereof a solicitor shall not in any circumstances act for the purchaser on the transfer of land for value at arm's length or for the lessee on a grant of lease for value at arm's length where he or a solicitor practising in a joint property selling practice with him is instructed to negotiate the sale of the property concerned.

20 A solicitor shall not act for both a lender and borrower in the preparation and execution of a mortgage, charge or other security except that it shall be permissible for a solicitor to act for a purchaser/borrower and a lending institution (or the Northern Ireland Housing Executive acting as a lending institution) in a transaction where the solicitor is retained by the purchaser/borrower before he receives instructions from the lending institution and where the terms of the security documents are standard and not subject to alteration by negotiation; it shall also be permissible for a solicitor to act for both a lender and borrower in relation to a further charge.

