



***The Voice of Auctioneers & Valuers in Ireland***

**IPAV Submission to the LSRA on  
*Admission Policies of the Legal Professions***

**February 2025**

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### 1. INTRODUCTION

Members of IPAV, the Institute of Professional Auctioneers & Valuers, enjoy a productive professional relationship with solicitor members of the legal profession in the conduct of conveyancing and related matters for their mutual and respective clients.

We share a common goal of providing quality professional services for members of the public to protect their interests when buying and selling properties.

However, delays in the conveyancing system, the legal transfer of property title, have become very serious and they are not serving consumers well, and are in fact costing them dearly. This is not good for Ireland Incorporated as it disincentivises overseas buyers frustrated by such delays.

This situation is also having a negative impact on both professions. Undue delays in the completion of conveyancing transactions are resulting in dissatisfaction and, occasionally, complaints to both regulatory bodies, IPAV and the Law Society of Ireland. IPAV believes the LSRA missed a huge opportunity to address the situation by not approving of Government backed full time conveyancers.

It is in this area of attempting to provide a more transparent, cogent and efficient service for consumers that IPAV puts forward once again our proposals to speed up and transform the conveyancing process. These proposals are in the interest of the public and support the proper and effective administration of justice. They are not new. Indeed, they have been discussed for the many years at this stage. It is beyond time for transformative change.

We seek LSRA support, and that of the Department of Justice, for:

- **Implementation of the Seller's Legal Pack for Property Buyers' Bill 2021;**
- **The urgent introduction of the long promised eConveyancing system;**
- **The creation of a profession of Conveyancer;**
- **A change in legislation to ensure that planning documents etc. should go back no further than 10 years. Currently solicitors completing conveyancing are required to go back as far as the 1980s to look for such documents.**

## 2. SPEEDING UP CONVEYANCING

IPAV members have continually highlighted concerns with the gross inefficiency of the conveyancing process, which is adding unnecessary costs for buyers, and vendors. A car buyer would expect to get a maintenance history and tax book, however, when making the much larger purchase of a home, no legal documents of title are supplied up front.

The Seller's Legal Pack and the Seller's Legal Pack for Property Buyers' Bill 2021, seeks to improve the experience of buyers and sellers by removing blockages that impact the timely sale of property. It does this by collating the relevant legal documents up front prior to a property going on the market.

The Seller's Legal Pack for Property Buyers' Bill 2021 aims to ensure there are no extended and unnecessary time delays when a purchaser is found and also confirms up front if a property is saleable. The measures in the Bill merely extend the very effective system used currently in online and public auction sales to all private treaty sales.

The extent of the challenges being faced by consumers and real estate practitioners are evidenced in the findings of our survey conducted in July 2023 and completed by 534 IPAV members. It found:

- **88% of members have experienced delays in conveyancing between the time a property goes 'sale agreed' to 'sale closing'.**
- **84% of respondents said that sales fell through due to conveyancing delays.**
- **62% found that the process is not at all efficient, and that initiatives put forward by the Law Society in 2019 to tackle the problem, such as the Pre-Contract Investigation of Title (PCIT), have not improved the situation.**

The average time it takes from when a property is 'sale agreed' to when contracts are signed is ten weeks, and the time from the signing of the sales contracts to date the sale closes is a further six weeks on average. Many sales take much more time.

The delays being experienced by consumers lead to real, tangible and stress-inducing problems for families, couples and individuals navigating the choppy waters of the Irish property market. Unsaleable properties, often because of problems with title, are estimated to constitute almost one-third of the residential market. Another common problem with the current system has emerged whereby buyers' who are 'mortgage approved' find this status often expires as a result of conveyancing delays and may not succeed when they re-apply.

Amid the immense stress on our housing market, it is vital that the State takes proactive measures to ensure that the closing of property transactions can occur in a timely, efficient and cost-effective manner, rather than continue to allow the current situation to continue unabated.

This Bill seeks to achieve efficiencies in the process by establishing a requirement that certain legal and planning documents are compiled by a seller in advance for a property being advertised for sale on the open market. The Bill expressly provides for:

- Property-related documents to be provided in advance of advertising a property for sale
- Documents to be made available in electronic and or physical form, and all true copies of same, are legible, clear and readable
- The age of the documents deemed acceptable
- Exemptions from the provision of stated documents in exceptional circumstances
- Exclusion of certain property transactions
- Enforcement action in the event that the stated provisions of the Act are breached

This Bill is a formal follow on to the introduction by the Law Society of Ireland's 'Pre-Contract Investigation of Title'.

### 3. IMPLEMENTING eCONVEYANCING

The case for implementing a national system of electronic conveyancing has been part of public discourse for some years, including the Law Reform Commission's report on conveyancing, *Modelling of the Irish Conveyancing System (2006)* and in a Law Society of Ireland task-force document, *eConveyancing: Back to Basic Principles (March 2008)*.

eConveyancing has also been considered in the Government's *Construction 2020: a Strategy for a Renewed Construction Sector*, which was adopted on 16 May 2014. We urge the LSRA and the Department of Justice to ensure there are no further delays in implementing such a system.

The greater use of technology in an increasingly digitised world should be a given. That it has not been introduced is an aberration.

We note that the LSRA's report on conveyancing in April 2024 said it favours digitalisation but, disappointingly, suggests it would require significant action by government and local authorities and says this would require: *'a detailed evaluation of the costs and risks of such an investment.'*

IPAV fundamentally disagrees and indeed this argument has been going on for many years with little if any progress made. We believe digitalisation like property Logbooks should start immediately for new properties that come for sale, beginning a digital record/passport that would become an ongoing digital record of the property into the future. Other properties could be added as they come for sale. Waiting until systems are in place to digitalise all existing properties means the problem is magnified and compounded every time a new house is built and sold.

We note the LSRA acknowledges in its report that the current system is still very much a paper based system in a digital age.

### 4. PROFESSION OF CONVEYANCER

The creation of a new profession of conveyancer builds on key recommendations of the Competition Authority in 2006. That report noted: *"The Law Society, the Bar Council and the King's Inns have not sufficiently promoted the interests of consumers of legal services. They have failed to provide consumers with necessary information for dealing with the legal profession. They have also placed unnecessary limits on how consumers access legal services and on who can become a solicitor or barrister. They have presided over restrictions on competition which may have benefits for lawyers, by sheltering them from competition, but which harm consumers. The overall effect of the myriad restrictions on competition in legal services has been to limit access, choice and value for money for those wishing to enter the legal profession and those purchasing legal services."*

The LSRA's report on conveyancing in April 2024, specifically on the issue of creating a new profession of conveyancer, said it: *"would only be viable as part of a wide range of other more significant and pressing reforms to digitalise conveyancing"* and *"the barriers, risks and regulatory costs associated with the establishment of a new profession of conveyancer in Ireland are too significant to justify its creation in the absence of these wider reforms."* IPAV disagrees with this approach and is not alone.

In response to the LSRA report the Competition and Consumer Protection Commission (CCPC), in a statement, expressed disappointment and called for: *"an end to solicitors' monopoly on conveyancing services"* with a clear timeline for the introduction of a new profession of conveyancer, which it said would *"drive competition and bring benefits to consumers, such as a faster service and lower fees."*

Creating a profession of conveyancer emulates the practice of other common law jurisdictions such as England, Wales, Scotland, New Zealand, and most Australian states, that have professional conveyancers operating with appropriate regulation. Experience from these jurisdictions demonstrates over-arching benefits derived from the establishment of this stand-alone profession which includes:

- Enhanced protection and promotion of the interests of consumers;
- Greater competition in the provision of services;
- Encouragement of an independent, strong, diverse and effective legal profession;
- Increased public understanding of the citizen's legal rights and duties;
- Promotion of and adherence to professional principles.

It is clear, some eighteen years after the 2006 Competition Authority report, that even minor changes to the existing legal services and structures in Ireland are implemented at a frighteningly slow pace of reform. Ireland risks being left behind while other EU member states and the UK rapidly embrace eConveyancing and technological reform. As a country with a vibrant tech and digital presence, the lack of action on conveyancing reform could arguably be damaging, as Ireland positions itself at the heart of the digital economy.

Indeed, conveyancing delays were identified as far back as 2005 in the *Auctioneering/Estate Agency Review Group*, a report that was delivered to the Minister for Justice, Equality and Law Reform. In particular, the report stressed that: *"The Regulatory Authority should make it a priority, in its consumer awareness role, to ensure that buyers and sellers are better informed about the conveyancing process."*

IPAV participated in this review group and proposed a sales contract be completed by agents when they sale agree a property like that operating in the US and South Africa to speed up the conveyancing process, and it would have also immediately put an end to Gazumping and Gazundering. This was objected to and in the intervening period, delays have worsened.

## 5. UK EXPERIENCE

The UK Solicitors Regulation Authority's (SRA) report on technology and legal services has highlighted the enormous benefits of greater digitisation in the legal profession. The report highlights that faster processing of everyday routine legal tasks coupled with better engagement will make clients more satisfied. The Authority has also noted that the main challenge to the legal market is the realisation of the many benefits of investing in technology within the business - as legal technology can potentially help law firms offer a more efficient, productive, and accurate service to their clients.

Establishing a standalone profession of conveyancer will deliver systematic efficiencies as the conveyancer **will be full-time and will not be attending to other unrelated duties in a practitioner's office**. Should it be necessary, both vendors and purchasers will continue to have the choice of getting their own legal advice. However, issues such as: who will put the legal papers required for any transaction; the holding of deposits; the final transfer of funds to the vendors and the arrangement for mortgages, will have to be reviewed, as well as the holding of deeds by the financial institutions.

Successive polls in the UK have indicated approval of the changes to their conveyancing system; one poll found that **people are generally happy with high street conveyancers** (First Title) with 76% of conveyancers being somewhat satisfied in their jobs (searches UK). Research undertaken by InfoTrack (UK) found massive demand among house-movers for their conveyancers to implement technology in order to improve digital communication and access to real-time information about their transaction. The same was concluded in a report by tm group, a leading provider of law searches and other services to conveyancers. The use of dedicated professional conveyancers has increased significantly in the UK since their introduction. **Some 43% of home-movers in 2017 chose a conveyancer in favour of a traditional solicitor.**

For the legal profession more generally, **solicitors will have more time to assist other clients on matters that require consultation**, as opposed to process, which will deliver real benefits to a practice and also to the consumers of such services.

## 6. ADVANTAGES & DISADVANTAGES

IPAV identifies the following advantages and disadvantages that may arise from the introduction of the proposed profession of conveyancer:

### ADVANTAGES

- Simplification of process for the consumer
- Reduced time-frame for the completion of property deals
- Avoidance of risk to consumer
- Clarity and transparency around fees
- Reduction in costs given dedicated resources will be targeted at a specific legal area
- In a defined and regulated process, the risk of gazumping and gazundering will be ameliorated
- Savings as documents can be kept in the data room of practices for all purchasers to view, contracts etc not posted to different purchasers.

### DISADVANTAGES

- In some cases, access to legal services will still be required to cover consumer protection and contractual dispute elements of a purchase
- There may be a need for greater investment by legal practices
- Fraud as per the facts contained in *P&P Property Limited v Owen White & Catlin LLP and Another* [2016] and *Patel v Freddy's Ltd and Others* [2017]

Assuming appropriate use and regulation of a conveyancer profession, Ireland's competitiveness will improve substantially. In a National Competitiveness Council Bulletin NCC (2016) on Legal Costs, it stated that; "*The cost competitiveness of legal services has a direct impact on national competitiveness - based on World Bank data Ireland is an expensive location to enforce a business contract.*" The same Bulletin recommended that a specialist conveyancer profession should be developed and that procedural reforms should adopt ICT.

Having a first-class legal process for the transfer of land is of crucial importance to the country for many reasons, and particularly in circumstances where our foreign direct investment model is under threat as a consequence of intensifying geopolitical challenges. Frustration with such basic processes can only serve as a further deterrent to potential investors.

One of the overarching benefits of the establishment of a conveyancer profession is that a conveyancer's work will be of a singular focus which would greatly reduce the arduous correspondence between legal professionals. This very often takes weeks at a time while industry is waiting.

With delays being the most common cause for complaints, using technology-empowered conveyancers will unquestionably help complete the work much quicker and accurately. This in turn, will facilitate solicitors to concentrate on alternative client-work which will assure the delivery of the highest standards of service and client satisfaction.

Considerations of a new profession of a conveyancer should include:

- A requirement for set qualifications;
- Detailed responsibilities of a conveyancer;
- The introduction of a regulated body to provide oversight;
- Educational requirements of QQI professional standard qualification;
- Appointment of suitable education providers.

Clearly, there will need to be some consideration given to the professional qualifications required in order to obtain the title of 'conveyancer'. However, consideration must be given to the view that entry to the newly created profession must not be overburdened to such an extent that only existing legal professionals would apply.

It is important that any qualifications agreed, as a prerequisite to becoming a conveyancer, are readily accessible via a broad range of educational institutions and that there would remain a number of routes to becoming a professional conveyancer. Consideration must also be given to the accessibility of such courses – a variety of options would make entry to the profession attractive and such models as part-time and remote study would achieve this objective.

In England and Wales one can become a conveyancer by completing a professional qualification through the Council for Licensed Conveyancers (CLC) such as a Level 4 Diploma in Conveyancing Law and Practice or a Level 6 Diploma in Conveyancing Law and Practice. Study for such courses can be completed without working in the legal profession. There is also an apprenticeship route available.

Consideration should also be given to licensed conveyancers to become Commissioners for Oaths, which means that they would have the legal authority to administer and witness official documents. This would ensure a further speeding up of the eConveyancing process.

It is also recommended that, as in England and Wales, a dedicated regulator, outside of the legal profession, be set up to oversee standards and to award qualifications.

The Sellers Legal Pack would work well in conjunction with the new profession, but the system must be reviewed and changes made to the conveyancing system as a whole, to make it consumer-friendly and fit for purpose. The system should not fear change and, as such, it should be keen to embrace technology as it pertains to the provision of legal services in this country.

It is vitally important that non-solicitor conveyancers, with the appropriate qualifications, are not denied the opportunity to undertake the role of professional conveyancers. It must be stressed that the new role must be open to market competition, if the legal services sector is to become more inclusive, while offering better value to consumers.

Separate to IPAV's position already outlined in this submission, we would encourage that a steering group, constituted with relevant stakeholders, would be established, which would ensure that the reform process is well-informed, pragmatic and efficient. As an important industry body, with significant reach, IPAV is willing to contribute fulsomely to any proposed engagement process that may be established.

## **7. ABOUT IPAV**

IPAV was established in 1971 as a representative professional body for qualified, Licensed Auctioneers, Valuers and Estate Agents. It is the only Irish representative body catering solely for the professional and educational requirements of Auctioneers and Valuers. IPAV currently has more than 1,500 members nationwide and one of our primary objectives is to uphold, advance and promote professional standards and competence among members. IPAV operates a comprehensive system of professional education and development for existing members and for those wishing to enter the profession. We introduced the 'Blue Book' European valuation standards to Ireland in 2013. This is the standard recognised by the Irish Central Bank and the European Central Bank for which it holds default status over all other valuation standards in the event of any valuation conflict arising.

IPAV works with other stakeholders and with policymakers to try and influence the development of a sustainable property market where people can buy, sell, or rent properties according to their needs.



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