

7 November 1995

Legal Advisory and Conveyancing Office
Circular Memorandum No. 15

Land Authority Consent Scheme

In response to suggestions made by the developer clients, LACO has agreed to assist in keeping developers informed of the progress of their pre-sale consent applications.

2. With immediate effect, follow up correspondence as to the progress of the application will be copied to the developer, including rejection of incomplete applications, requests for additional clarification and similar correspondence. This may assist the developer in giving early instructions to his solicitor to resolve any outstanding negotiations between LACO and the solicitor. The Law Society has agreed that this proposal is acceptable within the requirements of legal professional conduct.

3. It has also come to my attention recently that there is a tendency in a few cases for solicitors to refrain from raising queries as to the form of Agreement for Sale and Purchase in presale consent application or dispute the content of the Agreement in accordance with LACO Circular Memorandum No. 7B in order to obtain formal consent. However, after formal consent has been issued, they then revert with requests for substantive amendments to the agreed forms of documents while the developers proceed with the sales arrangements. In my opinion, this is a serious and unprofessional attempt to get around the requirement of LACO Circular Memorandum No. 7B. Also, it places unreasonable pressure on LACO as the developer or solicitor may allege that we are preventing him from putting his flats on the market by not agreeing to his proposed variations.

4. Solicitors should note that, generally, amendments to the substance of the Agreement will not be considered after consent is issued. Any concerns as to the contents of the Agreement should be resolved in the process of obtaining LACO's approval and before consent is issued.

5. The above will be implemented with immediate effect. The practice will apply to all applications for consent regardless of whether they relate to residential or non-residential units and including those currently being processed.

(T E Berry)
Principal Solicitor
LACO(HQ)/Lands Dept.

To: All Solicitors