

19 October 1994

**Legal Advisory and Conveyancing Office**  
**Circular Memorandum No. 7B**

**Land Authority's Consent Scheme**  
**Amendments to Form of ASP**

In a number of recent cases, it has become clear that considerable delay in processing consent applications for pre-sales of uncompleted units in developments has been caused by the developers' solicitors making numerous amendments and additions to the standard form of Agreement for Sale and Purchase (ASP) agreed with the Law Society, issued with LACO Circular Memorandum No. 1 as varied by LACO Circular Memoranda No. 7 and No. 7A (in respect of residential units).

It seems that many of these are inserted by firms who have a preference for their own house style of drafting or wish cosmetic changes to the wording of the standard form. Others are inserted with a view to giving very wide powers to the vendor e.g. in respect of future alterations to the development etc. and which are prima facie contrary to the interests of intending purchasers. Solicitors may have noticed that in recent months, LACO Offices have started querying such amendments and either rejecting them or requiring them to be fully justified.

Consideration of all these departures from the agreed form of ASP not only occupies scarce resources in LACO, but inevitably results in prolonged correspondence and discussions which inevitably delay the issue of pre-sales consent. With immediate effect, LACO will no longer entertain any applications for amendments to the standard form of ASP in consent cases, with the exception of very rare cases where a particular amendment is considered absolutely essential either, for example the better protection of the interests of purchasers, or because of the particular circumstances of a specific case. Such cases will be considered on their own merits. This is likely to result in delay in issuing consent.

If solicitors consider that certain clauses which they commonly use in ASPs, or they consider should be included in the standard form of ASP for good reason, are actually desirable and equitable, then please direct any proposals for their inclusion to the Law Society or to myself at LACO(HQ) for general consideration of amendment to the standard forms of ASP.

The above will apply to existing cases already submitted and in most cases, applicant's solicitors have already been informed that such amendments will not be accepted.

The practice will apply to all applications for pre-sale consent regardless of whether they relate are residential or non-residential units.

(T. E. Berry)  
Principal Solicitor  
for Director of Lands

To : All Solicitors