

Conveyancing Task Force

Response to Home Buying & Selling Consultation

Conveyancing Task Force

Final Responses to Consultation

The Consultation seeks views on proposals to improve the home buying and selling process (**Consultation**).

Responses to Consultation:

Question 1

“Are you responding as an individual or organisation?”

Organisation

Question 2

“If responding as an individual - what is your name?”

Not applicable

Question 3

“If responding on behalf of an organisation - what is the name of your organisation and what is your role?”

The Conveyancing Task Force (**CTF**). Stephen John Larcombe is its spokesperson.

Question 4

“What type of organisation are you responding on behalf of – estate agent, surveyor, conveyancer, professional body, developer, other?”

The CTF is a group of legal professionals, which has links with law firms across the country, ranging from small law firms to a plc. It also includes a prominent residential property law trainer and an equally prominent regulatory specialist.

Each law firm is represented on the CTF Steering Group.

Question 5:

“Do you agree with the proposed objectives for reforming the home buying and selling system?”

Summary of Response

The CTF supports the ambition of creating a faster and more reliable homebuying process. However, CTF does not agree that the primary barriers to progress are technological, nor that a digital-first, uniform restructuring of the system will address the true causes of delay, cost, and consumer harm.

The evidence demonstrates that the homebuying system fails not because of a lack of data, but because of structural, behavioural, regulatory, and accountability failures that technology alone cannot remedy. Reform should be incremental, pilot-led, legally grounded, and shaped with the expertise of those who carry statutory duties and personal liability.

1. Diagnosis of Delay and Consumer Harm

1.1 Regulatory complexity and duplication

Overlapping obligations – anti money laundering regulations (**AML**) compliance, post-Grenfell safety requirements, building safety legislation - create unavoidable friction and cost. These are **legal necessities**, not process failings, and cannot be solved merely by data aggregation.

1.2 Lender behaviour

Delays are routinely caused by:

- opaque lender panel practices
- inconsistent instructions
- requirements for repeated forms of verification
- slow or unpredictable decision-making

These issues generate duplication that no amount of upfront data will resolve.

1.3 Public authority bottlenecks

Key blockers include:

- local authority search delays
- incomplete Land Registry data
- local authority failures to enforce Section 106 planning obligations contained in legal agreements and planning conditions
- local authority delays in adopting estate roads and communal areas

These delays sit **outside** the control of conveyancers and cannot be mitigated through digital listing requirements.

1.4 Technology without accountability

The consultation assumes that more data will produce more certainty. In practice, lawtech providers in their contractual terms of business ensure that liability at law for the accuracy of data is shifted onto the consumer and property lawyers.

1.5 Legislative overlap and contradiction

Badly drafted, contradictory or outdated statutes - e.g. the Building Safety Act 2022, Treasury AML rules, and the Law of Property Act 1925 - create significant friction points that must be resolved before any procedural reform can succeed.

2. Evidence Base

Professional bodies, including the Law Society, the Property Lawyers Alliance, Surrey Law Society and the CTF, have repeatedly advised that structural inefficiencies arise from:

- public-sector delays
- lender requirements
- inconsistent enforcement
- legal and regulatory obligations
- volume-driven business models with minimal supervision

None of these issues are resolved by digitisation alone.

Touched upon previously the contractual terms of business of major law data suppliers further illustrate a structural imbalance in homebuying and selling: briefly put they retain commercial advantage while largely evading legal accountability. If reforms expand their role, this liability gap must be addressed by government.

A practical illustration can be seen in the published terms of a typical major data supplier like for example, the Landmark Information Group. These terms demonstrate how little legal responsibility suppliers currently assume for their data.

Key consumer harms include:

- **Narrow liability caps:** Liability is capped at £10 million per claim or connected claims - a figure unrelated to the potential scale of consumer detriment or structural risk across thousands of transactions.
- **Extensive exclusions:** Consequential losses (loss of profits, business opportunity, goodwill, etc.) are excluded entirely. Consumers whose transactions fail due to inaccurate or incomplete data have no meaningful recourse.
- **No warranty of accuracy:** Data derived from third parties is expressly not warranted as accurate or complete unless an obvious error is reported. Users cannot pursue those third parties directly.

- **No responsibility for service failure:** Liability is disclaimed for corrupted data, downtime, electronic defects, or interruptions. Time is explicitly “not of the essence”.
- **Restricted scope of use:** Reports exclude condition, saleability, fitness for purpose and physical inspection. Liability does not extend to any use outside a tightly defined scope.
- **12-month reliance limit:** Reports cannot be relied on more than 12 months after issue, even where the underlying features have not changed. This cuts across all normal legal conventions.

The effect is clear: data suppliers appearing to be central to proposed reforms enjoy wide contractual immunity, while conveyancers remain fully liable for acting on that data.

3. Key Implications

- Technology is not a substitute for legal judgment.
- Without statutory liability, digitalisation moves risk *towards* consumers, not away from them.
- Mandating data without mandating accountability exposes government to a repeat of past failures (HIPs, BSA implementation issues, Horizon-style reliance on corrupted data).
- Reform will only succeed if it addresses the causes of delay - not the symptoms.

4. Guiding Principles for Reform

4.1 Evidence-led and pilotable

National roll-out should occur only where empirical evidence shows:

- transaction time reduced
- fall-through rates lowered
- consumer cost reduced

4.2 Correct legal placement of accountability

Reform must ensure:

- liability sits with those who control the data
- consumers are not exposed to risk through exclusion clauses
- conveyancers are not expected to validate unverifiable tech outputs

4.3 Consumer protection

Reforms must strengthen - not weaken:

- legal oversight
- supervision
- competency
- enforcement against misrepresentation and construction defects

4.4 Balanced digitalisation

Digital tools should:

- support practitioners
- speed simple tasks
- improve document handling but must not replace legal scrutiny or create reliance on unchecked automated outputs.

4.5 Sequenced, realistic implementation

Reforms should be:

- phased
- compatible with regulatory frameworks
- supported by clear liability rules
- sensitive to the pressures of a workforce already carrying significant risk

CTF Position on Q5

We agree with the *objectives* of improving speed, certainty, and consumer outcomes. We do not agree with the *diagnosis* nor the assumption that digitisation is the central solution.

Real progress will require confronting the structural and regulatory issues CTF has outlined in its response to Q5, rather than assuming digitisation alone can deliver reform

Digitalisation can play a useful role - **but only when accountability, evidence, and legal reality are at the centre of reform.**

Question 6:

“Are there any objectives you think should be changed, removed, or added?”

Summary of Response

The CTF supports the overarching aims of improving speed, reducing abortive cost, and strengthening consumer protection.

However, these objectives cannot be achieved unless reform addresses the *structural*, *regulatory* and *accountability* failures that currently drive delay.

1. Core Objectives the CTF Recommends

1.1 Reallocate structural responsibilities to the actors best placed to carry them

Current reforms disproportionately load responsibility onto conveyancers while exempting commercial actors (lenders, data providers, panel managers) who shape the system’s structure but do not share equivalent legal accountability.

1.2 Remove duplication and unnecessary burden from property lawyers

The system slows down because multiple organisations demand repeated checks, forms, and validations - not because lawyers lack data.

1.3 Require transparency, enforceability and measurable outcomes

Reform should only proceed where obligations can be monitored, audited, and enforced.

2. Recommended Measures

2.1 Lender Panel Transparency

- Mandate lenders to publish objective, lawful, non-discriminatory lender panel criteria based on competence, regulatory history, and supervision - not volume.
- Require lenders to keep auditable procurement records for lender panel appointments.

- Impose statutory duties on lender panel managers proportionate to their gatekeeping influence.

These measures directly address opacity, inconsistency, and duplication - major causes of consumer delay and increased cost.

2.2 Bank and Lender Accountability

- Reframe Anti Money Laundering (**AML**) obligations so UK-regulated banks, who already carry the strongest 'Know Your Customer' duties and interact directly with customers, hold primary AML responsibility.
- Require lenders to adopt common standardised instructions to conveyancers, eliminating repeated bespoke requirements for each individual lender.
- Ensure lender policies support - rather than undermine - the national objective of speeding up transactions.

This would significantly reduce duplication, delay, and consumer frustration.

2.3 Lawtech and Data Provider Accountability

- Introduce legal liabilities on lawtech businesses for the accuracy of the data they produce, including a statutory warranty as to their data's fitness for use by consumers.
- Establish liability backstops equivalent to those imposed on conveyancers.
- Require minimum cyber-security certification for any mandated digital interface with lawtech corporations exclusively liable for cyber-hygiene
- Prohibit "open data highways" until robust legal, cyber and liability frameworks are in place.
- Support innovation only through controlled pilots, where liability parity and technical standards are demonstrably met by the lawtech sector.

This aligns reform with consumer protection and prevents structural risk.

2.4 Land Registry Reform

- Prioritise investment in HMLR capacity before mandating digital logbooks.
- Measure success through reduced backlogs and faster complex registrations.
- Restore specialist caseworker expertise to accelerate difficult title resolutions.

Without these reforms, digitisation simply overlays new requirements on an overstretched system.

2.5 Local Authority and Developer Enforcement

- Introduce statutory deadlines for local authority searches with enforceable consequences.
- Strengthen enforcement against developer non-compliance (communal area adoption, section 106 planning obligations, and planning conditions).
- Create a public register of enforcement failures by developers.
- Strengthen county court routes for consumers affected by developer breaches of planning agreements and planning conditions.
- Implement the building safety remediation scheme proposed by the Earl of Lytton

These reforms address some of the most consistent sources of delay and consumer harm.

2.6 Professional Standards and Supervision

- Require stronger supervision, competence standards, and regulatory oversight in high-volume hybrid firms (“**conveyancing factories**”).
- Enhance AML and building-safety training to reduce delays caused by uncertainty or misinterpretation.
- Ensure regulatory focus targets the **business models** that generate the greatest consumer risk.

2.7 Legislative Discipline

- Government should consult practising property lawyers before legislating.
- Avoid contradictory objectives (e.g., AML policy protecting one public interest while undermining speed reforms in another).
- Ensure new obligations do not impose risks or liabilities that are impossible for conveyancers to discharge.

3. How These Measures Meet the Government’s Objectives

- **Reduce abortive costs:** removes duplication and inconsistent lender requirements.
- **Improve speed:** tackles the genuine bottlenecks - HMLR, local authority searches, AML duplication, developer non-compliance.
- **Protect consumers:** rebalances accountability and strengthens professional oversight.

- **Lower structural risk:** requires legally enforceable warranties, cyber-safeguards, and regulatory parity for lawtech providers.
- **Ensure realism:** sequences reform to institutional capability rather than ideology.

Conclusion

The CTF supports the aims of the consultation but recommends refining its objectives so that reform focuses on *accountability*, *evidence*, and *structural correctness*, rather than assuming digitalisation is a universal solution.

The CTF recommends that government establish a Property Reform Advisory Board to support the design, sequencing, and implementation of this and future reforms. This board should review consultation responses, test assumptions, identify unintended legal consequences, and advise on accountability and risk allocation before legislation is drafted.

To be effective, the board should include:

- practising conveyancers (solicitors and CLC lawyers)
- property litigators
- counsel specialising in land, planning, and building safety
- professional indemnity insurers
- AML and regulatory specialists
- independent experts in legal technology and data governance (distinct from commercial vendors)

The conveyancing system is not broken. It requires targeted, practitioner-led reform - not wholesale, tech-driven restructuring.

Question 7:

“Do you agree that there should be a mandatory requirement for sellers and estate agents to provide comprehensive upfront information?”

Summary of CTF Response

The CTF supports the government’s objective of improving speed, certainty, and consumer outcomes. However, the CTF does not support a mandatory upfront information regime.

The proposal:

- misdiagnoses the causes of delay
- creates unfair liabilities
- imposes disproportionate costs
- dilutes professional standards
- undermines legal accountability
- repeats the mistakes of HIPs
- and fails to address the structural blockers that actually slow transactions.

The answer to Q7 is therefore a respectful but firm “no.”

Mandatory upfront information would not achieve the goals of reform and may worsen consumer outcomes.

1. Why Mandatory Upfront Information Is the Wrong Solution

1.1 Property is legally complex

Residential property is not a consumer good. It cannot be “returned” and defects are not always knowable without legal analysis, due diligence, surveys, and lender engagement.

Introducing a statutory disclosure regime risks creating parallel and inconsistent legal standards, generating confusion and litigation. Furthermore, sometimes legal titles are defective, so when the seller purchased the property, the seller took out a defective title indemnity policy. However, these policies often contain terms heavily proscribing what a seller can say about the title defect.

1.2 Unfair liability for ordinary sellers and estate agents

Mandatory disclosure would expose sellers, and agents, to unclear and unmanageable risks:

- sellers judged on what they “should have known”
- innocent mistakes triggering misrepresentation and non-disclosure claims
- sellers pushed into quasi-legal roles without expertise

- agents becoming de facto legal advisers, without training or PI cover

For example, Japanese Knotweed litigation demonstrates how easily ordinary sellers can incur liability for matters they cannot reasonably detect or assess. Even trained surveyors miss early-stage knotweed, yet a mandatory disclosure regime could leave sellers legally responsible for innocent misstatements. This illustrates why statutory disclosure obligations risk creating unfair and unmanageable liabilities for the public.

The Digital Markets, Competition and Consumers Act 2024 has already expanded liability exposure.

Layering mandatory disclosure on top would create a litigation trap for the public, many of whom cannot afford the costs of taking legal action. It would increase the risk of litigation, as an estate agent sued for misrepresentation might seek a contribution or indemnity from the conveyancer and vice versa.

1.3 Confusion and false reassurance for buyers

Technical bundles of data given *before* legal advice risk:

- overwhelming buyers with information they cannot interpret
- creating false confidence (“the pack looked fine”)
- transferring costs and liability to sellers

Without legal context, data does not equal understanding. Data and information are terms that are not synonymous

1.4 Higher costs and market exclusion

For many sellers, especially in sales of leasehold properties:

- upfront packs can exceed £5,000
- information becomes outdated and requires refreshing
- sellers “testing the market” are priced out
- older homeowners and downsizers are disproportionately hit

This reduces supply and restricts mobility at a time when government aims to do the opposite.

1.5 Dilution of professional standards

Estate agents and pack providers cannot replace regulated legal professionals. Mandatory packs risk:

- inaccurate or incomplete information
- poor-quality interpretation
- increased negligence claims
- more enquiries, not fewer

Conveyancing factories with minimal supervision already struggle with supervision. Mandatory packs add another layer of risk.

1.6 Reliance on unaccountable data sources

Fraudulent EWS1 forms, poor-quality surveys, and corrupted third-party data show the dangers of relying on “trusted sources” without enforceable accountability. A disclosure regime built on legally unaccountable data puts consumers at risk.

1.7 Minimal impact on transaction times

International and domestic evidence shows that mandatory upfront information does not address the real causes of delay. Digital packs cannot speed up mortgages, chains, surveys, lender processing, Land Registry timelines, or local authority searches.

Practitioners consistently report that delays arise from structural and behavioural factors such as:

- lenders applying inconsistent or duplicative instructions
- slow mortgage offers and last-minute lender queries
- delays obtaining replies from managing agents and freeholders
- local authority search backlogs
- Land Registry backlogs and requisitions
- unresolved planning or building regulation issues
- inadequate supervision and poor-quality work within some conveyancing factories
- late surveys leading to negotiations or withdrawals
- chain fragility and personal circumstances unrelated to legal information

None of these delay factors are mitigated by requiring sellers or agents to produce a mandatory legal pack before marketing a property. Studies and professional experience consistently show that fall-throughs occur because of personal circumstances, chain fragility, valuation issues, or survey results not by missing information at the point of listing

The proposal is therefore a solution in search of a problem.

1.8 Perverse incentives

Mandatory packs encourage:

- defensive minimalism
- selective disclosure
- premature marketing withdrawals
- increased mistrust between parties

The system becomes slower, not faster.

2. Better Alternatives

The CTF strongly supports proportionate, evidence-led reform.

2.1 Instead of mandatory packs, government should build certain secure, digital tools

For example, digital property logbooks can help if and only if they are:

- integrated with HM Land Registry registers
- governed by clear liability rules
- protected against cyber-crime attacks
- underpinned by statutory accuracy standards

2.2 Encourage voluntary early legal instruction

This is a proven model:

- sellers obtain advice before marketing
- accuracy improves
- unnecessary enquiries reduce
- chains progress more efficiently

2.3 Require only essential facts at listing

Sellers should provide:

- tenure
- council tax band
- EPC
- basic property characteristics

These do not create liability traps or require legal interpretation.

2.4 Raise standards in estate agency

Implement Regulation of Property Agents (**RoPA**), and prohibit:

- conditional selling
- mis-selling
- unlawful pressure on consumers

2.5 Target structural delays

The true causes of delay are:

- lender processes
- local authority search times
- Land Registry registration backlogs
- poor supervision in volume law firms

- inconsistent enforcement against developers

Fixing these would have far more impact than mandating disclosure.

Conclusion

The CTF recommends a practitioner-led approach, combining digital accountability, early legal involvement, proportionate disclosure, higher professional standards, and structural reform to address the true causes of delay.”

Question 8:

“Do you agree that this should include a requirement to order property searches and undertake a property condition report?”

Summary of Response to Question 8

The CTF supports the aim of improving speed, transparency, and consumer confidence. However, the CTF does **not** support mandating sellers to obtain searches or property condition reports before marketing. A compulsory regime would:

- duplicate work and increase cost
- shift unfair liability onto ordinary sellers
- mislead consumers through premature or partial information
- exclude vulnerable sellers and reduce housing mobility
- fail to address the true structural causes of delay

The case for mandatory searches and condition reports is not evidence-based and risks repeating the failures of the Home Information Pack (**HIPs**) era.

1. The Real Causes of Delay

Mandating earlier searches does not address the structural bottlenecks that actually slow transactions. Delays typically arise from:

- **Land Registry capacity constraints:** Backlogs in registrations, title queries and requisitions are a major source of transaction delay.
- **Local authority search delays:** Some councils experience severe backlogs - Hackney’s prolonged outage following a cyber-attack being a well-known example. These delays are entirely outside the control of sellers or conveyancers.
- **Lender requirements and risk reviews:** Particularly relating to:
 - fire safety and EWS1 forms
 - estate rent charges
 - service charge scrutiny
 - complex management structures
- **Estate management companies on newbuild sites:**
 - high fees for essential information
 - inconsistent or frequently changing data
 - extended verification checks required by lenders

Searches themselves are rarely the obstacle. The proposal targets the wrong problem.

2. Why Mandatory Searches and Condition Reports are Problematic

2.1 Liability and fairness

Sellers cannot reasonably be expected to:

- commission technical reports
- interpret planning, environmental or title search results
- assume PI risk for matters beyond their knowledge

If a search becomes outdated or misses a planning application, who is liable? Under a mandatory regime, the risk will fall on:

- sellers
- estate agents
- conveyancers

Not on data suppliers, who routinely exclude liability.

Professional indemnity insurers are unlikely to cover sellers or agents attempting to interpret technical data, creating uninsured risks and inevitable litigation.

A proportionate approach is to **permit voluntary** seller-ordered searches, with **clear caveats** that legal reliance remains with the buyer's conveyancer.

2.2 Duplication and wasted cost

Even if sellers obtain searches:

- buyers' conveyancers will still be required to order their own lender-compliant searches
- many law firms will not accept or rely on seller-commissioned searches
- search providers do not offer free refreshers

Mandatory searches therefore create cost without utility. HIPs failed for this reason: search packs were frequently out of date by the time a buyer was found.

2.3 Consumer confusion

A "property condition report" risks being misinterpreted as:

- a full survey
- a valuation
- a lending-level condition assessment

This creates **false reassurance**.

Caveat emptor remains fundamental to our legal system.

Estate agents may also avoid listing properties with defects for fear of liability.

Buyers who elect not to obtain a survey should bear responsibility; forcing sellers to provide partial reports risks misleading reliance.

2.4 Market exclusion

Mandatory upfront costs could be significant:

- search bundles costing hundreds
- condition reports costing hundreds more

This disproportionately affects:

- older homeowners and downsizers
- executors and probate sellers
- vulnerable households
- sellers with limited means

The result is **reduced housing mobility**, fewer listings, and greater pressure on supply.

3. Better Alternatives

3.1 Fix structural delays directly

- Statutory deadlines for local authority searches
- Investment in Land Registry capacity
- Clear, standardised lender instructions
- Consistent requirements for estate management information

These reforms address the **real** constraints.

3.2 Encourage (not compel) early legal involvement

Voluntary early instruction of conveyancers:

- improves accuracy
- reduces unnecessary enquiries
- prevents late-stage surprises
- is cost-effective and proportionate

3.3 Improve consumer education

Clear guidance on:

- what searches are
- what surveys do
- what buyers must check
- how legal due diligence works

Informed consumers make better decisions without imposing cost or liability on sellers.

3.4 Digital Property Logbooks (with accountability)

Digital logbooks offer long-term potential, but only if placed on a secure, accountable, state-owned foundation. Property data is critical national infrastructure.

Its custodian must be a public authority with statutory duties, legal oversight, and democratic accountability.

HMLR is the natural custodian

- it already holds the definitive legal record of title
- it is independent of commercial pressures
- its obligations cannot be disclaimed through contract

Because commercial platforms routinely:

- exclude liability
- disclaim accuracy
- limit consumer recourse

digital logbooks must be integrated within, or operate alongside, the Land Registry's statutory framework, not controlled by private vendors.

HMLR capacity must be strengthened first. Government must:

- reinvest in staffing and specialist title expertise
- modernise core IT infrastructure
- clear processing backlogs
- ensure cyber-security appropriate for critical national systems

Only then can digital logbooks improve transparency safely.

4. Meeting the Consultation's Objectives

Speed

Addresses actual causes of delay: searches, lenders, estate management, HMLR.

Reliability

Ensures searches are current and legally relied upon by regulated professionals.

Consumer protection

Avoids misleading buyers and unfairly exposing sellers to litigation.

Cost efficiency

Avoids duplication and unnecessary upfront burdens on the public.

Conclusion

The CTF supports improving speed, transparency, and consumer confidence. We do not support mandating sellers to obtain searches or property condition reports before marketing, as this would increase costs, shift unfair liability onto sellers, and exclude vulnerable households. Such a requirement would fail to address the real structural causes of delay.

Question 9.

“What steps should government take to ensure that conveyancing lawyers, estate agents and surveyors have the capacity and capability to implement this change?”

Question 10.

“What resources and additional training would be needed in order to implement these changes?”

Summary of The CTF Regarding Implementation of the Change described in questions 9 and 10

The premise of these two questions is flawed. The issue is **not** whether professionals can be trained or resourced to deliver mandatory upfront disclosure, but whether such duties are **appropriate, proportionate, and effective**.

As demonstrated in the CTF’s responses to Questions 7 and 8, mandatory upfront information, searches and condition reports:

- create duplication and wasted cost
- expose sellers and agents to unmanageable liability
- risk misleading consumers
- fail to address the structural causes of delay

Professional capacity should not be diverted by law into implementing reforms that do not solve the underlying problems.

The correct approach is to **fix systemic bottlenecks, reallocate responsibility appropriately, and strengthen accountability where it belongs**.

The following sections provide the detailed responses to Questions 9 and 10, illustrating how these principles apply in practice.

1 Do not impose premature disclosure duties

Professional capacity is already stretched. Mandating sellers or estate agents to provide technical legal information would:

- divert lawyers from core legal work
- require estate agents to adopt de facto legal roles
- create insurance and compliance obligations not justified by evidence

This is not a good use of scarce professional resource.

2 Encourage early voluntary legal instruction

Voluntary early instruction by sellers is effective, proportionate and avoids liability problems. It ensures information is gathered:

- accurately
- contextually
- under legal supervision

without mandating premature, duplicative packs.

3 Address structural bottlenecks before imposing new duties

Capacity is severely constrained because professionals must repeatedly compensate for systemic failings, including:

- Land Registry registration and requisition delays
- local authority search backlogs
- lender-driven duplication (EWS1, fire safety, management pack scrutiny)
- inconsistent or changing data from estate management companies

Fixing these issues will free up capacity far more effectively than training estate agents to act as quasi-lawyers.

4 Raise standards where they matter RoPA

Instead of expanding estate agents' legal responsibilities, government should implement the RoPA framework to improve:

- competency
- accountability
- transparency
- enforcement against misconduct

This is widely supported across the profession

5 Reallocate responsibility to the appropriate professionals

- Searches must remain the responsibility of **the buyer's conveyancer**, who is legally accountable and must comply with lender requirements.
- Property condition assessments must remain the domain of **qualified surveyors**, not estate agents or sellers.

Attempts to redistribute these duties to unregulated or lightly regulated actors risk consumer harm.

6. Recognise professional diversity and regulatory intensity

The conveyancing profession consists of:

- solicitors
- licensed conveyancers
- chartered legal executives

Solicitors operate under some of the **strictest regulatory and ethical duties in the world**. Their role is legal, not administrative; any reform must respect that distinction.

7. Protect the integrity of the legal process

Conveyancing is a legal practice grounded in:

- professional ethics
- duties to clients and the court
- personal accountability
- regulatory oversight
- public trust

That integrity is undermined by proposals that treat conveyancing as a commodity to be delivered “cheaper and faster” by unregulated actors or automated platforms.

Consumers deserve **accurate legal advice**, not a race to the bottom in quality.

Mandatory upfront disclosure risks diluting legal safeguards and replacing professional judgment with an unchecked administrative process.

Question 10

“Resources and Training”

CTF Response

1. Training should not be used to prop up flawed policy

Estate agents should **not** be trained to interpret or disclose complex legal or technical information. That is the role of highly regulated legal professionals and surveyors.

2. Resources should be directed at genuine structural improvements:

Land Registry

Government should invest in:

- staffing
- specialist title expertise
- decentralised casework capability
- backlog clearance
- secure IT and cyber infrastructure

Without this, HMLR cannot serve as the foundation for digital reform.

Local authority search services

- statutory turnaround times
- ring-fenced resourcing
- secure digital infrastructure

These steps would immediately improve transaction speed.

Lender behaviour

- standardised instructions
- reduced duplication
- clarity on AML and fire safety documentation
- accountability for unreasonable delays

Estate management companies

- statutory obligations to provide accurate, timely, transparent information
- fee regulation
- a duty to update material information

This is one of the fastest-growing causes of delay.

Professional supervision

Targeted regulatory focus on high-volume “conveyancing factory” models is essential. These models often rely on:

- minimal supervision
- underqualified staff
- throughput incentives

This undermines consumer protection and increases delay.

Consumer education

Government should fund clear, neutral guidance explaining:

- role of searches
- purpose of surveys
- difference between legal and non-legal advice
- risks of relying on partial or premature information

This strengthens consumer protection without imposing liabilities on sellers.

Digital tools with accountability

Any investment in digital logbooks or structured data systems must include:

- statutory warranties for data accuracy
- liability parity with conveyancers
- algorithmic transparency
- cyber-security assurance

Without these safeguards, the risk of misinformation or fraud could mirror failures seen in the Horizon IT scandal or the more recent unreliable EWS1 reporting.

Addressing Counterarguments

“Professionals already collect this information informally.”

Collecting information voluntarily is not comparable to assuming **legal liability** for mandatory pre-marketing disclosure. Formalising the duty radically changes:

- professional risk
- PI exposure
- administrative burden

Scotland comparison

Scotland’s system cannot be replicated without its legal architecture:

- early conclusion of missives
- binding offers
- closed bidding system
- far lower reliance on chains

Transplanting only the “upfront pack” risks importing form without function.

Consumer harm

Mandatory searches and reports:

- become outdated
- must be duplicated
- may mislead buyers
- impose costs on sellers whose properties never reach sale

This is neither efficient nor protective.

CQS credibility

Accreditation alone does not guarantee quality. Regulatory data shows that **most firms fined for AML failings were CQS-accredited**. Training badges cannot solve systemic issues.

Conclusion

The government’s questions assume that mandatory upfront information is the right reform and that professional capacity must be expanded to deliver it. The CTF respectfully disagrees. The true priorities are to:

- fix structural bottlenecks
- restore Land Registry and local authority capacity
- standardise and rationalise lender requirements
- regulate estate agents properly through RoPA
- ban referral fees
- impose obligations on estate management companies
- support secure, accountable digital innovation

Training and resources should not be directed at preparing professionals to deliver premature, duplicative disclosure duties. They should instead support targeted, evidence-led reform that improves transaction speed, reduces avoidable cost, and strengthens consumer protection.

Question 11

“Should government intervene to drive up standards amongst property agents?”

Summary of Response:

Yes. Government intervention is overdue.

Property agents sit at the heart of the homebuying process yet remain one of the least regulated actors in the chain. Evidence from regulators, consumer bodies and recent media investigations shows that poor practice by some agents:

- distorts consumer choice
- undermines trust in the system
- fuels the growth of volume-driven, low-supervision conveyancing models

Raising standards in agency is essential if wider reforms are to succeed.

11.1 Problems in the Current Agency Model

Persistent issues include:

- **Conditional selling and coercive steering** - buyers being told their offer will only be “taken seriously” if they use the agent’s in-house broker or “recommended” conveyancer.
- **Opaque referral fee arrangements** - consumers are rarely told that a “recommended” lawyer is paying for the introduction, or how much.
- **Misleading marketing and under-disclosure** - overly optimistic descriptions, soft-peddling of defects, and failure to flag material risks early.
- **Lack of basic competence and training** - no mandatory qualification framework, no consistent CPD, and limited enforcement capacity.

The recent BBC Panorama investigation into Connells and Purplebricks, including evidence of conditional selling and coercive referral practices, simply exposed publicly what many practitioners have observed privately for years.

11.2 Referral Fees and the Growth of “Conveyancing Factories”

Opaque referral arrangements between agents and high-volume conveyancing operations have had serious structural effects:

- **Anti-competitive steering** - consumers are channelled away from independent, high-quality local firms towards bulk operators selected for fee-sharing, not legal quality.

- **Inflated costs** - referral fees are ultimately funded by the consumer, whether explicitly or hidden within legal fees.
- **Erosion of independence** - firms reliant on agent pipelines are under commercial pressure to prioritise volume and speed over legal scrutiny.
- **Market perception** - conveyancing is presented as a cheap commodity, encouraging “stack-’em-high” business models with minimal supervision.

These models did not emerge organically from the legal profession; they were driven and rewarded by referral-fee economics and agency sales culture.

How the Narrative Was Sold

These reforms were originally presented as necessary to “increase competition for the benefit of consumers.” In reality, this narrative masked the commercial drivers behind the shift. Deregulation, alternative business structures and referral-fee economics enabled the growth of conveyancing factories that prioritised sales throughput over legal quality.

This was not consumer-led reform. It was commercially driven restructuring that has, in practice:

- weakened professional independence
- increased conflicts of interest
- incentivised factory-style conveyancing
- shifted the balance of liability away from commercial actors and onto consumers and conveyancers
- diluted consumer protection

The appearance of greater competition has obscured a contaminated market now shaped primarily by referral pipelines and commercial incentives rather than by what is in the consumer’s best interests.

11.3 Preserve Clear Professional Boundaries

Driving up standards must not mean turning agents into quasi-lawyers.

- Agents are **sales professionals**.
- Conveyancers and surveyors are **regulated advisers** with legal and professional duties.

If agents are pushed into interpreting title defects, building safety law or complex tenure issues, they will be:

- working beyond their competence
- uninsured for the risks they create
- confusing doctrines such as *caveat emptor* and misrepresentation

The result would be more, not fewer, disputes and complaints.

11.4 CTF Recommendations

Government should:

1. **Implement RoPA in full**

- Introduce mandatory licensing, qualifications and CPD for property agents.
- Establish a clear code of conduct with enforceable sanctions.

2. **Tackle referral-fee driven distortion**

- **Primary position:** ban referral fees between agents and conveyancers in residential transactions.
- **If government is unwilling to legislate for a full ban**, then at minimum:
 - impose strict, prominent, written disclosure of any financial interest
 - cap referral fees at a modest level
 - prohibit conditional selling or any practice that links offer “seriousness” to use of in-house or recommended services

3. **Strengthen enforcement against misconduct**

Resource Trading Standards and any future regulator to investigate and sanction:

- conditional selling
- misleading or incomplete disclosure
- undisclosed financial ties

4. **Clarify roles in guidance to the public**

Make it clear in official consumer guidance that:

- estate agents market property
- lawyers advise on legal risk and title
- surveyors report on condition and value

5. **Align agency standards with the rest of the system**

Ensure that the standards applying to property agents are consistent with the expectations placed on regulated legal and surveying professionals, recognising the central role agents play in consumer decision-making.

11.5 Conclusion

Government intervention is essential to ensure that property agents operate within clear professional boundaries, that referral-fee distortion and conditional selling are addressed, and that enforcement is effective. Without these measures, consumer choice and trust in the system will continue to be undermined.

Question 12

“Do you agree with our proposal to bring forward a Code of Practice on a non-statutory basis, and to legislate to put this on a statutory footing in future if necessary?”

CTF Summary Response

A non-statutory Code of Practice may be a useful starting point, but history consistently demonstrates that voluntary codes without enforcement do not change behaviour.

The BBC Panorama investigation (2025) confirmed what practitioners have long observed. Both Connells and Purplebricks operated under existing industry codes. Neither was deterred from conditional selling, coercive referral tactics, or misleading practices. It took national media exposure - not voluntary compliance - to force scrutiny but no prosecutions or formal action has been taken by National Trading Standards.

A Code will only be meaningful if it is capable of real accountability and avoids creating new legal risks for consumers, agents and conveyancers.

12.1 What a Credible Code Must Contain

To be effective, any Code, statutory or otherwise, must:

- Be independently audited, not policed by industry bodies with conflicts of interest
- Include clear, escalating sanctions, including suspension of trading for serious breaches
- Be designed with practising property lawyers, surveyors, regulators, Trading Standards and consumer groups, not just agency representatives
- Include a framework for rapid transition to statutory footing if compliance is poor or enforcement weak

Without these, a voluntary Code risks becoming another unenforced industry pledging exercise.

12.2 Referral Fees: The Central Integrity Problem

Members of the CTF repeatedly raised referral-fee distortion as one of the most corrosive forces in the current system.

A Code that fails to address this directly would lack legitimacy.

The CTF’s position:

Primary stance:

A ban on referral fees between estate agents and conveyancers in residential property transactions remains the cleanest and most honest solution.

If government refuses to legislate for a full ban, the Code must require as a minimum:

- Prominent, written, plain-language disclosure of any referral fee or financial interest
- Caps or prohibitions where referral fees undermine independence or increase consumer cost
- Monitoring of anti-competitive effects, with powers to sanction abuse
- Prohibition of conditional selling in any form

Anything less risks preserving the very distortions the reform aims to fix.

12.3 Avoid Turning Agents into Quasi-Lawyers

A recurring concern from CTF members is that a poorly drafted Code could:

- blur professional boundaries
- require agents to interpret legal risks or technical documents
- create new liabilities for misdescription or omission
- confuse consumers about who is legally accountable

The law already provides remedies for misrepresentation.

A Code must not extend disclosure or advisory duties beyond the competence or insurance cover of estate agents.

Doing so would increase disputes, not reduce them.

Conclusion

The CTF supports the principle of raising standards through a Code of Practice, but warns that a voluntary, unenforceable code will not address the structural problems exposed by practitioners and recent investigations.

A credible Code must:

- be independently audited
- contain clear sanctions
- be able to move rapidly to statutory footing
- tackle referral-fee conflicts directly
- respect professional boundaries

Only then will it meaningfully improve consumer protection, market integrity and trust in the homebuying process.

Question 13

“Do you agree with our proposal to consult on mandatory qualifications for estate and lettings agents?”

Summary of Response to Question 13:

Yes. Mandatory qualifications are essential if agents are to be entrusted with responsibilities that affect consumers' most valuable asset. The RoPA working group has already set out a credible framework.

Mandatory qualifications would:

- Ensure baseline competence in legal, financial, and consumer-protection issues.
- Reduce the risk of agents straying into quasi-legal advice without training or safeguards.
- Professionalise the sector, bringing it closer to the standards expected of lawyers and surveyors.

However, qualifications must be augmented by ongoing CPD, regulatory oversight, and enforceable accountability. Without these, qualifications risk becoming a “tick-box” exercise.

It is also vital that qualifications reinforce, not distort, the agent's role. Agents must understand the limits of their competence — to know when to refer consumers to lawyers or surveyors, rather than attempting to interpret complex legal obligations themselves. This respects *caveat emptor*: buyers must investigate with professional advice, and sellers must not misrepresent.

The wider question is whether conveyancing itself should be a reserved legal service. At present, anyone can carry out conveyancing work except for the act of transferring legal title. This allows unregulated case-handlers to run files, often without formal legal training. If conveyancing were fully reserved, mandatory qualification, supervision, and accountability would follow, protecting consumers from the worst abuses of the volume model.

Question 14

“Are there additional interventions you think government should take to drive up standards amongst property agents?”

Summary of Response to Question 14:

Beyond a Code of Practice and mandatory qualifications, government should take targeted, enforceable steps to raise standards:

- Implement the RoPA recommendations in full – including licensing, mandatory CPD, and a statutory regulator with investigatory and enforcement powers.
- Introduce senior management accountability – mirroring the approach in financial services, so systemic failures in large agency chains cannot be blamed on “junior staff.”
- Mandate transparency in referral fees and financial incentives – consumers should know when agents are steering them toward particular conveyancers, surveyors, or mortgage brokers for commercial reasons.
- Strengthen redress mechanisms – ensure that all agents are part of an independent, statutory redress scheme with real powers to award compensation.
- Target repeat offenders – publish a public register of disciplinary actions against agents, so consumers can make informed choices.

The persistence of poorly performing firms despite terrible reviews shows that market position, not merit, drives outcomes. Lender panels, agent referrals, and corporate ownership structures entrench volume firms, even when service quality is poor. Until these structural incentives are addressed, bad service will remain profitable.

Question 15

“Are there any other areas across the property agent sector that needs to be monitored or regulated in order to improve the customer journey?”

Summary of Response to Question 15:

Several areas require closer monitoring and proportionate regulation to protect consumers and improve trust:

- **Referral arrangements and conflicts of interest:** opaque referral fees between agents, conveyancers, and mortgage brokers distort consumer choice and inflate costs. These must be disclosed in full, and subject to caps or prohibition where they undermine independence.
- **Use of unqualified staff:** many agents and volume conveyancers delegate complex tasks to untrained staff. Regulators should require minimum competence standards for all consumer-facing work.
- **Digital marketing and data use:** safeguards are needed against misleading advertising, misuse of personal data, and cyber-risks.
- **Lettings sector practices:** hidden charges, poor management of deposits, and weak enforcement of landlord obligations remain persistent problems. Stronger oversight of lettings agents is essential.
- **Cross-border and online-only agencies:** new business models must be subject to the same regulatory standards as traditional agents, avoiding regulatory arbitrage.

Monitoring these areas would close current gaps in consumer protection, reduce disputes, and ensure that property agents operate with the same integrity and accountability expected of other professions.

Taken together, the responses form a consistent position:

- The property agency sector lags behind the legal and surveying professions in accountability and standards.
- Voluntary codes and self-regulation have failed; statutory underpinning is essential.
- Mandatory qualifications, RoPA implementation, and senior management accountability are the right levers to professionalise the sector.
- Transparency on referral fees, stronger redress, and oversight of unqualified staff are critical.
- Above all, reforms must be framed around consumer protection. The real victims of poor practice are buyers and sellers, left dealing with delays, mistakes, stress, and financial loss. Regulation should shield the public from models that prioritise volume over care, pipelines over independence, and price over competence.

Question 16

“Do you agree that government should aim to support the wider use of digital property logbooks and packs?”

Summary of Response to Question 16

While the ambition to modernise conveyancing is understandable, government support for digital property logbooks should be approached with caution. Leading practitioners have highlighted that digitisation alone does not address deeper structural problems in the homebuying process—such as fragmented regulation, inconsistent standards of disclosure, and the erosion of professional oversight. Without resolving these fundamentals, logbooks risk becoming an additional burden rather than a solution.

Moreover, there is currently limited clarity about how digital property logbooks would operate in practice. England and Wales contain millions of registered titles and a significant number of unregistered properties. The consultation does not explain how data for these properties would be collected, verified, and maintained, nor at what stage a logbook would be created, who would be responsible for updating it, or how accuracy would be assured over time. Without this clarity, the proposal risks being seen as administratively unworkable.

Loading upfront costs and responsibilities onto sellers could deter listings, particularly for lower-value properties, and exacerbate affordability pressures. That said, if properly implemented, digital logbooks might reduce duplication of searches and cut down on paper-based inefficiencies. However, government should prioritise strengthening legal safeguards, professional accountability, and consumer protection before mandating their wider use.

Question 17:

“If yes, what do you think would drive their wider adoption? How could government support this and do you think that legislation might be needed to bring about this change?”

Adoption of digital logbooks would depend on clear evidence of consumer benefit, cost neutrality, and professional confidence in their reliability. Current pilots suggest that much of the proposed content (e.g. UPRNs, EPCs, title plans) is either already accessible or of limited practical use to conveyancers. To drive adoption, government would need to:

- Set consistent national standards for data accuracy, interoperability, and ownership.
- Ensure costs are not unfairly shifted onto sellers, who already face significant financial pressures.
- Mandate professional oversight, so that logbooks complement rather than replace regulated conveyancing expertise.
- Provide clarity on responsibility for updating and verifying logbook data over time.

Legislation may ultimately be required to establish minimum standards and accountability frameworks, but premature compulsion risks undermining trust. A phased, evidence-led approach—supported by independent evaluation—would be preferable to blanket statutory mandates. International examples (such as Scotland’s Home Report system or certain Australian initiatives) show mixed results, underlining the need for careful evaluation before importing models into England and Wales.

Question 18:

“What risks would need to be considered when creating and storing digital logbooks?”

Digital property logbooks have potential long-term value, but the risks are substantial and cannot be understated. Property data is *critical national infrastructure*. If government proceeds without clear legal, technical and governance safeguards, digital logbooks could introduce new systemic vulnerabilities into the homebuying process.

18.1 Cybersecurity and structural digital risk

Centralising sensitive property data creates a single point of failure. Key risks include:

- large-scale cyber-attacks targeting a national repository
- ransomware events (as seen with local authorities such as Hackney)
- mass data breaches exposing millions of homeowners
- quantum-era threats to current encryption standards

The Horizon scandal demonstrates the catastrophic harm caused when public systems over-rely on flawed or corrupted digital records. A digital logbook regime must not replicate this risk at population scale.

18.2 Data integrity, fraud and false confidence

Logbooks will only be as reliable as the data they contain. Current practice shows:

- falsified or unreliable documents (EWS1s, fire safety assessments, management packs)
- unverified information submitted by unregulated actors
- inconsistent or incomplete data from estate management companies and developers
- no enforceable duty on commercial providers to warrant accuracy

A digital format **does not** make information more reliable. Without statutory liability for accuracy, digital logbooks risk creating *false confidence* and wider fraud opportunities.

18.3 Ownership, control and data sovereignty

Property logbooks must not become a commercial asset of private platforms. Risks include:

- data monetisation
- behavioural profiling

- resale to third parties
- vendors locking consumers into proprietary ecosystems
- loss of control over how personal and property data is used

Ownership and control of core property information must remain with the homeowner and the state, not with commercial operators whose incentives are primarily financial.

18.4 Market participation and affordability

Mandatory logbooks risk:

- deterring sellers who cannot afford upfront costs
- excluding older homeowners, probate estates, and vulnerable sellers
- reducing market liquidity and housing supply
- punishing those who “test the market” but do not proceed to sale

Any system that adds cost before a single offer is received risks replicating the failures of HIPs.

18.5 Professional oversight and legal accountability

Logbooks must not replace legal due diligence. Risks include:

- erosion of the lawyer’s role in verifying title, rights, obligations, defects
- buyers relying on logbook entries that are incomplete, outdated, or wrong
- conveyancers being held liable for third-party data they did not create
- unregulated tech providers shaping legal risk without legal duty of care

Digital convenience must never be allowed to trump legal certainty.

18.6 Accuracy, timeliness and the problem of stale data

Even high-quality datasets degrade quickly if not continuously updated. Examples that already cause consumer harm:

- outdated LPE1 replies
- incomplete new-build packs
- missing adoption plans for estate roads
- late filed or unregistered planning obligations
- management company charges that change with no notice

A digital logbook containing outdated, unverifiable or contradictory information is **worse than no logbook at all.**

18.7 Governance, liability and enforcement

The greatest structural risk is a logbook system where:

- commercial providers hold the data
- consumers rely on the data
- conveyancers are held liable for acting on the data
- providers face minimal or no legal accountability

This liability imbalance already exists in the “open data” market and must not be entrenched further.

18.8 CTF Position

Digital logbooks **should not proceed** unless Government can demonstrate:

- that HM Land Registry (HMLR) will act as custodian, or that any alternative carries equivalent public law duties and liabilities
- full statutory liability for data accuracy, completeness and timeliness
- mandatory cybersecurity and resilience standards for all providers
- consumer-owned data sovereignty with strict limits on commercial use
- clear legal responsibilities for updating, verifying and correcting data
- an independent regulator capable of auditing systems and enforcing compliance

Without these safeguards, digital logbooks risk **compounding** the weaknesses of the current system - centralising error, amplifying fraud risk, and externalising liability onto consumers and conveyancers.

Conclusion

Digital logbooks may form part of a future reform programme, but only if:

- built on a secure, publicly accountable foundation
- integrated within, or aligned to, HMLR infrastructure
- governed by statute, not by private commercial terms
- accompanied by enforceable liability frameworks
- tested through tightly controlled pilots before wider rollout

Anything less risks repeating the systemic failures seen in other digital reforms and undermining the very consumer confidence the government seeks to improve.

Questions 19 - 22

Binding Mechanisms in Property Transactions

CTF Overview of the issues

In the context of England and Wales ‘binding mechanisms’ are legally dangerous, structurally incoherent, and ripe for exploitation. They import concepts from foreign law systems while ignoring the safeguards those systems rely on - such as mandatory notarial oversight, early-stage legal investigations, and uniform seller disclosure rules.

In our jurisdiction, premature binding commitments regularly result in serious consumer harm. The current market already contains quasi-binding mechanisms which demonstrate the risks vividly:

- buyers pressured into paying £400–£2,000 “reservation fees” before any legal pack is available
- consumers losing £35,000 deposits under proprietary reservation schemes (e.g. Gazeal)
- “modern auction” models (I Am Sold and others) tying buyers or sellers into designated lawyers, limiting choice and creating conflicts
- new-build purchasers forced to proceed because reservation fees are non-refundable, even when their lawyers identify serious defects
- purchasers locked into homes with major defects, or entire buildings later found unlawful (e.g., London tower demolition after unauthorised floors added)

These practices are not edge cases - they are symptomatic of a structurally unregulated pre-contract market where commercial actors gain financially from binding the consumer early while avoiding legal accountability.

Binding buyers earlier is not a reform; it is the formalisation of practices that already cause widespread harm.

Question 19

“Do you agree that government should support mechanisms to make property transactions more binding at an earlier stage?”

CTF Response: No.

The “subject to contract” principle is a cornerstone of English and Welsh conveyancing. It protects consumers from committing to a property before:

- title has been investigated
- searches have been reviewed
- planning and building safety compliance is understood
- lender requirements are satisfied
- defects and risks have been identified

Civil law jurisdictions often used as comparisons (e.g. France, Germany, Scotland) have fundamentally different structural safeguards:

- binding offers occur *after* due diligence
- the process is overseen by notaries or solicitor–advocates with statutory duties
- legal packs are complete and standardised before commitment
- offers cannot depend on chains or multi-party contingencies
- penalties reflect an entirely different risk allocation model

Simply importing the outcome (**early binding**) without importing the structure (**legal investigation first**) would create severe consumer detriment.

Instead of reducing fall-throughs, early binding in England and Wales would:

- lock consumers into unsafe transactions
- increase litigation
- weaken professional advice
- embolden coercive sales practices

The CTF therefore **does not support** any mechanism that binds consumers before legal investigations are complete.

Question 20

“What is the most effective means of doing this (if government pursued it)?”

CTF Response: Building on Q19, none of the proposed mechanisms can safely introduce early binding mechanisms because each creates risks for consumers and legal professionals.

Government could not safely:

- incentivise estate agents
- run awareness campaigns
- legislate to require binding commitments

because each approach encourages consumers to commit before they understand the legal risk.

Additional structural risks:

20.1 Estate agent incentives create conflicts of interest

Agents are motivated to secure sales quickly, not to ensure legal readiness. Incentivising them to secure binding agreements would:

- exploit the imbalance of information between agents and consumers
- reward pressure-selling

- legitimise the exact practices exposed by the Panorama investigation (conditional selling, coercive steering)

20.2 Awareness campaigns risk misrepresenting safety

Consumers may be encouraged to believe binding agreements are standard or protective when, in reality, they remove the very buffer that keeps them safe.

20.3 Legislation forcing binding agreements would bypass legal due diligence

Mandating early binding commitments would:

- undermine legal advice
- force lawyers into conflicts (protecting clients vs. honouring binding terms)
- create disputes where buyers later discover defects

There is **no lawful or safe way** to implement early binding commitments within the current architecture of English and Welsh conveyancing.

Question 21

“Appropriate costs or penalties for failure to comply with binding contracts?”

CTF Response: None.

Consistent with Q19 and Q20, introducing penalties assumes early binding is safe—but it is not, and it would exacerbate consumer risk.

Proposing penalties presupposes that binding agreements are safe and appropriate - they are not.

In the existing market:

- buyers already lose non-refundable deposits through reservation schemes
- penalties rarely reflect actual loss
- opportunistic agents and developers use penalties as profit centres
- buyers who withdraw on solicitor advice (e.g., title defects) still lose their money

Creating statutory penalties would:

- deter withdrawal even when defects are serious
- embed unfairness in the system
- incentivise concealment of defects
- increase litigation and ombudsman claims

If government nonetheless pursued this (against professional advice), penalties must be limited to proven, quantifiable loss, and must not apply where withdrawal is based on legal, survey or safety concerns.

Question 22

“Should any exceptions apply if binding contracts were introduced?”

CTF Response: Yes - and the exceptions would be so extensive as to make the model unworkable.

Binding agreements should be categorically prohibited where:

- the property is not legally ready
- there are unresolved title, planning or building safety issues
- the buyer has not received independent legal advice
- the property involves leasehold complexity, rentcharges, estate management schemes or shared ownership
- the seller has not provided a complete and verified legal pack
- the buyer is vulnerable
- the seller is a developer with unresolved compliance issues
- surveys have not been completed

This effectively means binding agreements would only be permissible once the entire legal process is already complete, which defeats the purpose of introducing them.

Conclusion - CTF Position on Binding Mechanisms (Q19 - 22)

Early-stage binding agreements:

- are incompatible with the structure of English and Welsh conveyancing
- would magnify existing consumer harm
- reward coercive commercial practices
- bypass legal due diligence
- increase litigation and professional risk

The CTF recommends:

- no introduction of binding pre-contract mechanisms
- stronger enforcement against existing coercive schemes
- improved transparency, not premature commitment
- earlier voluntary legal instruction
- improvements to systemic bottlenecks (Land Registry, searches, lender behaviour, estate management information)

The better path is not to bind consumers earlier, but to ensure they receive accurate information, independent legal advice, and a legally coherent process *before* making commitments.

Question 23

“Do you agree that publishing information on the services of property professionals would improve home buying and selling by supporting consumer choice and driving competition?”

We do not agree that the proposal would improve home buying and selling.

The premise of Question 23 is, with respect flawed. Publishing comparison-style “service information” may appear consumer-friendly, but in practice it would mislead the public, distort competition, and undermine the integrity of legal services.

23.1 Legal services cannot be reduced to consumer-style metrics

Solicitors and licensed conveyancers:

- owe fiduciary duties
- carry personal liability
- hold mandatory insurance
- are regulated by statute
- must comply with AML, building safety, planning, lender requirements, and professional ethics

None of this can be captured by:

- “average transaction time”
- “number of completions”
- “client satisfaction ratings”
- “speed of issuing reports”

These metrics measure **throughput**, not **legal quality**.

A lawyer who takes longer because they identify a defect, negotiate amendments, or protect a client’s financial position should not be penalised for doing their job properly.

23.2 The risk of a misleading “race to the bottom”

Comparison sites would inevitably:

- reward speed over thoroughness
- favour high-volume “factory” models that prioritise output, not scrutiny
- penalise solicitors who pause to investigate risk
- pressure lawyers to cut corners to improve public metrics

This undermines consumer protection and contradicts the government's stated objective of improving quality and reducing risk.

23.3 Delays are structural, not performance failures

Publishing lawyer-by-lawyer performance data would give consumers the false impression that delays originate within law firms.

But - consistent with every CTF response - the real delays arise from:

- Land Registry requisitions and registration backlogs
- local authority search delays
- lender requirements and panel issues
- estate management information delays
- planning enforcement failures
- statutory building safety obligations
- AML complexity (over 1,500 pages of rules)
- defective new-build documentation

No amount of "service transparency tables" will change these structural realities.

23.4 Consumer harm from oversimplified metrics

Superficial comparisons risk:

- encouraging consumers to choose the cheapest or fastest provider
- misleading consumers into thinking conveyancing is interchangeable
- obscuring differences in qualification, regulatory oversight, and liability
- amplifying marketing and referral-driven distortions

Consumers do not need more sales-driven data. They need better regulation, clearer roles, and safer market practices.

23.5 A better alternative: strengthen existing regulatory transparency

There is already extensive transparency in the legal sector:

- SRA transparency rules
- mandatory publication of pricing
- service-level information
- complaints procedures
- professional indemnity requirements

Rather than creating comparison tools that misrepresent legal work, government should:

- raise standards in the estate agency sector (RoPA)
- ban or regulate referral fees
- standardise lender instructions
- improve public-sector turnaround times
- ensure lawtech accountability
- support independent legal advice free from commercial steering

Conclusion for Q23

Publishing “service information” in comparison-site format would:

- distort the market
- incentivise unsafe speed
- mislead consumers
- undermine legal scrutiny
- reward volume-based business models
- distract from the systemic causes of delay

The CTF does **not** support this proposal.

Real consumer empowerment will come from higher professional standards, stronger regulation of agents, better public-sector performance, and restoring the conditions for independent, accountable legal advice - not from simplistic performance tables.

Question 24

“What information would you want to see included in a service of this type?”

CTF Summary Response to Question 24

If government proceeds with a comparison-style service (which the CTF does **not** support), only a *very limited* set of information can safely be included without misleading consumers or distorting the market.

CTF Response to Question 24 - What information should be included?

If such a service is introduced despite the significant risks outlined in Question 23, it must be tightly confined to **objective, verifiable, regulatory information**. Anything subjective - such as “speed”, “number of completions”, or “average client ratings” risks incentivising unsafe practice and misleading the public about what legal quality actually means.

The only information appropriate for inclusion is:

1. Regulatory status and authorisation

- Whether the individual or firm is authorised by the SRA, CLC, or CILEX.
- Confirmation of valid, current practising certificates.

Consumers must know that their adviser is properly regulated and accountable.

2. Professional qualifications

- The specific qualification of the person handling the file (solicitor, licensed conveyancer, chartered legal executive).
- Distinguish between *qualified lawyers* and *unqualified case-handlers* in high-volume operations.

This protects consumers from the false assumption that “all conveyancers are the same”.

3. Professional indemnity insurance (PII)

- Confirmation that the provider holds mandatory PII at the level required by their regulator.
- Consumers must be able to distinguish between regulated providers with insurance and unregulated providers offering pseudo-legal services with no financial protection.

4. Complaints and redress mechanisms

- Confirmation of access to the Legal Ombudsman.

- Transparency about internal complaints processes.

Again, this reinforces informed choice without encouraging unsafe comparison metrics.

5. Disciplinary findings (where public)

- Only where already published by regulators.
- No new “ratings”, “scores”, or government-created subjective assessments.

This avoids prejudicing firms while providing factual context.

Why nothing more should be included

Metrics such as:

- “average transaction speed”
- “number of completions”
- “customer satisfaction”
- “quote matching”
- “time to issue reports”

cannot safely be included, because:

- They reward *speed*, not *legal diligence*.
- They favour **conveyancing factories** over thorough legal practitioners.
- They risk becoming de facto *league tables*, pressuring professionals to cut corners.
- They imply conveyancing is a commoditised service rather than a legal safeguarding function.

Such metrics would **actively mislead consumers** and contradict the government’s own objectives of reducing risk and improving legal certainty.

Conclusion for Question 24

If government insists on creating such a service, it must be limited to:

- regulatory status
- qualifications
- indemnity insurance
- complaints and redress routes
- publicly available disciplinary findings

Anything more risks distorting competition, undermining legal quality, and creating a false impression that “fastest” or “cheapest” equates to “best”.

Question 25:

“Do you think a charter as set out above would be useful in supporting consumers to identify quality property professional services?”

CTF Summary Response to Question 25

No. A charter of the type proposed would not support consumers and would risk undermining the integrity, independence, and regulatory foundations of legal services.

CTF Response - Would a Charter Help Consumers Identify Quality?

The CTF does **not** support the introduction of a “charter” as described in the consultation. Far from improving consumer understanding, such a charter would:

- duplicate existing regulatory frameworks
- confuse the public about where professional accountability truly sits
- create the false impression that legal professionalism can be captured by a voluntary badge
- dilute the authority of statutory regulation
- risk reducing complex legal judgment to marketing messages

1. Legal professionals already operate under robust, statutory frameworks

Solicitors, licensed conveyancers and legal executives are subject to:

- the Solicitors Regulation Authority (**SRA**) or Council for Licensed Conveyancers (CLC) Codes of Conduct
- mandatory professional indemnity insurance
- strict rules on conflicts, confidentiality, and client money
- disciplinary processes
- the Legal Ombudsman
- anti-money laundering obligations
- building safety, planning, and lender-risk requirements

No charter - however well intentioned - can add meaningful protection beyond these.

But a charter *can* undermine them by creating parallel, inconsistent expectations.

2. A charter risks conflating legal services with estate agency

Estate agents operate in a lightly regulated environment.

Property lawyers operate under statutory frameworks with personal liability.

A single “charter” across professions:

- blurs important distinctions
- risks treating legal safeguarding as a customer-service product
- encourages the public to view lawyers and agents as interchangeable
- exposes lawyers to marketing-driven expectations unrelated to legal quality

This harms consumer understanding rather than improving it.

3. Voluntary charters historically fail to deliver meaningful change

The estate agency sector already has voluntary codes. They demonstrably **did not prevent**:

- conditional selling
- coercive referral practices
- misrepresentation of material information
- steering buyers toward in-house services
- the abuses exposed in BBC Panorama investigations

A new charter risks becoming just another unenforced badge.

4. Professional integrity cannot be reduced to a branding exercise

The strength of legal services in England and Wales lies in:

- independence
- ethical duty
- adversarial accountability
- the rule of law

These cannot be captured through a logo, a pledge, or a marketing charter.

5. The real path to supporting consumers lies elsewhere

Instead of a charter, government should focus on:

- implementing RoPA and raising standards in estate agency
- strengthening enforcement against poor practice

- banning or regulating referral fees
- improving public-sector delays
- ensuring lawtech accountability
- enhancing transparency about qualifications and regulatory protections

These reforms offer real consumer benefit. A charter does not.

Conclusion for Question 25

A charter would not improve consumer understanding of quality legal services. It risks misdirection, duplication, and dilution of existing regulatory protections. Consumers are better served by:

- robust regulation
- clear professional boundaries
- properly resourced public institutions
- transparency about qualifications and accountability

The CTF therefore does **not** support the introduction of a “property professional charter.”

Question 26:

“Do you agree that AML checks should be streamlined?”

CTF Summary Response

Yes - AML checks should be streamlined. But the problem lies not with conveyancers, who already operate under some of the world’s most stringent regulatory expectations, but with legislative overload, inconsistent institutional requirements, and duplicative processes imposed by lenders and government agencies.

Streamlining AML must reduce complexity, not safeguards, and must reallocate responsibility to the institutions best placed to carry it - especially banks.

26.1 The real source of AML inefficiency: legislative complexity, not professional practice

The AML framework now runs to **over 1,500 pages** across:

- the Money Laundering Regulations
- OPBAS guidance
- LSAG guidance
- FCA rules
- sector-specific expectations

This labyrinthine structure creates:

- delay
- uncertainty
- duplication
- inconsistent interpretation by different institutions

Conveyancers already meet exceptionally high standards. The bottleneck is the framework, not the profession.

26.2 Duplication created by lenders and banks

A major inefficiency is the parallel AML process required by lenders:

- Banks carry out full AML, but do not share it.
- Conveyancers must duplicate it - even where the bank holds all source documents.
- Lenders often impose additional, inconsistent ID and source-of-funds expectations.

- Buyers are forced to provide the same information multiple times to different parties.

This wastes time, increases cost, and provides no additional consumer protection. Recent FCA enforcement action highlights this point. In December 2025, Nationwide Building Society was fined £44 million for long-standing AML system and control failures, including ineffective due diligence and transaction monitoring. This illustrates proportionality: if a very large, well-resourced lender like Nationwide can experience systemic AML failures, it underscores why requiring small and medium-sized conveyancing firms – with far fewer resources – to duplicate these checks causes delays and inefficiencies in property transactions without improving consumer protection.

CTF Position:

Banks should be designated the primary AML “gatekeepers”, with a standardised, portable verification certificate made available to the buyer’s conveyancer.

This would:

- eliminate duplication
- reduce consumer frustration
- improve consistency
- align liability with those best placed to assess financial crime risk

26.3 Policy contradictions within government must be resolved

AML objectives have become misaligned with the ambition to speed up property transactions.

Examples include:

- demands for enhanced due diligence even where no risk indicators exist
- overlapping expectations from HM Treasury, regulators, lenders, and professional bodies
- a risk environment where conveyancers feel compelled to “over-comply” for safety

Government must review its own policies to ensure that one set of rules is not undermining another.

26.4 Streamlining must not mean lowering standards

The CTF strongly supports:

- proportionate, risk-based obligations

- clear guidance
- alignment between regulators
- reduced duplication

But we equally stress that streamlining must **not**:

- dilute consumer protection
- expose conveyancers to new liabilities
- encourage complacency in high-risk transactions
- be used to justify weakening professional regulation

Simplification must deliver both **clarity and rigour**.

26.5 Recommendations for Government

Government should:

1. Designate banks as the primary AML gatekeepers

Introduce a portable AML verification certificate similar to open banking standards.

2. Rationalise legislation

Reduce duplication and consolidate rules into a single accessible regulatory framework.

3. Align lender requirements

Mandate standardisation across lender panels to eliminate conflicting AML expectations.

4. Clarify expectations for conveyancers

Provide unambiguous, risk-based guidance so firms are not penalised for reasonable professional judgment.

5. Remove contradictions between AML policy and speed-of-transaction objectives

Government must ensure its own departments are rowing in the same direction.

26.6 Digital ID, data sovereignty, and the absence of joined-up thinking

Government's ambition to digitise identity verification sits uneasily beside the current AML framework.

On one hand, departments are promoting **digital ID systems**, "trust frameworks" and "One Login for Government."

On the other hand, AML requirements force consumers to:

- upload passports
- upload bank statements
- share biometric data
- share source-of-funds information

...not with government, but with **private commercial vendors** chosen by individual firms.

This raises fundamental questions:

Who is the custodian of the nation's most sensitive data?

Platforms such as Thirdfort, Onfido, Credas and others now hold:

- passport details
- biometric scans
- bank account information
- financial transaction histories
- personal addresses
- legal transaction data

These are *not* trivial data points. They are the raw materials for identity theft, financial fraud and deep-credential impersonation.

Yet these businesses:

- are privately owned
- are not regulated like banks or government bodies
- rely on terms of business that limit their liability
- are ultimately accountable only to shareholders

There is **no clear statutory framework** governing how they store, process, or protect data that, if compromised, could ruin lives.

Where is the joined-up strategy?

If government truly wants:

- digital ID
- digital conveyancing
- digital AML

...then it must answer the structural question:

Why is the state outsourcing identity infrastructure to private vendors rather than placing it under a public authority such as HM Land Registry or a national digital identity service?

At present, we have:

- Digital ID initiatives on one track
- AML obligations on another
- Data protection rules on a third
- Lawtech vendors filling the gaps with no unified accountability

This fragmentation **increases risk**, not security, and places consumers at the mercy of terms they do not understand and did not negotiate.

CTF position:

Digital ID must not be expanded without:

- clear statutory safeguards
- defined liability for providers
- interoperability with bank-led AML verification
- public-sector oversight
- transparent governance frameworks

Otherwise, digitalisation becomes **a commercial land grab**, not a consumer-protection exercise.

Conclusion for Question 26

AML reform is essential - but it must begin **at the top of the system**, not through further layers of obligation on conveyancers.

Streamlining will only succeed if:

- legislative complexity is reduced, not expanded through ever-growing guidance
- banks carry primary responsibility as the actors best placed to verify identity and source of funds
- duplication is eliminated, especially where multiple parties re-run identical checks
- expectations are consistent and proportionate, rather than contradictory across departments
- digital identity policy is joined up, with clear ownership of data and safeguards for misuse

The CTF supports simplification and modernisation - but not at the expense of consumer protection, data security or legal integrity.

Reform must ensure that AML obligations are:

- coherent,
- risk-based,
- centrally aligned, and
- grounded in public-interest accountability, not outsourced to commercial actors operating under limited liability.

Only then will AML become genuinely streamlined rather than simply redistributed.

Question 27:

“How can government most effectively support the application of AI conveyancing technology?”

CTF Response

Government should proceed with caution, evidence, and legal oversight. AI can improve efficiency in *administrative* areas, but conveyancing is a legal process, not a data-processing exercise. Title, risk, consent, fraud, planning, building safety, and lender requirements all require judgment, accountability and ethical decision-making, none of which can be delegated to automated tools.

As previously mentioned, the Horizon IT scandal is the clearest warning:

When technology is deployed without legal scrutiny, transparency, or accountability, the consequences are catastrophic.

27.1 Where AI can help (with safeguards)

AI may have a legitimate role in:

- administrative triage
- secure ID verification
- summarising long documents (under human supervision)
- detecting anomalies or potential fraud indicators
- simple workflow automation

These are *assistive*, not determinative, functions.

27.2 Where AI must not intrude

AI must **not**:

- interpret title
- classify legal risk
- issue “traffic light” assessments of complex tenure
- provide legal advice or quasi-advice
- replace professional judgment
- create “single sources of truth” that override legal reality

The danger is that commercial AI systems - often unregulated, uninsured, and proprietary - will become de facto decision-makers, while liability still rests with conveyancers and consumers.

27.3 Cyber and structural risk

The UK property market is:

- a target for organised cyber-crime
- vulnerable to deepfake identity fraud
- dependent on complex, interconnected data systems

AI tools introduce new attack surfaces and new avenues for manipulation. Before promoting AI adoption, government must ensure:

- statutory cyber-security standards for all lawtech providers
- independent auditing of datasets and algorithms
- mandatory reporting of system failures
- clear redress routes for consumers
- enforceable liability for inaccurate or corrupted outputs

AI used without these protections risks replicating the systemic failures seen in Horizon - but on a far larger financial scale.

27.4 What government should *not* do

Government must avoid:

- mandating AI systems
- outsourcing core legal functions to commercial platforms
- allowing unregulated providers to act as custodians of critical national infrastructure
- conflating administrative efficiency with legal safety

Digitalisation cannot become a pretext for diminishing professional oversight.

27.5 What government *should* do

Government can support safe innovation by:

- 1. Funding controlled pilot schemes**
 - led by practising conveyancers
 - independently evaluated
 - subject to transparent risk assessment

2. **Creating statutory liability parity**

If AI or data platforms produce outputs relied on in conveyancing, the providers **must carry joint legal liability** for errors.

3. **Setting minimum regulatory standards** for:

- accuracy
- explainability
- data provenance
- cyber resilience

4. **Ensuring AI enhances, not replaces, legal judgment**

5. The principle must be:

AI may support the lawyer, but it cannot be the lawyer.

6. **Embedding legal oversight**

The Standing Legal Advisory Panel (recommended under Q6) should review any proposed AI deployment before implementation.

Conclusion for Q27

AI has potential, but without strong legal, regulatory, and cyber-security frameworks it risks creating *systemic, irreversible harm*.

Government should promote **assisted intelligence, not automated conveyancing**, ensuring technology serves the public interest and strengthens, rather than weakens, the rule of law.

Question 28:

“What else should government do to streamline the conveyancing process?”

CTF Summary

The most important point in answering Question 28 is this:

There is no new magic lever left to pull.

Everything that would meaningfully streamline conveyancing has already been identified in our earlier answers, but government has not yet implemented them.

Digital tools cannot compensate for structural defects in the legal, regulatory, and institutional framework.

We have already said

- In Q29, “Digitisation can only supplement a system once its foundations are sound. At present, those foundations are unstable”.
- In Q30, “Digitalisation must follow, not lead, good law and good governance. ... Without statutory liability, cyber-resilience, legal leadership and strong governance, digitalisation risks repeating the very failures it is intended to solve”.

Therefore, the *additional* action government must now take is to step back and fix the system itself, beginning with a root-and-branch review of all statutory and regulatory obligations affecting conveyancing.

28.1 The single new recommendation: a root-and-branch legislative review

The only genuinely new element we add at this stage is this:

Government must conduct a full review of all legislation affecting home buying and selling - carried out in close consultation with practising conveyancers, litigators, and PII providers - to simplify, clarify, and consolidate the legal landscape.

This is necessary because:

- statutory obligations now span thousands of pages
- overlapping duties cause delay and consumer harm
- contradictions between government policies (AML, building safety, planning, environmental rules) create bottlenecks
- uncertainty drives PII premiums and reduces market capacity

Without legislative streamlining, no amount of digitalisation will produce faster transactions.

28.2 Everything else needed has already been stated - and must now be acted upon

To avoid duplication, the CTF draws attention to the principal measures already identified throughout our consultation response. Streamlining requires:

(1) Standardising lender requirements

- eliminate duplicated AML and ID checks
- require consistent instructions across lenders
- ensure transparency in panel selection

(2) Fixing public-sector delays

- statutory deadlines for local authority searches
- investment to restore Land Registry capacity
- enforcement against developers who ignore planning or S106 obligations

(3) Ending referral-fee distortions

- ban referral fees (primary position)
- or impose strict disclosure, caps, and enforcement

(4) Raising standards in estate agency

- implement RoPA in full
- regulate conditional selling
- enforce against coercive referral practices

(5) Ensuring data supplier accountability

Digital reform will fail unless commercial data providers carry:

- statutory warranties for accuracy
- enforceable liability
- cyber-security obligations

(6) Protecting legal judgment

Conveyancing cannot be reduced to automated risk scores or dashboards. Government must ensure:

- AI is assistive, not determinative
- legal responsibility remains with qualified, regulated professionals

Conclusion for Q28

The government does not need a new list of reforms.

It needs to **implement the known ones**.

Conveyancing will only be streamlined when:

- statutory obligations are simplified,
- lender requirements are standardised,
- public-sector delays are fixed,
- referral-fee distortions are removed,
- data providers are accountable, and
- legal judgment remains at the heart of the system.

The CTF therefore urges government to focus on structural reform, not additional layers of digital process.

Question 29:

“Do you agree that this is the correct direction of travel?”

CTF Response: No - not in its current form.

The CTF supports reform. We support modernisation. We support clarity, speed, and better consumer outcomes.

But the direction of travel set out in this consultation is misaligned with the realities of the homebuying system and risks repeating the failures of previous decades.

Our responses to Questions 1- 28 highlight a common theme:

Government is proposing structural solutions for problems that are not structural and technological solutions for problems that are not technological.

The consultation places too much emphasis on:

- upfront information mandates
- mandatory searches
- binding agreements
- AI and digitalisation as primary solutions
- agency-led reforms to legal processes

And not enough emphasis on:

- legislative simplification
- fixing public-sector delays (HMLR, local authorities)
- standardising lender behaviour
- legal accountability for data providers
- professional standards and supervision
- restoring the conditions for independent legal advice

The direction of travel is therefore incomplete and, in several respects, misguided.

Digitisation can only supplement a system once its foundations are sound. At present, those foundations are unstable:

- Thousands of pages of overlapping AML and building safety legislation
- Escalating HMLR delays
- Unregulated estate agency practices and coercive referral pipelines
- Increasing estate-management complexity

- Data providers insulated from liability
- A lender-driven process with inconsistent requirements
- A conveyancing workforce carrying responsibility without control

No amount of “smart data,” upfront packs, or AI tools can compensate for that.

Where the direction *should* travel:

From our analysis and collective expertise, real reform requires:

1. **A root-and-branch legislative and regulatory review**
 - Simplify, streamline, and modernise the statutory landscape.
2. **Strengthening public-sector capacity**
 - HMLR resourcing and digital infrastructure
 - Statutory search deadlines for local authorities.
3. **Rebalancing accountability**
 - Lenders and data suppliers must carry responsibility commensurate with their control.
 - Agents must be regulated through RoPA.
 - Referral fee distortions must be eliminated or tightly constrained.
4. **Protecting legal independence**
 - Conveyancing is a legal process, not a sales pipeline.
 - Technology must support lawyers, not override them.
5. **Evidence-led piloting, not system-wide mandates**
 - Only reforms that measurably reduce delay, fall-throughs, or consumer detriment should be adopted nationally.

Conclusion for Question 29

We agree with the ambition for a faster, safer, more transparent system. We do not agree that the direction outlined here will achieve it.

A successful direction of travel must be legally grounded, proportionate, accountable, and shaped with practising property lawyers at its centre - not driven primarily by commercial, technological, or agency-led interests.

Only then will reform protect the public and strengthen, rather than weaken, the integrity of the homebuying process.

Question 30:

“Is there anything else that government should be doing to promote digitalisation of the property sector?”

CTF Response: Yes - but digitalisation must be pursued safely, lawfully, and under proper professional oversight.

Government has a legitimate interest in modernising the property sector. However, digitalisation without statutory safeguards, legal accountability, and robust cyber protection risks creating systemic vulnerabilities far greater than the inefficiencies it seeks to remedy.

Digitalisation must follow, not lead, good law and good governance.

30.1 Establish statutory liability and accuracy requirements for data suppliers

Digitalisation cannot progress responsibly while commercial platforms:

- disclaim accuracy
- cap liability
- exclude consequential loss
- shift responsibility onto consumers and conveyancers

Government must legislate to ensure that any party supplying digital property data accepts full legal accountability for its accuracy, integrity, and timeliness, equivalent to the liability carried by regulated professionals.

Without this, digitalisation simply externalises risk and guarantees future litigation.

30.2 Protect critical national infrastructure through serious cyber investment

The property market is one of the UK’s largest repositories of sensitive financial, identity, and ownership data.

It is already a major target for:

- ransomware attacks
- title fraud
- identity theft
- supply-chain cyber breaches

Government must:

- set minimum cyber standards for all digital property platforms
- require independent security audits

- ensure HMLR infrastructure is modern, resilient, and properly funded
- mandate safe data-handling protocols for any system interacting with Land Registry, lenders, or local authorities

Digitalisation without cyber-resilience is reckless.

30.3 Ensure legal leadership, not tech-sector leadership

Digitalisation must *support* legal judgment, not displace it.

Government should ensure:

- practising property lawyers lead design and evaluation
- AI tools are used only for administrative efficiency, not legal interpretation
- automated outputs are never treated as determinative without human review
- conveyancers remain accountable for legal risk, not for validating unverifiable algorithms

The Horizon IT scandal remains the clearest warning:

Technology imposed without legal oversight destroys lives.

30.4 Clarify and preserve professional boundaries

Digitalisation must not blur the roles of:

- estate agents
- lawyers
- surveyors
- lenders
- data vendors

Government should avoid reforms that:

- encourage estate agents to act as quasi-lawyers
- promote digital tools that interpret legal documents without accountability
- replace professional advice with automated scoring systems

Digitalisation works only when each professional performs the role they are trained and insured to perform.

30.5 Build digital systems around public, not private, custody

Property information is critical national infrastructure. Government must ensure:

- digital logbooks are anchored within the Land Registry framework

- private platforms cannot become de facto custodians of ownership data
- public accessibility rights are preserved
- commercial monetisation of data does not undermine consumer trust

Digitalisation must strengthen, not privatise, the integrity of the land registration system.

Conclusion for Question 30

Yes - government should promote digitalisation. But only where it is:

- safe
- accountable
- professionally supervised
- cyber-secure
- legally grounded
- aligned with public, not commercial, interest

Digitalisation must *follow* structural reform, not substitute for it. Without statutory liability, cyber-resilience, legal leadership and strong governance, digitalisation risks repeating the very failures it is intended to solve.

Closing Statement

Lessons Learned from Past Reforms

The history of homebuying reform is clear: when government introduces procedural or digital changes without legal oversight, the system becomes slower, more complex, and riskier.

The failures of HIPs, the withdrawal of the TA6 (5th edition) after feedback from 1,232 conveyancers, and the implementation challenges of the Building Safety Act all demonstrate that reforms must be grounded in legal reality, not commercial aspiration. The Horizon scandal is a further reminder that technology imposed without proper governance can cause catastrophic injustice.

The Need for Legal Oversight

Conveyancing is a legal process carrying significant financial and societal risk. Reform must therefore be lawyer-led.

The CTF reiterates its recommendation that government establish the board previously described comprising practising conveyancers, property litigators, counsel specialising in land and building safety, PII experts, AML specialists, and independent technology and data-governance experts.

Such a panel would ensure that proposed reforms are:

- legally coherent
- proportionate
- enforceable
- and safe for consumers before legislation is drafted as a bill.

A Unified Professional Voice

This response reflects the collective expertise of the Conveyancing Task Force and multiple Local Law Societies across England and Wales.

It represents practitioners who carry personal liability, regulate client funds, and hold professional indemnity insurance - all in service of the public interest. Their shared message is clear: improvements in the system will not come from shifting legal responsibility to estate agents or commercial data providers, but from addressing structural bottlenecks and ensuring accountability across every part of the system.

The Real Drivers of Delay

Solicitors and licensed conveyancers are among the most regulated legal professionals in the world. Delays in transactions arise not from a lack of effort or competence within the profession, but from legislative complexity, inconsistent lender requirements, public-sector backlogs, and poor disclosure practices by developers and estate management companies.

Current leasehold reform, while welcome in principle, has added layers of interim complexity that further illustrate the need for a coordinated legislative strategy.

The Role of Digitalisation

Technology should support, not supplant, legal judgment, ethical duties, and independent professional scrutiny. Digitalisation must be introduced cautiously, with statutory liability, cyber-resilience, and public-sector infrastructure in place. The integrity of the property market cannot be outsourced to commercial platforms that routinely exclude liability and disclaim accuracy.

A Matter of Public Interest and Human Rights

Article 1 of Protocol 1 of the European Convention on Human Rights recognises every person's right to peaceful enjoyment of their possessions. The security and reliability of the UK property market is therefore not merely administrative, it is constitutional. Reform must protect this fundamental right.

Final Position of the CTF

The CTF urges government to adopt reforms that are:

- legally sound
- risk-aware
- incremental and evidence-led
- rooted in public accountability
- and supported by the profession responsible for delivering them

Only by working with practising lawyers, and strengthening the public institutions on which conveyancing depends, can government deliver a system that is faster, safer, and genuinely in the public interest.

Dated 15 December 2025

