

THE INDUSTRY BODY. THE INDUSTRY VOICE. THE INDUSTRY STANDARD.



Association of International
Property Professionals



GETTING THE RIGHT LEGAL ADVICE

2016

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Welcome to our new complimentary service to help you; the British buyer or owner of a foreign property. This service is provided to you entirely free of charge – originated and administered by AIPP, delivered by our legal members.

The sale of property is usually an (officially) unregulated activity in foreign countries (it is in the UK too), yet this typically high-value transaction touches upon significant financial, tax, estate planning, and other ownership issues. It makes complete sense for you, the buyer or owner of a foreign property, to seek truly independent and specialist legal advice to ensure the best outcome.

The AIPP is a not-for-profit organisation set up in 2006 by a group of like-minded people working in the international property industry. Our members now come from 31 countries around the world with 350+ corporate members. AIPP members encompass agents, property developers, lawyers, banks, FX, media and other trade professionals who have signed up to our voluntary Code of Conduct and, through membership fees, support us to help you, the overseas property buyer and owner.

You can find out more about the AIPP on our website www.aipp.org.uk which includes a two-minute video on all that we do, free, for buyers. Do take the opportunity to research and connect with our members in your country of choice, also to download and read our other free guides..

Peter Robinson

CEO

AIPP – Association of International Property Professionals
Westminster, London



Important note: AIPP does not provide any legal advice itself – we are not trained or regulated to give legal advice. We have voluntarily agreed to set up and administer this scheme to be delivered by professional legal experts for the benefit of British residents. AIPP does not receive any direct payment for providing this service, save for our members who voluntarily pay to be members of AIPP. This service may be withdrawn at any time without notice. AIPP is funded solely by its members and by sponsorship, we receive no funding from government or any government agency.

Free Legal Advice When Buying and During Ownership of a Foreign Property

Why is this subject so important?

It is critically important to get qualified independent legal advice when buying a foreign property. If you do not do so then you could lose a substantial amount of money and possibly your entire property.

As the saying goes; 'prevention is better than cure' – and certainly a great deal cheaper (and much less stressful) when it comes to ensuring a solid legal position for you in ownership of your foreign property.

You would almost certainly never consider buying a property in the UK without using a solicitor. Despite probably having a general understanding of the law surrounding property purchase and ownership (and in the knowledge of the underlying fairness of the legal framework in the UK), you know that it is still important to seek comprehensive, independent legal advice when purchasing a property.

Why would you act any differently when buying overseas? Especially where you are likely to have even less knowledge, if any at all, of local land and property ownership laws nor the general legal system in the country in question.

Surprisingly, many property buyers do not take independent legal advice and can all-too-frequently come to bitterly regret that decision.

Free advice is at hand via the AIPP

We all need a 'road-map' at some point in life – whether it's a literal map (or GPS) for navigating roads or one for your finances, education, professional or personal goals. Fortunately legal help is now at hand. AIPP, together with its legal members, is now proud to offer a free legal guidance service available to British residents looking at buying a foreign property as well as British resident owners of a property abroad. **This service is called the AIPP Legal Working Group or LWG, for short.**

For 10 years AIPP has provided free advice and education to British buyers of property abroad. Our legal members are professionally qualified, have in depth knowledge and experience in their particular jurisdiction(s) and carry comprehensive professional indemnity insurance.

The nature and scope of the service our legal members are offering - as well as what you need to do to make an enquiry - is covered below.

Scope of the LWG service

It is first important to differentiate between advice for those looking to buy a property and those who have a legal issue with the ownership of their existing

property. As such, the advice falls into two separate areas as follows;

1. Purchase of a property

- a. The minimum advice to be given is up to an hour spent educating and informing the consumer as to how the process of buying a property in that country works at a general level (i.e. not specific to their particular circumstances). The amount of time spent can be less than an hour if the consumer requests it or if the Legal Member believes that the consumer is trying to gather information for the purpose of not taking independent legal advice at all to help them buy a property. Please see www.aipp.org.uk/lwg/ for the online form.
- b. If the consumer requires any specific advice relating to a purchase over and above the education and information in section 1a. above then it will be up to the legal member to decide at which point they will stop providing pro-bono work. There is no requirement for legal members of the LWG to provide any advice over and above 1a. above.

2. Problems with existing property

- a. Review of the brief provided by the consumer relating to the legal matter in hand and its background. The Consumer Enquiry Form should be used to provide this brief - please see www.aipp.org.uk/lwg/ for the online form.
- b. A review of the copy of the documents and the correspondence between the relevant parties (which should not exceed 50 pages) and which may include the promotional material, contract and the relevant correspondence in relation to the legal matter in hand.
- c. Up to 1 hour discussion with the consumer to gather further information and to discuss the matter with them.
- d. Provide a legal opinion in writing as to the situation, the possible options going forward and potential costs of proceeding with each option.
- e. If the legal member of the LWG wishes to, they can take on the case going forward at no cost on a completely pro-bono basis but there is no requirement to do so.

For a full, up-to-date list of which countries are covered by the AIPP LWG service, please visit www.aipp.org.uk/lwg/

Important note about the service provided by the AIPP LWG

The advice and guidance provided to both prospective buyers and current owners is not intended to be comprehensive and should not be used as a substitute for full independent legal advice pursuant to either a purchase or litigation. To that end, you are quite entitled to choose to continue using the services of the legal member assigned to you under this service, in accordance with their terms of doing business, or select another firm outside our membership.

The provision of advice under the LWG is not intended to be a substitute for consumers to engage lawyers to advise on a case. The AIPP has past experience that, unfortunately, some consumers will try to avoid taking full independent legal advice by a combination of internet research, speaking to other people who have bought properties and taking advantage of the LWG to gather only summary free advice. The AIPP wishes to discourage consumers from doing this as it is contrary to the ethos that consumers should take full independent legal advice to buy overseas property.

Process and Costs

It is important that we explain to you the process under which you can use the LWG and what you will receive in terms of guidance and advice.

If you are interested in using the service then the first thing you should do is to complete and submit the 'Consumer Enquiry Form' that you will find at www.aipp.org.uk/lwg/

The purpose of this form is for you to tell us who you are and how to make contact, the identity and contact details of any other party (if relevant) and a summary of the nature of the enquiry.

On receipt of your enquiry the AIPP team will ask you to sign and return the Consumer Terms and Conditions. These set out the normal terms of use of the service and the relationship between yourself, AIPP and the legal member that will provide the advice to you. It is important you read and understand these terms and conditions.

Once we have received the signed terms & conditions we will review your enquiry and allocate to you the LWG member who has expertise in your country of choice, on a rota basis. In some cases, work may be carried out on your behalf by several lawyers, where appropriate,

The LWG member will make contact with you and ask you to sign their own Client letter which will define the work and terms they will undertake for this service. The LWG member will carry out the work with the same professional skill and diligence as they would do if they were being paid by the client to provide the advice. His or her only duty of care will be to the beneficiary of that advice. If any other person wants to rely on the work carried out under this facility by an LWG member they do so at their own risk, unless the LWG member agrees in writing that they may also rely on it.

The work carried out under the LWG facility is pro-bono. That is to say you will not be charged any fees or disbursements of costs for the provision of the guidance and advice in line with the work agreed.

Conflict of Interest

Legal members of the LWG will be asked at the outset whether they have any conflicts of interest in that particular case. If the member determines at any point that there is a conflict then it must be for the member to discontinue the LWG guidance. The member will inform AIPP who will then make alternative provision for you. The case will then be allocated by AIPP to the next suitable LWG member in accordance with the rota.

The same requirement to notify AIPP as soon as possible of a conflict of interest rests with you, the consumer. AIPP will communicate this to the Legal member concerned, who will discontinue their work. AIPP will then allocate to you the next suitable LWG member in accordance with the rota.

Completion and Feedback

You will be notified when the service provision is completed by your legal member. You are entitled to continue using the services of the legal member, either on a pro-bono or fee paying basis (as agreed) outside of this facility and in accordance with the member's normal terms and conditions.

We would be most grateful if you would complete and submit the Feedback Form you will find on the website www.aipp.org.uk/lwg/ as this will allow us to track progress of cases and to continuously improve and extend this service.

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