

A & S IRELAND

GUIDANCE NOTE

MOVING FROM SCOTLAND TO ENGLAND.

The purpose of this note is to assist those clients who are having to marry the Scottish system of conveyancing with the English system of conveyancing. The two systems are entirely separate and are foreign to one another. From a practical point of view, any client who is selling in Scotland will need to employ a Scottish Solicitor and then a separate English Solicitor to assist with the English conveyancing transaction.

This firm has been heavily involved with relocation work for major companies over the years such as British Gas, The Post Office, BP and others and out of that experience we thought it best to issue this Guidance Note. The principal difficulty on which the note is focused, is that Scottish legal firms work almost entirely on Solicitor/Client Account cheques. There are strict rules governing these cheques so that a Scottish Solicitor's cheque is deemed at least in Scotland as being absolutely solid. It would be extremely exceptional and unusual for a Scottish Solicitor's Client Account cheque to be stopped and Law Society rules in this area are extremely strict.

The English legal system has, however, decided over the years that it prefers to work with "*immediate*" money. This means that English Solicitors deal with Bank Drafts and telegraphic transfer of funds. This therefore opens up the conflict between the Scottish system where, although the Scottish Solicitor's cheque is as good as gold, it does take the normal clearance time which can be anything between two and four days. English Solicitors, on the other hand, as already mentioned, work with the immediate transfer of funds.

This therefore means that if you have a Scottish client selling in Scotland as at 31 July and wishing to buy in England on 31 July, the two systems will simply not meet. The Scottish Solicitor will receive funds in settlement of the Scottish sale on which he can only write a Scottish cheque which will take two or three days to clear. The English Solicitor on the other hand needs immediate money in order to obtain the keys for the English purchase.

Having presented the difficulty, the solution is clear enough but the purpose of this note is to give warning of the conflict and to point out that in good time prior to the completion date, **you should make the following arrangements** if you are a Scot moving to England and wish to buy in England on the same day as your Scottish sale.

Your choices are:-

1. Asking your Bank or this firm to supply a temporary bridging facility. There will always be an arrangement fee and interest for this service and *A & S Ireland* will, if you wish, approach their Bankers, Bank of Scotland for assistance if this would be helpful to you.
2. Your Relocation Company or your new employers may have a financial facility which would be the equivalent to the bridging loan and cost you less.
3. You may have funds of your own on temporary deposit with a Bank or a Building Society which will act as a stop gap if you have sufficient notice of the difficulty.

The example used above of the completion date in Scotland **and** England of 31 July on both the purchase and sale will obviously present the same sort of difficulties if the English purchase is less than four days separated from the Scottish sale (say 31 July and 3 August).

We are here to offer you further advice beyond this note should you require it and we hope in the meantime this Guidance Note is helpful to you.

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