

Selling your property

Guidance and frequently
asked questions





Department for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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**The aim of this booklet is to help you
sell your property through us,
High Speed Two (HS2) Limited**

We have a number of discretionary property schemes.
This booklet is relevant to you if your property is
being bought through:

- the **Voluntary Purchase** scheme
(within the Rural Support Zone); and
- the **Need to Sell** scheme.

Disclaimer

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Selling your property through HS2 discretionary schemes

Introduction

This booklet explains what we do once you have accepted an offer to buy your property, through to the completion day. If there are no complications, we will aim to be ready to exchange contracts within about three months of the offer being accepted.

At the end of this booklet, there is a glossary which explains some key terms and phrases that we might use during the process.

Our role

We will act on behalf of the Secretary of State for Transport in the conveyancing process. We must follow all of the usual procedures that are involved in buying a property. We must:

- fully investigate the title to the property;
- carry out and review property searches;
- carry out surveys of the property; and
- make sure that all questions about the property have been answered properly.

Once we have done all of these things and there are no remaining issues, we will be able to recommend that the Secretary of State for Transport legally commits to buying your property by exchanging contracts.

The role of the acquisition agent

The acquisition agent manages the purchase on our behalf. They will be the person who has the most contact with you, our solicitor, the building surveyors and managing agent.

The acquisition agent will also arrange to hand over your property to the managing agent on completion day, unless you are entering into a 'rent back' arrangement. (See 'Can I ask to rent the property after it has been bought?' on page 12.)

The role of the managing agent

The managing agent is responsible for providing us with a pre-completion report. This report will set out what we need to do on completion day, including making your property safe and assessing whether we need to do any immediate maintenance or repair work.

The managing agent will also use the pre-completion report to see whether we need to carry out any health and safety tests and if the property needs certain certificates (for example, a gas safety certificate) before we can let it, if this applies.

The managing agent will be present on the completion day to receive the keys and to inspect your property using the fittings and contents form and pre-completion report to make sure that there have been no changes to the property since the initial valuation inspections.

If the property is in the same condition as it was at the time of the initial inspections and is vacant (if this applies), our solicitor will release the funds to allow completion to take place.

Useful terms

We have tried to make this guide as straightforward as possible, but there are a number of technical terms that we need to use, which are explained below. You can find fuller explanations in the guidance documents.

Building survey: this is the same type of survey that is done for private properties. The survey will identify any issues with the condition of the property that we should know about before contracts are exchanged.

Completion date: the date when the sale of the property is completed (that is, the date you will be paid the purchase price, when you leave and no longer own the property).

Contract: the legally binding agreement that sets out the details of the purchase. The contract commits you and us to the sale and purchase. When we are both ready to commit, the two contracts are exchanged by the solicitors.

Conveyance or transfer: the legally binding document that transfers ownership of the property from you to the Secretary of State for Transport.

Conveyancing and investigating title: this covers the whole process of checking the legal documents. It makes sure you can sell the property and that, once it is sold, it will properly belong to the Secretary of State for Transport. It includes checking rights and liabilities and other risks that may be associated with the property.

Exchange of contracts: when you and we are ready to legally commit to the sale, the two contracts are signed and exchanged, meaning we are both legally bound to the sale and purchase.

Fittings and contents form: a form to provide details of items that will stay in your property or be taken from it. The valuations carried out before our offer to buy your property refer to this filled-in form.

Land Registry: the Government department that holds the records of all property in the UK.

Property information form: a form that includes standard questions that you must answer about the property you are selling.

Report on Title: a report outlining the results of the investigation into your property's title. It explains the findings of the searches, and highlights any legal issues (for example, if there is anything which may affect how the property is used), which will need to be dealt with before contracts can be exchanged.

Searches: a way of identifying whether there is anything that may affect the property's value. There are many different types of searches and we will assess which are relevant. They may include a:

- bankruptcy search;
- brine search;
- coal-mining search;
- commons registration search;
- company search;
- environmental search;
- Land Registry search;
- land charges search;
- index map search;
- local authority search;
- tin-mining search; and
- water authority or drainage search.

Vacant possession: unless it has been agreed that you will rent back, you must hand over an empty property, including the loft and any outbuildings. This is known as vacant possession.

You are responsible for making sure that all possessions have been removed, in line with the fittings and contents form. You should also make sure that if the property is vacant before the completion day, no squatters are living there.



The purchase process – key steps and approximate timescales

The flowchart below shows the key steps in the purchase process and when approximately they will take place.

Week 1

We instruct the acquisition agent to manage the purchase on our behalf, and our solicitors to start the conveyancing. The acquisition agent will introduce themselves to you and agree a target date for completion. At the same time, they will arrange the building survey. (For NTS this has already happened at valuation stage.)



Weeks 2 to 4

Once our solicitors have received the title pack (official documents relating to the property) and the search results, they will raise any necessary enquiries with your solicitor. You will need to answer these enquiries as far as you can.



Week 4

The acquisition agent reviews the building survey and makes one of three possible recommendations to us.



1

No issues are raised and we can continue at the agreed purchase price.



2

The survey raises issues and we should adjust the purchase price, or agree with you that work is needed on the property before contracts are exchanged.



3

A specialist survey should be carried out to investigate the issues raised in the survey (provided within 10 working days, depending on the availability of the specialist).



The acquisition agent will contact you to discuss timescales.





Weeks 5 to 6

The pre-completion report is arranged and completed.



Week 8

If there are no complications, the 'Report on Title' is finalised and sent to the acquisition agent.



Week 9

The acquisition agent provides the final documents for us to approve.



Weeks 10 to 11

We will arrange for funds to be transferred to our solicitors. They receive the funds within 10 working days of our request, and send the Contract and Transfer documents to the Department for Transport to be signed.

The Department for Transport needs five working days from receiving the Contract and Transfer to returning the signed documents.



Week 12

A date for completion is agreed, giving the managing agent at least 10 working days' notice to make the necessary arrangements.

Contracts can be exchanged.

These are rough timescales only. If there are complications that may take longer to sort out, the acquisition agent will discuss this with you and agree a new target date for completion.

Frequently asked questions

What can I do to make sure my sale takes place as quickly and smoothly as possible?

- Follow up with your solicitor frequently to encourage progress.
- Quickly and clearly tell your solicitor and the acquisition agent about any issues that have not been dealt with or are causing problems.
- Tell your solicitor and the acquisition agent promptly if you don't understand a request.
- Tell your solicitor promptly if you are finding it difficult to provide a response.
- Tell the acquisition agent as soon as possible if you want to rent back the property from us following completion.
- Make sure that you have everything prepared for the moving day in plenty of time. Which? has produced a useful checklist that you can find on their website at www.which.co.uk

What is an investigation of title and why is it required?

Anyone buying a property has to be satisfied that the person selling it is the legal owner. The buyer will also want to find out whether there is anything which may affect how the property is used (for example, drainage, connection to services, and access), and whether it benefits from the necessary rights.

This investigation will also establish whether there are any rights that may disadvantage the property (for example, whether other people have a right of way over the property).

Is there anything I need to do to help with the investigation of title?

Yes. As part of the conveyancing, you will need to fill out property information forms, which are then given to our solicitors. We will give you these in plenty of time.

You should provide as much information as you can at this stage, including the following:

- Copies of any permission that was needed in connection with any work. For example:
 - planning permission;
 - listed building consent; or
 - building regulations consent for extensions or other work on the property, whether by you or a previous owner.
- Any guarantees (where possible, please provide original guarantees, not photocopies) that may relate to the property and that are still valid, for example, guarantees for:
 - damp-proofing or building work; or
 - new windows.

If we are buying only part of your property, you will need to provide a plan showing the area which you are selling to us. Your solicitor will help you with this and it must meet Land Registry requirements.

What are property searches and why are they carried out?

Property searches establish a number of things about your property, including whether it:

- is connected to mains water and sewerage;
- has any notices registered against it by the local authority;
- is likely to be contaminated (for example, if it is near a landfill site); and
- has relevant planning and building regulation approval.

Why do you care about investigating title or carrying out searches if all properties are going to be bought for HS2?

The price paid for the property is based on its market value and does not take into account any impact of the HS2 line. Some properties that have been earmarked for demolition may not be demolished for some time.

Properties bought under the Need to Sell or Voluntary Purchase schemes will not be demolished, and will be resold at a later date. These properties will be managed on our behalf and, in many cases, rented out.

Do you need more information about fittings and contents?

Your solicitor may be given a standard fittings and contents form. If there have been no changes to the fittings and contents since you filled in this form (when your property was valued), it is fine for you to confirm this. If there have been changes, you may want to fill in the form again and then send it back to your solicitor.

The acquisition agent will need to check that any of the changes you make do not affect any valuation of your property and, in turn, the offer for your property. On the completion day, the managing agent will check the form to make sure you have recorded any changes.

Who will draft the legal documents?

To keep things consistent, our solicitor will issue a standard form of Contract and Transfer to your solicitor. These are standard terms and cannot be negotiated.

Who will pay my legal fees and other costs?

You will be responsible for your own legal fees and other expenses associated with selling your property.

What happens on the completion day?

We will ask the managing agent to visit the property (usually at midday) to check that it is vacant and that if you have removed any fixtures and fittings you have not damaged the property.

They will also check that the fittings and contents form lists any fixtures and fittings you have removed. Please make sure that the state of the property on the day reflects the information that you provided in the fittings and contents form.

Any differences between what you leave in or remove from the property and the information you give on the form could cause delays or added expense to you.

Once the sale has been completed, the managing agent will accept the keys from you, read the meters and make sure the property is secure. This may mean that a locksmith or other tradespeople need to be present on the completion day.

What should I do before completion day?

- Arrange to remove, and if necessary store, your belongings.
- Make appropriate arrangements for any animals that are on the site.
- Tell your utility companies (gas, electricity and so on) that you are moving.
- Tell the relevant Government organisations, banking and household insurance firms about your change of address (see the Which? moving house checklist at www.which.co.uk for a full list).

Can I ask to rent the property after it has been bought? If so, when should I ask?

In certain circumstances we may be able to rent the property back to you. In these cases, you do not remove your possessions or leave the property on the completion day. If you want to rent your property back, you should ask us as soon as possible so that, if we approve your request, the legal documents can be prepared.

Properties must be managed in line with the relevant health and safety legislation.

To make sure 'rent back' properties meet the appropriate standards at the start of any letting, we will need to carry out various inspections and test appliances and services before contracts are exchanged. If we approve a letting, any work needed to bring the property up to standard will be done between contracts being exchanged and completed.

Please note that following the introduction of the Construction (Design and Management) Regulations 2015 (CDM 2015), if you ask to rent the property from us, the time between exchanging contracts and completion will be extended to allow us to carry out any work.

The period needed between contracts being exchanged and the completion day is set at 90 days for those properties where rent back has been agreed. This will vary depending on the property, but our contractors will try to keep it to a minimum so that we can complete sooner where possible.

Due to the timescales relating to rent back, it may suit your circumstances better if the completion date is delayed. You should discuss this with the acquisition agent.

Keeping you informed

We are committed to keeping you informed about work on HS2. This includes making sure you know what to expect and when to expect it, as well as how we can help.

Our independent commissioner

We have an independent Residents' and Construction Commissioner whose job is to make sure we keep the promises we make in our **community engagement strategy**.

The commissioner helps settle disputes and monitors the way in which we manage and respond to complaints about construction.

For more information, visit:

www.hs2.org.uk/about-us/independent-hs2-commissioner

Holding us to account

If you are unhappy for any reason, you can make a complaint by contacting our HS2 Helpdesk team.

For more information, visit:

www.hs2.org.uk/how-to-complain

Property and compensation

You can find out all about HS2 and properties along the route by visiting our website. You can also find out if you're eligible for compensation. Visit:

www.hs2.org.uk/in-your-area

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Contact us

Our HS2 Helpdesk team are available all day, every day. You can contact them by:

 Freephone
08081 434 434

 Minicom
08081 456 472

 Email
hs2enquiries@hs2.org.uk

Write to

FREEPOST

HS2 Community Engagement

Website **www.hs2.org.uk**

To keep up to date with what is happening in your area, visit:

www.hs2inyourarea.co.uk

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