

Comparison of Quotes for the legal work required for the Transfer of Land to Westbury Sub Mendip Parish Council.

Company A

The proposed transfer of agricultural land from the Transferor, who lives in the village, to the Parish Council and the subsequent registration of the acquired land at HM Land Registry.

The transfer is by way of a gift and there will be no purchase price changing hands.

They will review the legal title, carry out searches and report to the Council as well as deal with the formalities of the transfer and land registration.

Are assuming that access to the land is not an issue, but need to let them know if the land is not directly accessible from a public highway.

They understand that the intention for the land is to be used for the benefit of the village and that in the long term it may be used for growing trees. They have assumed that there are not to be any overage of uplift provisions agreed with the Transferor and there are not to be any restrictions on the use of land by the Parish Council.

Assuming that there are no restrictions or overage and that the Transferor is represented by a solicitor, you should allow for a fees budget of 5 to 7 hours work, plus VAT. Much will depend on the complexity of the paperwork and the level of due diligence required by the Parish Council.

The hourly rate is £230.00 plus VAT and the fees budget would therefore equate in monetary terms to between £1,150.00 and £1,610.00 plus VAT.

Whilst in the usual course of things, those accepting land as a gift may not instruct searches, given that the Parish Council is a public authority, they would recommend that searches are carried out in order to discharge its fiduciary duty and ensure that it does not acquire a liability (such as contaminated land). At a minimum they suggest a Local Authority Search plus an Environmental Search. For these, you should allow a search budget of approximately £200.00 to £300.00

It will be necessary for the Parish Council to instruct a simple valuation of the land to be transferred. This is because the fee payable to HM Land Registry to register the transfer of ownership depends on the valuation of the land. For land valued from £0 - £100,00.00 the Land Registry fees starts at £20.00, increasing to £30.00 for land up to £200,000.00 and so on.

There will also be the HM Land Registry fee for pre-completion searches which is £3.00 plus VAT.

Total costs excluding valuation of the land approximately £1943 + VAT

Company B

Transfer of land to the Parish Council

Their fees would be between £750 and £950 plus VAT and land registry disbursements.

If the land is transferred to the council as a custodian trustee, then it will always remain charitable land. The only way it can come out of the charitable would be if it is purchased at market value and if the objects of the charity can no longer be achieved.

For the land to be registered as a woodland charity, they would need prove why the land is worthy of preservation and conservation. As part of the application for registration, they would also need external evidence in support.

Their fees for setting up an incorporated trust (CIO) would be between £1350 - £1,500 plus VAT.

Company C

This company has decided not to quote as they have said the following,

“You tell me that the current landowner (have removed the name) is an existing client of the firm. If such be the case, then we are not going to be able to represent her and the PC on the matter of the transfer of the land. There are occasions when this is possible, but this is not one of them unfortunately. Our regulatory rules do not allow us to act where there might be a conflict between the advice, we might give to one party or the other, however unlikely I think this might be that is the rule I need to apply. I am sorry I cannot help with the process”