



**BIRMINGHAM LAW SOCIETY**  
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**Response to the HM Government's Consultation  
on Home Buying and Selling Reform**

**December 2025**

## **Response of the HM Government's Consultation on Home Buying and Selling Reform**

The Birmingham Law Society ('the Society') is the largest provincial local law society with a membership of some 9,000, representing solicitors, barristers and paralegals working in the West Midlands area. This response has been prepared by the Society's Property & Development Committee ('the Committee') in response to HM Government's consultation on home buying and selling reform, published on 20/10/2025.

The Committee is formed of legal practitioners who deal with many different aspects of property law, including residential conveyancing, and come from various sizes of practice. The Committee exists to give a voice to local practitioners and lobbies on their behalf.

### **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?**

Birmingham Law Society Property & Development Committee.

### **Question 4**

**What type of organisation are you responding on behalf of?**

Professional body.

### **Question 5**

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

Yes. The Committee agrees with the proposed objectives and considers reform to be both necessary and overdue. From our members' experience, the current system is often inefficient, opaque for consumers, and vulnerable to delay and abortive transactions. Measures aimed at improving transparency, reducing fall-through rates, and increasing consumer confidence are welcome, provided they are implemented in a proportionate and workable way.

### **Question 6**

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

The Committee considers that an additional objective should be included around professional supervision and accountability. In particular, there should be an emphasis on appropriate supervision of junior or less experienced staff within conveyancing practices, with clear mechanisms for escalation of complex or high-risk issues to suitably qualified senior practitioners. This would support quality, consistency, and consumer protection across the sector.

#### **Question 7**

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

Yes. The Committee supports the principle of comprehensive upfront information, as this has the potential to reduce delays and failed transactions later in the process. However, it is essential that the provenance and accuracy of the information provided is verified, and that responsibility for errors or omissions is clearly allocated.

#### **Question 8**

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

The Committee has reservations about this proposal in its current form. Particular concerns include the shelf-life and expiry of searches and surveys, the circumstances in which they may need to be refreshed, and where liability would sit if buyers rely on reports commissioned by sellers. Clarity would be needed as to whether surveyors' liability could properly extend to both seller and buyer, and how independence and impartiality would be assured. Again, verification of the source and quality of such information would be critical.

#### **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?**

The Committee considers that capacity and capability will vary significantly between organisations of different sizes and business models. Government should engage directly with representative bodies across the professions to assess readiness, resource implications, and unintended consequences. Any reforms should be supported by realistic lead-in times and clear guidance.

#### **Question 10**

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

Additional investment in software systems, integration between platforms, and training on revised workflows and processes would be required. Training should address not only technical changes but also professional judgment, risk management, and client communication.

#### **Question 11**

**Do you agree that we should intervene to drive up standards amongst, and improve trust in, property agents?**

Yes. The Committee supports proportionate intervention aimed at improving standards and public trust across the sector.

#### **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?**

Yes. A non-statutory Code of Practice is a sensible initial step, provided it is meaningful, well-publicised, and capable of enforcement. Legislative backing may be appropriate if voluntary compliance proves ineffective.

### **Question 13**

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

Yes. Mandatory qualifications could help raise baseline competence and professionalism, provided they are proportionate and accessible.

### **Question 14**

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

Yes. The Committee considers that there should be clear and enforceable consequences for poor practice, including removal from relevant registers or the ability to trade where appropriate, to ensure accountability and consumer protection.

### **Question 15**

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

The Committee highlights concerns regarding in-house mortgage brokerage arrangements and whether genuine independence can always be assured where brokers are closely aligned with selling agents. In addition, management companies are frequently a significant source of delay in transactions; greater oversight and accountability in this area would be beneficial.

### **Question 16**

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

Yes, in principle. However, the Committee has concerns regarding the reliability, accuracy, and ongoing maintenance of digital information, which would need to be addressed for confidence in such systems to grow.

**Question 17**

**If yes, what do you think would drive their wider adoption?**

Wider adoption would be supported by public and professional education, clear incentives for use, and consistency across platforms. Government promotion of digital logbooks as a 'commonplace' and accepted part of the process may assist. Consideration may need to be given to legislation if voluntary uptake is insufficient.

**Question 18**

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

Key risks include data security, identity theft, and inappropriate access to sensitive information. Separate and secure login credentials for different parties, together with robust cybersecurity standards, would be essential.

**Question 19**

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

No. The Committee considers that a single binding model is unlikely to be suitable for all transactions. In many cases, key information or documentation is not available at an early stage, and premature binding arrangements may increase risk rather than reduce it.

## **Question 20**

**What do you think is the most effective means of doing this?**

If earlier commitment is to be encouraged, the Committee considers that improved consumer education and awareness would be more effective than mandatory measures.

## **Question 21**

**What would be appropriate costs or penalties for failure to comply with binding contracts?**

The Committee does not have a settled view on this and considers that any such penalties would need careful calibration to avoid unfair outcomes.

## **Question 22**

**Would there be any listed exceptions, or certain situations, for binding contracts not being applied?**

Yes. The Committee considers that family transfers, matrimonial matters, and part-exchange transactions should be treated as exceptions.

## **Question 23**

**Do you agree that publishing information on the services of property professionals would improve home buying and selling?**

No. Every transaction is different and many delays arise from factors outside a professional's control. There is a risk that published information could create misleading or unfair impressions, resulting in reputational damage without proper context.



#### **Question 24**

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

[No response submitted]

#### **Question 25**

**Do you think a charter would be useful in supporting consumers to identify quality property professional services?**

[No response submitted]

#### **Question 26**

**Do you agree that AML checks should be streamlined?**

Yes. The Committee strongly supports streamlining AML checks, with checks carried out once and capable of being relied upon by all parties, subject to appropriate safeguards.

#### **Question 27**

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

Government support should focus on standards, guidance, and oversight to ensure AI tools are used to assist – not replace – professional judgment, and that risks are properly managed.

#### **Question 28**

**What else do you think government should do to streamline the conveyancing process?**

The Committee recommends mandatory timescales for management companies, backed by penalties for non-compliance, and standardisation of their charges. Clear time limits within conveyancing protocols, staged file reviews throughout transactions, and an emphasis on legal expertise rather than sole reliance on software would also assist.

#### **Question 29**

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

Yes, subject to careful implementation and ongoing engagement with practitioners.

#### **Question 30**

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

The Committee would welcome a genuinely interoperable system accessible to firms of all sizes, regardless of case management system, to ensure digitalisation does not disadvantage smaller practices.

**Birmingham Law Society,**

**December 2025**