

CHECK YOUR FIXTURES AND FITTINGS

"Is this staying? Is that going?" Frequently asked questions during the negotiations of a property purchase. The unexpected removal of items is about the most common cause of disputes on completion, often costing more to resolve than the value of the items in question.

So what are fixtures and fittings? Well, fixtures are usually items which are attached to, or form part of, the property, such as a central heating system or fitted kitchen. They will be included in the sale unless it's expressly agreed that the seller can remove them. Fittings, contents or "chattels" do not form part of the property (e.g. curtains or free standing furniture) and are not included in the sale unless the seller agrees to leave them.

However, just to confuse the issue, there have been court cases where, for example, a greenhouse or garden ornaments have been held to be fixtures and in other case, fittings!

The answer is that in every case there should be an agreed list. Whilst the estate agents sales particulars are often helpful, they should not be relied upon, firstly because they do not form part of the contract and secondly, because, in negotiations leading to an agreed price, some fixtures or fittings may have been included or removed as part of the bargaining.

Most sellers' solicitors will arrange for their clients to complete a detailed list – if not they should be specifically asked to do so. Lists are usually in the form of a questionnaire, requiring the seller to indicate which items are included, being removed, or available for sale.

If you are the seller, make sure you complete the list accurately and if you are the buyer, check that it confirms what you had agreed.