

Commentary and response to the independent research report by 2CV into the TA6 (5th edition) form

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Introduction

Conveyancers will always be a crucial part of the home buying and selling process.

They are trusted advisers for individuals who are often making the biggest and most important purchase of their lives.

Conveyancers guide buyers and sellers through the necessary legal processes. They make sure their clients understand the deal they are agreeing to and help them consider important matters that might impact them.

They also give buyers and sellers assurance that the law has been followed and a transaction has been properly completed.

As the professional body for solicitors in England and Wales, the Law Society has played an important role in improving the home buying and selling process.

We've created processes and standards widely used by conveyancers. These allow the complicated and uncertain aspects of conveyancing to happen whilst mitigating problems and risks that may occur as part of the chain of home selling and buying.

The Law Society's transaction (TA) forms play an important role in facilitating conveyancing. This includes the TA6 Property information form, which is completed by sellers for residential property.

The TA6 form provides prospective buyers with a wide range of information about the property before they finalise their purchase.

Sometimes prospective buyers supplement the information contained within the TA6 by asking sellers for extra information that matters to them about the home they are buying.

Background

In 2023, the National Trading Standards Estate and Letting Agency Team (NTSELAT) published new guidance to standardise practise so consistent material information (MI) is available when a property is listed.

NTSELAT said the guidance would:

"...ensure more material information is made available on property listings so that consumers can make informed decisions and agents can meet their legal requirements at the very beginning of the consumer journey. This will provide greater clarity and consistency across the industry, saving agents time and money on wasted enquiries and legal disputes while protecting consumers from nasty surprises."

We updated the TA6 (4th edition, second revision) form to incorporate the strands of MI that NTSELAT advised estate agents and property websites to include when marketing a property.

This was designed to help conveyancing practice match the evolution of the property market.

The updated TA6 (5th edition) form was published in March 2024. We intended to make it mandatory for Conveyancing Quality Scheme (CQS) members in June 2024.

Following feedback from some conveyancers, we postponed compulsory use of the TA6 (5th edition).

In August 2024, we began an extensive and independently run consultation to understand how conveyancers viewed the TA6 (5th edition) and to better understand concerns with it.

Decision on the future of TA6 (5th edition)

Following the consultation, we have decided to replace the TA6 (5th edition) with two new forms.

We will design the new forms to be used at the two main points a seller's conveyancer could be instructed:

- the **TA6 (6th edition) form** will be designed to be used when an offer has been accepted on a property.

The form will be designed to give residential property buyers the information they need before exchanging contracts. Some information is also needed for mortgage lenders.

It will be mandatory for CQS members.

- the **material information form** will be designed to be used when conveyancers are instructed before a property is listed.

The form will contain questions about upfront MI. It will not be mandatory for CQS members. It is likely the name of the form will change after user testing.

The TA6 (6th edition) and material information form will:

- facilitate the conveyancing process at whichever stage the seller instructs a conveyancer
- support the adoption of upfront material information when sellers want to instruct conveyancers before marketing their property, and
- not mandate CQS members to consider upfront material information when sellers want to instruct a conveyancer at the point an offer is made

The Law Society is committed to creating two forms that:

- are legally accurate
- are as easy as possible for sellers, buyers and conveyancers to understand and navigate, and
- minimise duplication

Responses to themes and feedback from the independent research

Below are the key findings from the independent 2CV research alongside our responses.

The full 2CV research report, *Research into form TA6 - January 2025*, can be found on the Law Society's website. The key findings have been referenced to where they are highlighted in the research report.

Key finding one

Most participants felt it is the responsibility of the Law Society, working with practitioners, to resolve any issues raised with the TA6 form¹.

A significant majority of those who took part in the research felt a consultation by the Law Society should have taken place on the TA6 (5th edition) before its introduction².

Law Society response

The Law Society tasked the independent research agency 2CV to conduct in-depth research.

The research aimed to discover views of the TA6 (5th edition) so we could produce a better form.

Over 1,200 people took part in the consultation. The vast majority were conveyancing members of the Law Society.

Our Conveyancing and Land Law Committee and TA6 Working Group are carefully incorporating the findings into the design of the two new forms.

We will use learnings from the consultation to produce an improved version of the TA6 form.

It will be important for appropriate consultation to be conducted when there are significant changes in the future to Law Society forms.

We are also working on a programme to make it easier for more of our members to get involved in the work the Law Society does.

Key finding two

Many conveyancers who took part in the survey understood the intention of using the form to provide upfront information was to speed up the sales process, but felt the TA6 (5th edition) did not achieve this³.

Estate agents interviewed by 2CV were sympathetic to the ideas behind the 5th edition⁴.

These estate agents highlighted the importance of having accurate information to prevent deals from falling through, emphasising the need for thorough disclosures.

¹ Page 39, *Research into form TA6*

² Page 23, *Research into form TA6*

³ Page 16, *Research into form TA6*

⁴ Page 16, *Research into form TA6*

This contrasts with only 7% of conveyancers who filled in the survey believing that more upfront information would reduce the number of transactions that fall through⁵.

Law Society response

There is a strong feeling in government and among stakeholders in home buying and selling that more and better upfront information will lead to potential buyers making more informed decisions. This should minimise the chance of unwelcome surprises later in the conveyancing process.

We will monitor the market to assess how upfront material information is being adopted.

We are interested to hear the views of our members on the impact, if any, of increased upfront information, and will study research on its effects conducted by other organisations.

Key finding three

The vast majority of conveyancer participants said the most helpful thing the Law Society could do would be to postpone making the form compulsory for CQS members⁶.

In follow-up workshops, it was clear conveyancers felt inclusion of upfront information should not be compulsory until the market moves towards early instruction of conveyancers being a common practice.

Fewer than one in five agree it is helpful the TA6 includes the NTSELAT recommended material information⁷.

Law Society response

The Law Society will remove the content contained in the NTSELAT guidance from the TA6 form, which CQS members must use to be compliant with the obligations of the scheme.

If conveyancers are engaged before or at the point of marketing, the material information form will be available for them.

Key finding four

Splitting the form in two was thought to be helpful by 60% of those who took part in the survey⁸.

Sellers were split on whether having two forms would be an improvement or not.

Law Society response

It is important that the two forms can work together.

⁵ Page 28, *Research into form TA6*

⁶ Page 41, *Research into form TA6*

⁷ Page 28, *Research into form TA6*

⁸ Page 40, *Research into form TA6*

We will aim to make sure there is minimal need to repeat information in the TA6 (6th edition) that has been included in the material information form.

Key finding five

A lot of the concerns uncovered by the research related to issues with the transition from a known form to an unknown form.

Improving the design of the form to make it easier to use is also one of the most popular remedies: 79% said this would be helpful⁹.

Law Society response

We are using the consultation feedback to analyse the areas of the form that have been highlighted to be troublesome.

Our aim is to produce two forms that are simpler and more straightforward for both sellers and conveyancers to use, but there are limits to how far legal concepts can be simplified.

Through user testing, we hope to identify the parts of the forms that sellers and conveyancers have issues with.

We will then improve these parts and/or provide focused support to improve the user experience.

Key finding six

A significant majority of respondents requested more notice in advance and training on how to use the new form correctly¹⁰.

Law Society response

We will publish the TA6 (6th edition) and material information form several months before removing the existing TA6 (4th edition, second revision) and TA6 (5th edition) from the market.

The publication of the two forms will be accompanied by training materials.

We will also conduct an extensive communications campaign to explain what the changes are, why they are happening and signpost where more information can be found.

Key finding seven

The main reasons given for why the TA6 (5th edition) was seen as difficult were based on the complexity and length of the new form¹¹.

⁹ Page 41, *Research into form TA6*

¹⁰ Page 37, *Research into form TA6*

¹¹ Page 22, *Research into form TA6*

Conveyancers believed the struggle sellers have when filling in the form means they need more support from a lawyer.

All the sellers interviewed¹², and some conveyancers, believe that documents intended for completion by non-practitioners should be tested on non-practitioners before being launched.

Law Society response

We will conduct user testing with sellers, buyers and conveyancers. This will help us to improve the forms for those who use them.

It will also enable us to discover areas that users find tricky and produce targeted resources to help those filing in, reading or checking the form.

Key finding eight

Sellers said they would like to have more options to say 'do not know' or 'not applicable' throughout the form¹³.

Law Society response

We have taken this feedback on board and are considering where it should be possible to tick 'don't know' and 'not applicable' boxes.

Key finding nine

It was highlighted that the substantial changes in structure from the TA6 (4th edition, second revision) disrupted familiar workflows and 'muscle memory' developed over time with the old form¹⁴.

Law Society response

Unfortunately, there is likely to be a period of having to get used to the TA6 (6th edition) and material information form.

We will produce training materials to help users understand the forms.

Our ambition is that the TA6 (6th edition) will not need to be changed substantially for many years, beyond the need to meet any legal or regulatory changes.

If it does need to be substantially changed, there will be a consultation process with members to seek feedback on how best to do this.

The material information form may need more frequent changes, as the focus on upfront material information is a newer concept and how best to facilitate this may evolve.

¹² Page 45, *Research into form TA6*

¹³ Page 45, *Research into form TA6*

¹⁴ Page 23, *Research into form TA6*

Key finding 10

Better explanatory guides would also improve the experience of sellers and conveyancers¹⁵.

76% say better explanatory guides for consumers and conveyancers on how to use the form would be 'very' or 'somewhat' helpful.

Law Society response

We will redraft the explanatory notes based on the feedback received during the consultation.

These guides will also form part of the user testing to help make reading these a better experience for those who fill in or check the forms.

Key finding 11

There was confusion among conveyancers and sellers about the fact the form is to be completed to the best of the sellers' ability¹⁶.

This confusion should be seen in the context that the form is a legal document and contains a warning of liability on the sellers' part for incorrect information.

Law Society response

The TA6 is a legal form, although we are aiming for it to be as understandable as possible to the layperson.

We are considering the feedback received from the consultation to improve the language and the way questions and disclaimers are phrased.

The forms and explanatory guidance will be tested with users before being finalised.

Key finding 12

There are concerns about whether providing advice on upfront material information can be charged for.

87% of the survey participants felt sellers would be uncomfortable with the idea of incurring fees and expenses before a property is put on the market¹⁷.

79% felt unable to charge clients for the additional time needed to complete the form.

¹⁵ Page 40, *Research into form TA6*

¹⁶ Page 5, *Research into form TA6*

¹⁷ Page 28, *Research into form TA6*

Law Society response

The Law Society does not promote specific business models. These are decisions for members to consider.

The consultation has highlighted that some conveyancing firms are uncertain about how to incorporate new requests into their current commercial offering.

We will consider what support we can provide on this.

Key finding 13

The survey found a large group of conveyancers are providing the TA6 form in a traditional manner.

Nearly three-quarters of participants use a PDF version of the TA6 and only a quarter use a smart digital version¹⁸.

46% of conveyancers surveyed use forms completed by hand.

The sellers who were interviewed felt that people should always be offered the option of filling in a digital or physical copy.

Two-thirds of conveyancers surveyed think improvements to smart forms would be helpful in making the TA6 form easier to use.

Law Society response

Incorporating new technologies and processes into existing business models is not always easy.

The Law Society does not promote specific business models or software. These are decisions for members to consider.

We do have a role to help educate and guide members on possible choices, especially where regulatory and government requirements present new opportunities and challenges.

We will continue to consider how we can best assist our members to better understand the possibilities of new technologies in the conveyancing market.

Key finding 14

Some concerns have been raised about whether the requirement for upfront material information increases the legal liability for conveyancers and/or sellers¹⁹.

¹⁸ Page 10, *Research into form TA6*

¹⁹ Page 18, *Research into form TA6*

Law Society response

We do not believe there is any increase in the legal liability risks for conveyancers or for sellers. We appreciate that these are important concerns so will continue to keep this matter under review.

To help members consider this, we have updated our [practice note on Consumer Protection Regulations in conveyancing](#), considering both the NTSELAT guidance and the position following the UK leaving the EU.

The practice note will be revised again when the Digital Markets, Competition and Consumers Act 2024 comes into force.

We have published [two free webinars that explain the legal obligations and liabilities for sellers and solicitors](#).

It also explores the changes introduced in the TA6 (5th edition) form and how those relate to legal liability and the SRA Codes of Conduct.