

Conflicts of Interest Guidance

(Version 1.0 - effective from 1 January 2025)

Assessment of circumstances

1. You should assess all relevant factors to determine if there is a conflict of interest between Clients. For instance, if there is an imbalance in bargaining power between the Clients, or a Client is vulnerable, or their interests are markedly different and cannot be reasonably reconciled.
2. You should assess all relevant factors to determine if there is a conflict of interest between yourself and a client. For instance, if there is a financial interest or a personal or commercial relationship.

Arm's length transactions

3. A body may act for two or more Clients in an arm's length transaction for value where each Client is represented by a different Authorised Person, except where a conflict of interest arises:
 1. A matter will not generally be regarded as an arm's length transaction where the parties are related by blood, adoption or marriage or in a stable relationship (e.g. a cohabiting couple or the parties otherwise treat each other as family members).
 2. The determining factor is not the specific relationship but the existence of any inequality of influence or disproportionate bargaining power which may give rise to a conflict of interest between the Clients.

Conveyancing transactions

4. You must consider carefully whether a conflict of interest arises or is likely to arise when the body receives instructions to act for different Clients in the same matter where the seller is:-
 1. a developer or builder; or
 2. a lessor granting a lease.