

**AUGUST
2021**

BUYING & SELLING PROPERTY IN SPAIN

**A GUIDE TO GRANTING A POWER
OF ATTORNEY**





THE SALE PROCESS

Buying/selling a house in Spain typically involves four main steps:

1. Making an offer and signing the preliminary contract.
2. Arranging a mortgage to finance the purchase.
3. Signing the deed of conveyance with a Spanish notary.
4. Registering change of ownership with the Spanish land register.

This guide assumes you have already completed Steps 1 and 2. If you haven't, you may find it better to wait until you are further along the line before instructing us to help.

GRANTING A POWER OF ATTORNEY

Steps 3 and 4 above need to be carried out in Spain and require you to be physically present. If it's not convenient for you to travel to Spain, you can choose to appoint a representative, known as an attorney, to act on your behalf.

Your advisors in Spain may already have prepared a draft for you, in which case you will need to send that draft over for our perusal. If not, we can normally prepare the document from scratch. Please bear in mind that, although the document is for use in Spain, it will be executed in England. Hence, even if you are provided with a draft, we will still need to make a few adjustments to make sure that it complies with both English and Spanish formalities and notarial rules.

WHAT IS AN N.I.E.?

N.I.E. stands for *Número de Identidad de Extranjero* or Foreign Nationals' Identity Number and you will need it whenever you are buying or selling property or opening bank accounts in Spain. It is a unique identification number issued by the Spanish authorities that, unlike your passport number (which changes with each renewal) is permanent. We will need to know whether you already have an N.I.E. or whether your attorney in Spain will have to obtain it for you.

REQUIREMENTS

Your representative will need to produce evidence that they are authorised to act on your behalf. This is done by means of a deed of power of attorney. To prevent fraud, this deed needs to be drawn up and recorded by a notary.

The deed itself must include particular details, namely the date and place it was signed, the name(s) of the grantor(s) and attorney(s), a list of things the attorney(s) are allowed to do, the name of the notary before whom the deed was executed and a statement by the notary that he or she is satisfied that the grantors understand the implications of what they are doing.

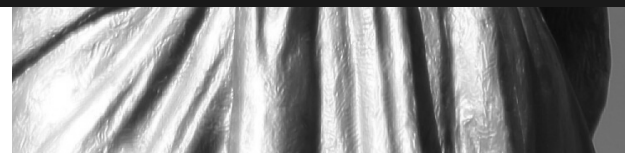
Normally, the deed will be drawn up in Spanish, as this is the official language of Spain, but it will need to be accompanied by an English translation in a dual-column format if the grantor doesn't speak Spanish.

As a last step, before it can be presented to the Spanish authorities, it will need to be confirmed as genuine by means of a stamp known as the Hague Apostille. We can take care of obtaining the Apostille for you as well.



WHAT IS AN APOSTILLE?

An Apostille is a stamp issued by the UK Foreign & Commonwealth Office pursuant to an international treaty known as the Hague Convention of 1961, to which both Spain and the UK are a party. It effectively confirms that the public official, e.g. a notary, who has signed the document has, indeed, been appointed as such. Without it, documents will be rejected in Spain.





HOW DOES IT WORK?

1 / ENQUIRY

We will send you a short questionnaire that we will kindly ask you to fill in. This will help us to gather all necessary information to prepare the document. Alternatively, if you have been provided with a draft, we will kindly ask you to share it with us in order to advise on fees and procedure.

2 / DRAFTING

We will prepare the draft deed of power of attorney. Once finalised, we will forward it to you/your lawyers for review.

3 / APPOINTMENT

Having agreed on the form of the power of attorney, we will then arrange an appointment at our offices for you to sign the deed.

4 / LEGALISATION

After signing, we arrange for the deed to be legalised by means of the Hague Apostille at the Foreign & Commonwealth Office.

5 / DELIVERY

Once the document has been returned to us, you are welcome to collect from our London Bridge office, or we can send it directly to Spain via international courier/post.

OVERVIEW

Subject to our availability, it usually takes between 2 and 7 working days to prepare the document for signing after the drafting fee has been paid. We highly recommend making your enquiry as early as possible to avoid problems meeting deadlines in Spain.

We always recommend running the draft deed past your lawyer prior to signing, just to check it covers all the steps necessary for the specific transaction. As soon as you/your lawyers approve the draft, we will book an appointment for you to attend our offices to sign; you'll need your original passport and a recent proof of address.

Once signed, we will then arrange the Apostille at the Foreign Office (using whichever service you choose from the 2 services that they offer) and then organise for you to collect the document from our London office, or have it delivered to a given address.

F E E S



Our standard fee for individuals' Powers of Attorney for use in Spain is £440 (inc. VAT). This is assuming that we draft the document from scratch. If you already have an editable bilingual draft in place our fee could potentially be reduced, but you will have to send your draft to us for evaluation. Additionally, if you have been provided with a Spanish draft only, we can assist with the translation of the powers into English and fees may vary. If you enquire with the particularities of your case, we will provide you with an exact fee.

On top of our fees, the Foreign and Commonwealth Office will be charging an additional fee for the Apostille, which is necessary to make the document legally valid in Spain. The FCO fees are as follows:

*£30 for their Standard Service, which takes anything between 1-3 working weeks.

*£75 for their Premium Service, which takes 1-2 working days.

We can assist with delivery to Spain for an additional fee.



GET IN TOUCH

EMAIL: INFO@VPNOTARIES.CO.UK



NOTARY SERVICES
MADE SIMPLE.

