Restrictive covenants
Restrictive covenants are conditions imposed by sellers of land (vendors) on purchasers. The covenants are written into the sale document (conveyance) and are usually included to prevent business competition or preserve the character of an area, the value of the vendor’s property or visual amenity.
Examples of typical covenants are:
• not to use the property other than as a private dwelling house;
• the plans and elevations of any building to be approved by the vendor;
• more than ‘x’ dwelling houses to be erected per acre;
• restrictions on building design or materials used.
With the passage of time some covenants become outdated, for example, where the character of a neighbourhood has changed. In such circumstances it is not unreasonable for the covenants to be lifted unnecessarily by a new development, even though some of these covenants are old, many can still be enforced.

The owner has the following options.
• To find out who is able to enforce the covenants and seek modification or release. Even if the owner can trace those persons, there is a risk that they may refuse or charge an exorbitant amount for doing so.
• To apply for a Restrictive Covenant indemnity policy through legal advisers.

Outline of cover
The policy protects the insured (and their mortgagees, successors in title, lessees and their respective mortgagees) against the covenants of the owner of the road preventing or attempting to prevent its use for access to the property.

The indemnity covers:
• damages including costs and expenses awarded by a court;
• costs and expenses incurred with our consent;
• the decrease in market value of the property as a result of the covenant being prevented;
• the cost of obtaining an alternative access;
• and the cost of obtaining a legal grant of a right of way from the owner of the road.

Services indemnities
Services indemnity policies protect the owners of properties from loss by reasons of legal grant or service, such as drainage or services that pass through another person’s land. These risks broadly fall into two hands with Rights of way, where the owner of a road beseach the services should not be used. For this reason they can be included within a Rights of way policy.

Without a legal grant, the owner of the land beneath which the services pass could prevent them from being used.

Information required
An explanatory letter from the proposer’s legal adviser.
• A plan showing the position of the property and approximate location of the services.
• A statutory declaration confirming from first hand knowledge the period during which the services to the property have been used as of right without challenge or objection. At this stage the proposal declaration should be submitted to us for approval before it is executed.
• A completed Legal Contingency Proposal Form.

Services indemnities
Services indemnity policies protect the owners of properties from loss by reasons of legal grant or service, such as drainage or services that pass through another person’s land. These risks broadly fall into two hands with Rights of way, where the owner of a road beseach the services should not be used. For this reason they can be included within a Rights of way policy.

Without a legal grant, the owner of the land beneath which the services pass could prevent them from being used.

Information required
An explanatory letter from the proposer’s legal adviser.
• A plan showing the position of the property and approximate location of the services.
• A statutory declaration confirming from first hand knowledge the period during which the services to the property have been used as of right without challenge or objection. At this stage the proposal declaration should be submitted to us for approval before it is executed.
• A completed Legal Contingency Proposal Form.

Services indemnities
Services indemnity policies protect the owners of properties from loss by reasons of legal grant or service, such as drainage or services that pass through another person’s land. These risks broadly fall into two hands with Rights of way, where the owner of a road beseach the services should not be used. For this reason they can be included within a Rights of way policy.

Without a legal grant, the owner of the land beneath which the services pass could prevent them from being used.

Information required
An explanatory letter from the proposer’s legal adviser.
• A plan showing the position of the property and approximate location of the services.
• A statutory declaration confirming from first hand knowledge the period during which the services to the property have been used as of right without challenge or objection. At this stage the proposal declaration should be submitted to us for approval before it is executed.
• A completed Legal Contingency Proposal Form.
We provide cover for the following contingencies, each of which is explained in this booklet.

**Administration bond**

An Administration Bond provides a financial guarantee to the High Court to ensure that a deceased person’s estate is properly administered in accordance with the law. It is usually required in situations where controversial issues for example, in transit between the relevant parties.

**Defective titles**

The term ‘defective title’ covers a wide range of titles from the straightforward to very complex. It would be impossible to include all of them within this booklet. The most we can reasonably attempt is to give you a ‘flavour’ by including examples of low and high risk.

**Lost low risk defective titles**

Low risk defective titles include situations such as use of the incorrect power of attorney or lack of vesting orders. Another example would be where the description of a property to be sold is not fully accord with the deeds of Land Registry records.

**Lost title deeds**

There may be occasions when the title to the property is impeccable because one or more documents have been lost, for example, in transit between the relevant parties.

**Lost title deeds**

Outlook of cover

Although the title to the property is not defective, we use our standard Defective Title policy. This indemnifies the insured (and their mortgagees, successors in title, lessees and their respective mortgagees) against all direct financial loss, costs and expenses incurred as a result of having supplied duplicate certificates.

**Lost securities**

Legal contingencies guide

Introduction

Aviva has many years experience of providing insurance solutions for a wide range of legal contingency problems. The Contingency Service was set up to facilitate direct access for solicitors seeking such protection for themselves or their clients.

The service is manned by a team of underwriting specialists who can discuss and consider your problem on a technical level, tell you how Aviva can help, and indicate in many cases the likely cost of an indemnity policy.

We recognise that often behind a legal problem stands a worried client and therefore it is of the essence in most instances. Consequently you can be assured that not only will your queries be treated with the priority that they deserve but also that any necessary documentation will be processed with minimum delay.

Whilst this booklet provides you with an outline of the main risk types, it is by no means exhaustive. As the word contemplate suggests, potential problems encountered can be wide ranging and varied. Should an unusual situation arise which does not seem to be dealt with in this guide, please contact the Contingency Service at.

**Outlook of cover**

The policy indemnifies the insured (and their mortgagees, successors in title, lessees and their respective mortgagees) against all direct financial loss, costs and expenses incurred as a result of having supplied duplicate certificates.

**Mailing beneficiaries**

Trusted, executors or administrators should any missing persons re-appear to claim a share in the deceased’s estate after its distribution amongst the issue beneficiaries.

1. These policies are genuinely only available if the intended beneficiary has not been found or has a considerable time and if adequate data have been taken in attempting to locate them.

**Definition of certain terms**

**Information required**

The name of the Land Registry, Registry of Deeds or the Property Registration Authority / State cannot be noted on the policy.

The undertaking also requires the owner to indemnify the Registrar against any loss arising out of the issue of a duplicate certificate. To minimise the risk to the Registrar, a bank or insurance company is required to join in the undertakings as guarantors.

**Missed beneficiaries**

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note:

The policy protects the insured against all direct financial loss, costs and expenses incurred as a result of the missing beneficiaries.

Note: