

The Empire Strikes Back

It must be a sign of the times when the British ask:
"is it safe to buy property in Spain?"

by Alexander Peters



After all, not long ago one fifth of the globe was pink. In those days it was much more a case of grabbing what you wanted, rather than timorously asking if you could buy something only to spend ages worrying about the consequences.

In the past, if you had a problem the whole might of the vast British Empire was at your disposal. At the merest hint of trouble a gun boat was rapidly sent off to subdue any despot who had the staggering temerity to upset one of Her Majesty's subjects. A few well aimed rounds and any property dispute was quickly resolved.

God was an Englishman and, by right, you could pretty much grab, buy or settle on whatever land you wanted. This was a pretty good system in its own way, so long as you were British and the natives knew their place. Emigration was a simple matter of pointing at somewhere on the map that looked rather tempting and either conquering another chunk for the Empire or making a native an offer he couldn't refuse.

However, life is no longer so simple. Most Britons now harbour real doubts as

to God's nationality. As to gunboats, they are in very short supply and are probably busy ferrying illegal immigrants into the UK, when not extracting exorbitant fines for exceeding the speed limit on the Norfolk Broads. Any pink bits left on a globe are more likely to indicate the shaking hand of someone carelessly sipping Ribena than a British possession overseas.

A mere shadow of our previous selves, we now have to suffer the supreme indignity of coming to a country, like Spain, where we have to actually buy a property for a realistic sum. Should we have a problem, we are left gnashing our teeth and hopelessly waving our fists at the sun. No gunboats arrive to shell the coast and the screams of avenging Harrier jets are noticeable only for their disappointing absence. And to make matters worse, it is the Spanish who are now practising 'Land Grab', something that we, reluctantly, gave up years ago and now consider very politically incorrect.

Is it any wonder then that we British worry about the safety of buying abroad? We are just any other race now, looking in amazement at the natives - who have ▶

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◀ changed beyond recognition. Spain, for example, has in no time at all become a worryingly modern, confident, first-world country. The donkeys, dusty *pueblos*, peasants and little ports have largely vanished to be replaced by a vibrant, dynamic society as advanced as our own. Gallingly, Spain now also manages to provide a higher quality of life at a lower cost of living than the UK.

Whilst the traditional protection afforded by our Empire has long gone, there are clearly still vestiges in the British psyche that remain largely unchanged. This can be the only logical explanation for the kamikaze buying of property that occurs day after day in Spain, even by those who have lived here for years.

Certainly, it is amazing how often people fall into the trap of using a lawyer whose language they do not understand and who often acts for both parties. In some cases, and to equally disastrous consequences, they don't even use one at all. This is utter madness. Unless, of course, you truly think that any subsequent problem will be sorted out by the UK's immediate and unquestioned armed intervention on your behalf.

Without doubt, many of the property problems that occur in Spain are a result of the seemingly careless, at times even cavalier, actions of British buyers doing exactly what they would *not* do in the UK. The 'conflict of interest' concept, for example, is deeply ingrained in the British mind and it is almost unknown, in the UK, to meet someone who has not used a dedicated conveyancing lawyer for their British property transaction. So why do so many people here allow themselves to be pressurised by hard-sell agents - and then compound matters by either not using a lawyer at all or using one who is acting for, or connected to, the estate agent or seller?

By all accounts, as Britons we used to be remarkably good in the sun. It was always the energy, resourcefulness and relentless determination of the 'mad dog of an Englishman in the midday sun' that used to amaze the natives in far-flung corners of the earth. Now, however, we have to recognise that we have sadly changed. Maybe it is the higher temperatures caused by global warming or perhaps the understandable emotional distress of losing our Empire. Either way, we now rarely make sensible decisions quickly in a warm country. So, if ▶

THE WORLD
1897
The British Possession
coloured Pink



◀ you are considering buying or selling a property here, make sure that you do so only in a cold, detached, calculating and plodding north European way.

As to lawyers. Well, to be fair, they did not play a great part in the forging of our Empire and they were undoubtedly not included in any daring expedition or conquering raid. The last thing our intrepid ancestors required when going into battle was a convoluted legal opinion on the niceties of property rights. What they needed was an 'edge': something that narrowed down the odds and made any advance into uncertain or enemy territory safer. The terrible Maxim gun was an 'edge' in the late 19th century. With the Maxim gun success was guaranteed, however revolting the natives. Piteously effective, it made safe virtually any incursion into someone else's territory, almost regardless of the odds.

Of course, we British are a peace-loving nation now and have long since given up lugging Maxim guns, or their modern equivalents, around the world. Even if we wanted to, the international airlines have proved positively bovine in their refusal to transport heavy weaponry to help us house hunt in Spain. Combined with the illegality of owning anything more powerful than a potato gun in the UK, it is clear that the old 'edges' have gone and that a new 'edge' is required.

Ironically, the 'edge' is now a good lawyer - proof, if ever it was needed, that 'the pen is mightier than the sword'. This seems a particularly difficult concept for us Britons to appreciate. We know with certainty that we did not get where we were (and would probably like to be now) by using pen-wielding lawyers. If we *had* tried this tactic our Empire would not have extended beyond the outskirts of Peckham and we would now probably be speaking Hindi or, worse still, French.

However, to enter the field of battle and buy or sell property safely in Spain you need a top-quality, independent lawyer. He is the long bow, the rifled barrel or the Maxim of the foreign property market. He it is who will allow you to buy safely. Without him, any property purchase would be like our outnumbered forefathers dispensing with their technological 'edges' whilst facing better-armed natives - a disastrous decision that could only ever have been taken recklessly after way too much sun.

When buying in Spain there are several absolutes along with many 'grey' areas and it is the job of a good lawyer to make sure you can differentiate between the two. There are properties that are safe to buy and others that are not. Be under no illusions. Land Grab exists in the form of parcelisation and urbanisation - but it is equally quite clear where no Land Grab is possible. This is

not to say that you should never buy in the 'grey' zone (somewhere that could suffer parcelisation). Great investment opportunities exist in doing exactly this, but it should only be done after considerable, objective thought and clear legal advice. If your life savings are at stake, recognise that you are taking a gamble that may be ruinous.

The British Empire was undoubtedly built by heroes who took colossal risks and won vast swathes of land against all the odds. But they were the exceptions. Most of our Empire was built prosaically by people who took cool, calculated decisions and who only ever fought if they knew they were going to win. And then, like now, that always meant having an 'edge'.

So, if you are thinking of buying or selling, be proud of our heritage and act as we would have done in the past. Be bold and enquiring, stand your ground, do not be rushed, use common sense and always, always have the 'edge' - an excellent, English-speaking, independent lawyer. Any purchase should then be, well, 'as safe as houses'. ☒

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