



Conflicts of Interest Guidance

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:
 - a) 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).
 - b) 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:-
 - (i) a developer or builder; or
 - (ii) a lessor granting a lease