



LEGALESE

with our resident lawyer and notary Michael Bula

ARE AUSTRALIANS LEGALLY ABLE TO PURCHASE PROPERTY IN FRANCE? HOW SO?

Australians are certainly legally able to purchase real property in France, as are all foreign [non-French] purchasers. There is no equivalent of the Australian Foreign Investment Review Board in France, so there are no special restrictions for Australian purchasers acquiring French property. This is because France maintains an open investment policy to encourage investment in the property market. Australians should consider a number of options, roughly the choice between purchase as individuals or generally with an Australian or French company, dependent upon their circumstances.

IF WE BUY A HOUSE IN FRANCE, CAN WE GO AND LIVE THERE EVEN IF WE'RE NOT EUROPEAN?

Australians need to apply for the relevant French visa to live in France, irrespective of whether or not they own a property. Upon grant of the relevant visa, they can reside in the property on a temporary or permanent basis. Of course they can use the property for limited periods within French visa regulations, without necessarily changing domicile and residence to France.

HOW DIFFICULT IS THE CONVEYANCING PROCESS AND HOW LONG WILL IT TAKE?

The conveyancing process follows the civil law system in France inspired by the *Code Napoléon* or French civil code. It is different to the Australian common law and statutory inspired system. The procedure and documents are of course in French, which may mean translations are required with special certifications and notarisation on a case-by-case basis. With proper legal assistance from Australian-based International and French property lawyers and notaries, ideally who speak French, the process can be relatively streamlined and made comprehensible. From signature of contract to settlement may take on average three or four months due to notification and due diligence processes and the international nature of the transaction. You must engage a notaire [notary] in France for all real property dealings. A notary in Australia will most likely be required for certain deeds [powers of attorney etc.]. Finally, ensure all due diligence procedures are conducted before signing the contract and consider a survey or inspection beforehand too.

Do you have a question about the legal aspects of buying property in France? Email claire@frenchlivingmag.com.au, or visit our Facebook page to see your questions answered here next issue.



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FRENCH PROPERTY SERVICES

- All legal aspects of buying and selling property in France
- International legal, notarial and NAATI professional translation services
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