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Legal Professionals Involved in Buying or Selling Property in Spain

When you buy or sell a property in Spain, several different professionals and public bodies are involved. Each one has a specific role, level of training, and type of responsibility toward the buyer and seller.

1. Abogado / Lawyer (Property or Real Estate Lawyer)

A Spanish **abogado** is a fully qualified lawyer who has completed a law degree, professional legal training, and registration with a Bar Association (Colegio de Abogados). They are regulated professionals, must carry professional indemnity insurance, and are bound by strict ethical and confidentiality rules.

In a property transaction, the lawyer's main role is to protect your legal interests. They carry out due diligence on the property (checking the Land Registry for charges and debts, confirming who owns it, verifying planning and building licences, community fees, and taxes) and advise you on risks before you sign anything. They draft or review reservation contracts, private purchase contracts (contrato de arras), and any addenda, negotiate terms with the other side, and coordinate the process up to completion at the notary. They also often handle post-completion steps such as paying the relevant taxes and arranging registration of the new title.

Lawyers can act for either the buyer or the seller, or sometimes both, but it is usually safer for each party to have their own independent lawyer. For foreign buyers, lawyers are often the main point of contact: they explain the process in your language, help obtain an NIE (foreigners' tax number), open a Spanish bank account, and may act under a power of attorney if you cannot travel to Spain for signing.

2. Notario / Notary Public

The **notario** is a public official and a highly trained legal professional who has passed competitive state exams after legal studies. They are independent, impartial, and their job is to give public faith to certain legal acts and documents, including property sales.

In a property purchase, the notary checks the identity and capacity of the parties, confirms the latest information from the Land Registry, and ensures that mandatory legal information and warnings are given. They read out and authorise the deed of sale (escritura de compraventa), making the transaction official. The notary does not normally investigate the

full legal and urbanistic situation of the property or negotiate the contract terms; that is the lawyer's job. Their role is to ensure the deed complies with Spanish law and that the parties understand what they are signing.

For the buyer or seller, the key interaction with the notary is on completion day, when everyone meets at the notary's office to sign the deed, pay the price (often by bank cheque), and hand over the keys. The notary then sends the deed electronically to the Land Registry and collects certain taxes and fees.

3. Registrador / Land Registrar and the Land Registry

The **Registrador de la Propiedad** is a specialised legal professional in charge of the Land Registry (Registro de la Propiedad). They are also jurists who have passed demanding state exams. The Land Registry is the official public record of property ownership and rights (ownership, mortgages, easements, embargoes, etc.).

After the deed is signed before the notary, it is submitted to the Land Registry. The registrar examines the deed and the prior entries to ensure everything is in order and that no incompatible rights exist. Only once the registrar accepts and records the deed is the buyer fully protected as the registered owner. During the process, lawyers and notaries request "nota simple" extracts from the Land Registry to see who owns the property and what charges affect it.

The buyer and seller themselves do not usually deal directly with the registrar. Instead, their lawyer, gestor, notary's office, or sometimes the bank handles these formalities. However, the buyer pays the Land Registry fee as part of the completion costs.

4. Agente Inmobiliario / Real Estate Agent

Real estate agents in Spain help find and market properties, arrange viewings, and mediate between buyer and seller on price and practical matters. In many regions there is no nationwide mandatory licensing or degree requirement for estate agents, although some autonomous communities have introduced registers and training standards. Their professional level and expertise can therefore vary significantly.

For the seller, the agent's role is to advertise the property, attract potential buyers, organise visits, and help negotiate an offer. Commission is usually paid by the seller on completion, as a percentage of the sale price. For the buyer, the agent is often the first point of contact, providing basic information about the property and area and passing messages between the parties. However, agents do not represent the buyer's legal interests, and they do not perform in-depth legal checks; that is why using an independent lawyer is strongly recommended.

Some agencies employ or cooperate with lawyers, mortgage brokers, and other specialists, but the buyer should always be clear who those professionals really work for and whether they are truly independent from the seller or developer.

5. Gestor Administrativo / Administrative Manager (Gestoría)

A **gestor administrativo** is a regulated professional who specialises in handling administrative and tax paperwork with Spanish authorities. Many have degrees in law, economics, or related fields and must pass specific professional exams and be registered with their professional association.

In a property purchase or sale, a gestoría often takes care of practical formalities once the deed has been signed: filing property transfer or VAT and stamp duty tax forms, paying taxes on your behalf, managing registration at the Land Registry, and handling changes of name with utility companies and the local council. When a bank is involved, the bank may appoint its own gestoría to manage the registration of the mortgage and related paperwork.

For buyers and sellers, the gestor is usually not a legal adviser in the same sense as a lawyer. Their focus is on efficiently carrying out administrative steps. They often work under the instructions of the lawyer or the bank, and their fees are typically included in the overall completion costs.

6. Bank / Mortgage Provider and Its Professionals

If you finance the purchase with a mortgage, the bank and its internal or external professionals (risk analysts, appraisers, legal department) become key players. The bank will require an official valuation (tasación) by a certified appraiser, check your financial situation, and prepare the mortgage offer and mortgage deed.

From the buyer's perspective, the bank's main interaction is providing the mortgage conditions, arranging the valuation, and coordinating with the notary for the signing of the mortgage deed, usually at the same appointment as the purchase deed. The bank's legal department and gestoría ensure that the mortgage is correctly documented, signed, and registered, but they act primarily in the bank's interest, not the buyer's. It is therefore important that your own lawyer reviews the mortgage conditions and deed.

The seller normally has limited contact with the buyer's bank. If the seller has an existing mortgage on the property, their own bank (or the same bank) will also be involved to cancel or transfer that mortgage, which is reflected in the notarial deeds and Land Registry entries.

7. Tasador / Property Appraiser

The **tasador** is a qualified valuation professional, usually working for or accredited by authorised valuation companies supervised for banking purposes. They may have backgrounds in architecture, engineering, or technical disciplines and must follow strict technical standards when valuing properties.

Their main role in a transaction is to provide an official valuation report for the bank when there is a mortgage. This report influences the maximum loan amount and conditions, as

the bank will lend up to a percentage of the appraised value. The appraiser may also be engaged privately by a buyer or seller who wants an independent opinion on market value.

The appraiser does not usually advise on legal issues or contract terms and is not a substitute for technical or structural surveys. Their interaction with the parties is limited to arranging access to the property and producing the valuation report.

8. Arquitecto / Architect and Technical Professionals

Architects and related technical professionals (such as aparejadores or technical architects) are university-trained and belong to their professional colleges. In property transactions, they can be involved in several ways.

For buyers, a private technical inspection or survey by an architect can reveal structural problems, illegal extensions, or non-compliance with building or planning rules. This is especially important for older rural properties or houses that may have been extended without proper licences. Architects may also assist in checking whether future renovation plans are feasible and what permits will be needed.

For sellers, architects can help regularise certain situations (for example, preparing plans or certificates to support legalisation of works, energy performance certificates, or habitability certificates where required). Their role is technical rather than legal, but their reports often feed into the legal advice given by the lawyer.

9. Ayuntamiento / Town Hall and Planning Departments

The local council (ayuntamiento) and its urban planning department issue building licences, occupancy or habitability licences, and certificates on urban planning and local taxes. They are public authorities staffed by civil servants, technicians, and legal advisers.

Before or during a purchase, your lawyer may request information or certificates from the town hall about planning status, infractions, pending legalisation processes, or local charges. The buyer may indirectly interact with the council when arranging name changes on local property tax bills (IBI), rubbish collection charges, and similar local taxes. When selling, the seller may need to provide proof that local taxes are up to date and that any building works have the right permits.

Although buyers and sellers rarely negotiate directly with the town hall in a simple transaction, the council's records and decisions can have a major impact on the value and legality of a property. That is why checking urban planning and local tax status is a standard part of legal due diligence.

10. Other Possible Participants

Depending on the transaction, some additional professionals and entities may be involved:

- Insurance companies, offering home or mortgage-linked insurance policies.
- Tax advisers (asesores fiscales), helping residents or non-residents understand and declare the taxes involved in buying, selling, and owning property.
- Interpreters, assisting non-Spanish speakers at the notary or in meetings, especially where the notary requires confirmation that the parties fully understand the deed.
- Court agents or enforcement bodies, in less common cases such as judicial auctions or sales arising from debt enforcement.

Each of these roles has its own training standards and regulatory framework. However, in a normal residential purchase or sale, the core professionals you will deal with directly are the estate agent, your lawyer, the notary, and—if applicable—the bank and its associated gestoría and appraiser.

While every effort is made to ensure accuracy, property details and regulations may change so please confirm any specific information with the relevant authorities.