

INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 – CONVEYANCING*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question relates to **Document 1 and Document 2** of the study materials.

Taking Instructions from Nick Simpkin:

- (a) (i) Explain the current legal requirements for an Energy Performance Certificate in relation to the proposed sale of 3 The Dell.
(4 marks)
- (ii) What information should an Energy Performance Certificate contain?
(2 marks)
- (b) Explain why you might advise your client to commission an independent structural survey of 85 Saddle Road. When would you advise this survey be carried out?
(5 marks)
- (c) Explain the professional rule which governs your ability to act jointly for your client Nick Simpkin and Cattletown Building Society.
(5 marks)
- (Total: 16 marks)*

Question 2

Reference: Question relates to **Documents 3 and 4** of the case materials.

Matters relating to Contract and Title:

(a) Explain:

(i) What information you would require to confirm the status of Saddle Road and why this is important for your client?
(3 marks)

(ii) How you would obtain that information?
(2 marks)

(iii) How you would establish whether your client would have free and unrestricted vehicle and pedestrian access to No 85 if you discover the road is not adopted.
(3 marks)

(b) Explain what is meant by a conveyancer holding a contract deposit as 'agent for the seller' and the implications of this and whether there is a more suitable alternative in this case.
(5 marks)

(c) In answering the Property Information Questionnaire for 85 Saddle Road, Mr Tanner has disclosed that another adult, Maria Sanchez, resides at the property as well as himself. What issues arise from that disclosure and how would you deal with those issues?
(6 marks)

(d) Draft **one** additional preliminary enquiry which you might raise in respect of Entry No 1 of the Charges Register of Title of 85 Saddle Road.
(3 marks)

(e) What matters do you need to check before you could safely exchange contracts on your client's sale of 3 The Dell?
(8 marks)

(Total: 30 marks)

Turn over

Question 3

Reference: Question relates to **Documents 1, 2, 3 and 4** of the case materials and the partially completed OS1 attached to this question paper

Attachment: **(Document A)** partially completed Land Registry Form OS1 (pages 5-6 of the question paper).

Completion and Post Completion

(a) Complete sections 1,2,4,7,8,9 of the attached Land Registry Form OS1.
(7 marks)

Important: Write your candidate number clearly on Document A and attach it securely to your answer booklet.

(b) Draft the contents of a letter which you would deliver to Montague LLP on completion of your client's sale of 3 The Dell regarding the electronic discharge of your client's existing mortgage to Pan Euro Bank plc.
(3 marks)

(c) Explain what an SDLT5 is and why the Land Registry would require this document to complete registration of your client's purchase of 85 Saddle Road.
(4 marks)

(Total: 14 marks)

OS1 form to be used with question 3(a)



Land Registry

Application by purchaser for official search with priority of the whole of the land in a registered title or a pending first registration application

Use one form per title.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Land Registry is unable to give legal advice but our website www1.landregistry.gov.uk provides guidance on Land Registry applications. This includes public guides and practice guides (aimed at conveyancers) that can also be obtained from any Land Registry office.

See www1.landregistry.gov.uk/regional if you are unsure which Land Registry office to send this application to.

'Conveyancer' is a term used in this form. It is defined in rule 217(1) of the Land Registration Rules 2003 and includes, among others, solicitor, licensed conveyancer and fellow of the Institute of Legal Executives.

<p>LAND REGISTRY USE ONLY Record of fees paid</p>
<p>Particulars of under/over payments</p>
<p>Reference number Fees debited £</p>

Where there is more than one local authority serving an area, enter the one to which council tax or business rates are normally paid.

Enter the title number of the registered estate or that allotted to the pending first registration.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Enter the full names. If there are more than two persons, enter the first two only.

1	Local authority serving the property:	(1 mark)		
2	Title number of the property:	(1 mark)		
3	Property: 85 Saddle Road, Cattletown CT18 3BA			
4	Registered proprietor/Applicant for first registration SURNAME/COMPANY NAME: FORENAME(S): SURNAME/COMPANY NAME: FORENAME(S):	(1 mark)		
5	Application and fee			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Application</td> <td style="width: 40%;">Fee paid (£)</td> </tr> </table>	Application	Fee paid (£)	
Application	Fee paid (£)			

See fees calculator at
www1.landregistry.gov.uk/fees

Place 'X' in the appropriate box.

The fee will be charged to the
account specified in panel 6.

If you are paying by credit
account or direct debit, this will be
the account charged.

Place 'X' in one box only.

For a search of a registered title
enter a date falling within the
definition of 'search from date' in
rule 131 of the Land Registration
Rules 2003. If the date entered is
not such a date the application
may be rejected.

Provide the full name(s) of each
purchaser or lessee or chargee.

Place 'X' in the appropriate box.

If a conveyancer is acting for the
applicant, that conveyancer must
sign. If no conveyancer is acting,
the applicant (if more than one
person then each) must sign.

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

Official search of whole with priority £5

Fee payment method

- cheque made payable to 'Land Registry'
 Land Registry credit account
 direct debit, under an agreement with Land Registry

6 This application is sent to Land Registry by

Key number (if applicable): 453266

Name: Kempstons Solicitors
Address or UK DX box number:

Kempstons Solicitors

DX 54876 Kempston 1

Email address:
Reference: SS/NS/Saddle Road

Phone no: 01234 678781 Fax no:

7 Application and search from date

I apply for a search of the individual register of a registered title to ascertain whether any adverse entry has been made in the register or day list since

I apply for a search in relation to a pending application for first registration to ascertain whether any adverse entry has been made in the day list since the date of the pending first registration application.

(2 marks)

8 The applicant:

(1 mark)

9 Reason for application

I certify that the applicant intends to

- P**urchase
 take a **L**ease
 take a registered **C**harge

(1 mark)

10

Signature of applicant
or their conveyancer: *Kempstons*

Date: -----

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