



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 – CONVEYANCING*

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

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials 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 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 the CILEX 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 CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question relates to **Documents 1 and 3** of the case study materials

In relation to the sale of 32 The Chase:

(a) Explain:

(i) The legal requirements for a binding contract for the sale of land;

(4 marks)

(ii) What is meant by the Estate Agents Wade and Grayson's use of the phrase 'subject to contract' in their sale particulars for 32 The Chase.

(3 marks)

(b) Explain what due diligence checks you should make to ensure your clients can show a good title to 32 The Chase.

(4 marks)

(c) State which Law Society Formula you would use to exchange contracts on the sale of 32 The Chase, and why you would use that formula.

(3 marks)

(d) Explain how the sale of the curtains and the loose antique rug would be dealt with before the exchange of contracts.

(4 marks)

(Total: 18 marks)

Question 2

Reference: Question relates to **Documents 2 and 4** of the case study materials.

In relation to purchase of 53 Wilson Road, Cattleton, CT6 4TR:

- (a) Explain the procedure you would adopt to make a Local Search and Enquiries of the Local Authority in relation to 53 Wilson Road.
(6 marks)
- (b) Explain why you might make an Environmental Search in relation to 53 Wilson Road and what you would expect that search to disclose.
(4 marks)
- (c) Explain what steps you would take to confirm that Philip Lester and Hilda Skelton are able to convey title to 53 Wilson Road to your clients.
(9 marks)
- (d) Explain what implied covenants for title you would expect Philip Lester and Hilda Skelton to give to your clients under the Law of Property (Miscellaneous Provisions) Act 1994.
(4 marks)

(Total: 23 marks)

Question 3 – General Issues

Reference: Question relates to **Documents 1, 2, 3 and 4** of the case and the materials.

In relation to Elsa Ginalski:

(a) Explain:

(i) what documents you would need her to sign to enable your clients' sale and purchase to proceed, and why;

(5 marks)

(ii) why you would insist that she takes advice from her own lawyer or licensed conveyancer before signing any document.

(5 marks)

(b) In relation to your clients' purchase of 53 Wilson Road complete **only** boxes 2, 4, 7, 8 and 9 of the attached Form OS1 (**Document A**).

(6 marks)

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

(c) State the purpose of each of the following documents which you would submit to the Land Registry when applying to register your clients' purchase:

(i) AP1;

(ii) SDLT5;

(iii) DS1.

(3 marks)

(Total: 19 marks)

Document A

Candidate number:

OS1 form to be used with question 3(b)

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

OS1

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 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

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

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.

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.

1	Local authority serving the property: Cattletown				
2	Title number of the property: <i>(1 mark)</i>				
3	Property: 53 Wilson Road, Cattletown CT6 4TR				
4	Registered proprietor/Applicant for first registration SURNAME/COMPANY NAME: FORENAME(S): SURNAME/COMPANY NAME: FORENAME(S): <i>(1 mark)</i>				
5	Application and fee <table border="1"> <thead> <tr> <th>Application</th> <th>Fee paid (£)</th> </tr> </thead> <tbody> <tr> <td>Official search of whole with priority</td> <td></td> </tr> </tbody> </table> <p>Fee payment method</p> <input type="checkbox"/> cheque made payable to 'Land Registry' <input type="checkbox"/> Land Registry credit account <input type="checkbox"/> direct debit, under an agreement with Land Registry	Application	Fee paid (£)	Official search of whole with priority	
Application	Fee paid (£)				
Official search of whole with priority					

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

6	This application is sent to Land Registry by	
	Key number (if applicable): <input type="text"/> Name: Address or UK DX box number: Email address: Reference:	
	Phone no:	Fax no:
7	Application and search from date	
	<input type="checkbox"/> 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 <input type="text"/> <input type="checkbox"/> 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. <i>(2 marks)</i>	
8	The applicant:	
	<i>(1 mark)</i>	
9	Reason for application	
	I certify that the applicant intends to <input type="checkbox"/> P urchase <input type="checkbox"/> take a L ease <input type="checkbox"/> take a registered C harge <i>(1 mark)</i>	
10	Signature of applicant or their conveyancer:	
	Date:	

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.

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