



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 17 - CONVEYANCING\*

**Time allowed: 3 hours 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

## Question 1

Reference: Question 1 relates to 18a New Street, Wigton, CA7 9AL ("the **Property**") and to **Documents 1, 2, 3 and 4** of the Case Study Materials.

- (a) Explain what documentation you will expect the seller's solicitors to send to you in the contract bundle.
- (b) Draft the requisitions on title that you will raise with the seller's solicitors based on the information contained in **Documents 1, 2, 3 and 4** and explain your reasons for raising each requisition.

**(6 marks)**

**(15 marks)**

**(Total: 21 marks)**

## Question 2

Reference: Question 2 relates to 18a New Street, Wigton, CA7 9AL ("the **Property**") and to **Documents 1, 2, 3, 4 and 5** of the Case Study Materials.

- (a) Read the replies to question 2(a), (b), (c) and (d) of the Replies to the Enquiries of the Local Authority (**Document 5**).

Explain what issues arise in relation to access to the property via Staples Lane; what additional enquiries and/or requisitions you would raise (if any); and what steps you would need to take to safeguard your client's position (if any).

**(13 marks)**

- (b) Advise your client whether any additional consents and/or permissions are required in relation to his proposals for the garage.

**(7 marks)**

- (c) Your client has telephoned you and asked you to explain the difference between a repayment mortgage and an interest only mortgage.

Explain the difference between a repayment mortgage and interest only mortgage.

**(6 marks)**

**(Total: 26 marks)**

### Question 3

Reference: Question 3 relates to 18a New Street, Wigton, CA7 9AL ("the **Property**") and to **Documents 1, 2, 3, 4 and 6** of the Case Study Materials.

- (a) You have now exchanged contracts on the Property with completion scheduled to occur today. You have just received an email from the seller's solicitors informing you that Jennifer Brown died from a heart attack yesterday.

Explain what effect the death of Jennifer Brown has on the transaction; who will be able to transfer the Property to your client; how these people will be appointed; which documents will need to be redrafted (if any); and what action you will take to protect your client's interest at the Land Registry.

**(10 marks)**

- (b) Explain whether your client can compel the seller to complete today and what consequences (if any) there are for the seller if completion does not occur today.

**(13 marks)**

- (c) Explain whether there are any contractual provisions in the Standard Conditions of Sale 5<sup>th</sup> Edition (**Document 6**) which would enable your client to move into occupation of the Property today, even though completion has not taken place. In your answer you should briefly explain these provisions and the advantages and disadvantages for your client of relying on them.

**(7 marks)**

**(Total: 30 marks)**

#### Question 4

Reference: Question 4 relates to 18a New Street, Wigton, CA7 9AL ("the Property") and to **Documents 1, 2, 3 and 4** of the Case Study Materials.

- (a) The seller's solicitors have confirmed that their client is now in a position to complete on the Property and that they are now in possession of all of the necessary documentation to enable their client to complete on the sale.

Identify which pre-completion searches and enquiries you will now perform, giving the reasons for each search and/or enquiry that you identify, the names (if any) against which you will search and the priority period (if any) given by each search.

**(9 marks)**

- (b) Susan Shah has asked you to draft the AP1 for the purchase of the Property.

Using the blank **AP1 form** attached to this question paper [**Document A**], draft boxes **1, 2, 3, 4, 5, 6, and 9** of the AP1 form.

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

**(14 marks)**

**(Total: 23 marks)**

**DOCUMENT A**  
**(To be used with Question 4(b))**

**Document A**

**AP1**

**Land Registry**  
**Application to change the register**

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](http://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](http://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.

<b>LAND REGISTRY USE ONLY</b>
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 each title that requires an entry to be made in that register.

Place 'X' in the appropriate box.

Give a brief description of the part affected, for example 'edged red on the plan to the transfer dated .....

See fees calculator at [www1.landregistry.gov.uk/fees](http://www1.landregistry.gov.uk/fees)

Place 'X' in the appropriate box.

The fee will be charged to the account specified in panel 7.

<b>1</b>	<b>Local authority serving the property:</b>																				
	<b>Full postcode of property (if any):</b>																				
<b>2</b>	<b>Title number(s) of the property:</b>																				
<b>3</b>	<b>The application affects</b>																				
	<input type="checkbox"/> the whole of the title(s)																				
	<input type="checkbox"/> part of the title(s) as shown:																				
<b>4</b>	<b>Application, priority and fees</b>																				
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">Applications in priority order</th> <th style="width: 25%;">Price paid/Value (£)</th> <th style="width: 25%;">Fees paid (£)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr> <td colspan="2" style="text-align: right;"><b>Total fees (£)</b></td> <td> </td> </tr> </tbody> </table>	Applications in priority order	Price paid/Value (£)	Fees paid (£)													<b>Total fees (£)</b>				
Applications in priority order	Price paid/Value (£)	Fees paid (£)																			
<b>Total fees (£)</b>																					
	<b>Fee payment method</b>																				
	<input type="checkbox"/> cheque made payable to 'Land Registry'																				
	<input type="checkbox"/> direct debit, under an agreement with Land Registry																				

List the documents lodged with this form. Copy documents should be listed separately. If you supply a certified copy of an original document we will return the original; if a certified copy is not supplied, we may retain the original document and it may be destroyed.

5 Documents lodged with this form:

Provide the full name(s) of the person(s) applying to change the register. Where a conveyancer lodges the application, this must be the name(s) of the client(s), not the conveyancer.

Complete as appropriate where the applicant is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

6 The applicant:

For UK incorporated companies/LLPs  
Registered number of company or limited liability partnership including any prefix:

For overseas companies  
(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

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

This is the address to which we will normally send requisitions and return documents. However if you insert an email address, we will use this whenever possible.

7 This application is sent to Land Registry by

Key number (if applicable):

Name:  
Address or UK DX:

Email address:  
Reference:

Phone no: Fax no:

Complete this panel if you want us to notify someone else that we have completed this application.

8 Third party notification

Name:  
Address or UK DX:

Email address:  
Reference:

Place 'X' in the appropriate box.

In this and panel 10, each proprietor may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

9 The address(es) for service for each proprietor of the registered estate(s) to be entered in the register is

the address of the property (where this is a single postal address)

the address(es) for service from the transfer/assent

(for existing proprietors who are remaining in the register) the current address(es) for service in the register

the following address(es):

Where a charge has an MD reference we will ignore an address given in this panel unless the charge is in favour of a United Kingdom bank and neither the charge form nor any agreement we have with the lender specifies an address for service.

For permitted addresses see note to panel 9.

Complete as appropriate where the lender is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

If this statement applies (i) place 'X' in the box and (ii) enclose Form DI.

Section 27 of the Land Registration Act 2002 lists the registrable dispositions.

Rule 57 of the Land Registration Rules 2003 sets out the disclosable overriding interests that you must tell us about.

**Full details of the evidence of identity that is required can be found in Practice Guide 67 and in Public Guide 20.**

Place 'X' in the appropriate box.

Conveyancer 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.

10 Name and address(es) for service of the proprietor of any new charge to be registered in the register:

**Leave Blank**

For UK incorporated companies/LLPs  
Registered number of company or limited liability partnership including any prefix:

For overseas companies  
(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

11 Disclosable overriding interests

**Leave Blank**

Disclosable overriding interests that affect a registrable disposition and which are not registrable overriding interests affect the registered estate.

12 Confirmation of identity

When registering transfers, charges, leases and other dispositions of land, or giving effect to a discharge or release of a registered charge, Land Registry relies on the steps that conveyancers take, where appropriate, to verify the identity of their clients. These checks reduce the risk of property fraud.

Where a person was not represented by a conveyancer, Land Registry requires 'evidence of identity' in respect of that person, except where the first alternative in panel 13(2) applies.

'Evidence of identity' is evidence provided in accordance with any current direction made by the Chief Land Registrar under section 100(4) of the Land Registration Act 2002 for the purpose of confirming a person's identity.

If this application is to register a transfer, lease or charge, or to give effect to a discharge in Form DS1 or a release in Form DS3 complete one of the following:

**Leave Blank**

I am the proprietor of the land, and I have completed panel 13

I am a conveyancer, and I have completed panel 14

**Turn over**



13

Leave  
Blank

is sent to Land Registry by a conveyancer acting  
application to register a transfer, lease or  
to each disposition that is to be registered  
state in the table below the details of the conveyancer (if any) who  
represented them.

Where a party is not represented by a conveyancer you must also complete (2) below.

Place 'X' in the box in the second column if the person or firm who is sending the application to Land Registry represented that party in the transaction. Otherwise complete the details in the third column. If the party is not represented insert 'none' in the third column.

Name of transferor, landlord, transferee, tenant, borrower or lender		Conveyancer's name, address and reference
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:

If you are sending an application to give effect to a discharge in Form DS1 or release in Form DS3 for each lender, state in the table below the details of the conveyancer (if any) who represented them.

Where a lender is not represented by a conveyancer you must also complete (2) below.

Place 'X' in the box in the second column if the person or firm who is sending the application to Land Registry represented that party in the transaction. Otherwise complete the details in the third column. If the party is not represented insert 'none' in the third column.

Name of lender		Conveyancer's name, address and reference
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:



Place 'X' in the appropriate box(es).

Insert the name of each unrepresented transferor, landlord, transferee, tenant, borrower or lender for whom you give this confirmation.

Evidence of identity is defined in panel 12. Full details of the evidence of identity that is required can be found in Practice Guide 67.

(2) Evidence of identity

Where any transferor, landlord, transferee, tenant, borrower or lender listed in (1) was not represented by a conveyancer

I confirm that I am satisfied that sufficient steps have been taken to verify the identity of

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and that they are the registered proprietor or have the right to be registered as the registered proprietor

I enclose evidence of identity in respect of each unrepresented transferor, landlord, transferee, tenant, borrower or lender for whom I have not provided the confirmation above

14

**Leave Blank** is sent to Land Registry by someone who is acting as a conveyancer acting in the application to register a transfer, lease or charge (ie a mortgage), for each party to each disposition that is to be registered, state in the table below the details of the conveyancer (if any) who represented them.

You must also complete (2) below.

If the party is not represented insert 'none' in the second column.

Name of transferor, landlord, transferee, tenant, borrower or lender	Conveyancer's name, address and reference
	Reference:
	Reference:
	Reference:

**Turn over**

If the party is not represented insert 'none' in the second column.

If you are sending an application to give effect to a discharge in Form DS1 or release in Form DS3, for each lender state in the table below the details of the conveyancer (if any) who represented them.

You must also complete (2) below.

Name of lender	Conveyancer's name, address and reference
	Reference:
	Reference:

Place 'X' in the appropriate box(es).

**Evidence of identity is defined in panel 12. Full details of the evidence of identity that is required can be found in Public Guide 20.**

(2) Evidence of identity

- for each applicant named in panel 6 is enclosed
- for each unrepresented transferor, landlord, transferee, tenant, borrower or lender listed in (1) is enclosed

If a conveyancer is acting for the applicant, that conveyancer must sign.

15

Leave  
Blank

Conveyancer: .....

OR

If no conveyancer is acting, the applicant (and if the applicant is more than one person then each of them) must sign.

Signature of applicant: .....

Date:

**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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**End of Examination Paper**

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