



Chartered Institute of Legal Executives (CILEX)
Paralegal Apprenticeship End-Point Assessment
Land Law and Conveyancing Practice
Timed assessments — Sample Advance Materials

Information for the apprentice

- This document contains the advance materials for your two timed assessments.
- You should read these advance materials carefully and complete the legal research before you sit the timed assessments.
- In the timed assessments, you will be presented with a set of tasks which will relate to these advance materials. You will be required to complete all the tasks in the timed assessments.
- You may discuss these materials with your tutor(s).

Instructions and information to the apprentice during the timed assessments

- You are allowed to take your own annotated copy of this document into the timed assessments. Alternatively, you can access the electronic version of this document in the timed assessment.
- You are allowed to take into the timed assessments, clean or annotated copies of statutory authorities and decided cases that you used during your research.
- You are allowed to take your research notes into the timed assessments, however these notes must be on paper.
- You must comply with the CILEX Regulations for Timed Assessment with Remote Invigilation – Level 3 Paralegal Apprenticeship End-Point Assessment.

Turn over

Background Information

You are a paralegal employed by the firm **Hedley, Smith & Cutler of 10 King Street, Milchester, MC1 4AZ**. Your supervising Lawyer is Jane Cutler, who is a partner in the firm.

Jane Cutler has asked you to conduct research on a client's case in preparation for advice to be given to the client and further work to be undertaken on the client's case.

In advance of the timed assessments, read through the documents found on the following pages **and** carry out the relevant research that your supervising lawyer has requested in the internal memorandum (**Document 1**).

Document 1

Internal memorandum

To: Paralegal

From: Jane Cutler

Client: Henry Whitton

File reference: JC/36/Whitton

I have recently received instructions to act on behalf of Henry Whitton in relation to his proposed purchase of some agricultural land. I will need you to carry out some research and preparation for me on this client's file.

This client has instructed us to act in relation to his proposed purchase of a parcel of agricultural land, consisting of a 20-acre field known as 'Brook Field'.

You will note from the details set out in my Attendance Note of my initial meeting with this client (**Document 2**) that there are several points which need researching before I advise the client further.

Also relevant to the client's matter is the information set out in the Land Registry official copy register entries relating to the land our client wishes to purchase (**Document 3**).

Please carry out some research into the law on:

- Easements; characteristics, ways in which an easement can be created
- Easements; legal and equitable easements, protecting easements in registered land and easements as interests that override a registered disposition
- Fixtures and fittings; difference between a fixture and a fitting, the common law tests to determine how items are classified, practical ways to avoid disputes in relation to fittings and contents
- Land Registration; an overview of the system of land registration, underpinning law and the benefits of the system
- Principles of land registration; mirror, curtain and insurance principles
- Legal and regulatory requirements relating to customer due diligence and conflicts of interest

In undertaking your research, you will need to consider the following.

- Re Ellenborough Park [1956]
- Hill v Tupper [1863]
- Nickerson v Barraclough [1981]
- Borman v Griffith [1930]
- Holland v Hodgson [1872]
- Botham v TSB Bank plc [1996]
- Elitestone v Morris [1997]
- Celsteel Ltd v Alton House Holdings Ltd [1985]

ADVANCE MATERIALS

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- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulation 2017
- Proceeds of Crime Act 2002
- Ss 27, Para 3 Sch 3 Land Registration Act 2002
- Ss 1 (2)(a) , 52 Law of Property Act 1925
- Prescription Act 1832
- The SRA Standards and Regulations and CILEx Regulation Code of Conduct 2019
- <https://www.lawsociety.org.uk/topics/anti-money-laundering/aml-leaflets-for-your-client-and-your-firm>

For billing purposes, I will also need you to record the amount of time spent on research and preparation of your notes. Your research findings will be used to complete internal and external documentation.

You will be expected to cite relevant legislation and case law to underpin your work.

Thank you.

Jane Cutler

Partner

Document 2

Attendance note

Client:	Henry Whitton
File reference:	JC/36/Whitton
Date:	[date]
Attended by:	Jane Cutler (JC)
Time spent:	10 units / 1 hour

JC attending on Henry Whitton, a new client of the firm. He would like to instruct us to deal with his proposed purchase of a parcel of agricultural land, consisting of a 20-acre field known as 'Brook Field'. He is purchasing the land from his neighbour, Mr Glyn Hewitson, who is now elderly and retiring from farming.

By way of background, Mr Whitton explaining that he is a successful local farmer, who owns his own farm at Mount Farm, High Lane, Milchester MC4 1BD. The land he is purchasing will be a useful addition to his existing farmland. He has agreed a purchase price of £100,000 with the vendor, Mr Hewitson. He intends to fund the entire purchase with personal monies acquired through inheritance following the death of a relative last year.

Having not been involved in any property transaction since he acquired his father's farm 25 years ago, the client was concerned to hear that Mr Hewitson, the vendor, did not hold the original deeds to the land. Mr Whitton is concerned that this means Mr Hewitson is not entitled to sell the land to him. To provide reassurance, Mr Hewitson has provided Mr Whitton with what he describes as a 'print out' that he does not understand. JC reviewing initial paperwork provided by Mr Whitton and noting that the land is registered under title number MS132654 (see Document 3). JC reassuring client that we can investigate and satisfy ourselves that Mr Hewitson has good title to the land without the original deeds, as the land is registered. Mr Whitton expressed confusion, as he retains what he describes as 'the old deeds' to his own property and wonders if these are now out of date. JC confirming that we can advise the client on voluntarily registering his current property in addition to dealing with the purchase.

Mr Whitton explaining that everything with the transaction should be straightforward save for two issues that he would need our assistance in resolving. The first issue relates to what Mr Whitton describes as an 'accessway' in the south corner of the field. Mr Whitton is aware that another local farmer, Peter Brown, used to regularly cut across Brook Field to access grazing land. Mr Hewitson, the current owner of Brook Field, confirmed that Peter Brown discussed this with him at the time and, as Brook Field was not being used for crops or livestock, Mr Hewitson had no problem with it. Mr Hewitson thinks this discussion took place around 15 years ago. Since Peter Brown stopped farming livestock around three years ago, Mr Whitton assumed this would no longer be an issue. However, he has inspected the perimeter of Brook Field and noticed that the hedge between Brook Field and Peter Brown's land has a large gap. Further, the otherwise grassy field is churned up, taking the form of a muddy path over the corner of Brook Field between the gap in the hedge and the land on the other side.

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Mr Whitton is concerned that Peter Brown is continuing to cut across the field, despite having access to the land on the other side by road. The client would like to ensure that he will be able to put up a fence to close the gap in the hedge, as the south corner of the field is sunny, and he intends to grow crops.

The second issue is that Mr Whitton and Mr Hewitson have discussed some outbuildings and debris on the land. Mr Hewitson has insisted that the land is 'sold as seen' and that, due to his advanced age, he cannot agree to clear the land before purchase. The client confirms he is happy to clear away some old branches and other natural debris from the land, however, he has noted a grain silo and a shepherd's hut on the land. Furthermore, the shepherd's hut contains several tractor parts and other tools which are reasonably valuable. When the client raised this again with the vendor, Mr Hewitson seemed unsure about these items and suggested that they 'sort it all out' once the land is sold. Mr Whitton, however, is keen to have some clarity before the land purchase completes.

JC enquiring about the silo, and Mr Whitton explaining that it is a large metal structure for holding grain, currently standing empty, but in good condition and affixed to the ground with large bolts to prevent it from toppling. JC enquiring further as to the shepherd's hut. Mr Whitton describes this as a free-standing wooden structure, not connected to water, electricity or gas services and in relatively poor condition. He does not feel it could be removed without it falling to bits. The tractor parts are in good condition, having been protected from the elements, and many of the tools will be useful in growing crops, so the client would like to keep these when he purchases the field.

Mr Whitton would like to complete his purchase of the land as soon as possible so that he can start sowing crops, and expressed his expectation that the matter should be completed in 'a couple of weeks' due to the straightforward nature of the transaction.

JC confirming documents required for proof of ID, proof of address and proof of funds, monies required on account and arranging to meet with Mr Whitton next week to take formal instructions.

Document 3

Land Registry official copy register entries for 'Brook Field'

OFFICIAL COPY OF REGISTER ENTRIES

- This official copy shows the entries subsisting on the register on **[today]** at **12:19:00**
- **This date must be quoted as the "search from" date in any official search application based on this copy**
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on [today]
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1: *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by **Land Registry Maradon Office**.

Land Registry

Title Number: MS132654

Edition Date: 18 September 2004

A: Property Register

This register describes the land and estate comprised in this title.

LOAMSHIRE: MILCHESTER

1. (18.09.1995) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 'Brook Field', Long Lane, Milchester, MC4 2LS.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (18.09.1995) PROPRIETOR(S): GLYN HEWITSON of Lower Farm, Long Lane, Milchester, MC4 2LS.

C: Charges Register

This register contains any charges and other matters that affect the land.

1. (18.09.2004) REGISTERED CHARGE dated 5 September 2004.
2. (18.09.2004) Proprietor: BOBBINS BANK PLC (Co Regn No 0786341) of Grand Building, Fishermans Row, Hains City, HC1 OFJ

END OF REGISTER

ADVANCE MATERIALS
SAMPLE ADVANCE MATERIALS

End of the advance materials

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