

2023 UNIT SPECIFICATION

Title:	(Unit 10) Conveyancing (Registered residential freehold with vacant possession)
Level:	3
Credit Value:	7

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1. Understand the meaning of the term 'conveyancing'	1.1 Give examples of types of transaction carried out in a conveyancing office 1.2 Distinguish between registered and unregistered land	1.1 <ul style="list-style-type: none"> • Freehold, leasehold, commonhold; • residential, commercial; • sales, purchases, second mortgages, re-mortgages etc. 1.2 <ul style="list-style-type: none"> • Legal estates in land; • third party interests in land; • what is registered land; • what is unregistered land; • how to determine whether land is registered - Search of the Index Map (SIM);

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	<p>1.3 Explain the transaction process for sales and purchases</p>	<p>1.3</p> <ul style="list-style-type: none"> • contrast between registered and unregistered land transaction (e.g. title deeds); • Land Registry Portal and other e-Services relating to registered land. <ul style="list-style-type: none"> • Law of Property Act 1925; • Land Registration Act 2002; • taking instructions; • title; • draft contract; • pre-contract searches/enquiries; • mortgage offer; • exchange; • preparation/execution of mortgage/TR1; • completion; • SDLT; • registration. • circumstances when necessary to verify the identity of another party not represented by a conveyancer; Land Registry Forms ID1 and ID2; identity requirements in Form AP1.
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	<p>1.4 Describe features of responsible conveyancing practice</p>	<p>1.4</p> <ul style="list-style-type: none"> • Main features of the Law Society Conveyancing Protocol (LSCP) and the Conveyancing Quality Scheme (CQS); • contract races; acting for more than one party in a single transaction: SRA Rules and Regulations requirements; • anti-money laundering requirements.
<p>2. Understand how to take standard instructions on a sale and purchase</p>	<p>2.1 Explain how the total cost of a transaction is made up</p> <p>2.2 Explain the significance of different types of co-ownership</p> <p>2.3 Explain why prospective buyers should be alerted to the need to commission an independent structural survey before exchanging on their purchase</p>	<p>2.1</p> <ul style="list-style-type: none"> • SDLT, fees and disbursements; • costs and client care. <p>2.2</p> <ul style="list-style-type: none"> • Holding of legal estate and beneficial interests; • joint tenants/tenants in common; • trusts of land; • advice/instructions; • trust documents; • Land Registry Form JO; • Trusts of Land and Appointment of Trustees Act 1996; • relevant case law e.g. <u>Stack v Dowden</u> (2007). <u>Jones v Kernott</u> (2011). <p>2.3</p> <ul style="list-style-type: none"> • Caveat emptor; • types of survey; • mortgage valuation primarily for lender, does not give same level of protection as independently

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	<p>2.4 List the information required to progress a standard sale or purchase.</p> <p>2.5 Apply an understanding of taking instructions to a given situation</p>	<p>commissioned survey if defects later become apparent;</p> <ul style="list-style-type: none"> • professional duty to explain the above. <p>2.4</p> <ul style="list-style-type: none"> • Parties; • finance and funding; • completion; • deeds; • dependent transactions; • energy performance certificate; • title information; • details of items to be included/excluded from transaction (e.g. carpets); • TA6 Property Information Form; • TA10 Fittings and Contents Form and other documents e.g. guarantees and planning documents. <p>2.5</p> <ul style="list-style-type: none"> • Application to a scenario; • dealing with special instructions; • drafting the contents of a standard client care letter.
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<p>3. Understand the requirements of a Contract for Sale</p>	<p>3.1 Describe how to obtain the title deeds</p> <p>3.2 Check the seller's title</p> <p>3.3 Describe legal requirements for a valid contract</p> <p>3.4 Describe the ways in which a deposit can be utilised</p>	<p>3.1</p> <ul style="list-style-type: none"> • Contents of a standard form letter to holder of deeds e.g. mortgage lender; • obtaining official copies of the register entries and title plan (Form OC1). <p>3.2</p> <ul style="list-style-type: none"> • Need to confirm that seller can convey what they will contract to convey; • full/limited title guarantee under Law of Property (Miscellaneous Provisions) Act 1994; • need to identify title defects and anything else needing to be specifically addressed within the contract. <p>3.3</p> <ul style="list-style-type: none"> • Section 2 Law of Property (Miscellaneous Provisions) Act 1989; • form and content, Standard Conditions of Sale (SCS), special conditions; • inclusion of provision (when required) committing buyer to provide Acknowledgement in relation to any existing Green Deal plan; • occupier's consent clause. <p>3.4</p> <ul style="list-style-type: none"> • Agent, stakeholder, SCS 2.2.5, utilise for dependent purchase; • the significance of each.
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	<p>3.5 Explain what documentation is sent out by the seller's lawyer with the contract</p> <p>3.6 Apply an understanding of Contract of Sale to a given situation</p>	<p>3.5</p> <ul style="list-style-type: none"> • Contents of Pre-contract package; • LSCP requirements. <p>3.6</p> <ul style="list-style-type: none"> • Application to a scenario; • drafting a standard form of Sale Contract; • drafting the contents of a standard form letter to a mortgage lender or other holder of the deeds; • obtaining official copies; • drafting the contents of a standard letter sending Pre-contract package to buyer's lawyer.
<p>4. Understand how to make pre-contract searches</p>	<p>4.1 Describe what searches are required</p> <p>4.2 Describe how to make a local land charge search and standard Enquiries of Local Authority</p>	<p>4.1</p> <ul style="list-style-type: none"> • Local land charges (LLC1); • standard Enquiries of Local Authority (Con 29); • optional Enquiries of Local Authority (Con 290); • Commons (included in Con 290); • SIM; • Drainage/Water; • Coal mining (where applicable); • Environmental; • Chancel repair liability. <p>4.2 Forms LLC1 and Con 29.</p>

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	<p>4.3 Explain the results of a local land charges search and standard Enquiries of Local Authority</p> <p>4.4 Apply an understanding of pre-contract searches to a given situation</p>	<p>4.3</p> <ul style="list-style-type: none"> • Matters of a local nature affecting the property are disclosed (e.g. any planning entries in register of local land charges; • any local authority proposals for road widening); • matters requiring further investigation. <p>4.4</p> <ul style="list-style-type: none"> • Application to a scenario; • making a local land charges search and standard Enquiries of Local Authority; making other pre-contract searches.
<p>5. Understand how to make pre-contract enquiries</p>	<p>5.1 Evaluate existing pre-contractual information, including seller's Property Information Form</p> <p>5.2 Identify when additional pre-contract enquiries need to be made</p>	<p>5.1</p> <ul style="list-style-type: none"> • Title; • energy efficiency; • identification of any existing Green Deal plan; • disputes; • notices; • planning issues; • physical and occupational issues; • outgoings; • possible rights of occupiers; • NHBC Buildmark scheme. <p>5.2 Need to deal with specific issues or to seek follow-up information or clarification.</p>

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	<p>5.3 Apply an understanding of pre-contract enquiries to a given situation</p>	<p>5.3</p> <ul style="list-style-type: none"> • Application to a scenario; • evaluation of information provided; • identification of need to raise pre-contract enquiry; • evaluation of reply to pre-contract enquiry.
<p>6. Understand how to investigate title</p>	<p>6.1 Describe the form and content of Land Registry entries and title plans.</p> <p>6.2 Explain the basic 'due diligence' title checks.</p>	<p>6.1</p> <ul style="list-style-type: none"> • Basic structure and contents of register; • significance of restrictions, notices and other entries; • what needs to be registered; • significance of title plan. <p>6.2</p> <ul style="list-style-type: none"> • Need to check registered proprietor(s); property; boundaries; easements; covenants; restrictions; other encumbrances; class of title; title plan; • need to identify any discrepancies (e.g. names) and raise pre-contract enquiry on title; • need to make provision for removal of entries where appropriate; • death of a sole proprietor; • death of a joint proprietor; • title report to client.

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	<p>6.3 Identify information obtained from pre-contract searches and enquiries</p> <p>6.4 Apply an understanding of title to a given situation</p>	<p>6.3</p> <ul style="list-style-type: none"> • Status of highways; • services; • boundaries; • third party interests; • disputes; • regulatory matters; • physical information (eg: services); • overriding interests. <p>6.4</p> <ul style="list-style-type: none"> • Application to a scenario; • purpose of a title report; • drafting a pre-contract enquiry on title.
<p>7. Understand how to act for a Mortgage Lender (new mortgage)</p>	<p>7.1 Explain the different types of mortgage</p> <p>7.2 Explain duties owed to a mortgage lender</p>	<p>7.1</p> <ul style="list-style-type: none"> • Repayment, endowment and an outline of other types; • mortgage protection policy; • further advance; • second mortgage; • re-mortgage. <p>7.2</p> <ul style="list-style-type: none"> • Disclosure; • acting for buyer and lender; • marketable title; • loan fully secured; • execution of mortgage deed; • non-owning occupier's consent clause • report on title.

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	<p>7.3 Explain the significance of UK Finance Mortgage Lenders' Handbook</p> <p>7.4 Explain the requirements of SRA Rules and Regulations</p> <p>7.5 Apply an understanding of acting for a mortgage lender to a given situation</p>	<p>7.3</p> <ul style="list-style-type: none"> • Standard lender instructions; • protects against negligence claims. <p>7.4</p> <ul style="list-style-type: none"> • Limitations on acting for both lender and borrower; • standard/non-standard mortgage; • standard mortgage instructions. <p>7.5</p> <ul style="list-style-type: none"> • Application to a scenario; • preparing a standard form report on title/certificate of title from a printed proforma.
8. Understand how to act for a Mortgage Lender (redemption)	<p>8.1 Describe how to obtain title deeds</p> <p>8.2 Explain the purpose of a redemption statement and how to obtain one</p> <p>8.3 Explain an undertaking to redeem</p>	<p>8.1 See 3.1 above.</p> <p>8.2</p> <ul style="list-style-type: none"> • Definition of redemption statement; • required contents of redemption statement; • standard letters/requests seeking redemption statement. <p>8.3</p> <ul style="list-style-type: none"> • Definition of undertaking to redeem; • standard forms of undertaking to redeem existing mortgage; • replies to TA13 Completion Information and Undertakings form.

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	<p>8.4 Explain the process of discharging of the mortgage</p> <p>8.5 Explain the cancellation of mortgage from title register</p> <p>8.6 Apply an understanding of acting for a mortgage lender to a given situation</p>	<p>8.4</p> <ul style="list-style-type: none"> • DS1; • e-DS1; • ED; • END; • transfer of funds; • procuring executed DS1 or confirmation of e-discharge; • forwarding promptly to buyer's lawyer. <p>8.5</p> <ul style="list-style-type: none"> • Lodging the DS1; • electronic discharge. <p>8.6</p> <ul style="list-style-type: none"> • Application to a scenario; • drafting the contents of a standard letter/request seeking a redemption statement; • drafting a standard form undertaking to redeem a mortgage.
<p>9. Understand how to exchange contracts</p>	<p>9.1 Explain at what stage contracts can be exchanged</p>	<p>9.1</p> <ul style="list-style-type: none"> • Mortgage offer received; • any dependent transaction ready; • replies to searches and enquiries satisfactory; • deposit arrangements agreed; • client instructions to proceed.

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	<p>9.2 Explain the different ways in which contracts can be exchanged</p> <p>9.3 Explain simultaneous exchange on a sale and purchase</p> <p>9.4 Identify issues to be addressed on exchange</p> <p>9.5 Apply an understanding of exchange of contracts to a given situation</p>	<p>9.2</p> <ul style="list-style-type: none"> • Postal; • personal; • telephone. <p>9.3</p> <ul style="list-style-type: none"> • Linked transactions; • Law Society formulae A, B and C. <p>9.4</p> <ul style="list-style-type: none"> • Method and timing of exchange; • payment and utilisation of deposit; • buildings insurance; • completion date; • other issues; • relevant communications and record-keeping: attendance notes, post-exchange correspondence and notifications. <p>9.5</p> <ul style="list-style-type: none"> • Application to a scenario; • procedure for exchange; • effect of exchange.
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<p>10. Understand how to complete a transaction</p>	<p>10.1 Explain pre-completion searches and requisitions</p> <p>10.2 Explain a standard Transfer of Whole</p> <p>10.3 Explain the purpose of a completion checklist</p>	<p>10.1</p> <ul style="list-style-type: none"> • Land Registry priority search of whole (Form OS1); • bankruptcy search (K16); • raising standard form requisitions (TA13 Completion Information and Undertakings form; other standard forms); • answering standard form requisitions (e.g. title deeds; mortgages; possession; completion arrangements; amount payable on completion) <p>10.2</p> <ul style="list-style-type: none"> • Contents of Form TR1; • drafting of TR1; • sending to seller's lawyer for approval; • execution by buyer (when necessary); • return to seller's lawyer; • execution by seller. <p>10.3</p> <ul style="list-style-type: none"> • Need to check all matters to be dealt with on completion of sale/purchase by lawyer for seller/buyer; • documents to be handed over/collected; • dating of documents; • release of keys.
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	<p>10.4 Explain the purpose of a completion statement (for client)</p> <p>10.5 Explain the importance of a final document check</p> <p>10.6 Explain how a chain completion is managed</p> <p>10.7 Apply an understanding of completion to a given situation</p>	<p>10.4</p> <ul style="list-style-type: none"> • Provides full financial breakdown of the transaction; • confirms net balance receivable from or payable to client. <p>10.5</p> <ul style="list-style-type: none"> • Need to check for executed TR1; executed mortgage deed; • signed LTR (SDLT1). <p>10.6</p> <ul style="list-style-type: none"> • Readiness to complete; • deadlines; • methods of completion; • Law Society Code for Completion by Post; • release of funds; • recording completions; • mechanics of a telegraphic transfer; • bankers draft; • contract requirements; • time limits. <p>10.7</p> <ul style="list-style-type: none"> • Application to a scenario; • drafting an OS1, TR1, TA13, AP1, DS1, JO or mortgage, from a printed proforma; • drafting a completion checklist; • drafting a completion statement.
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<p>11. Understand the work required post-completion to perfect the buyer's title</p>	<p>11.1 Explain how SDLT works</p> <p>11.2 Explain the requirement for land registration</p> <p>11.3 Explain how land is registered</p>	<p>11.1</p> <ul style="list-style-type: none"> • What is SDLT; • general rates of duty; • amount of SDLT payable; • deadlines and penalties; • delivering an LTR (SDLT1); • significance of SDLT5; • Application to properties in England only (Land Transaction Tax applies to properties in Wales) <p>11.2</p> <ul style="list-style-type: none"> • Land Registration Act 2002; • Land Registration Rules 2003; • effect of non-registration/ late registration; • Land Registry 'early completion' policy. <p>11.3</p> <ul style="list-style-type: none"> • Application to Land Registry; • Form AP1; • payment of fees; • accompanying documents; • relevance of priority period conferred by result of OS1 search; • evidence of identity (when required); • replying to Land Registry requisitions; • entries made in register; • issue of Title Information Document.
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	11.4 Apply an understanding of work performed post-completion to a given situation	11.4 <ul style="list-style-type: none">• Application to a scenario;• preparing an application to Land Registry (not first registration);• other post-completion steps.
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Additional information about the unit	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Conveyancing
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards
Details of the relationship between the unit and other standards or curricula (if appropriate)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, improving own learning and performance, Problem solving and Working with others
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2011

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