



CHIEF EXAMINER COMMENTS WITH SUGGESTED POINTS FOR RESPONSES

NOVEMBER 2023

LEVEL 3 UNIT 10 – CONVEYANCING

Note to Candidates and Learning Centre Tutors:

The purpose of the suggested points for responses is to provide candidates and learning centre tutors with guidance as to the key points candidates should have included in their answers to the November 2023 examinations. The suggested points for responses sets out a response that a good (merit/distinction) candidate would have provided. Candidates will have received credit, where applicable, for other points not addressed by the marking scheme.

Candidates and learning centre tutors should review the suggested points for responses in conjunction with the question papers and the Chief Examiners' **comments contained within this report**, which provide feedback on candidate performance in the examination.

CHIEF EXAMINER COMMENTS

This paper was carried out online by all candidates. From the answers, it appeared clear that the candidates did not have any difficulties in using the online paper and entering their answers. Candidates should be reminded that they need to include the years of a specific Act or the names of specific documents in full and also that they should not assume that the marker knows what they mean by abbreviating words. There were some candidates who had little knowledge of the syllabus.

The appropriate 'signposts' were included, within the Case Study Materials (CSM) where necessary, to enable candidates to prepare for the relevant questions which arose within the paper. Candidate performance varied across the three sections of the paper, so that no one section (or question) stood out as being significantly more accessible or more challenging than the others. There was an appropriate range of difficulty across the questions.

Candidates who were fully prepared were able to pass but those who had failed to prepare, despite the pre-availability of the CSM, were not able to secure sufficient marks to pass. There also



appeared to be candidates with poor exam technique by not reading the questions properly and others who did not refer to the case study facts.

Candidates need to be more precise in their replies and not assume that the marker knows what they are referring to. Stronger candidates were able to explain the underpinning law as well as the practice. There was a good application of the facts in some of the papers.

CANDIDATE PERFORMANCE FOR EACH QUESTION

Question 1(a) (i) Generally, well answered in that the sellers lawyer provides the contract.

(ii) Generally a well answered question.

(b) Generally well answered. There was sufficient signposting in the case study.

(c) Generally well answered in part.

(d) (i) Very well answered question.

(ii) A third of candidates got this correct.

Question 2(a) Candidates struggled to identify all pre-contract enquiries.

(b)(i) Fairly well answered with some candidates obtaining at least 1 mark.

(ii) Not very well answered.

(c) Candidates struggled to generate full marks.

(d) Generally very well answered.

Question 3(a)(i) This was a well answered question.

(ii) This was a poorly answered question.

(b) This was a poorly answered question.

(c)(i) Stronger candidates identified the correct answer.

(c)(ii) Well answered question.

(c)(iii) Not well answered.

(d) Generally well answered.

(e) Not well answered.



SUGGESTED POINTS FOR RESPONSE**NOVEMBER 2023****LEVEL 3 UNIT 10 – CONVEYANCING**

Question Number	Suggested Points for Responses	Marks (Max)
1(a)(i)	<ul style="list-style-type: none">• Sellers' lawyers (credit given for equivalent e.g. 'I would')• Contract Incorporating Standard Conditions of Sale (Fifth Edition)	2
1(a)(ii)	<ul style="list-style-type: none">• Used in correspondence prior to exchange of contracts• Transaction not contractually binding until formal exchange• Either party can withdraw prior to exchange	3
1(b)	<ul style="list-style-type: none">• Contract race• SRA Code of Conduct under SRA Standards and Regulation do not contain express provisions for contract race• core principles to act with integrity apply (Principle 5)• Para 1.4 of SRA Code of Conduct for Solicitors states you must not mislead others• Permissible to send out second contract /Secret contract race not permitted• disclosure to all buyers required (O (11.3))• Law Society recommends client must consent to disclosure or lawyer must refuse to act Risk that either buyer may pull out due to risk of wasted time/costs	6
1(c)	<ul style="list-style-type: none">• Blinds are fittings• so are not part of the property• Need to specify in Fittings & Contents Form (TA10) List as 'included' and state 'price' in Form• Either attach TA10 to contract or special condition added to cover the agreement or add in as chattels	4



Question Number	Suggested Points for Responses	Marks (Max)
1(d)(i)	<ul style="list-style-type: none"> • Energy Efficiency rating (A to G) • Environmental Impact rating (A to G) • Advice on reduction of fuel bills and carbon emissions • Existence of any Green Deal 	4
1(d) (ii)	Within 28 days of the property being marketed	1
Question 1 Total: 20 marks		
2(a)	<ul style="list-style-type: none"> • Query Homes Rights Notice • Check with sellers solicitors if Decree Absolute available as may be provided if parties divorced • will bind buyer if not removed • Insert special condition in Contract • spouse agrees to the sale • and to remove Notice from register before completion • and to vacate property on completion • and must sign the contract 	7
2(b) (i)	<ul style="list-style-type: none"> • Local Search/Enquiries of Local Authority/Form CON 29 Property Information Form (TA6) • Official Copy register entries (property register) /copy of 1962 Conveyance 	3
2(b) (ii)	<ul style="list-style-type: none"> • Local Search/Enquiries of Local Authority/Form CON 29 • is road now adopted as a public highway Property Information Form (TA6) • relevant replies re use and maintenance of road, if private (e.g. under 'Rights and Informal Arrangements') • Official Copy register entries/copy of 1962 Conveyance • relevant entries (e.g. ROW over road, if private; obligation re maintenance) 	3
2(c)	<ul style="list-style-type: none"> • Submit Report on Title • to confirm title is marketable • no onerous matters affecting • can be accepted as security 	3

Question Number	Suggested Points for Responses	Marks (Max)
2(d)	<ul style="list-style-type: none"> • Drainage and Water Search Example: availability of mains water, drainage; other matter affecting drainage and water), • Environmental Search, Example: contaminated land, environmental risks, including flood, ground stability, radon and energy and infrastructure projects (such as solar or wind farms, fracking, and HS2) • Commons Search Example: Is there common land registered • Chancel Repair Search Example: Is there a chancel repair liability • Coal Mining Search application to case study Example: Past and present mining 	4
Question 2 Total:20 marks		
3(a)(i)	<ul style="list-style-type: none"> • Undertaking to discharge mortgage on completion • to be given in TA13/Replies to Requisitions 	2
3(a)(ii)	<ul style="list-style-type: none"> • Send redemption money to lender • correct figure as shown in redemption statement • Obtaining evidence of discharge • Kempstons will want to obtain a release from their undertaking 	3
3(b)	<ul style="list-style-type: none"> • Formula B (credit also Formula A) Purchase is end of the 'chain' • Purchase is at the end of the chain/ Seller has no related transaction 	2
3(c)(i)	£279,000/Purchase price less 10% deposit	1
3(c)(ii)	BY bank/CHAPS/TT same day electronic transfer	1
3(c)(iii)	contract normally requires before 2 pm	1
3(d)	<ul style="list-style-type: none"> • Application in Form AP1 • To the Land Registry online/portal WITH THE FOLLOWING • DS1/confirmation of electronic discharge re existing mortgage • Transfer TR1 • Mortgage deed re new mortgage • LTR Certificate/Form SDLT5 • Pay fee • Await registration – uploaded office copies or requisition raised to be dealt with • Evidence of the removal of the Home Rights Notice 	5

Question Number	Suggested Points for Responses	Marks (Max)
3(e)	<ul style="list-style-type: none"> • Lawyer must reply to any requisitions • Application cannot proceed until requisition is satisfied • Failure to reply: delays the application • transfer and mortgage will not take effect at law until registered • creates risk application may be cancelled • and loss of priority if priority period under OS1 has expired • Lawyer may be in breach of duty to clients + lender • and liable for any losses incurred 	5
Question 3 Total: 20 marks		