



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 17 – Conveyancing**

**Question paper**

**January 2024**

**Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You are **not** allowed access to any statute books.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

**Answer ALL questions**

**Question 1**

Reference: Question relates to 14 Mill Hill Road, Milton Keynes MK4 1HP (**MH Road**) and to **Documents 1, 2, 3 and 6** of the case study materials.

- (a) Describe what documentation you will include in the pre-contract package for MH Road under the Law Society Conveyancing Protocol. Include in your description the purpose of each document that you specify.

**(7 marks)**

- (b) Explain the purpose and effect of entry number 2 of the Proprietorship Register from the Title Register of MH Road (**Document 3**) and how you will take account of this when drafting the contract for the sale of MH Road.

**(8 marks)**

You have just received a telephone call from Pushpa Nayyar, who tells you that, unfortunately, Sanjeev Nayyar died last night. Pushpa, although distraught, still wants to proceed with the sale of MH Road and does not want Sanjeev's death to delay exchange of contracts.

- (c) Explain what steps you will now need to take to enable the sale of MH Road to proceed.

**(8 marks)**

You have just received a telephone call from one of the buyers of MH Road, Bob Platt. He tells you that he is unhappy with how slow his solicitor is being and has asked if you can act for him and his wife, Zahra, as well as Pushpa Nayyar.

- (d) Assuming that you have decided that you cannot act for Bob and Zahra Platt, explain the reasons for this decision, with reference to the provisions of the SRA Code of Conduct for Solicitors.

**(5 marks)**

**(Total: 28 marks)**

## Question 2

Reference: Question relates to 117 Forsyth Close, Leighton Buzzard LU7 8JH (**Forsyth Close**) and to **Documents 1, 2 and 4** of the case study materials.

- (a) Explain which pre-contract searches you will perform on Forsyth Close. Include in your explanation the purpose of each search that you specify.

**(8 marks)**

- (b) Explain any issues that the class of title of Forsyth Close raises for your clients and any steps you will take to overcome those issues.

**(11 marks)**

Misha's mother, Pushpa, has decided to move into Forsyth Close with Misha (once the purchase completes) while she recovers from the death of her husband, Sanjeev.

- (c) Explain the steps you would take to protect National Westminster Bank plc's interests as lender on Forsyth Close.

**(5 marks)**

**(Total: 24 marks)**

### Question 3

Reference: Question relates to 117 Forsyth Close, Leighton Buzzard LU7 8JH (**Forsyth Close**) and to **Documents 1, 2, 4 and 5** of the case study materials.

(a) Explain whether your client will be able to build the planned extension to Forsyth Close under the terms of the lease.

**(11 marks)**

(b) Explain what other permissions will be required for your client to build an extension at Forsyth Close and when the client should obtain these.

**Please note:** you should not discuss anything already mentioned in your answer to question 3(a).

**(7 marks)**

All outstanding matters have now been completed to your satisfaction and you are ready to exchange contracts for the purchase of Forsyth Close, with a completion date of 23 February 2024.

(c) Explain the formula you are most likely to use to exchange contracts on Forsyth Close. Include in your explanation how the exchange will work and any undertakings which will be given by you to the seller's solicitor.

**(8 marks)**

**(Total: 26 marks)**

#### Question 4

Reference: Question relates to 117 Forsyth Close, Leighton Buzzard LU7 8JH (**Forsyth Close**) and to **Documents 1, 2, 4 and 5** of the case study materials.

- (a) Explain the pre-completion searches that you will carry out for Forsyth Close. For each search, identify the form used to carry out the search and the priority period (if any) conferred by the search result.

**(8 marks)**

You are drafting the TR1 to be sent to the seller's solicitor for approval.

- (b) Draft a clause that can be inserted into box 11 (Additional Provisions) of the TR1 that amends the implied covenants for title relating to the physical condition of Forsyth Close.

**(5 marks)**

The purchase of Forsyth Close has now completed.

- (c) Explain what post-completion steps you will now take in relation to Forsyth Close. In your answer identify any time limits that will apply.

**Please note:** You do not need to discuss any application to upgrade the class of title of Forsyth Close.

**(9 marks)**

**(Total: 22 marks)**

**End of the examination**

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