



CHIEF EXAMINER COMMENTS WITH SUGGESTED POINTS FOR RESPONSES

JANUARY 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 January 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

Generally, there was a high level of knowledge from the candidates however, there were also a few questions where reading the question properly would have resulted in higher marks. Some of the weaker candidates did go off on the wrong track in some of their answers. There were a few scripts that were submitted by candidates who clearly did not have sufficient knowledge, understanding and skills to enable them to achieve a pass. This is reflected in the fact that some such scripts scored less than 20 marks.

Most of the questions provided the opportunity for the best candidates to shine, without being unduly onerous for others.

It was found that many candidates have answered questions on the basis of what they do in practice rather than what the syllabus has set down. This is a theoretical practice exam and in light of this a candidate that has studied the course should be able to pass.



CANDIDATE PERFORMANCE FOR EACH QUESTION

Question 1(a)

This was a well answered question. Candidates in general understood what response was required.

1(b)

Most candidates achieved at least one mark. The candidates in general knew what the question required.

1(ci)

Most candidates achieved at least one mark, noting that the sellers solicitor would draft the contract

1(cii) Generally answered well.

1(d) A generally well answered question.

1(e)

This did not appear to be a difficult question however, the knowledge of the process to ensure the mortgage had been discharged was not given in some cases. This question required an answer as to how to redeem the mortgage.

Question 2(a)

Candidates generally identified the answer to what searches were required; this was a generally well answered question.

2(b) Generally well answered. The correct name of each survey was required.

2(c)

This was a poorly answered question, with most candidates identifying the correct Formula required but not able to explain the process.

Question 3(a)

Mixed answers, candidates familiar with the form identified the points; some commented on issues with the form and didn't understand what the question required.

3(b)

Again, candidates did not answer the question asked. It was "before completion", not "on completion".

3(c) Some very poor answers.

3(c)(ii) Generally well answered.

3(d) Generally well answered.

3(e) Poorly answered.

SUGGESTED POINTS FOR RESPONSE

JANUARY 2023

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Question Number	Suggested Points for Responses	Marks (Max)
1(a)	<ul style="list-style-type: none">• Open file for the sale – to attach file notes, checklist, quote for fees, ID, AML etc• Write to estate agent - to request copy of EPC• Write to seller - to confirm instructions, using Client Care letter• Write to buyer's lawyers – to confirm the firm is acting and pre-contract package will be sent shortly• Write to any third party who introduced client to the firm - as a matter of courtesy• Writing to lender to obtain documents	5
1(b)	<ul style="list-style-type: none">• Death Certificate of Tina Cartwright• to confirm title passed by survivorship to Walter Cartwright• As surviving joint tenant	3
1(c)(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(c)(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(d)	<ul style="list-style-type: none">• Replies must be accurate• Otherwise buyer may claim compensation/refuse to complete Misrepresentation Act 1967	2
1(e)	<ul style="list-style-type: none">• Reflects need to discharge mortgage on completion• - in accordance with undertaking	5



	<ul style="list-style-type: none"> • Provides accurate redemption figure • - as at completion date • - with daily rate thereafter 	
Question 1 total: 20 marks		
2(a)	<ul style="list-style-type: none"> • Local Search/Enquiries of Local Authority/Form CON 29R • - is road now adopted as a public highway • Property Information Form (TA6) <ul style="list-style-type: none"> - relevant replies re use and maintenance of road, if private (e.g. under 'Rights and Informal Arrangements') • Official Copy register entries [credit reference to 'title plan' or 'copy of 2004 Conveyance'] • - relevant entries (e.g. ROW over road, if private; obligation re maintenance; location of road on title plan; any deed plan/further details in 2004 Conveyance) 	6
2(b)	<ul style="list-style-type: none"> • Lender's Mortgage Valuation • Condition Report • Homebuyer Report/ Building Survey • Full Structural Survey <p>Independent report will provide more information</p>	5
2(c)	<ul style="list-style-type: none"> • Law Society Formula C • Completion date agreed • Need to obtain clients' specific authority to exchange using Formula C • Exchange by telephone • Having obtained undertaking to exchange from buyer's lawyer (Stammer & Sons) to exchange by a certain time (4pm) on related sale • Give undertaking to exchange to B4Law Plc if they call back by 3.30pm (any earlier time than that given in undertaking to Stammer & Sons) • Exchange of contracts effected on client's purchase (12 The Mews) with seller's lawyer (B4Law PLC) when they call back before 3.30pm • Attendance Notes required (i.e. relevant dates; times of release/exchange) <p>Comply with Undertakings (i.e. to forward contract/deposit)</p>	8
Question 2 total: 19 marks		
3(a)	<ul style="list-style-type: none"> • Panel 1: Should be the local authority • Panel 4: should be name of current registered proprietor not buyers • Panel 7: search from date should be date official copies were issued not the edition date 	5

	<ul style="list-style-type: none"> Panel 8: applicant should be lender not buyers so that search result protects both Panel 9: Reason for application should be to protect a 'charge' not just a 'purchase' 	
3(b)	<ul style="list-style-type: none"> Mortgage deed executed by client Mortgage advance received Satisfactory replies to CIU in Form TA13/reqs on title form Satisfactory result to pre-completion searches (accept ref to OS or K16 only) LTR form signed or approved by client Funds received from buyer's lawyer on related sale 	4
3(c)(i)	<ul style="list-style-type: none"> * £229,500/Purchase price less 10% deposit * - contract normally requires before 2 pm; and * - by bank TT/CHAPS transfer 	3
3(c)(ii)	<ul style="list-style-type: none"> Confirm receipt of purchase money Confirm keys have been released Confirm TR1 and related documents will be sent in post/DX 	3
3(d)	<ul style="list-style-type: none"> Transfer must be completed by registration to take effect at law Clients do not become legal owners unless registered Mortgage also needs to be protected by registration Need to apply within priority period of Official Search otherwise risk of adverse entries gaining priority 	5
3(e)	Early completion Policy	1
Question 3 total: 21 marks		