

**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 19 Residential and Commercial Leasehold Conveyancing
Case study materials**

January 2023

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are **not** allowed access to any statute books in the examination.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting the conveyancing partner, Rachel Day.

You are acting for the following clients in relation to their conveyancing transactions.

1. Nancy and Catherine Short

New clients, Nancy and Catherine, are buying an existing residential leasehold property: Flat 4, Hawkes Edge, Brampton, Cambridgeshire.

2. James Acer

Existing client, James Acer, is the freehold owner of The Becks, Ponteland, a building that contains a number of business units. He will be letting out Unit 8 to Pablo and Juanita Costa, the owners of a small decorating business by way of a commercial lease for 15 years.

James has also instructed Rachel Day to act in the purchase of a new residential leasehold property: Flat 7, Carter House, Claxton, Cambridgeshire. Flat 7 is one of several flats in a block.

3. Peter Cork

Existing client, Peter Cork, is the landlord of 82 Kings Street, Clapham. He has sought your advice on a number of matters concerning his commercial lease and his tenant, Tim Banks.

Rachel Day has given you the following documents.

Document 1	File Note relating to Nancy and Catherine Short
Document 2	Land Registry Official Copy Register Entries for Flat 4, Hawkes Edge, Brampton
Document 3	File Note relating to James Acer
Document 4	Extract from the lease of 82 Kings Street, Clapham

FILE NOTE DATED 30 DECEMBER 2022

We have been instructed by Nancy and Catherine Short in connection with the matter described below.

Purchase of Flat 4, Hawkes Edge, Brampton, Cambridgeshire, PE9 4TY

Our clients have instructed us to act for them in their purchase of a leasehold property: Flat 4, Hawkes Edge, Brampton, from Benny Hines at an agreed price of £275,000.

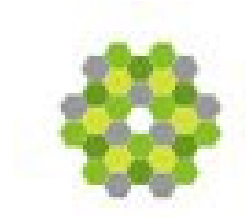
Nancy and Catherine have arranged mortgage finance through Nateast Bank plc. We have been instructed by the bank to act on its behalf. The mortgage will be offered on standard terms and subject to Nateast Bank plc receiving its approved form of certificate of title for the property.

Nancy and Catherine are first time buyers and new clients of the firm.

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DOCUMENT 2

LAND REGISTRY OFFICIAL COPY REGISTER ENTRIES FOR FLAT 4
HAWKES EDGE, BRAMPTON, CAMBRIDGESHIRE



Land Registry

Official
copy of
register of
title

Title number NYK826547

Edition date 18.11.2020

- This official copy shows the entries subsisting on the register on 21 November 2022 at 13:01:17
- 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 21 November 2022 at 13:01:17 .
- Under s.67 of the Land Registration Act 2002 this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Camberton Office.

A: Property Register

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

COUNTY DISTRICT OF CAMBRIDGESHIRE

- 1 (08.11.2012) The **leasehold** land shown edged with red on the plan of the above title filed at the Registry and being Flat 4, Hawkes Edge, Brampton, Cambridgeshire(PE9 4TY).
- 2 (08.11.2012) Short particulars of the lease(s) (or under-lease) under which the land is held:

DATE: 1 October 2012
TERM: 120 years from and including 1 October 2012
RENT: £150 per annum and additional sums
PARTIES: 1. Dixon Property Developments Limited 2. Mitchell Webb
- 3 (08.11.2012) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibited or restriction against dealings thereof inter vivos contained in the lease.
- 4 (08.11.2012) Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

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 (01.08.2020) PROPRIETOR(S): BENNY HINES of 45a Kites Grove, Longbury, Hartshire(LO6 8TY) .
- 2 (01.08.2020) The price stated to have been paid on 12 July 2020 was £220,000.
- 3 (01.08.2020) RESTRICTION: No disposition of the registered estate (other than a charge) by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by the proprietor of the time being of the estate registered under title number NYK53860 or their conveyancer that the provisions of Paragraphs 10.1 to 10.5 inclusive of the Fifth Schedule of the registered lease have been complied with.

C: Charges Register

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

- 1 (01.08.2020) REGISTERED CHARGE dated 12 July 2020 to secure the moneys including the further advances therein mentioned.
- 2 (01.08.2020) Proprietor: SAWYER PROVIDENT BANK PLC of Sawyer House, Cattletown, Bingley CT8 9JK.

End of register

NOTE TO CANDIDATES: The title plan has NOT been supplied and will NOT be required for this assessment.

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FILE NOTE DATED 3 JANUARY 2023

We have been instructed by James Acer in connection with the matter described below.

The Lease of Unit 8, The Becks, Ponteland.

James is an established client of the firm and is the freehold owner of a number of units at The Becks property. He will be letting out Unit 8 to Pablo and Juanita Costa, owners of a small decorating business, by way of a commercial lease for 15 years.

Flat 7 Carter House, Claxton.

James will be purchasing this property to live in. This is a new property and construction is yet to begin. The anticipated completion date is May 2023 and James has asked whether he should give notice to his current landlord to advise that he will be vacating on 30 May 2023. The lease term is for 125 years from 2nd January 2023, and the property will be built under the NHBC scheme.

EXTRACT FROM THE LEASE OF 82 KINGS STREET, CLAPHAM

15. Assignment

15.1 The Tenant shall not assign the whole of this lease without the consent of the Landlord, such consent not to be unreasonably withheld

15.2 ...

15.3 The Landlord and the Tenant agree that for the purposes of section 19 (1A) of the Landlord and Tenant Act 1927 the Landlord may give its consent to an assignment subject to all or any of the following conditions:

(a) A condition that the assignor enters into an authorised guarantee agreement ...

End of the case study materials