



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

Unit 10 – Conveyancing

Question paper

January 2023

Time allowed: 1 hour and 45 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 60 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 exam.
- You are allowed to make notes on your scrap paper during the exam.
- 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

In relation to the sale of 74 Bedford Road

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) Identify and state the purpose of **five** preliminary steps that you would need to have taken as soon as your firm received initial instructions from your client to act in the sale.
(5 marks)
- (b) Explain the purpose of the additional document required to prove your client's title to 74 Bedford Road, which you need to send to the buyer's lawyers as part of the pre-contract package.
(3 marks)
- (c) Explain:
 - (i) who would draft the contract for the sale of 74 Bedford Road and which contract form would normally be used for this purpose;
(2 marks)
 - (ii) the meaning and effect of the phrase 'subject to contract' in the memorandum of sale.
(3 marks)
- (d) Explain the effect of the seller's replies in the Property Information Form (Form TA6) if they were incorrect.
(2 marks)
- (e) Explain the purpose of the redemption statement, which your firm will need to obtain from Cattletown Building Society in relation to 74 Bedford Road prior to completion.
(5 marks)

(Total: 20 marks)

Question 2

In relation to the purchase of 12 The Mews

Reference: Question relates to **Documents 1, 4 and 5** of the case study materials.

- (a) In relation to the road giving access to the property, list **three** documents that you should check before exchanging contracts on your client's purchase and explain what information each document provides.

(6 marks)

- (b) Identify the different types of survey that Walter could rely on in his purchase of 12 The Mews, and state **one** advantage of Walter commissioning his own survey.

(5 marks)

- (c) Explain the procedure you would follow to achieve a simultaneous exchange of contracts on your client's sale and purchase.

(8 marks)

(Total: 19 marks)

Turn over

Question 3

In relation to post-exchange of contracts, completion and post-completion matters

Reference: Question relates to **Documents 1, 4 and 5** of the case study materials.

- (a) Describe **five** changes that you would need to make to the draft Form OS1, attached as **Document A** below, which will be used to carry out an official search of registered title CB18998.
(5 marks)
- (b) Describe **four** of the matters that you would need to check on the day of completion before you complete your client's purchase of 12 The Mews.
(4 marks)
- (c) In relation to the procedures for completion of your client's purchase of 12 The Mews on the completion date, explain:
- (i) the amount of money you need to send to the seller's lawyers, by what time, and how you would do this;
(3 marks)
- (ii) what you would need the seller's lawyers to confirm to you on that day as a result of the payment of this money.
(3 marks)
- (d) Explain the importance of applying to the Land Registry for registration of your client's purchase of 12 The Mews, stating when you should do this and the consequences of failure to do so.
(5 marks)
- (e) Identify which policy will be applied by the Land Registry if no evidence of the discharge of the seller's mortgage is available at the time of your application for registration.
(1 mark)

(Total: 21 marks)

Document A
Form OS1 to be used with Question 3(a)

Land Registry

Application by purchaser for official search with priority of the whole of the land in a registered title or a pending first registration application

OS1

Use one form per title.

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Land Registry is unable to give legal advice, but you can find guidance on Land Registry applications (including our practice guides for conveyancers) at www.gov.uk/land-registry.

Conveyancer is a term used in this form. It is defined in rule 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

LAND REGISTRY USE ONLY
Record of fees paid

Particulars of under/over payments

Reference number
Fees debited £

Where there is more than one local authority serving an area, enter the one to which council tax or business rates are normally paid.

Enter the title number of the registered estate or that allotted to the pending first registration.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Enter the full names. If there are more than two persons, enter the first two only.

To find out more about our fees visit www.gov.uk/government/collections/fees-land-registry-guides

1	Local authority serving the property: <i>Kempston</i>				
2	Title number of the property: <i>CB18998</i>				
3	Property: 12 The Mews, St Nicks, Cambershaw CA1 8NS				
4	Registered proprietor/Applicant for first registration SURNAME/COMPANY NAME: <i>Cartwright</i> FORENAME(S): <i>Walter John</i> SURNAME/COMPANY NAME: FORENAME(S):				
5	Application and fee <table border="1"><tr><td>Application</td><td>Fee paid (£)</td></tr><tr><td>Official search of whole with priority</td><td><i>3.00</i></td></tr></table>	Application	Fee paid (£)	Official search of whole with priority	<i>3.00</i>
Application	Fee paid (£)				
Official search of whole with priority	<i>3.00</i>				

<p>Place 'X' in the appropriate box.</p> <p>The fee will be charged to the account specified in panel 6.</p>	<p>Fee payment method</p> <p><input type="checkbox"/> cheque made payable to 'Land Registry'</p> <p><input checked="" type="checkbox"/> direct debit, under an agreement with Land Registry</p>	
<p>This panel must always be completed.</p> <p>If you are paying by direct debit, this will be the account charged.</p>	<p>6 This application is sent to Land Registry by</p> <p>Key number (if applicable):</p> <p>Name: <i>Kempstons Solicitors</i></p> <p>Address or UK DX box number:</p> <p><i>Kempston Manor, Kempston KE42 7AB</i></p> <p>Email address: <i>Kempstons@abc.com</i></p> <p>Reference: <i>JC/CAR192/002</i></p>	
<p>Place 'X' in one box only.</p> <p>For a search of a registered title enter a date falling within the definition of 'search from date' in rule 131 of the Land Registration Rules 2003. If the date entered is not such a date the application may be rejected.</p> <p>Provide the full name(s) of each purchaser or lessee or chargee.</p> <p>Place 'X' in the appropriate box.</p> <p>If a conveyancer is acting for the applicant, that conveyancer must sign. If no conveyancer is acting, the applicant (if more than one person then each) must sign.</p>	<p>Phone no: <i>01444 667788</i></p> <p>Fax no: <i>01444 667789</i></p>	
	<p>7 Application and search from date</p> <p><input type="checkbox"/> I apply for a search of the individual register of a registered title to ascertain whether any adverse entry has been made in the register or day list since 1 August 2017</p> <p><input type="checkbox"/></p>	
	<p>8 The applicant:</p> <p><i>Walter John Cartwright</i></p>	
	<p>9 Reason for application</p> <p>I certify that the applicant intends to</p> <p><input checked="" type="checkbox"/> Purchase</p> <p><input type="checkbox"/> take a Lease</p> <p><input type="checkbox"/> take a registered Charge</p>	
<p>10 Signature of applicant or their conveyancer: <i>Kempstons</i></p> <p>Date: <i>[...]</i></p>		

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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End of the examination

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