



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

**Unit 19 - Residential and Commercial Leasehold 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 70 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.
- 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***

## Question 1

Reference: This question relates to **Documents 1** and **2** of the case study materials.

### In relation to Flat 4, Hawkes Edge, Brampton

Your conveyancing partner, Rachel Day, has asked you to contact Nancy and Catherine to arrange for them to come into the office for their initial meeting.

- (a) List **six** examples of the information that will be provided by Nancy and Catherine upon initial instruction.

**(6 marks)**

Nancy and Catherine intend to buy a leasehold property: Flat 4, Hawkes Edge, Brampton. This is Nancy and Catherine's first venture into the property market and they have asked you for some general advice about buying a leasehold property.

- (b) Explain in general terms the advantages and the disadvantages of leasing a property from the point of view of a tenant.

**(9 marks)**

You have now investigated the title to Flat 4, Hawkes Edge, Brampton, and have noted that the property has been registered with a good leasehold title.

- (c) Explain the concerns that you should have as a result of this discovery.

**(3 marks)**

The seller's solicitor has requested an LPE1 Form from the freeholder.

- (d) Explain what information will be provided in this document.

**(9 marks)**

**(Total: 27 marks)**

## Question 2

Reference: This question relates to **Documents 1** and **2** of the case study materials.

### In relation to Flat 4, Hawkes Edge, Brampton

You have now exchanged contracts and are preparing for completion of the purchase of Flat 4, Hawkes Edge.

- (a) Identify **two** pre-completion searches that you would carry out in this transaction. Explain the purpose of each search and the information that each search result would reveal.  
**(6 marks)**

Rachel Day has now asked you to draft the purchase transfer deed.

- (b) You have considered the formalities for a deed executed by individuals.
- (i) List **four** requirements for the deed to be legally valid.  
**(4 marks)**
- (ii) Explain who will execute the deed and why.  
**(5 marks)**

Rachel Day has asked you to check the replies to Form TA13 in readiness for completion. You note from these replies that the seller's lawyers have confirmed their agreement to adopting the Law Society's Code for Completion by Post.

- (c) List **four** provisions of the Code that will apply to completion of your client's purchase.  
**(4 marks)**

The purchase of Flat 4, Hawkes Edge has now been completed and Rachel Day has asked you to deal with the post-completion step of registration of the dealings at the Land Registry.

- (d) List **four** documents that must accompany the AP1 application.  
**(4 marks)**
- (Total: 23 marks)**

**Turn over**

### Question 3

Reference: This question relates to **Document 3** of the case study materials.

#### In relation to The Becks, Ponteland

- (a) Rachel Day has asked that you create a checklist of requirements to include within the new lease.
- (i) State which code must be referred to before the grant of a new lease and who this code is produced by. **(2 marks)**
- (ii) Identify **four** mandatory requirements of the code. **(4 marks)**

#### In relation to Flat 7, Carter House, Claxton

- (b) State why you would advise James **not** to give notice to his current Landlord at this stage of the purchase. **(1 mark)**
- (c) Explain why the start of this lease is before the anticipated date that James is likely to complete his purchase. **(2 marks)**
- (d) Identify what the NHBC guarantee will cover between exchange and completion. **(1 mark)**

**(Total: 10 marks)**

#### Question 4

Reference: This question relates to **Document 4** of the case study materials.

##### **In relation to 82 Kings Street, Clapham**

Peter has received a request from Tim, his tenant, to assign his lease to Tyne Services Limited (Tyne).

Peter is concerned about Tyne's ability to pay the rent and observe the covenants in the lease, as Tyne is a recently formed company.

Peter has been provided with little information about its trading record and is yet to receive any references that relate to the company. You have looked at the lease extract (**Document 4**).

- (a) Explain whether clause 15 in the lease can provide any assistance to Peter if he decides to permit the assignment.

**(5 marks)**

The assignment to Tyne has been completed. However, Peter's concerns about the financial status of Tyne have turned out to be justified, as the company has failed to pay its last rent payment.

- (b) Explain what remedies Peter can seek in respect of the non-payment of rent.

**(5 marks)**

**(Total: 10 marks)**

**End of the examination**