



**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 2023

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.
- 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 the sale of Flat 1A, Gerald Woodruff House, Secklow Gate East, Central Milton Keynes, MK9 5AL (**Flat 1A**) and **Documents 1, 2, 3** and **7** of the case study materials.

You are preparing the contract package in relation to your client's sale of Flat 1A.

(a) Describe the documents you will send to the Buyers' Lawyers to deduce title to Flat 1A. **(6 marks)**

(b) Explain the effect of the restriction contained in entry number 4 of the proprietorship register in **Document 2** and what action will need to be taken by you and by the Buyers' Lawyers to ensure that the terms of the restriction are complied with. **(6 marks)**

(c) Describe six items of information or documentation you will need in order to complete Form TA7. In your answer, you should explain what the specified information or documentation will establish. **(8 marks)**

(d) Draft the details that you would insert in the following parts of the draft contract relating to the sale of Flat 1A:

Seller: **(2 marks)**

Title guarantee: **(1 mark)**

Specified Incumbrances: **(2 marks)**

Special Conditions: **(2 marks)**

(Total: 7 marks)

Total: (27 marks)

Question 2

Reference: Question relates to the purchase of 6 High Street, Winnywick, Northamptonshire, NN6 6NS (**6 High Street**) and **Documents 1, 4, 5, 6 and 7** of the case study materials.

You have now received the contract package in respect of 6 High Street. The contract package contains the draft contract, an epitome of title and land charge search certificates in respect of all estate owners identified in the epitome. The epitome consists only of Documents 4 and 5 of the case study materials. You note that the contract identifies the Deed of Gift dated 15th June 1987 as the root of title.

- (a) Explain whether the Deed of Gift dated 15th June 1987 is acceptable as a good root of title.

(5 marks)

- (b) Draft the requisitions on title you will raise of the Seller's Lawyers based on the information currently available to you. In each case, you should explain why you are raising that requisition.

[NOTE TO CANDIDATES: Do not include a requisition on any points you have discussed in your response to Question 2(a).]

(9 marks)

You are preparing to commission your pre-contract searches. You have already noted the need to carry out a CON 29 search, a local land charges search and a CON 29 DW search.

- (c) Explain which additional pre-contract searches you would commission.

(8 marks)

(Total: 22 marks)

Turn over

Question 3

Reference: Question relates to the purchase of 6 High Street, Winnywick, Northamptonshire, NN6 6NS (**6 High Street**) and the sale of Flat 1A, Gerald Woodruff House, Secklow Gate East, Central Milton Keynes, MK9 5AL (**Flat 1A**) and **Documents 1, 4, 5, 6** and **7** of the case study materials.

You are considering your clients' proposals in relation to their use of 6 High Street once they have bought it.

- (a) Draft an email to your clients explaining what permissions and/or consents they will require in relation to their proposals for 6 High Street.

(12 marks)

Your clients reply to your email and confirm that they have understood your explanation. You are now ready to exchange contracts.

- (b) Explain which Law Society formula you will use to exchange contracts on the sale of Flat 1A and the purchase of 6 High Street respectively, and the steps that the chosen formula in relation to 6 High Street will require you to take immediately after exchange.

(7 marks)

You have now exchanged contracts on the sale of Flat 1A and the purchase of 6 High Street, with completion of each fixed for the same date. The Seller's Lawyers subsequently confirm in Form TA13 that they will be following the Law Society Code for Completion by Post (2019) ('the Code') in respect of 6 High Street.

- (c) Identify the post-completion undertakings that the Seller's Lawyers are giving as a result of agreeing to follow the Code.

(5 marks)

(Total: 24 marks)

Question 4

Reference: Question relates to the purchase of 6 High Street, Winnywick, Northamptonshire, NN6 6NS (**6 High Street**) and the sale of Flat 1A, Gerald Woodruff House, Secklow Gate East, Central Milton Keynes, MK9 5AL (**Flat 1A**) and **Documents 1, 4, 5, 6** and **7** of the case study materials.

You have carried out a pre-completion land charges search against the name Kevin Albert Diffey, in relation to the purchase of 6 High Street. You have just received the search certificate, which contains entries disclosing the existence of both a bankruptcy petition (PA(B)) and a subsequent bankruptcy order (WO(B)). The certificate confirms that: (i) the bankruptcy petition pre-dates exchange of contracts but (ii) the bankruptcy order post-dates exchange of contracts.

- (a) Explain the potential effect that these entries may have on the purchase of 6 High Street and any steps you will need to follow to ensure that title to 6 High Street is validly transferred to your clients.

(11 marks)

- (b) Explain the consequential implications for the sale of Flat 1A and the advice that you would give to your clients.

(6 marks)

All outstanding issues have been resolved satisfactorily and you have just completed the sale of Flat 1A and the purchase of 6 High Street. You are now dealing with the post-completion formalities in relation to 6 High Street.

- (c) Explain what steps you need to take and the time limits for taking them in order to ensure that your clients are registered with title to 6 High Street. In your answer, you should identify what forms and/or documents you will need to use.

(10 marks)

(Total: 27 marks)

End of the examination