



**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**

**June 2022**

**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 23 Manor Drive, Stony Stratford, Milton Keynes, MK12 5AB ('**23 Manor Drive**') and the purchase of Plot 1, Seaside House, Old Roman Bank Road, Skegness, PE25 5UL ('**Plot 1, Seaside House**') and to **Documents 1, 3, 4, 5 and 7** of the case study materials.

You are aware that client verification has not been finalised in relation to your clients.

- (a) Explain why this verification needs to occur and what steps you would consider taking to regularise the current situation given your clients' particular circumstances.

**(7 marks)**

You are reviewing the title documents and other information provided to you in relation to the purchase of Plot 1, Seaside House.

- (b) Explain what concerns the Nationwide Building Society might have, and the steps that the Society is likely to require you to take, in connection with:

- the proposed gift from Dorothy Marshall;
- the Extras; and
- your clients' intention not to commission a survey.

**(11 marks)**

- (c) In relation to clause 3 of the draft sale contract (**Document 5**), explain whether this is acceptable and what advice you would give to your clients in relation to it.

**(6 marks)**

**(Total: 24 marks)**

## Question 2

Reference: Question relates to the sale of 23 Manor Drive, Stony Stratford, Milton Keynes, MK12 5AB ('**23 Manor Drive**') and the purchase of Plot 1, Seaside House, Old Roman Bank Road, Skegness, PE25 5UL ('**Plot 1, Seaside House**') and to **Documents 1 and 2** of the case study materials.

You are reviewing the title to 23 Manor Drive.

- (a) Explain what issues are likely to arise from entry number 2 in the Proprietorship Register and what steps your clients may be required to take to resolve those issues.

**(9 marks)**

- (b) Explain the purpose of entry number 3 in the Proprietorship Register and the steps that can be, or may need to be, taken in relation to it.

**(9 marks)**

Your clients have emailed you and asked for advice as to the best way of co-owning Plot 1, Seaside House.

- (c) Explain how you would approach this request for advice in light of your clients' particular circumstances.

**(9 marks)**

**(Total: 27 marks)**

**Turn over**

### Question 3

Reference: Question relates to the purchase of Plot 1, Seaside House and **Documents 1, 3, 4, 5, 6 and 7** of the case study materials.

You are now preparing a report on title to your clients.

- (a) Based on the information currently available to you, explain the matters that you would bring to their attention in relation to their proposed use of the property.

**(8 marks)**

- (b) Draft the requisitions on title that you would raise of the Sellers' Lawyers. In relation to each requisition that you draft, you should also state separately your reason for raising it.

**(11 marks)**

- (c) Draft an email to your clients that explains the following matters:

- the protection afforded by the NHBC Buildmark warranty after completion;
- whether simultaneous completion of the sale of 23 Manor Drive and the purchase of Plot 1, Seaside House is likely to be achieved and what contingency arrangements the clients may need to put in place.

**(10 marks)**

**(Total: 29 marks)**

#### Question 4

Reference: Question relates to the purchase of Plot 1, Seaside House and **Documents 1, 3, 4, 5, 6 and 7** of the case study materials.

Contracts have now been exchanged. It was agreed that the draft transfer to your clients would not be attached to the contract but would be settled post-exchange. The Sellers' Lawyers have now submitted a draft transfer (see **Document A** below) for you to review.

(a) Identify any errors in relation to the attached draft transfer (**Document A**).

[**Note to candidates: Do not** deal with panels 10, 11 or 12 in your answer.]

**(5 marks)**

(b) In relation to the Additional Provisions that are to be included in the Transfer, draft:

(i) the covenants that need to be given by your clients;

**(5 marks)**

(ii) the rights that need to be granted to your clients.

**(5 marks)**

The terms of the draft transfer have been agreed. The Sellers' Lawyers have now served a Practical Completion Notice, and you are about to complete your clients' purchase.

(c) Explain:

- which pre-completion search you will submit to HM Land Registry in relation to the Sellers' title;
- the information that you will need to supply with that search;
- the purpose of making that search;
- the identity of the applicant.

**(5 marks)**

**(Total: 20 marks)**

**Turn over**

# DOCUMENT A

HM Land Registry

Transfer of whole of registered title(s)

# TR1

**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.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

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

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of **all** the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of **all** the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) of the property: LN30502
2	Property: Seaside House, Old Roman Bank Road, Skegness PE25 5UL
3	Date:
4	Transferor:  JOAN GRUNDY, PHILIP JOHN ANDREW GRUNDY and ERNEST GRUNDY  <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:  <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:
5	Transferee for entry in the register:  WENDY-ANN MARSHALL and PAUL DONOVAN CRAWFORD  <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:  <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, *or*
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

6	Transferee's intended address(es) for service for entry in the register:  Seaside House, Old Roman Bank Road, Skegness PE24 5UL
7	The transferor transfers the property to the transferee
8	Consideration  <input checked="" type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures):  Five Hundred and Fifty Thousand Pounds (£550,000)  <input type="checkbox"/> The transfer is not for money or anything that has a monetary value  <input type="checkbox"/> Insert other receipt as appropriate:
9	The transferor transfers with  <input checked="" type="checkbox"/> full title guarantee  <input type="checkbox"/> limited title guarantee
10	Declaration of trust. The transferee is more than one person and  <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants  <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares  <input type="checkbox"/> they are to hold the property on trust:
11	Additional provisions

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 3.

## 12 Execution

### 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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