

## Appendix 7 – Unit List and Unit Specs

UAN	Unit Number	Level	Unit Title	Qualification Family
R/503/8688	Unit 201	2	The legal environment	Legal Studies
A/504/0628	Unit 202	2	Principles of criminal liability	Legal Studies
D/504/0394	Unit 203	2	Principles of contract liability	Legal Studies
H/504/0395	Unit 204	2	Principles of negligence	Legal Studies
F/504/0629	Unit 205	2	Law in the workplace	Legal Studies
T/504/0630	Unit 206	2	Civil litigation	Legal Studies
A/504/0631	Unit 207	2	Consumer rights	Legal Studies
H/504/0400	Unit 208	2	Family law	Legal Studies
F/504/0632	Unit 209	2	Wills and succession	Legal Studies
J/504/0633	Unit 210	2	Conveyancing	Legal Studies

## Unit 201 – The Legal Environment

<b>Credit Value</b>	5
<b>GLH</b>	35
<b>Assessment requirements specified by a sector or regulatory body:</b>	This unit will be assessed by an externally set and marked multiple-choice test graded Pass only.
<b>Aim:</b>	The aim of this unit is to enable the learner to develop a basic knowledge of how laws are made and by whom, and to gain an overview of how the legal system operates in relation to both civil and criminal matters. The skills developed by the learner include research skills.

<b>Learning Outcomes</b>	
The Learner will:	
1. Understand the purpose of law and the framework within which it operates	
<b>Assessment criteria</b>	
The learner can:	
1.1 describe law as sets of rules or codes of conduct	
1.2 explain the aims of law	
1.3 identify the differences between civil (private) and criminal (public) law	
<b>Range</b>	
<b>Aims of law</b> - To regulate society, to provide a means of dispute resolution for individuals	
<b>Differences</b> - Case examples, identifying different terminology, different courts, burden of proof, outcome	
<b>Learning Outcomes</b>	
The Learner will:	
2. Understand the main sources of English Law	
<b>Assessment criteria</b>	
The learner can:	
2.1 identify the stages in statute creation	
2.2 explain the concept of parliamentary supremacy	
2.3 identify the main rules of statutory interpretation	
2.4 explain the role of delegated legislation	
2.5 explain the system of judicial precedent	
2.6 describe the effect of European law on the legal system	

**2.7** describe the purpose of Section 3 of the Human Rights Act 1998.

### Range

**Stages in statute creation** - Green Paper, White Paper, First Reading, Second Reading, Committee Stage, Report Stage, Third Reading, House of Lords, Royal Assent

**Main rules of statutory interpretation** - Literal rule, golden rule, mischief rule, purposive approach

**Role of delegated legislation** - Bye-laws, orders in council, statutory instruments

**System of judicial precedent** - Binding and persuasive precedent, ratio decidendi, obiter dicta, law reports, hierarchy of the courts, common law created by judges

**Effect of European law on the legal system** - Obligation of the courts to give precedence to European law

### Learning Outcomes

The Learner will:

3. Understand the operation of the legal system

### Assessment criteria

The learner can:

**3.1** identify the hierarchical structure of the courts

**3.2** describe the jurisdiction of each of the courts

**3.3** describe the role of legal personnel

**3.4** describe the role of lay people in the legal environment

**3.5** explain the range of advice and financial assistance available to a claimant in a civil case

**3.6** explain the range of advice and financial assistance available to a defendant in a criminal case

**3.7** describe pre-trial procedure in criminal cases

**3.8** identify the range of sentences following a criminal trial

**3.9** identify alternative methods of dispute resolution in civil cases

**3.10** describe the process of a civil claim

**3.11** describe the main remedies available in a civil claim

### Range

**Courts** - County Court, High Court, Court of Appeal (Civil Division), Magistrates' Court (Civil and Criminal jurisdiction), Crown Court, Court of Appeal (Criminal Division), Supreme Court, European Court of Justice

### Legal personnel

**Judges** – District Judge, High Court Judge (Puisne Judge), Circuit Judge, Barristers, Solicitors, Chartered Legal Executives

**Lay people** - Juries, Magistrates (also known as Justices of the peace)

## **Advice**

**Civil case** – Solicitors, Citizens Advice Bureaux, advice centres, charities, trade and professional associations

**Criminal case** – Solicitors, Law Centres, Citizens Advice Bureaux, advice centres

## **Financial assistance**

**Civil case** – private finance, insurance, civil legal aid, conditional fee agreements, Damages based agreement

**Criminal case** – private finance, criminal legal aid

**Pre-trial procedure** - Determination of mode of trial (summary, either way, indictable), bail, remand

**Range of sentences** - Custodial, suspended, community, fines

**Alternative methods** - Tribunals, arbitration, mediation, negotiation, ombudsman

**Process of a civil claim** - Claim form, particulars of claim, directions questionnaire, track allocation,

**Main remedies** - Damages, injunctions

## **Guidance**

### **Resources**

For this unit the likely resources required will be:

- diagram of the court structure example of statute

example cases:

- The Literal Rule (Fisher v Bell (1961), Whitely v Chappell (1868))
- The Golden Rule (Adler v George (1964), R v Allen (1872))
- The Mischief Rule (Heydon's Case (1584), Smith v Hughes (1960))

example claim forms

## Unit 202 - Principles of criminal liability

<b>Credit Value:</b>	4
<b>GLH:</b>	27
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the learner to gain an understanding of the principles of criminal law. The learner will develop the necessary knowledge and skills to be able to identify the constituent parts of a crime and the basis of criminal culpability.

<b>Learning outcomes</b>	
The learner will:	
1: Understand the key elements of a crime	
<b>Assessment criteria</b>	
The learner can:	
1.1 identify the <b>actus reus of a crime</b>	
1.2 identify the <b>mens rea of a crime</b>	
1.3 explain <b>crimes of strict liability</b>	
<b>Range</b>	
<b>Actus reus of a crime</b> - Physical act, omission, state of affairs, causation	
<b>Mens rea of a crime</b> -Direct intention, indirect intention, recklessness	
<b>Crimes of strict liability</b> - Physical act, omissions, no requirement for mens rea, state of affairs, appropriate case examples (e.g. R v Roberts (1976); R v Smith (1959); R v Jordan (1956); R v Blaue (1975); R v Mohan (1976); R v Nedrick (1986); R v Woollin (1998); R v G & R (2003); R v Storkwain (1986); Sweet v Parsley (1970))	
<b>Learning outcomes</b>	
The learner will:	
2. Understand the main fatal and non-fatal offences against the person	
<b>Assessment criteria</b>	
The learner can:	
2.1 identify the range of <b>fatal offences against the person</b>	
2.2 identify the range of <b>non-fatal offences against the person</b>	
<b>Range</b>	
<b>Fatal offences against the person</b>	
Murder, voluntary manslaughter, Involuntary Manslaughter (unlawful act) and (gross negligence)	
<b>Non-fatal offences against the person</b>	
Assault, Battery, Offences Against The Person Act 1861 – Section 47 assault occasioning actual bodily harm, Section 20 grievous bodily harm and wounding, Section 18 grievous bodily harm and malicious wounding, Chart actus reus and mens rea of each offence	

## Unit 203- Principles of contract liability

<b>Credit Value:</b>	4
<b>GLH:</b>	23
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	<p>The aim of this unit is to enable the candidate to gain an understanding of the principles of contract law. The candidate will develop the necessary knowledge and skills to be able to:</p> <ul style="list-style-type: none"> <li>• identify the essential elements of establishing a contractual relationship enforceable at law</li> <li>• analyse areas of contract law that may give rise to disputes in contractual relationships</li> </ul>

<b>Learning outcomes</b>
The learner will:
1. Understand the key elements of a contract
<b>Assessment criteria</b>
The learner can:
<b>1.1</b> explain the <b>necessity for agreement</b>
<b>1.2</b> identify the <b>requirements</b> for consideration in a contract
<b>1.3</b> explain the importance of <b>intention in a contract</b>
<b>Range</b>
<b>Necessity for agreement</b> Offer/acceptance (including invitations to treat), counter offer
<b>Requirements</b> for consideration in a contract Something of value, past consideration, promise must be more than an existing duty
<b>Intention in a contract</b> Rebuttable presumptions: business and commercial contracts, social and domestic contracts
<b>Learning outcomes</b>
The learner will:
2. Understand the circumstances in which a contract may be discharged and the main remedy on breach
<b>Assessment criteria</b>
The learner can:
<b>2.1</b> describe the <b>circumstances</b> in which a contract may be discharged
<b>2.2</b> explain the <b>remedy of damages</b>
<b>Range</b>
<b>Circumstances</b> Performance (full, part, substantial), agreement, breach, frustration, Law Reform (Frustrated Contracts) Act 1943
<b>Remedy of damages</b> measure of damages, aim of damages

<b>Guidance</b>
<b>Resources</b>
For this unit the likely resources required will be: Law Reform (Frustrated Contracts) Act 1943

## Unit 204 - Principles of negligence

<b>Credit Value:</b>	4
<b>GLH:</b>	21
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to gain an understanding of the principles of tort law. The candidate will develop the necessary knowledge and skills to be able to identify the elements of liability for negligence.

<b>Learning outcomes</b>	
The learner will:	
1. Understand the key elements of duty of care	
<b>Assessment criteria</b>	
The learner can:	
1.1	explain the neighbour principle
1.2	describe the three part test of foreseeability, proximity and the requirement that it should be fair, just and reasonable
<b>Learning outcome</b>	
The learner will:	
2. Understand the key elements of breach of duty of care	
<b>Assessment</b>	
The learner can:	
2.1	explain the reasonable man test
2.2	describe the factors that the court will take into account when assessing if there has been a breach
<b>Learning outcome</b>	
The learner will:	
3. Understand the principles of remoteness of damage	
<b>Assessment criteria</b>	
The learner can:	
3.1	explain the <b>requirement for foreseeability</b>
3.2	explain the requirement for <b>legal proximity</b>
<b>Range</b>	
<b>Requirement for foreseeability</b>	
Intervening acts, thin skull rule	
<b>Legal proximity</b>	
Legal causation	
<b>Learning outcome</b>	
The learner will:	
4. Understand defences to an action of negligence	
<b>Assessment criteria</b>	
The learner can:	



- 4.1 explain the **defence of volenti non fit injuria**
- 4.2 explain the **defence of contributory negligence**

### Range

#### **Defence of volenti non fit injuria**

No injury can be done to a willing person, consent in sporting activities, requirement for genuine consent

#### **Defence of contributory negligence**

Claimants own action will reduce damages, Law Reform (Contributory Negligence) Act 1945

### Learning outcome

The learner will:

- 5. Understand public policy requirements for claims for psychiatric harm

### Assessment criteria

The learner can:

- 5.1 distinguish between physical and psychiatric damage
- 5.2 explain the difference between primary and secondary victims
- 5.3 explain the requirements for a claim by secondary victims
- 5.4 explain the position of rescuers in claims for psychiatric

## Unit 205 - Law in the workplace

<b>Credit Value:</b>	4
<b>GLH:</b>	21
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to develop the knowledge to be able to distinguish between employee and non-employee status, the importance of a contract of employment and statutory requirements of the workplace.

<b>Learning outcome</b>	
The learner will:	
1. Understand the differences between a self employed person and an employed person	
<b>Assessment criteria</b>	
The learner can:	
1.1	describe the <b>tests</b> that are used to identify an employed person and a self employed person
1.2	describe the <b>practical points</b> that the tests examine to distinguish between an employed person and self employed person
1.3	explain how the courts will apply <b>tests</b> to different situations
1.4	explain the principle of vicarious liability within course of employment
<b>Range</b>	
<b>Tests</b>	
The control test, the organisation test, the composite/multiple test	
<b>Practical points</b>	
Do they pay their own tax, do they have access to equipment, do they negotiate their own hours of work and rates of pay, level of supervision	
<b>Learning outcome</b>	
The learner will:	
2. Understand the importance of a contract of employment	
<b>Assessment criteria</b>	
The learner can:	
2.1	describe the advantages of having a contract
2.2	identify the main express terms that would usually be found in a contract of employment
2.3	identify the implied terms of a contract of employment for the employer
2.4	identify the implied terms of a contract of employment for the employee
<b>Range</b>	
<b>Contract</b>	
Different types of employment contracts – verbal, written, implied by contract	
<b>Main express terms</b>	
names of the employer/employee, place of work, hours of work, holiday entitlement, job title, sick leave entitlement, date when employment commences, salary, collective agreements, special conditions (e.g. working from home)	
<b>Implied terms of a contract of employment</b>	

**For the employer** – duty to pay a salary, take reasonable care of employees, reimbursement of expenses, rights relating to working time, minimum period of notice, trust and confidence, minimum wage, provide safe working environment

**For the employee** – duty of good faith owed by employees, duty of obedience, level of skill and care

### Learning outcome

The learner will:

**3.** Understand how contracts of employment can be terminated

### Assessment criteria

The learner can:

**3.1** explain the main distinction between wrongful dismissal and unfair dismissal

**3.2** identify **situations** where a dismissal would be automatically unfair

**3.3** identify the potentially **fair reasons for dismissal**

**3.4** describe the different **remedies** for unfair dismissal and the procedures for obtaining these

**3.5** describe the **pro-formas** used to commence an action including their content

### Range

#### Situations

Pregnancy, sexual orientation

#### Fair reasons for dismissal

Incapability or lack of qualifications, misconduct, redundancy, breach of statute, some other substantial reason (e.g. failing to sign a new employment contract that has been agreed through collective bargaining or business re-structure)

#### Remedies

Damages, re-instatement, re-engagement

#### Pro-formas

ET1, ET3

### Learning outcome

The learner will:

**4.** Understand the requirements of an effective working environment

### Assessment criteria

The learner can:

**4.1** describe the health and safety and equality legislation that applies to the working environment

**4.2** identify

### Range

#### Health and safety and equality legislation

The Health and Safety at Work Act 1974 – the rights and duties of the employer and employee. The Equality Act 2010 - discrimination on the grounds of age, disability, pregnancy, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

#### Difference between direct and indirect discrimination

access to employment, reasonable adjustments

### Guidance

#### Resources

For this unit the likely resources required will be:

An example case study that sets out the relevant factors between the categories of an employed person and self-employed person and lists the practical examples that distinguish the two

A sample induction plan that encourages the candidate to consider what would be included in an induction package for new members of staff within an office environment

The Equality Act 2010

The Health and Safety at Work Act 1974

## Unit 206 – Civil litigation

<b>Credit Value:</b>	4
<b>GLH:</b>	19
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to develop an understanding of the process of a claim for debt recovery and personal injury through the county court.

<b>Learning outcomes</b>
The learner will:
1. Understand the civil court structure and the significance of the Civil Procedure Rules
<b>Assessment criteria</b>
The learner can:
1.1 describe the <b>civil court structure</b>
1.2 explain the overriding objective of the CPR
1.3 explain the importance of pre-action protocols
1.4 identify the <b>duties of the court</b> and the court's management powers
<b>Range</b>
<b>Civil court structure</b> County Court, High Court
<b>Duties of the court</b> Active case management by judges, case conference, limiting number of witnesses, expert reports, acceptance of written statements
<b>Learning outcome</b>
The learner will:
2. Understand pre-action matters
<b>Assessment criteria</b>
The learner can:
2.1 explain the requirements of a pre-action protocol
2.2 explain the need to consider alternative dispute resolution (ADR)
2.3 explain the most appropriate trial track depending on circumstances and the value of a case
<b>Range</b>
<b>Requirements</b> Initial instruction, claim form, particulars of claim, letter of claim, forms of authority, conditional fee agreements
<b>Alternative dispute resolution (ADR)</b> Arbitration, mediation, negotiation
<b>Trial track</b> Small claims, fast track, multi-track.
<b>Learning outcome</b>
The learner will:

**3. Understand how a civil action may be financed**

**Assessment criteria**

The learner can:

**3.1** identify different **funding methods** according to individual client circumstances

**Range**

**Funding methods**

Private payment, public funds, pro-bono work, Community Legal Service Fund, conditional fee agreements, trade union or professional body, insurance

**Learning outcome**

The learner will:

**4.** Know how to commence a case in the County Court

**Assessment criteria**

The learner can:

**4.1** identify the contents of a letter before action in respect of a civil debt

**4.2** identify the contents of an N1 claim form

**Guidance**

**Resources**

For this unit the likely resources required will be:

CPR

Pre-Action Protocols (CPR) Court diagram

Sample conditional fee agreements N1 claim form.

## Unit 207 – Consumer Rights

For candidates that have registered and started Unit 207 before May 2017 please contact CILEx for the old unit specification.

<b>Credit Value:</b>	4
<b>GLH:</b>	21
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to gain a general understanding of consumer law, and to develop knowledge in relation to contracts and consumer protection.

<b>Learning outcome</b>
The learner will:
<b>1.</b> Understand how consumer contracts are formed
<b>Assessment criteria</b>
The learner can:
<b>1.1</b> describe the basic requirements of a valid consumer contract
<b>1.2</b> explain contractual terms
<b>Range</b>
<b>Basic requirements</b> Offer, acceptance, consideration, capacity, intention
<b>Contractual terms</b> Express terms, implied terms, conditions and warranties and unfair terms
<b>Learning outcome</b>
The learner will:
<b>2.</b> Understand the different types of consumer contracts and the applicable statutory rights under the Consumer Rights Act 2015
<b>Assessment criteria</b>
The learner can:
<b>2.1</b> describe what constitutes a contract for <b>goods</b> and the <b>statutory rights</b> under the Consumer Rights Act 2015
<b>2.2</b> describe what constitutes a contract for <b>services</b> and the <b>statutory rights</b> under the Consumer Rights Act 2015
<b>2.3</b> describe what constitutes a <b>digital content</b> contract and the <b>statutory rights</b> under the Consumer Rights Act 2015
<b>Range</b>
<b>Digital Content</b>
Digital content is data which are produced and supplied in digital form. Applies to any content downloaded or streamed.
Applies to digital content which has been purchased and to any free digital content which is not usually free unless a price is paid for the goods, services or digital content supplied with it.
<b>Statutory Rights for goods</b>
Goods to be of satisfactory quality, fit for a particular purpose, as described and match sample Key Sections

Sections 9, 10, 11,13, 16, 17

### **Statutory Rights for services**

Service to be performed with reasonable care and skill, reasonable price to be paid, and service to be performed in a reasonable time Key Sections

Sections 48, 49, 51, 52

### **Statutory Rights for digital content**

Satisfactory quality, fit for a particular purpose, as described by the seller.

Key Sections

Sections 34, 35, 36

### **Learning outcome**

The learner will:

**3.** Understand the basic buyer's remedies on breach of a consumer contract

### **Assessment criteria**

The learner can:

**3.1** explain the purpose and effect of **common law remedies**

**3.2** explain the **statutory remedies** on breach of a consumer contract

### **Range**

**Common Law Remedies** (non-statutory remedies)

Damages and specific performance

### **Statutory Remedies**

Repair, replacement, rejection, refund, partial refund and/or compensation.

Enforcement of terms: right to repeat performance, right to price reduction, right to compensation if any device or digital content damaged as a result of the faulty digital content which was downloaded

### **Guidance**

#### **Resources**

For this unit the likely resources required will be:

The Consumer Rights Act 2015

CILEx Level 2 Consumer Rights course book



## Unit 208- Family Law

<b>Credit Value:</b>	4
<b>GLH:</b>	21
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to develop an understanding of key aspects of family law and procedure relating to marriage, civil partnership and children.

<b>Learning outcomes</b>	
The learner will:	
1. Understand the requirements for a valid marriage and civil partnership	
<b>Assessment criteria</b>	
The learner can:	
1.1 identify the <b>formalities</b> of a valid marriage:	
1.2 explain the <b>requirement for capacity</b> in relation to a valid marriage	
1.3 describe the <b>factors</b> relating to void and voidable marriages	
1.4 explain the basic principles of the Civil Partnership Act 2004	
<b>Range</b>	
<b>Formalities</b>	
Requirements of the Marriage Act 1949 and the Marriage Act 1994 for Church of England/other weddings, solemnisation of religious/civil weddings. Requirements for civil partnerships (ss. 1, 2 and 3 Civil Partnership Act 2004).	
<b>Requirement for capacity</b>	
age, prohibited degrees (as per Marriage Act 1949 and s. 3 Civil Partnership Act 2004) parties already married, or marriage is a polygamous one, as per Matrimonial Causes Act 1973 (MCA 1973) as amended by the Marriage (Same Sex Couples) Act 2013).	
<b>Factors</b>	
Grounds re voidable marriage as per s12 MCA 1973 ., voidable marriage requires a degree of nullity., Grounds re void marriage as per s11 MCA 1973, void marriage does not require decree of nullity.	
<b>Learning outcome</b>	
The learner will:	
2. Understand the procedure for the dissolution of a marriage or civil partnership	
<b>Assessment criteria</b>	
The learner can:	
2.1 explain the <b>ground</b> and the <b>facts</b> required to establish this ground, in relation to dissolution of marriage or civil partnership	
2.2 distinguish between divorce and judicial separation	
2.3 describe dissolution procedure for a marriage or civil partnership including examples of relevant documentation.	
<b>Range</b>	
<b>Ground and facts</b>	
Matrimonial Causes Act 1973, s1 – irretrievable break down; s1 (2)(a)-(e) five facts (adultery, behaviour, desertion, two year separation with consent- and five-year separation), Civil Partnership Act 2004 (CPA 2004) four facts under s44 CPA 2004.	

### Learning outcome

The learner will:

3. Understand the provisions relating to children following the breakdown of a relationship

### Assessment criteria

The learner can:

- 3.1 explain the welfare principle contained in Section 1 of the Children Act 1989
- 3.2 explain the no delay, non-intervention principle and the welfare checklist
- 3.3 describe the **orders** available under Section 8 of the Children Act 1989 and the circumstances in which they could be used.

### Range

#### Orders

Child arrangements specific Issue and prohibited steps orders

### Guidance

#### Resources

For this unit the likely resources required will be:

The Marriage Act 1949 The Marriage Act 1994

The Matrimonial Causes Act 1973 The Children Act 1989

The Children and Families Act 2014

The Adoption and Children Act 2002 (s111) examples of Orders

case examples, e.g. Hyde v Hyde (1866) The Civil Partnership Act 2004

## Unit 209 – Wills and succession

<b>Credit Value:</b>	4
<b>GLH:</b>	21
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the candidate to gain an understanding of the legal requirements for a valid Will. The candidate will develop the necessary knowledge and skills to be able to identify the roles of executors, the different types of legacies and grants of representation and the priority of beneficiaries under an intestacy.

<b>Learning outcome</b>	
The learner will:	
1. Understand the legal requirements of a valid Will	
<b>Assessment criteria</b>	
The learner can:	
1.1	explain the requirements of the Wills Act 1837 in relation to the <b>formalities</b> of Wills
1.2	describe the <b>role of the executor/s and witnesses</b>
1.3	describe the circumstances in which the requirements of the Wills Act 1837 have been modified for <b>privileged wills</b>
1.4	describe how a will can be <b>revoked</b>
<b>Range</b>	
<b>Formalities</b>	
Wills Act 1837 ss 7 and 9 (as amended by Administration of Justice Act 1982) s. 21 (alterations after execution)	
<b>Role of the executor/s and witnesses</b>	
Executors: number; individuals, banks, solicitors, public trustee; general power to administer estate and discharge liabilities (including any taxes) and pay legacies; authority from date of death	
Witnesses: number; must be present at time of signing by testator; need not see the whole Will; must sign in the presence of testator and each other; cannot benefit from Will (Wills Act 1837 s.15); Executor or creditor as witness.	
<b>Privileged wills</b>	
Members of armed forces on active service or sailors at sea; “in conditions similar to actual military service”; exempt from Wills Act 1837 s. 9; may be oral or written; Wills (Soldiers and Sailors) Act 1918.	
<b>Revoked</b>	
Making another; implied revocation; formal revocation (Wills Act 1837 s. 20); destroying Will (Wills Act 1837 s. 20); by marriage or civil partnership (Wills Act 1837 ss 18 and 18B); by divorce or dissolution of civil partnership (Wills Act 1837 ss 18A and 18C)	
<b>Learning outcome</b>	
The learner will:	
2. Know the standard format of a simple Will	
<b>Assessment criteria</b>	
The learner can:	

- 2.1 describe the **basic principles** of drafting a Will
- 2.2 describe the different **types of legacies**
- 2.3 identify an appropriate **attestation clause**

#### Range

##### Basic principles

Commencement of Will, revocation of earlier Wills, appointment of executors; legacies; administrative powers; attestation clause

##### Types of legacies

General, demonstrative, specific, pecuniary, residuary

##### Attestation clause

Evidence that Will has been properly executed; not compulsory

#### Learning outcome

The learner will:

- 3. Understand the rules of intestacy

#### Assessment criteria

The learner can:

- 3.1 identify circumstances in which an **intestacy arises**
- 3.2 identify the **priority** of those entitled to a grant of letters of administration
- 3.3 explain how the estate of an intestate will be **distributed**
- 3.4 identify how a beneficiary may **forfeit** his/her right to any inheritance

#### Range

##### Intestacy rules

When an intestacy may arise; partial intestacy; Administration of Estates act 1925 s. 47

##### Priority

Administration of Estates Act 1925 s. 46 (including bona vacantia); Administration of Estates Act 1925 s. 46(2A)

##### Distribution

Administration of Estate Act 1925 s. 46 (including bona vacantia); Administration of Estates Act 1925 s. 46(2A)

##### Forfeiture

The forfeiture rule; Forfeiture Act 1982 (Forfeiture Rule and Law of Succession) Act 2011

#### Learning outcome

The learner will:

- 4. Know the different types of grant of representation issued by the Probate Registry

#### Assessment criteria

The learner can:

- 4.1 describe the types of grant available where a **Will is in existence**
- 4.2 describe the types of grant where there is an **intestacy**
- 4.3 identify the **situations** in which the different types of grant apply

#### Range

##### Will is in existence

Probate; Letters administration with the Will annexed

### **Intestacy**

Letters of administration

### **Situations**

Probate when valid Will and executors prepared to act; Letters of administration where Will is valid but there is no executor to act (e.g. no appointment, death of named executor(s); named executors refuse to act; Letters of administration where there is no Will or the Will does not validly dispose of all of testator's property

### **Learning outcome**

The learner will:

5. Understand the provisions of the Inheritance (Provision for Family and Dependents) Act 1975

### **Assessment criteria**

The learner can:

- 5.1 explain the **categories** of those entitled to claim
- 5.2 identify the **jurisdiction of the court**
- 5.3 explain the **factors** which a court will take into consideration when determining "sufficient financial provision"
- 5.4 identify the **time limit** for making a claim

### **Range**

#### **Categories**

The wife or husband or civil partner of the deceased; former wife or husband or civil partner but only if not remarried/entered into a new civil partnership; a child of the deceased; anyone who was treated as a child of the family; any other person who was being maintained immediately before the death partly or wholly by the deceased; someone who, though not married has cohabited with the deceased as husband or wife for at least two years immediately prior to the death

#### **Jurisdiction of the court**

If under £30,000 application to County Court; if higher application to either Chancery Division or Family Division of High Court

#### **Factors**

The size of the estate; the needs of the applicant; the needs of those who do benefit under a will or intestacy; the reasons why the deceased failed to leave money to the applicant; the way in which the applicant has behaved towards the deceased during his or her life

#### **Time limit**

Within six months of the grant of probate or letters of administration

### **Guidance**

#### **Resources**

For this unit the likely resources required will be:

Wills Act 1837 (as amended)

Wills (Soldiers and Sailors) Act 1918 Specimen forms of simple Will

Specimen forms of clauses (e.g. general legacy, residuary legacy, attestation clause)

Intestacy rules (Administration of Estates Act 1925 s.47) Rules of priority (Administration of Estates Act 1925 s. 46) Forfeiture Act 1982

Specimen forms of grant of probate/administration with Will annexed/administration

## Unit 210 – Conveyancing

<b>Credit Value:</b>	4
<b>GLH:</b>	23
<b>Assessment Requirements:</b>	This unit will be assessed by assignment
<b>Aim:</b>	The aim of this unit is to enable the learner to distinguish between real and personal property and develop an understanding of the basic procedures for buying and selling land.

### Learning outcomes

The learner will:

1. Know how to distinguish between real and personal property

### Assessment criteria

The learner can:

- 1.1 describe what constitutes **real property**
- 1.2 describe what constitutes **personal property**
- 1.3 describe the principles of co-ownership including **rights of survivorship**
- 1.4 identify the main differences between freehold land and leasehold land

### Range

#### **Real property**

The surface, the airspace above and the mines and minerals below interests others may have in the land such as easements and licences the concept of fixtures and fittings

#### **Personal property**

Fittings which do not form part of the land, chattels (e.g. coat, hat, scarf)

#### **Rights of survivorship:**

Co-ownership of land (in outline only), the significance of a joint tenancy and a tenancy in common  
 Freehold – an estate in fee simple, absolute in possession; ability to sell, mortgage, devise the land  
 Leasehold – an estate of a term of years, absolute; ability to enforce covenants of repair

### Learning outcome

The learner will:

2. Understand the purpose and process of land registration

### Learning outcomes

The learner can:

- 2.1 explain the **purpose of land registration** including benefits of registration
- 2.2 describe the role of the HM Land Registry and District Registries including **events that trigger registration**
- 2.3 describe the **contents of the registers**
- 2.4 describe **overriding interests** including easements and rights of persons in actual occupation
- 2.5 describe a restrictive covenant and its **effect on uses of the land**

### Range

#### **Purpose of land registration**

To make the conveyancing process more efficient, no need to prove title, guaranteed title

#### **Events that trigger registration**

Sale and purchase of unregistered land

### **Contents of the registers**

The Property Register, the Proprietorship Register and the Charges Register

### **Overriding interests**

Basic types and protection of interests by Notice and Restriction (in outline only)

### **Effect on uses of the land**

A restriction on the way an owner of land can use their land (e.g. not able to build, operate a business, put up a fence)

### **Learning outcome**

The learner will:

**3.** Understand the concept of the mortgage

### **Assessment criteria**

The learner can:

- 3.1** explain the purpose of a mortgage
- 3.2** describe **sources of a mortgage funding**
- 3.3** describe **criteria** used to decide whether to lend
- 3.4** describe the main features of types of **mortgage and interest rate packages**
- 3.5** describe the **types of mortgage product**
- 3.6** describe the **rights** of the mortgagee and mortgagor

### **Range**

#### **Sources of a mortgage funding**

The sources of finance to purchase a property - bank, building society and other lenders

#### **Criteria**

Formulae used to determine size of loan, income of applicant, LTV, credit risk, value of property, age, location of property, age of property, description of property

#### **Mortgage and interest rate packages**

Fixed rate, capped, variable rate

#### **Types of mortgage product**

Buy-to-let, commercial, endowment, pension linked, repayment and interest-only

#### **Rights**

Mortgagee – right to take possession, power of sale

Mortgagor – right to redeem

### **Learning outcome**

The learner will:

**4.** Know the procedures for transferring land from a seller to a buyer

### **Assessment criteria**

The learner can:

- 4.1** describe the **role of estate agents** in the sale and purchase of property
- 4.2** describe the **procedure for a seller** in selling a property

- 4.3 describe the **procedure for a buyer** in purchasing a property  
4.4 describe the significance of exchange of contracts and completion

### Range

#### Role of estate agents

Marketing the property, obtaining energy performance certificate, introducing prospective buyers, releasing the keys to the buyer on completion.

#### Procedure for a seller

The main stages from initial instructions to completion, including redeeming an existing mortgage

#### Procedure for a buyer

The main stages including initial instructions, pre-contract enquiries and registration

### Guidance

#### Resources

For this unit the likely resources required will be:

Civil Aviation Act 1982 s. 72 The Treasure Act 1996

Law of Property Act 1925 ss 36, 205(1)

Law of Property (Joint Tenants) Act 1964 s1

**[www.landreg.gov.uk](http://www.landreg.gov.uk)**

Land Registration Acts 1925 and 2002

City of London Building Society v Flegg (1998) Re Ellenborough Park Estates (1956)

Tulk v Moxhay (1848)

Websites and printed literature of financial institutions e.g. banks and building societies

Estate agents' particulars

Standard conveyancing forms