



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 17 – CONVEYANCING\*

**Time allowed: 3 hours plus 15 minutes' reading time**

#### **Instructions to Candidates**

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### **Information for Candidates**

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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## Question 1

Reference: Question relates to 330a Long Lane, Walton, Liverpool, L9 6DF (**Long Lane**) and to **Documents 1, 2, 3, 4 and 7** of the case study materials.

From reviewing the file on this matter, you note that the clients have not yet followed the necessary identification requirements.

- (a) Explain why you must adhere to rules on establishing the identity of your clients and, in your answer, also state what proof of identify you will require from your clients.

**(5 marks)**

You have just found out that Mrs Clarke died during the weekend. Mr Clarke has instructed you to continue with the sale of Long Lane and the purchase of Nightingale Road. The Halifax plc has reissued the mortgage offer for Nightingale Road in Mr Clarke's sole name.

- (b) Explain what documentation you will need to send to the buyer's lawyer to deduce title to Long Lane. In your answer, for each document that you identify, explain why it is required in order to deduce title.

**(10 marks)**

- (c) Explain which replies to pre-contract enquiries the buyer's lawyers will expect you to send them for Long Lane.

**(5 marks)**

- (d) Explain what consent your client will be required to obtain, before Long Lane is sold to the buyer. In your answer, also explain by what stage this consent should be obtained, and whether the contractual provisions relating to the obtaining of this consent are satisfactory for both the seller and the buyer.

**(10 marks)**

**(Total: 30 marks)**

**Turn over**

## Question 2

Reference: Question relates to 330a Long Lane, Walton, Liverpool, L9 6DF (**Long Lane**) and to 75 Nightingale Road, Blackrod, Bolton, BL6 5DX (**Nightingale Road**) and to **Documents 1, 2, 4 and 5** of the case study materials.

- (a) Explain what covenant will need to be inserted into the Transfer of Long Lane to ensure that your client is protected following the sale of your client's leasehold interest to the buyer, and explain why such a covenant is necessary.

**(5 marks)**

- (b) Explain what issues you will raise with the seller's lawyers in relation to Nightingale Road and also what matters you would advise on or report to your client, based on the information contained in, and any issues raised by, **Documents 1, 2 and 5**.

In your answer, explain the reasons for raising each issue and matter that you identify.

**[Do not cover any issues raised by Document 6, the Law Society Con 29 Enquiries of the Local Authority.]**

**(12 marks)**

- (c) Explain which pre-contract searches you will perform for Nightingale Road. **[Do not cover the CON 29 Enquiries of the Local Authority or the LLC1 Local Land Changes Search.]**

**(10 marks)**

**(Total: 27 marks)**

### Question 3

Reference: Question relates to 330a Long Lane, Walton, Liverpool, L9 6DF (**Long Lane**) and to 75 Nightingale Road, Blackrod, Bolton, BL6 5DX (**Nightingale Road**) and to **Documents 1, 2, 5, 6 and 7** of the case study materials.

(a) Explain what consents and permissions (if any) will be required by Mr Clarke in relation to his proposed extension to Nightingale Road.

**(8 marks)**

(b) Advise Mr Clarke what effect the entry at 3.9(m) of the CON 29 Enquiries of the Local Authority (**Document 6**) may have in relation to his proposed extension to Nightingale Road.

**(5 marks)**

Assume that all matters have now been resolved to your satisfaction and that on 10 January 2018 you exchanged contracts on both Long Lane and Nightingale Road with a simultaneous completion date of 26 January 2018.

You have just received an urgent telephone call from Mr Clarke, stating that the seller of Nightingale Road has just informed him that Nightingale Road was seriously damaged by a fire last night. Mr Clarke would like to withdraw from the purchase of Nightingale Road and intends to move in with family, following the sale of Long Lane, until he finds another property to purchase.

(c) Explain what advice you would give to Mr Clarke on whether he is entitled to withdraw from the purchase of Nightingale Road and what are the likely consequences if he does withdraw from this purchase.

**(10 marks)**

**(Total: 23 marks)**

**Turn over**

#### **Question 4**

Reference: Question relates to 330a Long Lane, Walton, Liverpool, L9 6DF (**Long Lane**) and to 75 Nightingale Road, Blackrod, Bolton, BL6 5DX (**Nightingale Road**) and to **Documents 1, 2, 3, 4, 5, 6 and 7.**

You are now ready to complete the sale of Long Lane and the purchase of Nightingale Road. You may assume for the purposes of this question that your client has decided to proceed with the purchase notwithstanding the fire damage.

- (a) Describe what undertakings under the Law Society's Code for Completion by Post you will give to the buyer's lawyers of Long Lane both during completion and after completion of the sale of Long Lane.

**(5 marks)**

You have now completed both the sale of Long Lane and the purchase of Nightingale Road.

- (b) State what documentation you will send to the buyer's lawyers for Long Lane following completion of the sale.

**(6 marks)**

You are now ready to register the dealing of Nightingale Road at the Land Registry.

- (c) State what applications you will make to the Land Registry following completion. In your answer, ensure that you also identify which documents you will include with your applications and any time limits that apply.

**(9 marks)**

**(Total: 20 marks)**

**End of Examination Paper**

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