



## 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**

## Question 1

Reference: Question relates to 30 Haven Street, Manchester, M6 5QR (**Haven Street**) and to **Documents 1, 2, 3, 4, 5 and 6** of the case study materials.

**NOTE TO CANDIDATES: assume that Manchester became an area of compulsory registration in January 1990.**

(a) Explain and apply the criteria you will use to choose the most appropriate root of title for Haven Street.

**(12 marks)**

(b) In your answer booklet, draft the following provisions which will be included in the contract of sale for Haven Street.

**(NOTE: do not give any reasons why or how you are completing these provisions):**

- i. The seller **(1 mark)**;
- ii. The buyer **(1 mark)**;
- iii. The property **(2 marks)**;
- iv. The root of title **(2 marks)**;
- v. The specified incumbrances **(2 marks)**;
- vi. The purchase price and the deposit **(2 marks)**;
- vii. The balance **(1 mark)**; and
- viii. Any special conditions which will be added to the second page of the contract **(3 marks)**.

**(14 marks)**

**(Total: 26 marks)**

## Question 2

Reference: Question relates to 157 Merchants Quay, Salford, M50 3XQ (**Merchants Quay**) and to **Documents 1, 2 and 7** of the case study materials.

(a) Explain which Protocol forms you will expect the seller's lawyers to include in the contract bundle for Merchants Quay.

**(5 marks)**

(b) Identify which pre-contract searches you will perform on Merchants Quay based on both the location of the property and any matters raised by **Document 7** (the Official Copies of the Title Register and Title Plan for Merchants Quay), **and** for each pre-contract search that you identify, explain the reasons for performing that search.

**(15 marks)**

**(Total: 20 marks)**

### Question 3

Reference: Question relates to 30 Haven Street, Manchester, M6 5QR (**Haven Street**) and to 157 Merchants Quay, Salford, M50 3XQ (**Merchants Quay**) and to **Documents 1, 2, 3, 4, 5, 6, 7 and 8** of the case study materials.

- (a) Explain who will be holding the original title deeds and documents for Haven Street and the procedure you will need to follow to obtain these, and to be able to release them to the buyers' lawyers, following completion of the sale of Haven Street.

**(5 marks)**

Read entry number 4 of the Property Register of the Official Copy of the Register of Title of Merchants Quay (**Document 7**).

- (b) Explain, based on this entry:

- (i) what consent (if any) your clients will need to obtain;
- (ii) why such consent is required;
- (iii) when such consent should be obtained by.

**(8 marks)**

- (c) Draft the requisitions on title that you will raise with the seller's lawyers on Merchants Quay based solely on the information contained in, and issues raised (if any) by, the Official Copies of the Title Register and Title Plan for Merchants Quay (**Document 7**). In your answer, explain your reasons for raising each requisition that you identify.

**NOTE: Do not cover the issues raised in Question 3(b) above.**

**(11 marks)**

**(Total: 24 marks)**

**Turn over**

## Question 4

Reference: Question relates to 30 Haven Street, Manchester, M6 5QR (**Haven Street**) and to 157 Merchants Quay, Salford, M50 3XQ (**Merchants Quay**) and to **Documents 1, 2, 3, 4, 5, 6, 7 and 8** of the case study materials.

Assume that all issues have now been satisfactorily resolved, that contracts have been exchanged on both your clients' sale and their purchase and that completion is scheduled to occur on both Haven Street and Merchants Quay today.

However, you have just received a call from your clients, explaining that their bank will not be able to transfer the balance of their savings to your accounts department until tomorrow morning.

(a) Explain what impact this will have on your clients' finances, what problems this may cause in relation to your clients' sale of Haven Street and purchase of Merchants Quay, and what advice you will give to your clients to minimise these problems.

**(12 marks)**

(b) Explain what documentation and confirmation you will expect to receive from the seller's lawyers following completion of your clients' purchase of Merchants Quay.

**(5 marks)**

(c) Explain what post-completion steps you will now take in relation to Merchants Quay. In your answer, ensure that you state:

- (i) the reasons for each step that you will take;
- (ii) the forms that you will use (if any);
- (iii) the time limits that apply.

**(13 marks)**

**(Total: 30 marks)**

**End of Examination Paper**