

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 Flat 7, 99 Post Office Road, Featherstone, Pontefract, WF7 5EP (**Flat 7**) and to **Documents 1, 2, 3 and 4** of the case study materials.

- (a) Explain which replies to pre-contract enquiries you will send to the buyers' lawyers for Flat 7, and in your answer, also identify the documentation you will need to send to the buyers' lawyers as part of the replies to the enquiries of the lessor and/or managing agents.

(10 marks)

- (b) Explain what documentation you will include in the contract package for Flat 7 under the Law Society Conveyancing Protocol.

Do not cover the documentation that you referred to in your answer to Question 1(a) above.

(6 marks)

- (c) On the basis that Flat 7 was a newly built or converted property when the lease was granted, explain what additional documentation you will need to provide to the buyers' lawyers, and why.

(6 marks)

- (d) Explain the effect of the restriction contained in entry number 3 of the Proprietorship Register to Flat 7 (**Document 3** in the case study materials), and explain what action will need to be taken by you and the buyers' lawyers to ensure that the terms of this restriction are complied with.

(6 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to 44 Allan Dale, Bilsthorpe, Newark, NG22 8QZ (**Allan Dale**) and to **Documents 1, 2, 5 and 6** of the case study materials.

- (a) Explain which pre-contract searches you will perform for Allan Dale based **solely** on the matters raised (if any) by the Official Copy of the Title Register for Allan Dale (**Document 5** in the case study materials).

(9 marks)

- (b) Draft the requisitions on title that you will raise with the sellers' lawyers on Allan Dale based solely on the information contained in, and matters raised (if any) by, the Official Copy of the Title Register for Allan Dale (**Document 5** in the case study materials). Explain your reasons for raising each requisition that you identify.

(14 marks)

(Total: 23 marks)

Question 3

Reference: Question relates to Flat 7, 99 Post Office Road, Featherstone, Pontefract, WF7 5EP (**Flat 7**) and to 44 Allan Dale, Bilsthorpe, Newark, NG22 8QZ (**Allan Dale**) and to **Documents 1, 2, 3, 5 and 6** of the case study materials.

You have now agreed the final versions of the contracts for the sale of Flat 7 and purchase of Allan Dale, and all parties have agreed a completion date of 15 February 2019. You are preparing to send an engrossment of these contracts out to your clients.

- (a) Explain which formula you will use to exchange contracts on the sale of Flat 7 and what advice you will give your clients on the action they must take before you will be in a position to exchange contracts on Flat 7 and Allan Dale.

(11 marks)

You have now exchanged contracts on both the sale of Flat 7 and purchase of Allan Dale, with completion scheduled for 15 February 2019.

- (b) Advise your clients on how they should hold the title to Allan Dale following their purchase.

(12 marks)

(Total: 23 marks)

Turn over

Question 4

Reference: Question relates to Flat 7, 99 Post Office Road, Featherstone, Pontefract, WF7 5EP (**Flat 7**) and to 44 Allan Dale, Bilsthorpe, Newark, NG22 8QZ (**Allan Dale**) and to **Documents 1,2,3,4,5, and 6 of the case study materials.**

- (a) Identify which additional pre-completion search you will need to perform because your clients are purchasing Allan Dale with a mortgage, and explain what protection the search provides to the lender.

(5 marks)

Assume that completion of both Flat 7 and Allan Dale occurred earlier this morning and you are now ready to deal with the post-completion formalities.

- (b) Explain what documentation you will now send to the buyers' lawyers following completion of the sale of Flat 7.

(5 marks)

- (c) Explain why you need to register the transactions relating to the purchase of Allan Dale at HM Land Registry and the consequences of not registering these in accordance with the relevant deadlines.

(5 marks)

Your supervisor, Susan Shah, has asked you to draft the AP1 (Document A) for the purchase of Allan Dale.

- (d) **In your answer booklet,** draft the following parts of the AP1

(Note: a copy of the AP1 is attached for reference only. Do not complete this form and do not give any reasons why or how you are completing the AP1):

- (i) local authority serving the property and full postcode of property;

(1 mark)

- (ii) title number(s) of the property;

(1 mark)

- (iii) application and priority;

(3 marks)

- (iv) fees;

(1 mark)

- (v) documents lodged with this form;

(3 marks)

- (vi) the applicant;

(1 mark)

- (vii) the address(es) for service for each proprietor of the registered estate(s) to be entered in the register.

(1 mark)

(Total: 26 marks)

DOCUMENT A – to be used with Question 4(d)

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 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.

HM Land Registry is unable to give legal advice, but you can find guidance on HM Land Registry applications (including our practice guides for conveyancers) at www.gov.uk/land-registry.

Conveyancer is a term used in this form. It is defined in rule 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

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

HM LAND REGISTRY USE ONLY Record of fees paid
Particulars of under/over payments
Reference number Fees debited £

Where there is more than one local authority serving an area, enter the one to which council tax or business rates are normally paid.

Enter the title number of each title that requires an entry to be made in that register.

Place 'X' in the appropriate box.

Give a brief description of the part affected, for example 'edged red on the plan to the transfer dated

To find out more about our fees visit www.gov.uk/government/collections/fees-land-registry-guides

Remember restrictions in deeds may apply to other deeds of lower priority in this list, unless you specify otherwise.

Place 'X' in the appropriate box.

The fee will be charged to the account specified in panel 7.

1	Local authority serving the property: Full postcode of property (if any):																		
2	Title number(s) of the property:																		
3	The application affects <input type="checkbox"/> the whole of the title(s) <input type="checkbox"/> part of the title(s) as shown:																		
4	Application, priority and fees <table border="1"> <thead> <tr> <th>Applications in priority order</th> <th>Price paid/Value (£)</th> <th>Fees paid (£)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr> <td colspan="2" style="text-align: right;">Total fees (£)</td> <td> </td> </tr> </tbody> </table> Fee payment method <input type="checkbox"/> cheque made payable to 'Land Registry' <input type="checkbox"/> direct debit, under an agreement with Land Registry	Applications in priority order	Price paid/Value (£)	Fees paid (£)													Total fees (£)		
Applications in priority order	Price paid/Value (£)	Fees paid (£)																	
Total fees (£)																			

Turn over

List the documents lodged with this form. We only need certified copies of deeds or documents you send to us with HM Land Registry application forms. Once we have made a copy of the documents you send to us, they will be destroyed, this applies to both originals and certified copies

Provide the full name(s) of the person(s) applying to change the register. Where a conveyancer lodges the application, this must be the name(s) of the client(s), not the conveyancer.

Complete as appropriate where the applicant 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.

This panel must always be completed.

A key number is only available to professional customers, such as solicitors.

If you are paying by direct debit, this will be the account charged.

This is the address to which we will normally send requisitions. However if you insert an email address, we will use this whenever possible.

We will only issue warning of cancellation letters to conveyancers if an email address is inserted.

Complete this panel if you want us to notify someone else that we have completed this application.

Place 'X' in the appropriate box.

In this and panel 10, each proprietor 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.

5 Documents lodged with this form:

6 The applicant:

For UK incorporated companies/LLPs
Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

7 This application is sent to Land Registry by

Key number (if applicable):

Name:

Address or UK DX box number:

Email address:

Reference:

Phone no:

Fax no:

8 Third party notification

Name:

Address or UK DX box number:

Email address:

Reference:

9 The address(es) for service for each proprietor of the registered estate(s) to be entered in the register is

- the address of the property (where this is a single postal address)
- the address(es) for service from the transfer/assent
- (for existing proprietors who are remaining in the register) the current address(es) for service in the register
- the following address(es):

Where a charge has an MD reference we will ignore an address given in this panel unless the charge is in favour of a United Kingdom bank and neither the charge form nor any agreement we have with the lender specifies an address for service.

For permitted addresses see note to panel 9.

Complete as appropriate where the lender 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.

If this statement applies (i) place 'X' in the box and (ii) enclose Form DI.

Section 27 of the Land Registration Act 2002 lists the registrable dispositions.

Rule 57 of the Land Registration Rules 2003 sets out the disclosable overriding interests that you must tell us about.

Full details of the evidence of identity that is required can be found in Practice Guide 67 and in 'Completing the evidence of identity panels on forms AP1, FR1, and DS2' both of which can be found on the GOV.UK website.

Place 'X' in the appropriate box.

Conveyancer is defined in rule 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

10 Name and address(es) for service of the proprietor of any new charge to be entered in the register:

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

11 Disclosable overriding interests

This application relates to a registrable disposition and disclosable overriding interests affect the registered estate.

12 Confirmation of identity

When registering transfers, charges, leases and other dispositions of land, or giving effect to a discharge or release of a registered charge, Land Registry relies on the steps that conveyancers take, where appropriate, to verify the identity of their clients. These checks reduce the risk of property fraud.

Where a person was not represented by a conveyancer, Land Registry requires 'evidence of identity' in respect of that person, except where the first alternative in panel 13(2) applies.

'Evidence of identity' is evidence provided in accordance with any current direction made by the Chief Land Registrar under section 100(4) of the Land Registration Act 2002 for the purpose of confirming a person's identity.

If this application is to register a transfer, lease or charge, or to give effect to a discharge in Form DS1 or a release in Form DS3 complete one of the following

I am a conveyancer, and I have completed panel 13

I am not a conveyancer, and I have completed panel 14

Turn over

13 Where the application is sent to Land Registry by a conveyancer

(1) Details of conveyancer acting

If you are sending an application to register a transfer, lease or charge, for each party to each disposition that is to be registered state in the table below the details of the conveyancer (if any) who represented them.

Where a party is not represented by a conveyancer you must also complete (2) below.

Place 'X' in the box in the second column if the person or firm who is sending the application to HM Land Registry represented that party in the transaction. Otherwise complete the details in the third column. If the party is not represented insert 'none' in the third column.

A separate box is provided, or can be added, for each party, as required by panel 13(1). That includes separate boxes for attorneys and donors where appropriate.

Name of transferor, landlord, transferee, tenant, borrower or lender		Conveyancer's name, address and reference
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:

If you are sending an application to give effect to a discharge in Form DS1 or release in Form DS3 for each lender, state in the table below the details of the conveyancer (if any) who represented them.

Where a lender is not represented by a conveyancer you must also complete (2) below.

Place 'X' in the box in the second column if the person or firm who is sending the application to HM Land Registry represented that party in the transaction. Otherwise complete the details in the third column. If the party is not represented insert 'none' in the third column.

A separate box is provided, or can be added, for each party, as required by panel 13(1). That includes separate boxes for attorneys and donors where appropriate.

Name of lender		Conveyancer's name, address and reference
	<input type="checkbox"/>	Reference:
	<input type="checkbox"/>	Reference:

Place 'X' in the appropriate box(es).

Insert the name of each unrepresented transferor, landlord, transferee, tenant, borrower or lender for whom you give this confirmation.

Evidence of identity is defined in panel 12. Full details of the evidence of identity that is required can be found in [Practice Guide 67](#) available on the [GOV.UK](#) website.

If the party is not represented insert 'none' in the second column.

A separate box is provided, or can be added, for each party, as required by panel 14(1). That includes separate boxes for attorneys and donors where appropriate.

(2) Evidence of identity

Where any transferor, landlord, transferee, tenant, borrower or lender listed in (1) was not represented by a conveyancer

I confirm that I am satisfied that sufficient steps have been taken to verify the identity of

and that they are the registered proprietor or have the right to be registered as the registered proprietor

I enclose evidence of identity in respect of each unrepresented transferor, landlord, transferee, tenant, borrower or lender for whom I have not provided the confirmation above

14 Where the application is sent to Land Registry by someone who is not a conveyancer

(1) Details of conveyancer acting

If you are sending an application to register a transfer, lease or charge (ie a mortgage), for each party to each disposition that is to be registered, state in the table below the details of the conveyancer (if any) who represented them.

You must also complete (2) below.

Name of transferor, landlord, transferee, tenant, borrower or lender	Conveyancer's name, address and reference
	Reference:
	Reference:
	Reference:

Turn over

If the party is not represented insert 'none' in the second column.

A separate box is provided, or can be added, for each party, as required by panel 14(1). That includes separate boxes for attorneys and donors where appropriate.

Place 'X' in the appropriate box(es).

Evidence of identity is defined in panel 12. Full details of the evidence of identity that is required can be found in 'Completing the evidence of identity panels on forms AP1, FR1, and DS2' available on the GOV.UK website.

If a conveyancer is acting for the applicant, that conveyancer must sign.

If no conveyancer is acting, the applicant (and if the applicant is more than one person then each of them) must sign.

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.

If you are sending an application to give effect to a discharge in Form DS1 or release in Form DS3, for each lender state in the table below the details of the conveyancer (if any) who represented them.

You must also complete (2) below.

Name of lender	Conveyancer's name, address and reference
	Reference:
	Reference:

(2) Evidence of identity

- for each applicant named in panel 6 is enclosed
- for each unrepresented transferor, landlord, transferee, tenant, borrower or lender listed in (1) is enclosed

15

Signature of conveyancer:

Date:

OR

Signature of applicant:

Date:

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