

ANNEX 5: CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEX PRACTITIONER (CONVEYANCING)¹

There are two available routes that individuals can take to be authorised to practise conveyancing independently.

Individuals seeking to be authorised as a Chartered Legal Executive (Conveyancing) must follow the Chartered Legal Executive route to qualification.

Alternatively, an individual may complete the knowledge requirements specific to becoming a CILEX Practitioner (Conveyancing) (for stage 1 highlighted in grey + stage 2), in which case they will be authorised as a CILEX Practitioner (Conveyancing) and not a Chartered Legal Executive.

The knowledge requirements are set out below and must be coupled with the general qualification route to achieve Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

Chartered Legal Executive and CILEX Practitioner knowledge requirements should be set and assessed at Level 6 as a minimum

¹ This document forms the education standards for Conveyancers

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE OR CILEX PRACTITIONER
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEX PRACTITIONER (CONVEYANCING)

MINIMUM CONTENT:
Land law
Legal concepts of real and personal property
Characteristics and significance of legal and equitable property interests
Creation of legal and equitable interests in land
Protection of third-party rights and interests
Registered and unregistered land systems and different titles in land
Co-ownership and trusts of land

Proprietary rights: easements, freehold covenants and mortgages
Equity and trusts
The role of equity and equitable principles
Equitable remedies
The creation of express and implied trusts including when trusts will be implied by law (resulting trusts, constructive trusts and secret trusts)
Rules relating to purpose trusts
The duties, remedies and powers of personal representatives and trustees
Rights, remedies and powers of trustees and beneficiaries
Co-ownership and succession
Landlord and tenant
Key features of leasehold property, including the superior and inferior leasehold titles, sub-leases, etc
Formal requirements for the grant of a lease
Leasehold covenants and remedies for different types of breach
Enforceability of leasehold covenants between landlord and tenant (including under 'old' and 'new leases'), successor parties and third parties
Key clauses in a lease
Assignment of a lease
Termination of a lease
Nature and regulation of business tenancies including security of tenure
Stamp Duty Land Tax and VAT
Contract law
General nature of the law of contract
Formation of a contract
Intention to create legal relations
Consideration
Privity of contract
Terms and warranties
Exemption clauses
Misrepresentation
Duress and undue influence
Illegal contracts
Discharge of a contract
Remedies for breach of contract
Conveyancing of registered and unregistered freehold and leasehold transactions in England and Wales

The critical steps in a conveyancing transaction
Professional conduct and regulation relating to property transactions, including money laundering
Taking instructions
Pre-contract searches and enquiries
Deducing and investigating title in both registered and unregistered freehold and leasehold transactions
Sales of part
Funding of a property transaction
Acting for a lender and the mortgage documentation
Preparing the contract for sale and preparation for exchange of contracts
Drafting and negotiating conveyancing deed and ancillary documents
Issues relating specifically to planning, building regulations and newly built residential property
Exchange of contracts, including methods of holding a deposit, insurance and undertakings
Consequences of exchange of contracts
Pre-completion steps, requirements and formalities
Completion steps, requirements and formalities
Post-completion steps, requirements and formalities
Late completion and other default
Core principles of property taxation: Stamp Duty Land tax, VAT and Capital Gains Tax

COMPETENCE REQUIREMENTS:

1. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

3. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements
- ✓ Demonstrate leadership and management skills (optional)

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

8. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in conveyancing
- ✓ Identify uses for emerging technology in conveyancing and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically