

## **INTRODUCTION – RESIDENTIAL AND COMMERCIAL CONVEYANCING PRACTICE RIGHTS**

The entry criteria, learning outcomes and evidence of competency stated in this schedule sets out:

- the level of competency, knowledge and understanding required to practise in the area of residential and/or commercial conveyancing.
- the elements required to evidence that level of competency, knowledge and understanding.
- the level of competency required in the relevant skills for this area of practice – client care, research, drafting, letter writing, negotiation, interviewing and advising.
- the elements required to evidence the required level of competence for these relevant skills.
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Applicants can apply for certification of Residential Conveyancing practice rights solely where they will need to demonstrate the requirements for knowledge element 1 (knowledge of land law) and knowledge element 2 (the knowledge and procedure relating to Residential Conveyancing) and skill element 3 and elements 4-8 in a Residential Conveyancing context. Applicants who are seeking accreditation for Commercial Conveyancing practice rights must achieve the requirements both for Residential Conveyancing practice rights and the additional requirements for Commercial Conveyancing practice rights which includes knowledge element 3 (the knowledge and procedure relating to Commercial Conveyancing) and the skill elements 3 and 4-8 in both a Residential and Commercial Conveyancing context. Thus applicants on receiving Commercial Conveyancing rights will also automatically receive accreditation for Residential Conveyancing rights. The term conveyancing includes both Residential and Commercial Conveyancing as the context requires.

Certification of Residential and/or Commercial Conveyancing Practice Rights will ensure that the applicant has:

- met the application requirements.
- an appropriate level of experience in the field of conveyancing work in practice which must include not less than 2 years relevant experience immediately preceding the application.
- an appropriate level of knowledge and appreciation of the key legal features of a Residential and/or Commercial Conveyancing transaction, including the ability to deduce and investigate title to registered and unregistered, freehold and leasehold land, act for mortgagees, exchange contracts, complete a transaction and deal with post completion formalities.
- the ability, and experience, to research aspects of statute and case law, legal practice, procedures and documentation that is current.
- the ability, and experience, to interview clients appropriately and identify the client's objectives and different means of achieving those objectives, the options available, together with the ability, and experience, to advise such clients and be aware of the financial, fiscal and other priorities and constraints to be taken into account together with the costs, benefits and risks involved in any procedure, transaction or course of action.
- the ability, and experience, to perform the tasks required to advance procedures, transactions or matters, to include (but not restricted by), drafting letters of advice to clients, drafting and completing documents and forms, communicating with co-professionals, lenders, the Land Registry, local authorities, and other bodies and organisations.
- the ability, and experience to draft and amend all relevant documentation including (but not restricted to) contracts and options for the sale of land, agreements for lease, leases, transfers, Stamp Duty Land Tax forms and other ancillary documentation necessary to progress, complete and finalise the transaction.
- the ability, and experience, to advise and conduct negotiation in those fields within this practice area where this may be relevant such as (but not restricted to) matters affecting title and contractual and lease provisions.

- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

<p><b>FOR RESIDENTIAL CONVEYANCING PRACTICE RIGHTS ONLY</b></p>     <p><b>FOR RESIDENTIAL AND COMMERCIAL CONVEYANCING PRACTICE RIGHTS</b></p>	<ul style="list-style-type: none"> <li>• Knowledge elements 1, and 2 are mandatory requirements</li> <li>• Additionally applicants must also reach the entry level competencies in each of the skills elements.</li> <li>• Knowledge elements 1, 2 and 3 are mandatory for those wanting to be accredited with both Commercial Conveyancing practice rights and Residential Conveyancing practice rights</li> <li>• Additionally applicants must also reach the entry level competencies in each of the skills elements.</li> </ul>	
<p><b>Entry Level Competencies</b></p>	<p><b>Learning Outcome</b></p> <p>The entry requirement to obtain conveyancing practice rights seeks to ensure that a applicant will be able to demonstrate that they:</p>	<p><b>Supporting Experience</b></p> <p>The applicant will need to provide evidence of:</p>
<p><b>STAGE 1</b></p> <p><b>ENTRY CRITERIA</b></p> <ul style="list-style-type: none"> <li>• KNOWLEDGE</li> <li>• UNDERSTANDING</li> <li>• EXPERIENCE</li> </ul>	<ul style="list-style-type: none"> <li>• Has practical knowledge, understanding and experience</li> </ul>	

<p><b>KNOWLEDGE AND UNDERSTANDING</b></p>		<p><b>Either</b></p> <ul style="list-style-type: none"> <li>• successful completion of CILEX Level 6 Professional Higher Diplomas in Land Law and Conveyancing (and Landlord and Tenant and/or experience of commercial conveyancing where appropriate)</li> </ul> <p><b>Or</b></p> <p>Has supplied evidence of qualification and/or experience of an equivalent standard</p> <ul style="list-style-type: none"> <li>• Where the applicant does not hold the relevant CILEx Level 6 Land Law or Conveyancing examination (or equivalent), they are required to demonstrate their knowledge and understanding of Land Law and Conveyancing (and Landlord and Tenant where appropriate) through the submission of 5 portfolios.</li> <li>• Examples will be drawn from a range of cases from the applicant’s case load. Guidance on this can be found in <b>the Portfolio Guidelines</b></li> </ul>
<p><b>Element 1</b> LAND LAW</p>	<p><b>Demonstrate knowledge, understanding and application of the difference between real and personal property</b></p>	<ul style="list-style-type: none"> <li>• The distinction between real and personal property, the ability to identify, fixtures and fittings/contents, to understand when property does and does not pass with the land</li> <li>• The doctrine of relativity of title and the</li> </ul>

		<p>relevance of possession.</p> <ul style="list-style-type: none"> <li>• The different types of title in land</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the types of legal and equitable interests that arise in land</b></p>	<ul style="list-style-type: none"> <li>• The difference between the registered and unregistered land regimes, the circumstances in which compulsory or voluntary registration of unregistered land arises, the system of registration, curtain and indemnity principles</li> <li>• The differences between the types of title that can be held in land (including freehold, leasehold and commonhold)</li> <li>• The classes of title that can be held in land</li> <li>• The legal and equitable estates and interests that can be held in land and the remedies available recognised by law and equity including relevant legislation and case law and the relative advantages and disadvantages of legal and equitable rights</li> <li>• The formalities required for the express creation of legal and equitable interests in land including relevant legislation and case law</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the legal and equitable rules and formalities relating to the creation and protection of third party rights and interests over land</b></p>	<ul style="list-style-type: none"> <li>• Situations where interests in land can be created by proprietary estoppel, the legal implications of such rights and the remedies and defences to such claims</li> <li>• The legal and equitable rules and formalities relating to the creation (including prescription), registration, determination and extinguishing of easements and profits</li> <li>• The legal and equitable rules and formalities relating to the creation, modification and extinguishing of freehold personal, positive and negative covenants in land and whether a successor in title is bound by a freehold personal,</li> </ul>

		<p>negative and/or positive covenants and the remedies and defences for a breach of covenant</p> <ul style="list-style-type: none"> <li>• The statutory provisions relating to adverse possession claims in relation to registered and unregistered land, the rights of the owner to evict a trespasser on registered and unregistered land and the time limits and factors which a claimant needs to prove to establish a successful claim for adverse possession</li> <li>• The rules and formalities relating to the protection of third party rights in registered and unregistered land including (but not limited to): <ul style="list-style-type: none"> <li>○ How third party interests can be protected in registered land by registration, or whether they are overriding, how certain third party interests in registered land can be overreached including relevant legislation and case law</li> <li>○ How certain third party interests are protected by registration as Land Charges, others protected by holding the original title deeds and how a purchaser for value may take free of certain third party interests affecting the land being purchased including any relevant remedies and defences including relevant legislation and case law</li> </ul> </li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the law relating to trusts of land</b></p>	<ul style="list-style-type: none"> <li>• The formalities for the creation of express trusts of land</li> <li>• The legal rules relating to the creation of resulting and constructive trusts in land</li> <li>• Sole and co-ownership and the difference between holding the equitable estate in a joint</li> </ul>

		<p>tenancy or a tenancy in common, allocating distinct shares in land, severance of a joint tenancy, and devolution of title on the death of a co-owner and sole owner</p> <ul style="list-style-type: none"> <li>• The rights and powers of trustees and beneficiaries of a trust of land conferred by relevant legislation</li> <li>• The statutory rules and rules applied by the judiciary when determining the legal and beneficial ownership of land</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the law relating to mortgages</b></p>	<ul style="list-style-type: none"> <li>• The legal rules and formalities relating to the creation of valid legal and equitable mortgages, the manner in which a mortgagee client can be protected in both registered and unregistered land, the legal rules relating to the priority of legal and equitable mortgages, the rights of the mortgagor and mortgagee and the legal rules relating to a mortgagee enforcing its security through the power of sale</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the nature of leasehold estates and landlord and tenant law</b></p>	<ul style="list-style-type: none"> <li>• Explanation of the nature of a leasehold estate (including being subject to and granted out of a superior title)</li> <li>• The rules and formalities relating to the creation of legal and equitable leases in both registered (including the Land Registry's registration requirements) and unregistered land and the difference between a lease and under-lease</li> <li>• The difference between an 'old' and a 'new' lease and the legal rules relating to the enforceability of lease covenants between the original parties to a lease (landlord, tenant and guarantor) any subsequent owners (purchaser of the reversion and assignee), and against third parties</li> </ul>



<p><b>Element 2.</b></p> <p>RESIDENTIAL CONVEYANCING</p>	<p><b>Demonstrate knowledge, understanding and application of complying with the correct rules and procedures according to the Land Registration Act 2002 in relation to dealings with registered land and the Land Charges Acts in dealing with unregistered land</b></p>	<ul style="list-style-type: none"> <li>• Understanding and application of the law, rules, and Land Registry procedure relating to the practice of land registration in relation to conveyancing transactions</li> <li>• Dealing with trigger and first registrations</li> <li>• Understand and explain the different classes of Land Charge and how certain third party rights can be protected by registration as a Land Charge to determine whether a right is binding on a purchaser</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the different types of titles in land that can be held in England and Wales</b></p>	<ul style="list-style-type: none"> <li>• The differences between the types of title that can be held in land (including freehold, leasehold and commonhold)</li> <li>• The classes of title that can be held in land and the procedure under which these may be upgraded under relevant legislation and Land Registry procedure</li> <li>• The legal and equitable estates and interests that can be held in land and the remedies available recognised by relevant legislation and authority and the relative advantages and disadvantages of legal and equitable rights</li> <li>• The formalities required for the express creation of legal and equitable interests in land including legislation and case law</li> <li>• Explaining sole and co-ownership and the difference between holding a legal and equitable estate in a joint tenancy and a tenancy in common, advising clients on the most appropriate form of joint ownership, allocating distinct shares in land, being able to determine depending on circumstances the most appropriate form of co-ownership for the client, being able to sever a joint tenancy, and</li> </ul>

		<p>determining the devolution of title on the death of a sole and co-owner and the documentation and forms required to prove such devolution</p> <ul style="list-style-type: none"> <li>• Explaining how land can be transferred, let or charged including but not limited to where the owner has died, lost capacity, is insolvent or bankrupt, or is absent</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of title deduction and investigation of freehold and leasehold, registered and unregistered land</b></p>	<ul style="list-style-type: none"> <li>• Deduction of title to both registered and unregistered freehold and leasehold land and an ability to follow the procedure under the Law Society's Conveyancing Protocol to determine which documentation should be included in the contract bundle for the above types of title</li> <li>• Raising and drafting standard pre-contract enquiries for registered and unregistered freehold and leasehold land under the Law Society's Conveyancing Protocol and raising and replying to non-standard pre-contract enquiries and requisitions based on an examination of the title</li> <li>• Determine and perform the relevant pre-contract searches required for a particular property based on its location and an examination of the title</li> <li>• The need to ensure compliance with both planning and building regulations approval, the enforcement periods and the remedies and/or solutions for a breach of such obligations (including indemnity insurance) where there is such a contravention</li> <li>• In relation to a client's proposed buildings works and/or change of use to advise a client on the planning and building regulations regime and the need to inform the lender</li> <li>• The need for a Buildmark scheme in relation to</li> </ul>

		<p>new residential properties, the requirements under the Lenders Handbook, the period of cover provided, the remedies which a client has when a defect arises</p> <ul style="list-style-type: none"> <li>• Being able to act for a client purchasing a property 'off plan'.</li> <li>• To be able to identify 'problems'/defects in relation to a title and/or search results and to identify and advise a client and lender on relevant solutions and/or whether not to proceed with the purchase</li> <li>• The different types of title indemnity insurance available and arranging such cover when necessary</li> <li>• To be able to draft a report on title to the client providing the client with all of the relevant information about the transaction and providing advice as to whether the client should proceed and on the options available to overcome any problems or defects in title</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of contract law and the standard provisions of sale and special conditions for contracts and options for the sale of both freehold and leasehold land and the contractual remedies for breach of contract</b></p>	<ul style="list-style-type: none"> <li>• To adhere to the formalities for creating a binding contract and option for the sale of land including adhering to the formalities created by relevant legislation</li> <li>• To determine the difference between full title, limited title and no title guarantee under relevant legislation and the situations in which each type of title guarantee will be given</li> <li>• Understand the structure of the standard provisions and special conditions of the Standard Conditions of Sales (current edition) (the Standard Conditions) and how these may be varied by the use of additional special conditions according to the transaction</li> </ul>

		<ul style="list-style-type: none"> <li>• To determine the appropriate manner in which the deposit should be held in each transaction</li> <li>• To be able to exchange contracts in any given situation and determine the appropriate Law Society formula to used in single and chain transactions</li> <li>• Explain how a contract can be made conditional</li> <li>• To explain the law relating to options for the sale of land and the need to protect certain options by registration</li> <li>• Explain the legal and contractual consequences of late completion and misrepresentation: <ul style="list-style-type: none"> <li>○ Explain the remedies available under the common law, statute and the Standard Conditions in relation to a delayed completion by either the buyer or the seller, the remedies and procedure available to both parties</li> <li>○ To explain the law relating to misrepresentation the remedies available under the Standard Conditions of sale and relevant legislation</li> </ul> </li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the law and practice relating to residential leasehold transactions</b></p>	<ul style="list-style-type: none"> <li>• The law relating to residential leases and a lease is granted out of a superior title, the difference between a lease and an underlease and adhering to the formalities for the creation of a valid lease or underlease including the Land Registry's requirements relating to registrable leases</li> <li>• The structure of a long residential lease including prescribed clauses for registered leases and provisions of a residential lease</li> <li>• Determining the suitability of the provisions of a residential lease from a tenant's, landlord's and lender's point of view including, but not limited to</li> </ul>

		<p>repairing obligations, insurance, ground rent, user, service charge, extent of the demise, easements granted and reserved, the provision of services, landlord's covenant for quiet enjoyment, whether there is a requirement to transfer shares in a management company to the assignee</p> <ul style="list-style-type: none"> <li>• To determine from the provisions of a lease whether a landlord's consent is required for alienation or for any of the tenant's proposals and the effect of relevant statutory provisions</li> <li>• To adhere to a lender's additional requirements relating to registered and unregistered leasehold land contained in instructions in the Council of Mortgage Lenders Handbook and mortgage offer</li> <li>• An understanding of the rights and qualifying criteria for residential leaseholders to singly or to collectively purchase the freehold and the rights and qualifying criteria for individual residential leaseholders have to extend the term of a lease</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the rules and practice relating to the creation and protection of easements and covenants (including their registration)</b></p>	<ul style="list-style-type: none"> <li>• To determine whether suitable easements are in existence or will be reserved and/or granted when transferring the whole or part of a title and leasehold interests in relation (but not limited to) access, service arrangements in relation to utilities the right to connect to and/or install utilities, the right to repair and suitable arrangements in relation to maintenance and the payment of any service charge (including the difficulty of enforcing positive (non-leasehold) covenants in relation to such payments)</li> <li>• To determine whether suitable positive and negative covenants are in existence or will need to be created or modified based on the needs of</li> </ul>

		<p>the clients when transferring the whole or part of a title</p> <ul style="list-style-type: none"> <li>• To follow the correct procedure for registering easements and covenants in both registered and unregistered land.</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of The requirements of lenders and the formalities for creating valid mortgages</b></p>	<ul style="list-style-type: none"> <li>• Understanding of the formalities relating to the creation of a valid mortgage</li> <li>• Understanding of the main types of mortgage surveys available and their suitability depending on the client's instructions</li> <li>• The ability of act for a mortgagee in a sale and purchase and a remortgage transaction in both registered and unregistered freehold and leasehold land by perfecting their charge including, but not limited to following instructions in the Council of Mortgage Lenders Handbook and mortgage offer, investigating title to ensure there is a good and marketable title, redeeming existing charges on a sale or remortgage, dealing with the priority of mortgages when acting for a second or subsequent mortgagee</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of The procedure and steps to be performed during pre-completion and completion in a residential conveyancing transaction in both registered and unregistered freehold and leasehold land</b></p>	<ul style="list-style-type: none"> <li>• To perform the correct pre-completion steps in conveyancing transactions including preparing the relevant priority searches for registered and unregistered land</li> <li>• Follow the correct formalities for the engrossment, execution and completion (dating of documentation) by individuals, companies, attorneys</li> <li>• For both freehold and leasehold registered and unregistered transactions determine which documents need to be handed over by the seller's lawyer on completion and dealing with logistics such as the arrangements for the clients</li> </ul>

		<ul style="list-style-type: none"> <li>collecting the keys</li> <li>Following the correct procedures to discharge the client's existing mortgage</li> <li>Following good practice for completion by adhering to the Law Society's Code for Completion by Post</li> </ul>
	<p><b>Demonstrate knowledge, understanding and application of the post completion procedures and steps to be followed to perfect a purchaser's and/or lender's title in registered and unregistered land</b></p>	<ul style="list-style-type: none"> <li>To determine whether Stamp Duty Land Tax is payable in relation to a transaction and to follow the correct procedure in submitting the correct forms and making payment and the penalties that apply for late payment/submission</li> <li>Following the correct procedure to register the transaction and/or charge at the Land Registry, within the relevant time limits that apply and an understanding of the consequences of failing to register title within the relevant time limits</li> </ul>
<p><b>Element 3.</b> COMMERCIAL CONVEYANCING</p>	<p><b>Demonstrate knowledge, understanding and application of identifying and advising on the practical, commercial and legal considerations when carrying out Commercial Property Conveyancing of both registered and unregistered freehold and leasehold land (including the grant of a lease or underlease)</b></p>	<ul style="list-style-type: none"> <li>To be able to deduce and investigate title to registered (including identifying and carrying out relevant searches) and unregistered freehold and leasehold commercial property</li> <li>To raise and reply to standard (including the CPSEs) and non-standard pre-contract enquiries and requisitions based on an examination of the title</li> <li>To be able to identify and advise on the practical, commercial and legal considerations when dealing with acquisitions of commercial land including greenfield and brownfield sites</li> <li>To be aware of the main types of building contract, to be able to identify the parties involved in a construction project (the professional team) and their roles, the liability of the team to third parties, overview of the</li> </ul>

		<p>protections for third parties including collateral warranties</p> <ul style="list-style-type: none"><li>• The need to ensure compliance with both planning and building regulations approval, an awareness of the statutory provisions including the enforcement periods and the remedies and/or solutions for a breach of such obligations (including indemnity insurance) where there is such a contravention</li><li>• In relation to a client's proposed development or buildings works and/or change of use to advise a client on the planning and building regulations regime and the need to inform the lender</li><li>• To understand environmental liabilities in the context of commercial property transactions, to be able to explain how to identify and deal with contaminated land and appreciate the use of contractual protections to exclude or apportion liability for remedial work and to be able to identify the provisions in a commercial lease which may impose environmental liabilities on a tenant</li><li>• To understand the different types of contract that may be used to acquire commercial property and the standard and special conditions of such contracts that commercial property can be sold by (including the Standard Commercial Property Conditions (currently the 2<sup>nd</sup> Edition)) and the provisions that must be included to protect the client seller and buyer</li><li>• To understand the structure and provisions of ancillary documentation used to create an interest in commercial land including but not limited to agreements for lease, options to buy,</li></ul>
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		<p>conditional contracts, overage agreements, etc.</p> <ul style="list-style-type: none"><li>• To understand the VAT implications of a purchase and development of commercial property and the correct procedure to be followed where VAT is chargeable when acting for both the buyer and seller</li><li>• To be able to identify 'problems'/defects in relation to a title and/or search results and to identify and advise a client seller/purchaser and lender on relevant solutions (including indemnity insurance) and/or whether not to proceed with the transaction</li><li>• To be able to draft a report on title/lease to the client providing the client with all of the relevant information about the transaction and providing advice as to whether the client should proceed and on the options available to overcome any problems or defects in title</li><li>• To understand the provisions of and draft and execute deeds that create legal and/or equitable interests in land including but not limited to transfers, assignments, leases, subleases, mortgages and to be able to make valid amendments to such documents</li><li>• To perform the correct pre-completion steps in a commercial conveyancing transaction including preparing the relevant priority searches</li><li>• To be able to complete commercial conveyancing transaction including following the Law Society's Code for Completion by Post and preparing the documents to be provided on completion</li><li>• To be able to follow the correct post completion procedures to perfect the client's title, including but not limited to paying SDLT and following the</li></ul>
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		correct procedure to register title at the Land Registry and/or upgrade the title
	<b>Demonstrate knowledge, understanding and application of acting for both a landlord and tenant in commercial lease transactions</b>	<ul style="list-style-type: none"> <li>• To understand the distinction between a lease and licence, leasehold tenure and the anatomy of a commercial lease</li> <li>• The liability of parties to a commercial lease (landlord, tenant and guarantor) including privity of contract and estate, relevant legislation, guarantees and release of guarantors; strength of tenant's covenant, interpreting guarantee provisions in a commercial lease</li> <li>• To understand and deal with issues of leases of part including adequately defining the property, service charge provisions from the landlord's and tenant's view, ancillary documentation</li> <li>• The ability to draft a commercial lease, sublease and ancillary documentation including but not limited to licences, and to seek to amend terms according to the objectives of the landlord or tenant client and to be able to advise your landlord and tenant client on specific parts of a commercial lease and making relevant amendments including provisions on: <ul style="list-style-type: none"> <li>○ Repair and decoration, limiting tenant's repairing obligations, applying the relevant statutory provisions in relation to a breach of repairing covenant, advising on and amending repairing/decorating provisions, and enforcement of repairing obligations</li> <li>○ Insurance including insured and uninsured risks, rent suspension, termination, insurance provisions relating to lease of part, and advising on and</li> </ul> </li> </ul>

		<p>amending insurance provisions</p> <ul style="list-style-type: none"><li>○ restricting user and alterations, applying legislation relevant to change of use and alterations and the sanctions for breach, planning consent for change of use and alterations, amending user and alteration provisions and drafting ancillary documentation such as licences</li><li>○ Alienation (including assignment, subletting and other dealing), identification of 'old' and 'new' leases, lease provisions affecting alienation, understanding and applying relevant legislation, amending alienation provisions, drafting ancillary documentation, and remedies for unreasonably withholding consent</li><li>○ Rent review, the common types of review provisions and provisions of an open market rent review, making amendments to rent review provisions, and advising clients on the mechanics of a rent review</li></ul> <ul style="list-style-type: none"><li>● To Interpret and advise on the terms of a business lease when acting for a purchaser of a reversionary interest (i.e. an investor)</li><li>● Understanding of the range of methods by which a business lease may be terminated including the principle of security of tenure under relevant legislation (the Act), to be able to follow the, renewal and termination procedure under the Act, to be able to prepare relevant notices under the Act; and to progress negotiations for the renewal or termination of a business lease under</li></ul>
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		the Act; forfeiture; surrender; and break clauses (interpreting and advising of the exercise of a break clause in a commercial lease), and drafting ancillary documentation (including but not limited notices, forms and deeds of surrender)
<b>ENTRY EXPERIENCE</b> <b>ALL APPLICANTS</b>	<ul style="list-style-type: none"> <li>conveyancing experience in the 2 years preceding the application</li> </ul>	<ul style="list-style-type: none"> <li>General description of conveyancing work carried out</li> <li>Description of typical case load</li> <li>An indication of chargeable hours spent on conveyancing work in each of the last 2 years</li> <li>The proportion of time spent on conveyancing work</li> <li>Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities</li> <li>The applicant is required to demonstrate his experience of Conveyancing through the submission of 3 portfolios in accordance with <b>the Portfolio Guidelines</b>.</li> <li>Examples will be drawn from a range of cases from the applicant's case load.</li> </ul>

<b>STAGE 2</b> <b>QUALIFICATION</b> <b>CRITERIA SKILLS</b>	<p><b>Applicants must demonstrate the following skills.</b></p> <p><b>For skills elements 1-3:</b> All candidates</p>	<p><b>Applicants may provide an example to evidence their skills in these element from either a Residential Conveyancing OR Commercial Conveyancing context</b></p>
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	<p><b>For Skills elements 4-8</b></p> <ul style="list-style-type: none"><li>• For candidates seeking Residential Conveyancing only</li> <li>• For those seeking Commercial Conveyancing Practice Rights</li> <li>• Client Care and Legal Research</li></ul>	<p><b>Applicants must provide an example to evidence their skills in these elements from a Residential Conveyancing matters</b></p> <p><b>Applicants must provide an example to evidence their skills in these elements from both a Residential Conveyancing AND Commercial Conveyancing context (i.e. 2 pieces of evidence required).</b></p> <p><b>Either</b></p> <ul style="list-style-type: none"><li>• successful completion of CILEX Level 6 Professional Higher Diplomas in the skills of Research and Client Care</li></ul> <p><b>Or</b></p> <ul style="list-style-type: none"><li>• qualification and/or experience of an equivalent standard</li><li>• Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or</li></ul>
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		<p>equivalent) qualification, he should provide a portfolio of evidence and logbook which demonstrates meeting each of the outcomes set out in Elements 1 and 2 below in accordance with <b>the Portfolio Guidelines</b>.</p> <ul style="list-style-type: none"> <li>• Examples will be drawn from a range of cases from the applicant's case load.</li> </ul>
<p><b>Element 1</b> CLIENT CARE</p>	<p><b>Demonstrate knowledge and understanding of good practice in interviewing and advising</b></p>	<ul style="list-style-type: none"> <li>• Explain what the applicant understands by successful client interviewing</li> <li>• Demonstrate interviews which the applicant considers to be successful and identify what made them successful. This may be evidenced by demonstrating an ability to: <ul style="list-style-type: none"> <li>• Prepare for the interview and apply a structured approach to it;</li> <li>• Greet the interviewee appropriately and maintain the interviewee's confidence;</li> <li>• Use appropriate listening, questioning and feedback techniques;</li> <li>• Be sensitive to diversity and other relevant issues and handle any emotionally distressed client in a sensitive and professional manner;</li> <li>• Give appropriate advice when required (including the need to take further instructions or undertake research before doing so);</li> <li>• Keep a full and accurate record of the interview;</li> <li>• Close the interview appropriately and deal with any follow-up issues as required</li> </ul> </li> <li>• Demonstrate the ability to give and communicate clear, accurate and practical advice both orally and</li> </ul>

	<p><b>Demonstrate good practice in legal writing</b></p>	<p>in writing on matters relating to probate activities. This may be evidenced by an ability to:</p> <ul style="list-style-type: none"> <li>• Obtain all relevant information and identify the client's objectives;</li> <li>• Give clear advice on all relevant matters arising;</li> <li>• Where necessary, refer the client to other professionals better able to deal with the issues;</li> <li>• Identify the options available and explain the advantages and disadvantages of each of those options;</li> <li>• Enable and assist the client to reach a decision based on appropriate advice;</li> <li>• Give clear, appropriate and accurate advice regarding costs, disbursements and funding;</li> <li>• Seek appropriate instructions and give clear advice regarding the next steps to be taken in the matter;</li> <li>• Deal appropriately with any diversity or other issues that might arise;</li> <li>• Keep an accurate record of the advice give and the information on which that advice was based</li> </ul> <p>Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> <li>• accurate, succinct, complete and precise writing</li> <li>• awareness of the need to use 'plain English' and writing using correct grammar and spelling</li> <li>• the use of legal English is used only when necessary and is appropriately explained</li> <li>• judicious use of structure to clearly and logically</li> </ul>
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	<p><b>Demonstrate knowledge and understanding of professional conduct issues arising in practice</b></p> <p><b>Demonstrate knowledge and understanding of the importance of client care in legal practice</b></p>	<p>set out information</p> <ul style="list-style-type: none"> <li>• Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client</li> <li>• Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations</li> </ul> <ul style="list-style-type: none"> <li>• Explain where the applicant will find the rules of professional conduct which affect their practice of the law</li> <li>• Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations</li> <li>• Identify any professional organisations that exist within their area of practice and explain benefits of membership</li> <li>• Explain the SRA or CILEx equivalent rules relating to client care and evidence your use of the rules on practice</li> <li>• Evidence use of client care letters and complaint management handling</li> <li>• Demonstrate understanding of the need for good client care to benefit the business</li> </ul>
<p><b>Element 2</b></p> <p>LEGAL RESEARCH</p>	<p><b>Demonstrate knowledge and understanding of and be able to:</b></p> <p><b>1 analyse the scope and complexity of situations which need legal research</b></p>	<ul style="list-style-type: none"> <li>• identify situations in which the need for legal research has arisen in work</li> <li>• explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of</li> </ul>



	<p><b>2 evaluate legal research sources</b></p> <p><b>3 perform appropriate legal research</b></p> <p><b>4 analyse the law in relation to practical problems</b></p> <p><b>5 record and evaluate information</b></p> <p><b>6 synthesise research to present advice</b></p>	<p>the information discovered</p> <ul style="list-style-type: none"> <li>• explain understanding of primary and secondary sources and how these sources can be used to ensure the applicant has sufficiently researched the problem</li> <li>• identify relevant statutes, case law and other sources from their research</li> <li>• evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter</li> <li>• evidence their synthesis of the research materials to provide a structured and accurate report</li> <li>• evidence how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient</li> </ul>
<p><b>Element 3</b></p> <p>INTERVIEWING, ADVISING AND COMMUNICATING</p>	<p>INTERVIEWING</p> <ul style="list-style-type: none"> <li>• An ability to conduct effective interviews with the clients across a range of conveyancing matters</li> </ul> <p>ADVISING &amp; COMMUNICATING</p> <ul style="list-style-type: none"> <li>• An ability to give and communicate clear and accurate practical advice both orally and in writing</li> <li>• To give and communicate clear accurate and practical</li> </ul>	<ul style="list-style-type: none"> <li>• prepare for an initial interview and apply a structured approach to it</li> <li>• greet the interviewee appropriately</li> <li>• use appropriate listening questioning and feedback techniques</li> <li>• maintain rapport with the interviewee.</li> <li>• be sensitive to diversity issues</li> <li>• keep a full and accurate record of the interview</li> <li>• close the interview appropriately</li> <li>• Close the interview appropriately</li> <li>• Clearly identify the next steps to be taken by the interviewer and interviewee</li> </ul> <ul style="list-style-type: none"> <li>• Obtain all relevant information to identify the client's objectives</li> <li>• Give clear advice on all relevant matters arising</li> <li>• Identify the options available and explain the pros</li> </ul>

	<p>advice both orally and in writing on matters relating to the to a conveyancing transaction to a client on the law, procedure and on the options available</p>	<p>and cons of each of those options</p> <ul style="list-style-type: none"> <li>• Enable the client to make decisions in the transaction based on appropriate advice</li> <li>• Giving clear, appropriate and accurate advice regarding costs and funding</li> <li>• Seek appropriate instructions and give clear advice regarding the next steps to be taken</li> <li>• Deal appropriately with any diversity issues that arise</li> <li>• producing an accurate record of the advice given</li> </ul>
<p><b>Element 4</b> COSTS &amp; FUNDING</p>	<ul style="list-style-type: none"> <li>• An awareness of the importance of the client having sufficient funds in place to complete any conveyance</li> </ul>	<ul style="list-style-type: none"> <li>• clear and accurate calculation of all of the costs the client will incur during a conveyancing transaction including, but not limited to the purchase price, legal costs plus VAT, cost of all disbursements, any notification fees, and any stamp duty land tax that needs to be paid</li> <li>• A clear calculation of the funds available to the client taking into account any conditions attached to a mortgage offer and whether these will be sufficient to complete the purchase</li> <li>• The ability to provide generic advice on the main types of mortgage finance available for funding a purchase</li> <li>• Awareness of the range of options and advice that can be given to clients where there is a shortfall and the pros and cons associated with each option</li> <li>• The production of a clear and succinct completion statement</li> <li>• To advise on the tax implications of VAT and/or CGT on a conveyancing transaction</li> <li>• To arrange for the transfer of funds on completion by drawing down the mortgage funds, arranging for a telegraphic transfer to the vendor's solicitor</li> </ul>

<p><b>Element 5</b></p> <p>PROFESSIONAL CONDUCT AND ETHICS</p>	<ul style="list-style-type: none"> <li>• An awareness of and adherence to the professional conduct rules, relevant law and ethics relating to conveyancing practice</li> </ul>	<ul style="list-style-type: none"> <li>• An awareness of professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct in conveyancing transactions.</li> <li>• An awareness of the obligations owed to the client, lender, other lawyers, and other third parties in respect of money laundering legislation and regulation and complying with such regulation.</li> <li>• To be able to identify and deal appropriately with conflicts of interest that arise or may arise during a conveyancing transaction arising between the applicant and the client, between one or more clients, the client and the lender and between the client and any relevant third party including application of relevant case law and legislation.</li> <li>• Evidence use of client care letters and complaint management handling</li> <li>• An understanding of the base for the giving of professional undertakings to clients, the lenders, other lawyers and third parties in conveyancing transactions; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstration of the appropriate use of undertakings in conveyancing transactions</li> <li>• adherence to the statutory rules and procedures in relation to acting for clients in dealing with specified investments in conveyancing transactions (including, but not limited to share transfers, insurance, mortgages) and whether the firm can act under and exclusion and/or an exemption</li> </ul>
<p><b>Element 6</b></p> <p>MANAGING CONVEYANCING</p>	<p>FILE HANDLING</p> <ul style="list-style-type: none"> <li>• An ability to plan and manage a conveyancing transaction</li> </ul>	<ul style="list-style-type: none"> <li>• allocating time and resources appropriately,</li> <li>• being aware of all legal and procedural requirements</li> </ul>

<p>WORK</p>	<p>effectively</p> <p>DEALING WITH OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> <li>An ability to deal with and instruct other professionals</li> </ul>	<ul style="list-style-type: none"> <li>to actively manage a wide range and number of matters to ensure that they progress in a timely manner</li> <li>to diarise and be aware of all deadlines</li> <li>To be able to communicate and deal professional with other professionals and third parties orally and in writing.</li> <li>To be able to instruct experts including: <ul style="list-style-type: none"> <li>Appreciate the nature and function of different types of experts relevant to Conveyancing Practice</li> <li>Identify where an expert will need to be instructed during a conveyancing transaction (such as a surveyor)</li> <li>Identify and suitably qualified/experienced expert</li> <li>Agree an appropriate fee for the expert's work</li> <li>Draft a letter of instruction to the expert</li> </ul> </li> </ul>
<p><b>Element 7</b></p> <p>LEGAL WRITING AND DRAFTING</p>	<p>EFFECTIVE LETTER WRITING</p>	<p>To write letters to co-professionals, clients, and other parties that are:</p> <ul style="list-style-type: none"> <li>accurate, succinct, complete and precise writing</li> <li>use 'plain English' and writing using correct grammar and spelling</li> <li>legal English is used only when necessary and is appropriately explained</li> <li>judicious use of structure to clearly and logically set out information</li> <li>demonstrate the synthesis of a variety of sources to provide advice to the client.</li> <li>use of appropriate communication, including use of</li> </ul>

	<p><b>DRAFTING</b></p> <p>To correctly draft and complete all contracts, deeds, documents, forms and letters required throughout all stages of a conveyancing transaction</p>	<p>appropriate tone and style, to sensitively manage client expectations</p> <ul style="list-style-type: none"> <li>• Deeds and documents required to transfer or grant title such as transfers, leases, underleases, assignments, charges, etc.</li> <li>• Other deeds and documents that create an interest in land such as those creating easements and covenants</li> <li>• Contracts and options for the sale of land</li> <li>• The various forms and documentation involved in a conveyancing transaction including but not limited to Land Registry forms, Law Society Protocol forms, taxation forms, mortgagees forms.</li> <li>• Drafting letters to clients and other parties (including client care letters) and reports on title/leases.</li> </ul>
<p><b>Element 8</b> NEGOTIATION</p>	<ul style="list-style-type: none"> <li>• The ability to negotiate with other professionals at various stages of a conveyancing transaction and third parties on behalf of client seller, buyer, tenant and landlord</li> </ul>	<ul style="list-style-type: none"> <li>• Being aware of different negotiating styles and stances and clearly determining the agenda/objectives to be achieved prior conducting the negotiations</li> <li>• Obtaining all relevant information and identifying the clients objectives and entering into negotiations with other professions and third parties to achieve the client's objectives including but not limited to negotiating amendments to contracts, deeds, and other documentation, lease, all ancillary documentation, the wording and extent of undertakings, liaising and negotiating with the Land Registry, negotiating and liaising with planning authorities, and any other relevant third party</li> </ul>

