

# ANNEX 5: CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEx PRACTITIONER (CONVEYANCING)<sup>1</sup>

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

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<sup>1</sup> This document forms the education standards for Conveyancers

## TECHNICAL KNOWLEDGE REQUIREMENTS:

### GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

<b>MINIMUM CONTENT:</b>
<b>STAGE 1</b>
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
<b>STAGE 2</b>
Contextualised legal technology
Conduct and professional ethics
<b>CHARTERED LEGAL EXECUTIVE OR CILEx PRACTITIONER</b>
Basic accounts
Specialist legal technology
Conduct and professional ethics

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

<b>MINIMUM CONTENT:</b>
<b>Land law</b>
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

<b>Equity and trusts</b>
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
<b>Landlord and tenant</b>
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
<b>Contract law</b>
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

<b>Conveyancing of registered and unregistered freehold and leasehold transactions in England and Wales</b>
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:
  - Use relevant sources and appropriate research tools
  - Apply current law to the research problem
  - Record and present findings accurately and clearly
  - Apply results of research to progress matter and/or advise client
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents:
  - Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language, structure and formatting which meet all formal and legal requirements
  - Select precedents and templates and use, adapt and edit them in a way that is appropriate to the matter or transaction
  - Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in the drafting of documents and agreements
  - Identify the client's objectives and then draft a legal document, whether from free drafting or using a precedent, that forms a coherent whole, which achieves the client's objectives and, where appropriate, advances the matter or transaction and manages client risk

### 2. COMMUNICATION

You will be able to:

- ✓ Communicate orally and in writing, clearly and effectively with a range of colleagues, clients and third parties:
  - Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette for particular situations and/or transactions
  - Use language tailored to the audience and the purposes of the communication
  - Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
  - Produce clear, unambiguous and accurate written communication with appropriate language and structure
  - Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
  - Identify when negotiation is necessary

- Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
- Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
- Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
- Take the necessary steps to ensure agreement/compromise reached is clear and lawful, and where appropriate, legally binding
- Behave ethically in negotiating agreement or compromise
- Demonstrate how the outcome of the negotiations met your initial objectives and/or client's requirements
- ✓ Advocacy/oral presentation
  - Make oral presentations clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Develop, maintain and manage 3<sup>rd</sup> party relationships
  - Work both independently and as part of a team
  - Deal with others involved in a matter appropriately, professionally and ethically
  - Provide others involved in a matter with appropriate information, instructions and guidance
  - Identify and where appropriate instruct an advocate or expert

### **3. CLIENT RELATIONSHIP**

- ✓ Take instructions
  - Conduct effective interviews with a client to achieve a full understanding of the client's wishes, objectives and concerns
  - Identify and obtain all relevant information to necessary to achieve the client's objectives and address the client's concerns
  - Recognise where information is missing or held by 3rd parties and seek to obtain the necessary consents to acquire it
  - Obtain all information necessary to understand the roles and interests of the parties involved in the matter or transaction to give advice, plan for the progress and completion of the matter or transaction
  - Identifying and applying the requirements of lenders in the creation of valid mortgages
  - Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
  - Be alert to issues of undue influence and duress
  - Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's wishes and objectives,
  - Identify any alternative means of achieving the client's wishes and objectives
- ✓ Give advice
  - Communicate clear, accurate and practical advice, both orally and in writing, relevant to the matter or transaction
- ✓ Manage expectations

- ✓ Provide good customer service
  - Identify the steps which need to be taken to achieve the client's wishes or further their objectives as far as practicable and plan and implement their progress
  - Communicate with the client on progress towards achieving their objectives including risks which have not previously been identified

#### **4. EFFECTIVE WORKING PRACTICES**

- ✓ Progress matters
  - Deal with matters without causing delay
  - Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
  - Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
  - Maintain files and records in accordance with office and regulatory procedures
  - Seek support where necessary
  - Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

#### **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**

You will be able to:

- ✓ 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 Regulation Code of Conduct
  - Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
  - Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation, FSMA 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
  - Apply the conduct rules
  - Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality and diversity, 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 property practice and associated matters
- ✓ Identify uses for emerging technology in property practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges and the limitations of technology and use technology ethically