

## **RESERVED INSTRUMENT ACTIVITY CERTIFICATION RULES**

### **DEFINITIONS**

1. In these Rules, except where otherwise indicated:
  - “Conveyancing Certificate” means: a Conveyancing Practice Rights Certificate identified in these Rules;
  - Conveyancing Practitioner” means a person who has been granted a right to undertake reserved instrument activities, under the terms of the Act;
  - “Certification Rules” means the reserved instrument activity certification rules;
  - “External Advisor” means a person appointed by CILEx Regulation to carry out the role and function identified for them in these Rules;
  - “Applicant in good standing” means a person in respect of whose conduct there is no complaint outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Conveyancing Practitioner;
  - “CILEx” means the Chartered Institute of Legal Executives;
  - “Investigation, Disciplinary and Appeals Rules” means the Rules of CILEx which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;

- “The Act” means the Legal Services Act 2007; and
- “The Officer” means a person with responsibility for the Conveyancing Practice Rights Scheme.

Words importing the singular include the plural and vice versa.

2. Responsibility for this qualification scheme is delegated by CILEx to CILEx Regulation.

## **CONVEYANCING PRACTICE CERTIFICATE**

3. An applicant in good standing may apply to CILEx Regulation to be granted a Conveyancing Practice Rights Certificate (Conveyancing Certificate). The Conveyancing Certificate will authorise a person to exercised reserved instrument rights.
4. The reserved instrument rights exercisable by a person holding a Conveyancing Certificate are to:
  - a) Prepare any instrument of transfer or charge for the purposes of the Land Registration Act 2002;
  - b) Make an application or lodge a document for registration under that Act;
  - c) Prepare any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to Court proceedings in England and Wales.

Instrument includes a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include

- a) A will or other testamentary instrument,

- b) An agreement not intended to be executed as a Deed, other than a contract that is included by virtue of the preceding provisions of this sub paragraph,
- c) A letter or Power of Attorney, or
- d) A transfer of stock containing no trust or limitation of the transfer.

“A short lease” means a lease referred to in Section 54(2) of the Law of Property Act 1925.

## **QUALIFICATION ARRANGEMENTS**

- 5. Applicants who seek a Conveyancing Certificate must demonstrate that they meet the knowledge, skills and experience criteria in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines which appear at **Annex 2** and the competency framework at **Annex 3**.
- 6. An application must be made on such form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.
- 7. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.
- 8. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.

9. Where the external advisor finds that the portfolios are satisfactory and meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**, the CILEx Regulation Officer will consider the application. The Officer will consider whether the applicant may be granted a Conveyancing Certificate. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
10. Where the external advisor decides that the portfolios do not meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2** they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.
11. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.
12. The committee may:
  - Approve the application;
  - Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
13. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the knowledge,

skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.

14. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
15. Where the application has been approved, the notification shall include the Conveyancing Certificate.
16. Where the application is unsuccessful, the notification shall set out the Committee's reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

## **PRACTICE MANAGEMENT AND ACCOUNTS**

17. A Conveyancing Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at **Annexes 4 and 5**. They will not be authorised to be an Approved Manager in an entity until these requirements are met.
18. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.

19. An applicant who does not meet the knowledge, skills and experience requirements for practice management and or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 4 and 5**.

## **ADMISSIONS AND LICENSING COMMITTEE**

20. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the reserved Instrument rights qualification scheme.

## **EXTERNAL ADVISORS**

21. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on issues relating to reserved instrument practice rights.

## **CONVEYANCING PRACTITIONER**

22. An applicant who has been awarded a Conveyancing Certificate will be known as a Conveyancing Practitioner.

## **CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

23. Conveyancing Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations

issued by CILEx Regulation from time to time applicable to Chartered Legal Executives.

24. Where a Conveyancing Practitioner has failed to undertake CPD which meets the CPD Regulations or fails to provide a record of such CPD, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Conveyancing Practitioner should retain their Conveyancing Certificate.
25. The Conveyancing Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.
26. The Committee may decide to:
  - Grant an extension of up to 3 months for the Conveyancing Practitioner to meet their outstanding CPD requirement. The Conveyancing Practitioner will still be required to meet their current CPD requirements in the normal way; or
  - Withdraw the Conveyancing Practice Certificate.
27. Where a Conveyancing Practitioner's Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a Conveyancing Certificate in accordance with the Rules.

## **DISCIPLINARY PROCEDURES AND CODE OF CONDUCT**

28. Conveyancing Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.

29. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Conveyancing Practitioner, that matter will be dealt with in accordance with CILEx's Investigation, Disciplinary and Appeals Rules. Where a finding, order or decision is made against a Conveyancing Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Conveyancing Practitioner remains a fit and proper person to hold a Conveyancing Certificate. The Admissions and Licensing Committee must give reasons for its decision.
30. Rule 29 shall not apply where an order is made excluding a Conveyancing Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Conveyancing Practitioner's Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
31. Where the Admissions and Licensing Committee decides that the Conveyancing Practitioner is no longer a fit and proper person to hold a Conveyancing Practice Certificate or their certificate is invalid in accordance with Rule 30, they must return their Certificate to CILEx Regulation within 28 days of being notified of the decision. Failure to do so will constitute a disciplinary offence. The Conveyancing Practitioner may not exercise any Conveyancing Practice rights granted to them under their certificate after they have been notified of the decision.
32. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a Conveyancing Practitioner is no longer a fit and proper person to hold a Conveyancing Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeals body.



Reserved instrument certification

## **Annex 1 - KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES**

1. An applicant who seeks conveyancing practice rights must satisfy the guidelines below.
2. An applicant seeking conveyancing practice rights must provide the following information in an application devised by CILEx Regulation:
  - A general outline of the conveyancing practice work they have carried out and the total experience they have gained of conveyancing practice;
  - Details of their typical caseload;
  - The number of chargeable hours they spent on conveyancing work;
  - The proportion or number of cases which they have handled;
  - Details of any distinctive features of their work; and
  - Details of any supervisory arrangements under which they work and their own supervisory responsibilities.
3. Applicants must demonstrate that they have the appropriate level of knowledge, experience and skills in conveyancing practice and land law to be awarded a Conveyancing Certificate in accordance with the criteria set out at **Annex 3**.

## Competence Criteria

4. In deciding whether an applicant has adequate knowledge, skills and experience, CILEx Regulation will have regard to the competency framework set out at **Annex 3**.
5. Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines and assessment criteria set out at **Annex 2**.
6. In their application, portfolios and logbooks, an applicant will be expected to demonstrate that they can:
  - Recognise and rank items and issues in terms of relevance and importance;
  - Integrate information and materials from a variety of different sources;
  - Undertake the analysis of information in a logical and coherent way;
  - Make critical judgements on the merits of particular courses of action;
  - Present and make a reasoned choice between alternative solutions;
  - Act independently in planning, preparing and undertaking tasks in conveyancing activities;
  - Undertake independent research in conveyancing practice using standard legal information sources; and
  - Reflect on their learning and make constructive use of feedback.

## Evaluating Experience

7. An applicant will be expected to have a range of experience across the area in which they work. Applicants will be expected to have handled cases from the beginning to the end.
8. CILEx Regulation will consider the quality and quantity of experience that an applicant has gained. In considering the quality of experience, CILEx

Regulation will look at various factors such as the complexity of transactions handled, the nature of the transactions handled and the types of issues that have arisen within them.

9. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.
10. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in conveyancing practice. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.
11. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

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## **Annex 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA**

### **Introduction**

1. An applicant seeking conveyancing practice rights must provide evidence of their:
  - Knowledge and understanding of the area of law in which they seek rights, demonstrated to CILEx Level 6 standard.
  - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to CILEx Level 6 standard.
  - Evidence of their experience in the area of law in which they seek rights.
  - Skills in the legal practice area in which they seek rights.
2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1, in accordance with the competency framework which appears at **Annex 3**.

### **Knowledge of Law and Legal Practice**

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.
4. An applicant who has obtained a qualification which is not the CILEx Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, CILEx Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, CILEx Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant CILEx Level 6 subject(s).

5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the CILEx Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.
7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:
  - The facts of the case;
  - The law arising in the case and its application to the facts of the case;
  - The appropriate procedural and process matters that arose in the case and how they were dealt with;
  - The evidential issues that arose in the case and how they were dealt with;
  - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
  - The funding issues that arose in the case and how they were dealt with;
  - The advice the applicant provided to the client and the outcome of the matter;
  - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
  - Any training or development needs the applicant identified from having dealt with the case.

8. CILEx Regulation will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the CILEx Level 6 in the subject. The knowledge gained must cover at least 50% of the syllabus of the CILEx Level 6 subject.
9. In making its assessment, CILEx Regulation will take into account the competence criteria set out at **Annex 3** which outline the knowledge requirements for the relevant subject area.

## Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.
11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.
12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:
  - A description of cases that the applicant has handled;
  - A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
  - The number of chargeable hours spent on the practice area in which rights are sought;
  - The proportion of time spent on that area of law;
  - A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
  - Details of any distinctive features of the applicant's work; and

- Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.
13. An applicant will be required to produce portfolios of 3 cases which demonstrate their experience in the area in which rights are sought.
14. In the portfolios, applicants must provide the following information:
- The facts of the case;
  - The law arising in the case and its application to the facts of the case;
  - The procedural and process matters that arose in the case and how they were dealt with;
  - The evidential issues that arose in the case and how they were dealt with;
  - Any ethical or conduct issues that arose in the case and how they were dealt with;
  - The funding issues that arose in the case and how they were dealt with;
  - The advice the applicant provided to the client and the outcome of the case;
  - Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
  - Any training or development needs that the applicant identified from having dealt with the case.
15. CILEx Regulation will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

## Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.



17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3**, or producing a log of their experience which demonstrates their skills.
18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.
19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.
20. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**.

### **Practice management and accounts**

21. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 4 and 5**.
22. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 4 and 5**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

23. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 4 and 5**.

### **Annex 3 - INTRODUCTION – CONVEYANCING PRACTICE RIGHTS**

The entry criteria, learning outcomes and evidence of competency stated in this schedule set 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.

Certification of 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 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.

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
<b>STAGE 1 ENTRY CRITERIA</b> <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>	
<b>KNOWLEDGE AND UNDERSTANDING</b>			<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</li> </ul> <p><b>Or</b></p> <p>Has supplied evidence of qualification of an equivalent standard</p> <p><b>Or</b></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>

Entry Competencies	Level	Learning Outcome	Supporting Experience
<b>Element 1</b>  LAND LAW		<b>Demonstrate knowledge, understanding and application of the difference between real and personal property</b>	The applicant will need to provide evidence of: <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 relevance of possession</li> <li>• The different types of title in land.</li> </ul>
		<b>Demonstrate knowledge, understanding and application of the types of legal and equitable interests that arise in land</b>	<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>
		<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>	<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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>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, 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>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<b>Demonstrate knowledge, understanding and application of the law relating to trusts of land</b>	<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 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</li> <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>
		<b>Demonstrate knowledge, understanding and application of the law relating to mortgages</b>	<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>
		<b>Demonstrate knowledge, understanding and application of the nature of leasehold estates and landlord and tenant law</b>	<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</li> </ul>



Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
<b>Element 2.</b> RESIDENTIAL CONVEYANCING			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.
		<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>	<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>
		<b>Demonstrate knowledge, understanding and application of the different types of titles in land that can be held in England and Wales</b>	<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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>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 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 a 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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>such a contravention</p> <ul style="list-style-type: none"> <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 new residential properties, the requirements under the Lenders Handbook, the period of cover provided, the remedies which a client has when a defect arises</li> <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> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<ul style="list-style-type: none"> <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> <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>• 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 leases 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> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<ul style="list-style-type: none"> <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 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</li> <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 that individual residential leaseholders have to extend the term of a lease.</li> </ul>
		<p><b>Demonstrate knowledge, understanding and application of the rules and practise 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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>payment of any service charge (including the difficulty of enforcing positive (non-leasehold) covenants in relation to such payments)</p> <ul style="list-style-type: none"> <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 the clients when transferring the whole or part of a title</li> <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 to 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 and</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>attorneys</p> <ul style="list-style-type: none"> <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 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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>including greenfield and brownfield sites</p> <ul style="list-style-type: none"> <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 protections for third parties including collateral warranties</li> <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 (current edition)) and the provisions</li> </ul>



Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>that must be included to protect the client seller and buyer</p> <ul style="list-style-type: none"> <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, conditional contracts, overage agreements, etc.</li> <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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>transactions including following the Law Society's Code for Completion by Post and preparing the documents to be provided on completion</p> <ul style="list-style-type: none"> <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 correct procedure to register title at the Land Registry and/or upgrade the title</li> </ul>
		<p><b>Demonstrate knowledge, understanding and application of acting for both a landlord and tenant in commercial lease transactions</b></p>	<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</li> </ul> </li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<ul style="list-style-type: none"> <li>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 amending insurance provisions</li> <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> <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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>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 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)</p>
<p><b>ENTRY EXPERIENCE</b> <b>ALL APPLICANTS</b></p>		<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 their 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>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
<b>STAGE 2</b>  <b>QUALIFICATION CRITERIA: SKILLS</b>		<p><b>Applicants must demonstrate the following skills.</b></p> <ul style="list-style-type: none"> <li>• Client Care and Legal Research</li> </ul>	<p><b>Applicants must provide an example to evidence their skills in these elements</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 Legal Research and Client Care</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• qualification of an equivalent standard</li> <li>• Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or 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></li> <li>• Examples will be drawn from a range of cases from the applicant's case load.</li> </ul>
<b>Element 1</b> CLIENT CARE		<p><b>Demonstrate knowledge and understanding of good practice in interviewing and advising</b></p>	<ul style="list-style-type: none"> <li>• Explain 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</li> </ul> </li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>structured approach to it</p> <ul style="list-style-type: none"> <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> <ul style="list-style-type: none"> <li>• Demonstrate the ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to conveyancing activities. This may be evidenced by an ability to: <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</li> </ul> </li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<p><b>Demonstrate good practice in legal writing</b></p> <p><b>Demonstrate knowledge and understanding of professional conduct issues arising in practice</b></p>	<p>advice regarding the next steps to be taken in the matter</p> <ul style="list-style-type: none"> <li>• Deal appropriately with any diversity or other issues that might arise</li> <li>• Keep an accurate record of the advice given 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 set out information</li> <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 practise 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</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<b>Demonstrate knowledge and understanding of the importance of client care in legal practice</b>	<p>within their area of practice and explain benefits of membership</p> <ul style="list-style-type: none"> <li>• Explain the SRA or CILEx equivalent rules relating to client care and evidence use of the rules in 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>
<b>Element 2</b> LEGAL RESEARCH		<p><b>Demonstrate knowledge and understanding of and be able to:</b></p> <ol style="list-style-type: none"> <li><b>1 analyse the scope and complexity of situations which need legal research</b></li> <li><b>2 evaluate legal research sources</b></li> <li><b>3 perform appropriate legal research</b></li> <li><b>4 analyse the law in relation to practical problems</b></li> <li><b>5 record and evaluate information</b></li> <li><b>6 synthesise research to present advice</b></li> </ol>	<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 the information discovered</li> <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>
<b>Element 3</b> INTERVIEWING, ADVISING		INTERVIEWING	<ul style="list-style-type: none"> <li>• Prepare for an initial interview and apply a structured approach to it</li> </ul>



<b>Entry Competencies</b>	<b>Level</b>	<b>Learning Outcome</b>	<b>Supporting Experience</b>
AND COMMUNICATING	<p>The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:</p> <ul style="list-style-type: none"> <li>An ability to conduct effective interviews with clients across a range of conveyancing matters</li> </ul> <p>ADVISING &amp; COMMUNICATING</p> <ul style="list-style-type: none"> <li>To give and communicate clear accurate and practical 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</li> </ul>	<p>The applicant will need to provide evidence of:</p> <ul style="list-style-type: none"> <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>Clearly identify the next steps to be taken by the interviewer and interviewee</li> <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 and cons of each of those options</li> <li>Enable the client to make decisions on 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>	
<b>Element 4</b> COSTS & FUNDING	<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</li> </ul>	

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>to a mortgage offer and whether these will be sufficient to complete the purchase</p> <ul style="list-style-type: none"> <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> PROFESSIONAL AND ETHICS</p>	<p>CONDUCT</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,</li> </ul>

Entry Competencies	Level	Learning Outcome The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
			<p>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</p> <ul style="list-style-type: none"> <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 an exclusion and/or an exemption</li> </ul>
<p><b>Element 6</b> MANAGING CONVEYANCING WORK</p>		<p>FILE HANDLING</p> <ul style="list-style-type: none"> <li>• An ability to plan and manage a conveyancing transaction effectively</li> </ul> <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>• Allocating time and resources appropriately,</li> <li>• Being aware of all legal and procedural requirements</li> <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 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>



<b>Entry Competencies</b>	<b>Level</b>	<b>Learning Outcome</b>	<b>Supporting Experience</b>
NEGOTIATION		<p>The entry requirement to obtain conveyancing practice rights seeks to ensure that the applicant:</p> <p>stages of a conveyancing transaction and third parties on behalf of client, seller, buyer, tenant and landlord</p>	<p>The applicant will need to provide evidence of:</p> <p>stances and clearly determining the agenda/objectives to be achieved prior to conducting the negotiations</p> <ul style="list-style-type: none"> <li>• Obtaining all relevant information and identifying the client's 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, leases, 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>

