



Higher National Unit specification

General information for centres

Unit title: Conveyancing

Unit code: F1B2 35

Unit purpose: This Unit is designed to expand the candidates' knowledge of the law as it applies to conveyancing transactions ie transferring the ownership of heritable property and the subsequent registration of the owner's title to the property in Scotland. This specialist Unit will concentrate particularly upon the formation of a contract of sale for heritable property ('the missives'), carrying out the appropriate searches in relation to heritable property and current procedures for registering the owner's title to heritable property. The Unit will also focus on common survey techniques for establishing the value of heritable property and the common methods by which buyers secure finance to purchase the property by means of standard securities or mortgages.

On completion of the Unit the candidate should be able to:

- 1 Complete a legally binding set of missives between the buyer and seller.
- 2 Examine and verify the seller's title to heritable property.
- 3 Complete an appropriate Disposition and draw up a State for Settlement.
- 4 Advise clients on common survey methods and standard securities and complete a standard security.
- 5 Complete the necessary registration procedures for the Land Register.

Credit points and level: 2 HN credits at SCQF level 8: (16 SCQF credit points at SCQF level 8*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. However, candidates would normally be expected to have competence in Communication at Higher SCQF level 6 or equivalent. It is recommended that candidates should also have completed the HN Units entitled F1B2 35 *Commercial Law* and FN5N 34 *Property Law*.

Core Skills: There are opportunities to develop the Core Skills of Problem Solving, Communication and Working with Others at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

General information for centres (cont)

Assessment: Assessment for this Unit is carried out on a holistic basis, with candidates being presented with a scenario in the form of a case study or studies to which they have to provide written evidence of being able to carry out the tasks covered in the Outcomes. In addition, candidates will provide written/oral evidence of knowledge on a sampled basis under open-book conditions. Assessment(s) should be conducted under controlled condition.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Higher National Unit specification: statement of standards

Unit title: Conveyancing

Unit code: F1B2 35

The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Complete a legally binding set of missives between the buyer and the seller

Knowledge and/or Skills

- ◆ Correspondence exchanged between the buyer's and seller's solicitors
- ◆ Common clauses or standard terms contained in missives
- ◆ Amendments or qualifications made by the seller to the buyer's original offer
- ◆ Concluding the missives
- ◆ Remedies for breach of contract available to the buyer and the seller

Outcome 2

Examine and verify the seller's title to heritable property

Knowledge and/or Skills

- ◆ The Register of Sasines
- ◆ The Land Register
- ◆ The Register of Inhibitions and Adjudications (the Personal Register) and Insolvency Search
- ◆ The Register of Charges
- ◆ The purpose of Searches
- ◆ Documentation used in searches
- ◆ The importance of examination of title
- ◆ Verifying a good and marketable title in relation to heritable property transactions
- ◆ The importance of searches in public Registers

Higher National Unit specification: statement of standards (cont)

Unit title: Conveyancing

Outcome 3

Complete an appropriate Disposition and draw up a State for Settlement

Knowledge and/or Skills

- ◆ An overview of the settlement of conveyancing transactions
- ◆ The importance of the Disposition
- ◆ Completing a Disposition
- ◆ Current matrimonial homes and civil partnerships legislation
- ◆ Letters of obligation
- ◆ State for settlement drawn up by the parties' solicitors
- ◆ Explanation of basic settlement procedures

Outcome 4

Advise clients on common survey methods and standard securities and complete a standard security

Knowledge and/or Skills

- ◆ Common types of standard securities in relation to heritable property
- ◆ Documentation used in relation to standard securities
- ◆ Common conditions contained in standard securities
- ◆ The rights and duties of a creditor and a debtor under a standard security
- ◆ Current legislation relating to standard securities
- ◆ Common survey and valuation methods in relation to heritable property

Outcome 5

Complete the necessary registration procedures for the Land Registry

Knowledge and/or Skills

- ◆ First registration of title to heritable property on the Land Register
- ◆ Second and subsequent registrations of heritable property on the Land Register
- ◆ The issuing of the Land Certificate and Charge Certificate
- ◆ Creation and discharge of a standard security
- ◆ Automated Registration of Title to Land (ARTL)

Higher National Unit specification: statement of standards (cont)

Unit title: Conveyancing

Evidence Requirements for this Unit

The candidate will provide written evidence to show that they can:

- ◆ Complete a legally binding set of missives
- ◆ Examine the title deeds or Land Certificate to confirm right to sell
- ◆ Complete the appropriate disposition
- ◆ Prepare a State for Settlement
- ◆ Complete a standard security, having advised clients on common survey and valuation techniques and the different types of standard securities
- ◆ Register the buyer's title

Candidates will be given a case study (or case studies) which addresses the sale of residential heritable property eg a flat or a house. The case study will consist of a scenario where candidates take on the role of a solicitor acting on behalf of a potential buyer of residential property. As the buyer's solicitor, candidates will be expected to be fully conversant with the main stages of a conveyancing transaction and be in a position to advise the client accordingly.

Candidates will be given the details they require on the case study/ies seven to ten days prior to the assessment and they will be given the questions at the time of the assessment. The assessment will be conducted in controlled conditions, and could be organised into two separate assessments. The assessment will be conducted under open-book conditions and, therefore, candidates will be permitted to make full use of textbooks, class handouts and other relevant material during the assessment.

In addition to the above practical assessment, candidates will provide written/oral evidence of knowledge, which may be sampled, in which case at least two items from the knowledge and/or skills contained in each of the five Outcomes should be sampled.

Assessment Guidelines for this Unit

Knowledge and/or skills which are not addressed in the main case study could be sampled by means of a series of supplementary questions as part of the assessment strategy. These supplementary questions could be in the format of restricted response questions which can be used to demonstrate that candidates have a sound grasp of the material covered in the Unit.

Candidates will be expected, as much as possible, to apply the theoretical legal position to the scenario within the case study in order to resolve problems, so it is important that the case study is sufficiently complex to allow this to happen. Candidates will need to provide evidence to show that they can give an accurate and clear explanation of the law as it relates to a given case study or case studies.

Should there be ambiguity regarding a candidate's response to the assessment, or authenticity of the candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding of the legal principle. The lecturer should note questions and responses.

Higher National Unit specification: statement of standards (cont)

Unit title: Conveyancing

It is highly recommended that candidates be provided with computer templates or hard copies of styles of legal correspondence commonly used in the various stages of a conveyancing transaction. Candidates should not be expected to attempt to draft styles of legal correspondence or official documentation from scratch.

It is suggested that both practical and knowledge assessment take a maximum of four hours to complete, although this could be increased at the discretion of centres. It would be possible to undertake the practical part of the assessment in one 3 hour case study, with a one hour assessment of knowledge, or a two hours practical test with two hours knowledge assessment, but again this is at the centre's discretion.

Candidates will be expected, as much as possible, to apply the theoretical legal position to the scenario within the case study in order to resolve problems, so it important that the case study is sufficiently complex to allow this to happen.

Administrative Information

Unit code:	F1B2 35
Unit title:	Conveyancing
Superclass category:	EC
Original date of publication:	March 2007
Version:	04 (August 2011)

History of changes:

Version	Description of change	Date
02	Assessment guidelines amended to allow centres greater discretion in designing assessments. Wording revised relating to guidance for candidates with additional support needs.	26/08/09
03	'Evidence Requirements for this Unit' — 4th bullet point, wording changed from 'Prepare a statement for settlement to 'Prepare a State for Settlement'	15/02/10
04	Recommended Prior Knowledge and Skills, Property Law Unit code updated. Outcome 2 — third bullet, "and Insolvency Search" added.	23/08/11

Source: SQA

© Scottish Qualifications Authority 2007, 2009, 2010, 2011

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

SQA acknowledges the valuable contribution that Scotland's colleges have made to the development of Higher National qualifications.

Additional copies of this Unit specification can be purchased from the Scottish Qualifications Authority. Please contact the Customer Contact Centre for further details, telephone 0845 279 1000.

Higher National Unit specification: support notes

Unit title: Conveyancing

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 80 hours.

Guidance on the content and context for this Unit

The Unit is primarily intended to give candidates a practical insight into aspects of conveyancing procedures in relation to the transfer of heritable property in Scotland. It is also applicable to those who have relevant work experience as it will give them a theoretical understanding of the legal principles relating to conveyancing transactions.

This Unit is specifically geared towards Scottish Law. It is highly recommended that candidates be reacquainted with the following areas:

- ◆ General principles of the law of contract especially the process of offer and acceptance
- ◆ The current system of land tenure in Scotland and burdens commonly imposed on land
- ◆ The Scottish legal profession
- ◆ The law of agency as it applies in the conveyancing context

The Unit should also demonstrate how legislation has, and is being developed, the use of case law in settling legal matters and how this affects the rights and obligations of all the parties to a conveyancing contract.

The suggested allocation of teaching time when delivering this Unit is as follows:

- ◆ Outcome 1 – 25%
- ◆ Outcome 2 – 25%
- ◆ Outcome 3 – 15%
- ◆ Outcome 4 – 15%
- ◆ Outcome 5 – 20%

The Unit can be approached by using relevant case studies which are related to events which require to be acted upon, or explained in terms of legal solutions or relevant case law. Wherever possible, centres should adopt a proactive approach towards the teaching of this Unit by using reported cases from current law journals and other relevant sources. Likewise, candidates should be encouraged to source all information eg the internet, professional journals and newspapers. Candidates should also be encouraged to use these articles as discussion topics in the classroom environment. It is also vital that candidates should be made fully aware of the growing importance of information technology in the modern law practice. It is highly recommended that candidates be provided with computer templates or hard copies of styles of legal correspondence commonly used in conveyancing procedures.

Higher National Unit specification: support notes (cont)

Unit title: Conveyancing

Guidance on the delivery and assessment of this Unit

Centres are recommended to follow the sequence of Outcomes which will provide the candidates with a clear understanding of the legal issues which apply to conveyancing transactions in relation to current professional standards.

Centres should emphasise to candidates that they require to transfer knowledge gained from the completion of the HN Units 'Mercantile Law' and 'Property Law' especially with regard to the law of contract, the current system of land tenure in Scotland, the registration of title to heritable property and common burdens and conditions affecting heritable property. Candidates should also be encouraged to transfer Knowledge of money laundering regulations gained from either of the Higher National Units; Legal and Ethical Issues or Essential Skills for Paralegals.

Candidates will be expected, as much as possible, to apply the theoretical legal position to each of the assessments, in order to resolve problems within the context of the case study. It is recommended that a bank of case studies should be prepared to cover the knowledge and understanding of all Outcomes within this Unit.

Opportunities for developing Core Skills

Elements of the Core Skill of Problem Solving, that is, planning and organising, critical thinking, and reviewing and evaluating, will be naturally developed and enhanced in the Unit, which requires the application of theoretical knowledge to a complex practical task. Identifying and analysing all factors impacting on the legal responsibilities of assisting a buyer in the purchase of residential property will involve a high level of analytical and strategic thinking. Applying knowledge of current legislation and regulatory requirements whilst dealing with clients in a way which assures accuracy and efficiency is critical to achievement.

Communication skills are not discretely assessed but candidates research and analyse complex legal information and theory, and have to present written advice and documentation which is accurate, to a professional standard, using appropriate terminology. They should be made aware of current theories relating to best practice in communicating and working with others. Recognition of factors affecting and maximising success in communicating with people, including methods for negotiating positive Outcomes and overcoming barriers, will be an element of competence. Awareness of the impact of verbal and non-verbal communication techniques in the advising and supporting clients will be essential. Candidates could explore the use of a range of active listening and talking techniques including adaptation of language and register to meet the needs of others. Although candidates must independently complete and present evidence, discussions centred on case studies and exemplar materials would offer opportunities to reinforce skills in analytical evaluation of issues and Outcomes.

As stated in the General Information for Centres, this Unit can be assessed by use of five separate assessment events.

Higher National Unit specification: support notes (cont)

Unit title: Conveyancing

Open learning

This Unit is suitable for open and distance learning delivery. The assessment strategy and guidelines described in the Unit specification must still be applied if this method of delivery is chosen. For further information and advice please refer to the SQA document *Assessment and Quality Assurance for Open and Distance Learning* which is available on SQA's website www.sqa.org.uk.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

General information for candidates

Unit title: Conveyancing

This Unit is designed to introduce you to the basic concepts of buying and selling heritable property in Scotland. Particular emphasis will be placed on the purchase and sale of residential property ie houses and flats. You will also become familiar with the documentation required for transferring the ownership of heritable property and the need for the new owner to record his/her title to the property in the Land Register. You will have to demonstrate that you can complete a contract of sale ('the missives') for heritable property. You will also have to carry out the appropriate searches in relation to heritable property and demonstrate a clear understanding of current procedures for registering the owner's title to heritable property. The Unit will also focus on common survey techniques used for valuing heritable property and the most common methods by which buyers finance the purchase of the property (standard securities/mortgages).

There are five Outcomes in this Unit, which will be assessed on a holistic basis. All Outcomes will be assessed by use of a case study, or case studies to test your understanding of the legal principles and how they can be applied. The assessment will take the form of an open-book exercise; you will be permitted to use textbooks and class handouts during the assessment event.

In this Unit, you will cover:

- ◆ The completion of a contract of sale involving heritable property ie 'the missives'
- ◆ The purpose of the Sasine Register and the Land Register
- ◆ Examination of sasine title
- ◆ Examination of registered title
- ◆ Searches against the seller in the Personal Registers and the Register of Charges
- ◆ Common procedures for settling conveyancing transactions
- ◆ Drafting a disposition
- ◆ The importance of matrimonial homes/civil partnership affidavits and letters of obligation
- ◆ Common survey and valuation methods & financing the purchase of heritable property (standard securities)
- ◆ Registering the buyer's title in the Land Register

The assessment answers which you will provide will be in response to a specific question or questions contained in a case study or case studies. In these answers, you will need to provide evidence to show that you can give an accurate and clear explanation of the law as it relates to a given case study or case studies. You will be required to study the full range of topics in the bullet list above and you will need to show that you fully understand the following:

Outcome 1

- ◆ Completion of 'the missives'
- ◆ Standard terms in the buyer's offer
- ◆ Amendments by the seller to the buyer's offer
- ◆ Key items of correspondence exchanged between the parties' solicitors

Outcome 2

- ◆ The Sasine Register
- ◆ The Land Register
- ◆ Searches of the Sasine Register and the Land Register
- ◆ Searches of the Registers of Inhibitions and Adjudications and Insolvency Search

General information for candidates (cont)

Unit title: Conveyancing

- ◆ Searches of the Register of Charges
- ◆ Documentation used in the various searches
- ◆ Good and marketable title to heritable property

Outcome 3

- ◆ Settlement of a conveyancing transaction
- ◆ The Disposition, its content and its importance
- ◆ Drafting the appropriate Disposition for registration in the Land Register
- ◆ Matrimonial homes/civil partnership affidavits
- ◆ Letters of obligation

Outcome 4

- ◆ Common valuation and survey techniques
- ◆ Financing the purchase of heritable property ie standard securities
- ◆ The relationship of debtor and creditor
- ◆ Common terms in standard securities
- ◆ Breach or default of the conditions in the standard security by the debtor
- ◆ The consequences of breach/default by the debtor

Outcome 5

- ◆ Dealings on the Land Register
- ◆ First registration of title in the Land Register
- ◆ Second and subsequent dealings of title in the Land Register
- ◆ Completing the appropriate documentation required for Land Register dealings
- ◆ The Land Certificate and the Charge Certificate
- ◆ Automated Registration of Title to Land (ARTL)