



## National Unit specification: general information

**Unit title:** Property Law: An Introduction

**Unit code:** FR2A 12

**Superclass:** EC

**Publication date:** March 2012

**Source:** Scottish Qualifications Authority

**Version:** 02

## Summary

The purpose of this Unit is to introduce candidates to the Law of Property in Scotland, to enable them to explain the principle aspects of property law, apply their knowledge and suggest actions to be taken to ensure legal compliance.

This Unit is suitable for candidates who are undertaking the study of this subject for the first time and wish to develop a basic understanding of Property Law in Scotland.

This is a mandatory Unit within the National Certificate in *Legal Services* (SCQF level 6) and may also be offered as a free standing Unit. It is envisaged that, where taken as part of the NC in *Legal Services*, candidates completing this Unit will be able to work towards progression to HNC in *Legal Services* and specifically to the HN Unit *Property Law*.

## Outcomes

- 1 Explain the main classifications of Scots Law in relation to property.
- 2 Explain the law of registration of heritable property.

## Recommended Entry

While entry is at the discretion of the centre, candidates would normally be expected to have attained the following:

- ◆ Standard Grade English (Credit Level) or equivalent.

## National Unit specification: general information (cont)

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### Credit Value

1 National Unit Credit at level 6 (6 SCQF credit points at SCQF level 6\*).

*\*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.*

### Core Skills

Achievement of this Unit gives automatic certification of the following:

Complete Core Skill                      None

Core Skill component                      Critical Thinking @ SCQF level 4

There are also opportunities to develop aspects of Core Skills which are highlighted in the Support Notes of this Unit Specification.

## **National Unit specification: statement of standards**

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Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit Specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

### **Outcome 1**

Explain the main classifications of Scots Law in relation to property.

#### **Performance Criteria**

- (a) Explain what is meant by real and personal rights.
- (b) Explain the difference between heritable and moveable property.
- (c) Explain the difference between rights of ownership and rights of use.
- (d) Explain the role and importance of missives of Sale and Purchase of residential property.

### **Outcome 2**

Explain the principles of registration of heritable property.

#### **Performance Criteria**

- (a) Explain the purpose of and processes related to the Sasine Register.
- (b) Explain the purpose of and processes related to the Land Register.
- (c) Explain the purpose of the forms and processes for property registration.
- (d) Explain the relevance of other documents which may be part of a progress of title.

## **National Unit specification: statement of standards (cont)**

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### **Evidence Requirements for this Unit**

Written and/or oral recorded evidence is required to demonstrate that the candidates have achieved all of the Outcomes and Performance Criteria. Evidence should be produced under open-book, supervised conditions.

Candidates must provide evidence of the following:-

#### **Outcome 1**

- ◆ An explanation of what is meant by real and personal rights of property, by giving at least two examples each and how they would affect title to property.
- ◆ An explanation of the difference between heritable and moveable property including at least two examples of each. In relation to heritable property, the explanation must include reference to built property and the immoveable fixtures within it. In relation to moveable property the explanation must include reference to contents.
- ◆ An explanation of rights of ownership and rights of use which must include reference to one example of a right of shared ownership and one example of a right of use.
- ◆ An explanation of the importance of Missives of Sale and Purchase of residential property which must include reference to Standard Missives.

#### **Outcome 2**

- ◆ An explanation of what the Land Register of Scotland is which must include reference to record keeping of property transactions.
- ◆ An explanation of what the General Register of Sasines is which must include identification of the difference between current practice (Land Certificate) and previous practice (Sasine Writ).
- ◆ An explanation of processes relating to Land Register which must include reference to registration of both purchase and sale of residential property.
- ◆ Identification of the purpose of at least three forms that would be used in first and subsequent registration. Responses must include the purposes of at least Form 2 (used when registering a purchase, eg disposition and standard security) and Form 4 (inventory of documents sent with an application).
- ◆ An explanation of what a link in title is which must include reference to at least two deeds.

## **National Unit specification: support notes (cont)**

### **Unit title:** Property Law: An Introduction

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 40 hours.

### **Guidance on the content and context for this Unit**

The purpose of this Unit is to introduce candidates to the Law of Property in Scotland, to enable them to explain the principle aspects of property law, apply their knowledge and suggest actions to be taken to ensure legal compliance.

Suggested content for the Unit includes:

#### **Outcome 1**

This Outcome will establish the main classifications of Scots Law in relation to property and will include the principles of transfer of ownership, the purchaser obtaining good title and briefly covering exceptions to this whereby goods without good title are sold on. Candidates should be encouraged to find information on Acts of Parliament and understand how to research topics. Content should cover the various types of rights, the reason for having such rights, how they differ from each other and how they impact on title, eg rights in common, rights of the owner, the seller or the purchaser, contractual rights under missives and lender's rights over property. Candidates should explore examples of heritable and moveable property including fixtures and fittings, and understand how the law of property relates to items such as farm animals, money, vehicles, etc. They should also research common examples of shared ownership and rights of use. Candidates should demonstrate an understanding of the importance of conclusion of missives by reference to published Standard Missives.

#### **Outcome 2**

This Outcome should cover the purpose of the Land Register of Scotland, the types of registration processes available and the registration procedure including The Land Registration (Scotland) Act 1979 and The Land Registration (Scotland) Rules 2006. Examples of forms/the electronic registration process, costs of same and the finished Land Certificate, etc would be helpful in the delivery of the Outcome. ARTL (a new electronic land registration process) is currently being rolled out and an overview of this is also recommended. The purpose of the Sasine Register system should be discussed and the types of old historical documents contained in it identified. The relevance of other forms of registration of documents should be understood and candidates should be able to explain in lay terms how standard documentation is structured and have an overview of common links in title.

## **National Unit specification: support notes (cont)**

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### **Guidance on learning and teaching approaches for this Unit**

Candidates would benefit from:

- ◆ working as a class as well as in small groups to encourage discussion on case law and case studies
- ◆ having access to computers for class-based activities including looking at specific applications, eg Registers of Scotland, e-forms (for completing applications for registration)
- ◆ working individually to carry out research
- ◆ visits from property law professionals.

In Outcomes 1 and 2 investigating examples of case histories would allow candidates to develop their research techniques.

In Outcome 2 tutors should provide candidates with some examples of documentation including the standard forms and basic standard styles so that they will be able to recognise these in the workplace and understand how they make up the progress of title leading to Land and Charge Certificates. A flow chart showing the sequence of a typical transaction would provide an overview and a virtual electronic registration process would enable candidates to see how registration is handled in a modern workplace.

By adopting some or all of the above learning and teaching approaches and/or through the Outcomes and corresponding Evidence Requirements, the Unit should provide candidates with an opportunity to develop the following skills for life, learning and work:

Employability — team working, application of IT, problem solving and research skills.

Citizenship — developing understanding of rights and responsibilities, decision making.

Workplace Relevance — An awareness of law and legal process is important not only for candidates who may be planning a career as legal professionals but also for those who may subsequently seek employment in the financial sector or estate agency and the Unit is, therefore, designed to contextualise the relevant law and introduce candidates to specific workplace relevant skills which have future application in a wide range of career pathways.

### **Guidance on Approaches to Assessment**

A variety of assessment instruments which require the candidate to demonstrate knowledge and understanding can be used but it is suggested that where candidates are required to illustrate the application of the law, case studies form the basis of assessment.

The following approach to assessment is suggested:

Structured questions based on case studies. Responses could be a mixture of short answer and restricted responses.

## National Unit specification: support notes (cont)

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### Opportunities for the use of e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

### Opportunities for developing Core Skills

In this Unit candidates will learn about the Law of Property in Scotland to enable them to explain the principle aspects of property law and equip them with the skills required to apply their knowledge in particular situations and to suggest actions to be taken to ensure legal compliance.

Candidates will:

- ◆ establish the differences between real and personal rights; heritable and moveable property; rights of ownership and rights of use
- ◆ explain the purpose and identify processes in relation to the law of registration of heritable property
- ◆ research and select examples to illustrate the application of specific aspects of property law
- ◆ explain procedures in relation to specific aspects of property law.

In this way, candidates will naturally develop aspects of the Core Skills of *Communication* and *Problem Solving* through completion of the Outcomes and Evidence Requirements.

In addition, whilst completing this Unit, candidates may develop aspects of the following Core Skills where specific learning and teaching approaches are adopted:

- ◆ *Communication* — through class and group discussions, through completing documentation and providing any written explanations that are required. If candidates present information orally then the oral component of Communication may be developed.
- ◆ *Working with Others* — through undertaking group research/work.
- ◆ *Information and Communication Technology (ICT)* — through undertaking internet research and carrying out practical activities such as completing online registration forms.

This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when candidates achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 4.

## **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](http://www.sqa.org.uk/assessmentarrangements)



## History of changes to Unit

Version	Description of change	Date
02	Core Skills Component Critical Thinking at SCQF level 4 embedded.	26/03/2012

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