

COMMERCIAL CONVEYANCING ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

The paralegal should be able to progress a straightforward Commercial Conveyancing transaction from taking client's initial instructions through to completion and registration of title.

Specifically, the paralegal should be competent to:

- interview and correspond with the client
- advise client on procedural aspects of the transaction
- carry out searches with relevant authorities
- report search results and valuation report to client, obtaining instructions as appropriate
- complete a land and Buildings Transaction Tax form
- complete Registration Form, as appropriate, for acceptance by the Keeper
- ensure valid execution of documentation
- prepare completion documents
- arrange for registration of the disposition and registration of any charges following completion.
- undertake aspects of landlord and tenant management work including: Rent Reviews, Short-term licenses, Surrenders, Letters of consent for assignments, renunciations and sub-leases; Lease variation; Rent Concessions; Notices to quit/termination licenses

KNOWLEDGE

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Commercial Conveyancing should be able to:

- demonstrate knowledge, understanding familiarity and awareness of the relevant law and procedure/s relevant to the particular Legal Domain for the work he/she is undertaking on behalf of the Supervising Solicitor
- apply his/her knowledge and understanding of the law and procedure/s to a particular matter effectively, and
- carry out procedures appropriately and efficiently so as to meet the needs of the (i) Supervising Solicitor, and ultimately (ii) the client's needs, objectives and priorities, based on a clear understanding of the client's instructions.

Demonstrate knowledge and understanding of:

- the steps involved in a commercial conveyancing transaction
- the rights and obligations of the client as purchaser, seller, landlord, tenant and/or secured lender
- the various searches required for the particular type of transaction, how to obtain them, and the fees payable/chargeable
- the significance of search results and valuation reports
- Letters of comfort, Letters of Obligation/Undertaking and special destinations
- Missives, their negotiation and their significance
- The law on execution of deeds in Scotland, including signing, witnessing and testing clauses
- How a purchaser obtains a good, valid and marketable title
- The requirements for registration of charges
- the law and basic principles of Sasines and Land Registered Title
- the timescales involved in conveyancing transactions, particularly in relation to registration of deeds and registration of charges
- the process of registration with different registers
- procedure and requirements in relation to Land and Buildings Transaction Tax
- understands how Commercial Conveyancing interacts with other areas of law and practice and knows when to refer matters (e.g. TUPE, Licensing, Environmental, Planning, Litigation, Construction, Tax, Corporate, Banking etc)

Demonstrate knowledge of and familiarity with:

- Land Registration etc (Scotland) Act 2012
- Land and Buildings Transaction Tax (Scotland) 2013
- Anti- Money Laundering Regulations 2007
- (Money Laundering, Terrorist Financing and Transfer of Files (information on Payer) Regulation 2017) – not yet in force
- Proceeds of Crime Act 2002
- Civil Partnership Act 2004
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Family Law (Scotland) Act 2006
- Conveyancing (Scotland) Act 1992
- Land Registration (Scotland) Act 1979
- Contract (Scotland) Act 1977
- Requirements of Writing (Scotland) Act 2000
- Title Conditions (Scotland) Act 2003
- Housing (Scotland) Act 1988
- Conveyancing & Feudal Reform (Scotland) Act 1970

- Abolition of Feudal Tenure (Scotland) Act 2000
- Building Standard (Scotland) Act 2003
- Tenement (Scotland) Act 2004
- Finance Act 2003
- Companies Act 2006
- PSG Styles
- Companies House Forms
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Demonstrate understanding of:

- The Commercial Conveyancing market in Scotland
- Keeper's Updates
- Guidance on the HMRC website
- The different implications in terms of procedures and law depending on which party is being acted for in the transaction:
 - Purchaser: Deeds to be registered, returns to Companies House, LBTT returns, arrangements to pay purchase price (being aware of timing issues), payments and deposits, Searches, Deeds of Restriction, Discharges, Dispositions, Examination of Title.
 - Seller: Exhibition of Titles, Searches, Deeds of Restriction, Discharges, Dispositions. Landlord: Services of notice, Break Options, Rent Review Triggers, Dilapidations
 - Tenant: Payment of rent, SDLT returns, Break Options, Continuing obligations under the lease, Dilapidations
 - Lender: Preparation of Securities, Registration of Securities, Registration of Charges.

Demonstrate an awareness of:

- The Carbon Reduction Commitment Energy Efficiency scheme
- The law and basic principles of personal and real rights; Sasines and registered titles; special destinations; the giving and taking of security.
- Land and Buildings Transaction Tax requirements and operational procedures.
- Situations where notices may be required to be served

SKILLS

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Commercial Conveyancing should be able to demonstrate:

Technical skills	Accuracy, literacy and numeracy	<ul style="list-style-type: none">• an understanding of the importance of correct detail and the consequences/risks of carelessness.• attention to detail in his/her work.• that he/she is able to produce accurate work in terms of spelling, presentation and layout, as well as content.• that he/she is able to deal with figures and carry out computations accurately and proficiently, as required.• that he/she is able to:<ul style="list-style-type: none">- to carry out calculations to produce accurate completion statements- to enable states for settlement and rental apportionments
	Information Technology	<ul style="list-style-type: none">• that he/she is able to use available technology effectively and efficiently• that he/she is able to use computers and word processors appropriately for carrying out and producing his/her work• that he/she is able to use case management systems and maintain electronic files, where appropriate• That he/she is able to:<ul style="list-style-type: none">- complete applications and carry out other aspects of a commercial conveyance electronically, where appropriate- submit SDLT forms electronically- use the following websites: Registers of Scotland and Companies House
	Office Equipment	<ul style="list-style-type: none">• that he/she is able to use office equipment such as voicemail, photocopier, fax

		<p>competently and effectively.</p> <ul style="list-style-type: none"> that he/she is able to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently.
	Office Systems and Procedures	<ul style="list-style-type: none"> that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents. compliance with office procedures, including time recording. compliance with all quality standards, and other policies and processes of employer organisation.
Organisational Skills	Personal Management	<ul style="list-style-type: none"> an understanding of the importance of time-limits and of the risks of breaching time-limits. that he/she is able to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively. that he/she is able to manage his/her personal workload, including managing a number of concurrent matters effectively so as to meet all objectives, priorities and deadlines in each matter. that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively. that he/she only accepts work which he/she feels competent to undertake. that he/she is clear as to the work and responsibilities delegated to him/her by the Supervising Solicitor, and understands the limits in relation to that role that he/she recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and that he/she does so.

		<ul style="list-style-type: none"> • that he/she recognises that it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and that he/she does so. • that he/she recognises when it is necessary to seek support and/or advice from his/her Supervising Solicitor, when it is necessary or required to refer an issue in its entirety to the Supervising Solicitor, and that he/she does so. • that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor • that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews.
	File Management	<ul style="list-style-type: none"> • good file management practices in terms of: <ul style="list-style-type: none"> - opening new files - filing documents and correspondence as appropriate - keeping filing up to date - taking and filing accurate notes of telephone calls and meetings - closing file when completed or instructed to close file • that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time
Communication Skills	Generally	<ul style="list-style-type: none"> • that he/she is able to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including: <ul style="list-style-type: none"> - identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client. - producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose. • confidence and assurance in his/her dealings with people, whether in person or over the telephone.

		<ul style="list-style-type: none"> that he/she is able to summarise aspects of Scots Law to clients unfamiliar with Scots Law processes
	Face to face Communication	<ul style="list-style-type: none"> that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding. that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> using appropriate telephone answering and handling techniques using a good telephone manner which is efficient and polite being able to establish the content and nature of telephone calls from the caller, that he/she understands the differences of approach with other professions and trades (especially surveyors, accountants, estate agents and builders)
	Written Communication	<ul style="list-style-type: none"> that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> using clear language, correct spelling and appropriate grammar, syntax and punctuation demonstrating attention to detail adopting a style appropriate to the recipient
	Electronic Communication	<ul style="list-style-type: none"> that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> understanding and using proper business and professional etiquette within an electronic environment understanding the difference between letters and e-mails and when the latter are appropriate properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.
	Inter-personal Skills	<ul style="list-style-type: none"> that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve

		<p>goals and to identify and resolve problems.</p> <ul style="list-style-type: none"> • that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> - working co-operatively and willingly with others in own and other's teams - communicating effectively with those with whom the paralegal needs to work - knowing when to ask for support from, or to offer support to, other team members - knowing when to refer issues or ask for guidance from Supervising Solicitor
Practice Skills		
	Research	<ul style="list-style-type: none"> • that he/she knows where to look for and find information required to carry out his/her work. • that he/she is able to use key primary (eg Acts, Regulations etc) and secondary (eg key text and reference books) sources • that he/she knows where to look for and find information required to carry out his/her work
	Interviewing	<ul style="list-style-type: none"> • that he/she is able to conduct a client-centered interview effectively, including: <ul style="list-style-type: none"> - preparing for the interview appropriately - listening and eliciting required legal, personal and factual information, and full instructions from client - recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference
	Writing and drafting	<ul style="list-style-type: none"> • that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> - communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others - tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients - producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents. • that he/she is able to draft documents which are:

		<ul style="list-style-type: none"> - well-organised - valid in terms of content and form - use correct legal terminology - address relevant legal and factual issues accurately - ensuring documents are validly executed and registered in relevant registers, where necessary <ul style="list-style-type: none"> • that he/she is able to use precedent documents and styles by: <ul style="list-style-type: none"> - identifying the appropriate precedent document or style required - adapting the precedent document or style to the particular context - understanding when non-standard variations may be needed and referring to Supervising Solicitor. • that he/she is able to complete prescribed forms accurately • that he/she is able to produce or prepare other required documentation which are: <ul style="list-style-type: none"> - accurate - well-organised - appropriate • that he/she is able to complete <ul style="list-style-type: none"> - Registration forms - Land and Buildings Transaction Tax Forms - Standard securities • If appropriate, that he/she is able to <ul style="list-style-type: none"> - prepare plans
(if required for specific area of practice)	Negotiation	<ul style="list-style-type: none"> • that he/she is able to take part in a negotiation effectively, including: <ul style="list-style-type: none"> - preparing appropriately for the negotiation - negotiating - within the agreed instruction and remit - negotiating according to the practice and conventions of Commercial Conveyancing transactions

(if required for specific area of practice)	Advocacy	<ul style="list-style-type: none"> • Not required for this area
VALUES AND ATTITUDES		
By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:		
Legal and Ethical Issues		<ul style="list-style-type: none"> • understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors • adheres to rules issued by the Society in respect of completion of ten hours of Registered Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.
Attitudes		<ul style="list-style-type: none"> • understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation • only accepts work which they feel competent to undertake. • is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role. • recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so. • recognises it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and does so. • recognises when it is necessary to seek support and/or advice from Supervising Solicitor when required or refers an issue in its entirety to the Supervising Solicitor, and does so. • recognises where a transaction is non-standard or includes non standard

		<p>elements and refers to Supervising Solicitor.</p> <ul style="list-style-type: none"> • updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person. • engages with continuing professional and personal development, including: <ul style="list-style-type: none"> - being aware of the importance to self-assess, reflect and develop personally and professionally
Focus	Professional	<ul style="list-style-type: none"> • understands and adheres to good practice in carrying out the work he/she is instructed to do.
	Client	<ul style="list-style-type: none"> • works in a client-centered way and manages client service well, including: <ul style="list-style-type: none"> - being aware of the differences in acting for different types of client - communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis - informs Supervising Solicitor of any client complaint immediately that it arises - regularly updating Supervising Solicitor on work being done for clients • manages client expectations • is able to advise the client on the legal consequences of the client's instructions • that he/she is aware of: <ul style="list-style-type: none"> - when practice guidelines do/do not apply - the professional values for those outwith the legal profession (especially surveyors, accountants, estate agents, builders) - the need to refer matters to solicitors and/or other professionals