

REMORTGAGE ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

The paralegal should be able to progress a fees free remortgage case in terms of the CML Handbook and the agreed process of the individual Lender. Specifically, the paralegal should be competent to:

- Obtain and interpret remortgage instructions from Clients and Borrowers.
- Obtain all relevant Search reports over the property including searches in Register of Inhibitions and Adjudications.
- Obtain redemption figures and Title Deeds and examine same to include prescriptive progress, all charges as well as burdens
- Deal with any title issue that may arise including Conveyancing, Insolvency, and Matrimonial Issues
- Deal with exclusion of indemnity on searches and arrange title insurance if and when required.
- Meet with Clients and Borrowers to explain the legal implications of remortgage and arrange execution of relevant legal documentation
- Deal with any issues from examination of title which would result in the Lender not having a clear and marketable First Ranking Security over the Property.
- Liaise with previous solicitors in relation to pending applications and obtaining relevant documentation
- Examine and report on Valuation Report and all matters contained therein
- Check and advise on all special conditions contained within the Mortgage Offer Obtain pre-completion updated searches (and note same)
- Complete Certificate of Title and submit same to Lender
- Complete transactions and redeem and discharge all loans over the property
- Complete all types of registrations and submit applications to the Land Register
- Deal with any requisitions/rejections of applications to the Land Register

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 Remortgage transaction should be able to:

Demonstrate knowledge and understanding of how to:

- Obtain and interpret remortgage instructions from Clients and Borrowers.
- Obtain all relevant Search reports over the property including searches in Register of Inhibitions and Adjudications.
- Obtain redemption figures and Title Deeds and examine same to include prescriptive progress, all charges as well as burdens

- Deal with any title issue that may arise including Conveyancing, Insolvency, and Matrimonial Issues
- Deal with exclusion of indemnity on searches and arrange title insurance if and when required.
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- Check and advise on all special conditions contained within the Mortgage Offer Obtain pre-completion updated searches (and note same)
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- Complete transactions and redeem and discharge all loans over the property
- Complete all types of registrations and submit applications to the Land Register
- Deal with any requisitions of applications to the Land Register

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
- 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

- Bankruptcy (Scotland) Act 1985, as amended
- Common Law of Real Rights and Personal Rights
- Service Level Agreements specified by each individual lender
- CML Scotland Handbook for each individual lender

Demonstrate understanding of:

- The rules in relation to procedures, deadlines and timescales relating to the remortgage (e.g. expiry of Mortgage Offer, ERC expiry, Borrower preferred completion date, completion to coincide with purchase etc).
- Registration Forms, Plan Report and Legal Reports
- Land and Buildings Transaction Tax Forms

Demonstrate an awareness of:

- Data Protection Act 1998
- Bribery Act 2010
- Anti-Money laundering
- How remortgage interrelates with conveyancing, matrimonial law and litigation

Technical skills

Accuracy, literacy and numeracy

- 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.

	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 case management systems and maintain electronic files, where appropriate
	Office Equipment	<ul style="list-style-type: none"> • that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively. • 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.

		<ul style="list-style-type: none"> • 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. • 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 • Ability to prioritise cases accordingly and settle within SLA/agreed timescales.
	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

		<p>needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including:</p> <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. <ul style="list-style-type: none"> • Confidence and assurance in his/her dealings with people, whether in person or over the phone • That he/she is able to communicate with vulnerable borrowers. • That he/she is able to tailor communications accordingly to borrowers, solicitors, clients and brokers.
	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, whether or not a client
	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,

		<p>including:</p> <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 goals and to identify and resolve problems. • that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> - 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 that he/she takes ownership and responsibility for personal and team targets.
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
	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

		<ul style="list-style-type: none"> - 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 and draft: <ul style="list-style-type: none"> - Standard Security - Matrimonial Declarations/Consents - Dispositions - Statutory Declarations - Discharges - Deeds of Postponement - Discharge of Inhibitions - Ranking Agreements - Deed of Variation - Assignation • 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 • that he/she is able to use precedent documents and styles by: identifying the appropriate precedent document or style required <ul style="list-style-type: none"> - adapting the precedent document or style to the particular context - understanding when non-standard variations may be needed and referring to Supervising Solicitor.
(if required for specific domain)	Negotiation	<ul style="list-style-type: none"> • Not required for this domain

(if required for specific domain)	Advocacy	<ul style="list-style-type: none"> • Not required for this domain
	Additional technical skills	<ul style="list-style-type: none"> • the ability to interpret and advise special conditions within mortgage offers/valuation reports and how this can affect property and mortgage
<p>VALUES AND ATTITUDES</p> <p>By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:</p>		
Legal and Ethical Issues		<ul style="list-style-type: none"> • understands and complies with the Registered Paralegal Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors • adheres to rules issued by the Law Society of Scotland 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

		<p>Supervising Solicitor, and does so.</p> <ul style="list-style-type: none"> • assessing/identifying where development is required • evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets • the ability to provide quality legal services in terms of Service Level Agreements and Company procedures • recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor. • 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: • 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 jurisdictional differences and the impact such differences may have on matters