

RESIDENTIAL CONVEYANCING ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

The paralegal should be able to progress a Residential Conveyancing transaction, whether acting for purchaser, seller, and/or secured lender, from taking client's initial instructions through to completion and registration of title.

Specifically, the paralegal should be competent to:

- interview and correspond with 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
- produce and negotiate missives on behalf of client
- arrange and attend to the concluding of missives
- arrange and attend to settlement, including execution of the disposition and discharge of any encumbrance on the title
- complete Registration Form, as appropriate, for acceptance by the Keeper
- complete Land and Buildings Transaction Tax application form
- ensure valid execution of documentation;
- prepare completion statements
- arrange for registration of the disposition and registration of any charges following completion

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 Residential Conveyancing should be able to:

Demonstrate knowledge and understanding of:

- the steps involved in a residential conveyancing transaction
- the rights and obligations of the client as purchaser, seller, 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, letters of Undertaking and special destinations
- missives, their negotiation and their significance
- the law and basic principles of sasine and registered title

- 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 timescales involved in conveyancing transactions, particularly in relation to registration of deeds and registration of charge the process of registration in the different registers
- the requirements for registration of charges
- procedure and requirements in relation to LBTT

Demonstrate knowledge 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
- Tenement (Scotland) Act 2004

Demonstrate understanding of:

- the impact of the law in relation to matrimonial homes, civil partnerships and family legislation in relation to residential conveyancing transactions

Demonstrate awareness of:

- 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 when 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 Residential 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 carry out calculations to produce accurate completion statements.
	Information Technology	<ul style="list-style-type: none"> • that he/she is able to complete applications and carry out other aspects of a residential conveyance electronically, where appropriate • that he/she is able to submit Stamp Duty Land Tax forms electronically
	Office Equipment	<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 Systems and Procedures	<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.
Organisational Skills	Personal	<ul style="list-style-type: none"> • an understanding of the importance of time-limits and of the risks of breaching time-limits.

	Management	<ul style="list-style-type: none"> • 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. • 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 • 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. • Confidence and assurance in his/her dealings with people, whether in person or over the phone
	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, 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 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"> - 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
	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 and factual information, and full instructions from the 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

		<ul style="list-style-type: none"> - 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: <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 is: <ul style="list-style-type: none"> - accurate - well-organised - appropriate. • that he/she is able to complete: <ul style="list-style-type: none"> - Sasine Application Forms - registration forms - Registers of Scotland Forms 10, 11, 12 and 13 - Stamp Duty Land Tax forms - Standard securities form • that he/she is able to draft: <ul style="list-style-type: none"> - missives, using Standard Missives clauses where appropriate - Declarations - Letters of obligations - Land registration forms - Completion statements
(if required for specific domain)	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 Residential Conveyancing transactions

(if required for specific domain)	Advocacy	
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 elements and refers to Supervising Solicitor. • updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person.

		<ul style="list-style-type: none"> • 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 - assessing/identifying where development is required - evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets
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