

THE LAW SOCIETY OF SCOTLAND  
INTRA UK TRANSFER TEST

PAPER I  
CONVEYANCING WITH TRUSTS & SUCCESSION

5 November 2018

1000 – 1200

Candidates must answer QUESTION ONE and two other questions.

**No marks will be awarded for copying out the text of materials which candidates are permitted to take into the exam.**

**Answers to each SECTION should be written in a separate answer book**

## SECTION A – CONVEYANCING

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**Candidates must answer Question One.**

### **Question 1**

Penelope Prune lives at 30 Smith Drive, Kirkcaldy. She owns her home. She has instructed you to act in the transfer of part of her garden to her sister, Rachel Prune (currently residing at the same address). The transfer is gratuitous, and Rachel intends to build a house in the part of the garden transferred to her.

30 Smith Drive is on the north side of the road, which runs on an east-west axis. It is registered on the land register with title number FFE1234. The plot is rectangular, is 20 metres wide and the area which Penelope wishes to transfer is the northernmost 30 metres of the plot (covering the full width). The garden is all under law and is surrounded by a drystone wall.

It has been agreed that Rachel will be allowed to take vehicular access to her plot by means of the driveway which runs up the west side of Penelope's house and that pipes and cables for the relevant services can be led under the driveway. It has also been agreed that Rachel and her successors in title should bear half the cost of maintaining the driveway and the full cost of any reinstatement necessary, after installation of the service media or any maintenance of them.

Penelope is concerned that she will not lose the whole of her view to the north and wishes the building on the new plot to be restricted to one storey. She also has a fear of animals and does not want any to be kept on the new plot.

Required:

Draft a disposition transferring the north part of the garden to Rachel and noting any additional information which you consider necessary.

### **Question 2**

Beth Booper has recently concluded missives for the purchase of a plot on an industrial estate from Icarus Investments plc. Since concluding the missives, a number of incidents have caused her concern.

- a) Sally Smith approached her in a café and was very angry. Sally claimed that she had concluded a contract for the purchase of the plot, but that Icarus had pulled out. When Beth raised the matter with Icarus, they told her that the contract had not been in writing and that, in any case, Sally had not paid the purchase price despite three months of warnings.

- b) Since the conclusion of the missives, one of Icarus' creditors, Jutland Jutes Supplies Ltd, has inhibited Icarus in execution of a decree for payment. Beth is aware that Icarus' other heritable property is not of sufficient value to satisfy the debt which is being enforced.

Advise Beth.

**END OF SECTION A**

## **SECTION B : TRUSTS AND SUCCESSION**

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### **Question 3**

Outline and analyse the law of intestate succession relative to the distribution of the estate of the *de cuius* to his spouse where the parties remain married as at the date of death but are living separately.

### **Question 4**

Outline and analyse the various methods of revocation of a will available in Scots law. In your answer you should consider the topics of revocation by the testator and revocation by law.

**END OF SECTION B**

**END OF PAPER**