

COMMERCIAL CONVEYANCING ACCREDITED PARALEGAL

The objective of the Status is to recognise the work carried out by accredited paralegals and trainee accredited paralegals and provide a formal accreditation. It will provide an assurance of high quality and standards to employers, other members of the legal profession and clients.

As an accredited paralegal or trainee accredited paralegal you must be aware of the general competencies applicable to all members, which can be found under Schedule D of the Scheme of Operations. These competencies cover the knowledge, skills, values and attitudes you are expected to exhibit as a member of the Accredited Paralegal Status.

Together with these general competencies, each practice area has its own scope of competence, skills, knowledge and understanding as shown below.

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

A paralegal should be able to progress a commercial conveyancing transaction from taking client's initial instructions through to conclusion of the transaction including drafting deeds and forms and registration of the title

Specifically, the paralegal should be competent to:

- interview and correspond with client
- advise client on procedural aspects of the transaction
- report on valuation to client, obtaining instructions as appropriate
- produce and negotiate missives on behalf of client
- arrange and attend to the concluding of missives
- carry out searches with relevant authorities, report search results
- prepare a Disposition for purchase or review Disposition for sale
- prepare Standard Security/Discharge when appropriate
- prepare and lodge Advance Notice/s
- ensure valid execution of documentation
- prepare completion statements
- arrange and attend to settlement, including execution of documentation
- complete Registration Form(s), as appropriate, for acceptance by the Keeper
- complete Land and Buildings Transaction Tax application form – both paper and online
- arrange for registration of the relevant deeds 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

SCOPE OF ACCREDITED PARALEGALS SKILLS, KNOWLEDGE AND UNDERSTANDING

A paralegal eligible to qualify for the Accredited Paralegal Status in this practice area should be able to:

Demonstrate knowledge, understanding and awareness 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 law and basic principles of personal and real rights; sasines and registered titles; special destinations; the giving and taking of security

- the significance of the home report/valuation report
- missives, their negotiation and their significance
- how a purchaser obtains a good, valid and marketable title
- the various searches required for the particular type of transaction, how to obtain them, and the fees payable/chargeable and the significance of the search results
- Letters of Comfort, Letters of Obligation, Letters of Undertaking
- the law on execution of deeds in Scotland, including signing, witnessing and testing clauses
- the timescales involved in conveyancing transactions, particularly in relation to registration of deeds and registration of charges
- the process of registration in the different registers
- the requirements for registration of charges
- procedure and requirements in relation to LBTT
- 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)
- situations where notices may be required to be served
- the different implications in terms of procedures and law depending on which party is being acted for in the transaction:
- an awareness of the Law Society of Scotland Practice Rules 2011, together with associated Guidance

Demonstrate knowledge, understanding and familiarity with the legislation relevant to this area.

The following is a non-exhaustive list of potential legislation for this practice area:

- Abolition of Feudal Tenure (Scotland) Act 2000
- Anti-Money Laundering Regulations 2007
- Bankruptcy (Scotland) Act 1985, as amended
- Building Standard (Scotland) Act 2003
- Bribery Act 2010
- Civil Partnership Act 2004
- Companies Act 2006
- Companies House Forms
- Contract (Scotland) Act 1977
- Conveyancing & Feudal Reform (Scotland) Act 1970
- Conveyancing (Scotland) Act 1992
- Data Protection Act 1998 and GDPR
- Family Law (Scotland) Act 2006
- Finance Act 2003
- Housing (Scotland) Act 1988 and 2006
- Land and Buildings Transaction Tax (Scotland) 2013 & The Land and Building Transaction Tax (Amendment) (Scotland) Act 2016
- Land Registration etc (Scotland) Act 2012
- Land Registration (Scotland) Act 1979
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Money Laundering, Terrorist Financing and Transfer of Files (information on Payer) Regulation 2017
- Private Housing (Tenancies) (Scotland) Act 2016
- Proceeds of Crime Act 2002

- PSG Styles
- Requirements of Writing (Scotland) Act 2000
- Tenement (Scotland) Act 2004
- The Carbon Reduction Commitment Energy Efficiency scheme
- Title Conditions (Scotland) Act 2003
- Town & Country Planning (Scotland) Act 1997
- UK Finance Lenders Handbook

The above competencies are based on an accredited paralegal with a minimum of 1 years' experience. If you are applying as a trainee accredited paralegal, then you would be expected to be meeting these competencies after 1 year of training as we are aware you may not yet have had exposure to a full transaction.