

THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

CONVEYANCING

10 May 2023

0830 – 1000
(90 minutes)

Candidates are required to answer TWO out of three questions.

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Question 1

Terrence has been negotiating a lease of commercial premises in Greenock with Lordy Land Ltd. The subjects, rent and duration (5 years) were agreed over the phone in a conversation between Terrence and Miriam MacDonald, the CEO of Lord Land Ltd. He receives a draft lease in the post which reflects what they agreed. At the bottom of the lease, it bears to have been signed by “Donna Donaldson, Director of Lordy Land Ltd for and on behalf of Lordy Land Ltd” and by “Anthony Andrews, Authorised Signatory of Lord Land Ltd”. Terence signed the document and returned it to Lord Land Ltd. Thereafter, he instructed shopfitters to install furniture on the premises so that they would be ready for him to use. He was in touch with Miriam to arrange the shopfitters’ access to the premises.

Three days after the shopfitters carried out their work, Terrence received a letter from Lordy Land Ltd’s lawyers. The letter stated that neither Donna Donaldson nor Anthony Andrews had authority to conclude leases on behalf of Lordy Land Ltd, that Donna Donaldson denied having signed the document, that the lease was therefore invalid and that Terrence should arrange for the removal of his furniture as soon as possible.

Advise Terrence on a) the validity of the lease, b) the probativity of the lease and c) whether he has to give up possession of the premises and remove his furniture.

Question 2

Benedict owns two adjacent properties (9 and 11 Slane St) in Ayr. Until recently, he operated 9 Slane St as an outdoor clothing store and 11 Slane Street as a sweet shop. Both face onto a pedestrian precinct. 11 Slane St has a rear goods entrance, which is accessed via a private road belonging to Cyril. The title sheet for 11 Slane St shows a servitude of vehicular access in its favour over Cyril’s road. 21 years ago, Benedict created an internal passage between 9 and 11 Slane St. Since doing this, he has been using the goods entrance and private road to bring in goods for both premises.

Recently, Benedict has combined the two premises so that they are now one, larger outdoor clothing store. When Cyril saw this, he asked Benedict if the private road would be used to access 9 Slane Street. He further indicated that, if this was so, he thought that Benedict should pay him £5000 for “expansion of the scope of the right of way”.

Advise Benedict.

Question 3

Hilary Henderson is the registered owner of a plot in Inverness-shire. The property is on the land register. On 25 April 2023, Ivan Inglis applied for an advance notice in respect of a disposition of the plot with Hilary's consent. The advance notice was entered into the application record on the same day. On 1 May, Hilary concluded missives with Jean Johnston for the sale of the same plot. On 5 May, Hilary granted a disposition of the plot to Ivan. She received no consideration from him. On the 7 May 2023, she granted a disposition of the plot to Jean (and received the agreed price of £100,000). Jean applied to register her deed on 8 May 2023. Ivan applied to register his deed on 9 May 2023.

Jean has now discovered Hilary's dealings with Ivan. Nothing more has been heard from the Keeper.

Advise Hilary.

END OF QUESTION PAPER