

THE LAW SOCIETY OF SCOTLAND
INTRA UK TRANSFER TEST

PAPER I
CONVEYANCING WITH TRUSTS & SUCCESSION

7 May 2019

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

Candidates must answer Question One.

Question 1

Andrea Armitage owns a small farm near Inverness. She bought the farm two years ago. It is registered in her name as a single plot with the title number INV4567. She wants to transfer one field, which is bounded to the south and south-east by the A82 to west by a burn known as Simpson's Burn and to the north and east by Kilgowan Wood.

The buyer of the field intends to build a house in the field. Andrea wants to restrict construction in the field to a single story building to be used as a dwellinghouse. She also wants to prevent dogs from being kept on the property as she is concerned about dogs worrying the sheep that she keeps in a neighbouring field. Andrea also wants a right to take vehicles and drive livestock along a track which runs parallel to the north-east boundary of the field.

Required:

Draft a disposition transferring field and noting any additional information which you consider necessary.

Question 2

Fred Funk comes to you for advice. He explains that he has been in possession of a shop in Cumnock for 4 years and that he has been making regular payments to the owner of the shop, Sally Sanders. The precise nature of the payment has never been discussed. Sally did assure Fred that he was not at risk of being "thrown out of the shop" and since then Fred has spent significant amounts of money on refitting the shop. At no point was anything put in writing.

Now Sally has contacted Fred indicating that he needs to vacate the shop by the end of July 2019.

Advise Fred, paying particular attention to what further information you would need to obtain in order to give a full answer.

END OF SECTION A

SECTION B : TRUSTS AND SUCCESSION

Question 3

Identify and discuss the differences in the provision on intestate succession for a surviving spouse as compared to a surviving cohabitant.

Question 4

Critically analyse the rules in Scots law that seek to preclude a trustee acting with a conflict of interest.

END OF SECTION B

END OF PAPER