

## MODULE SPECIFICATION

1. **Title of the module**  
Property Law and Practice
2. **School or partner institution which will be responsible for management of the module**  
Pearson College London
3. **The level of the module**  
Level 6
4. **The number of credits and the ECTS value which the module represents**  
20 credits (10 ECTS)
5. **Which term(s) the module is to be taught in (or other teaching pattern)**  
The module will always be taught in the second term of a student's studies at level 6 (whether or not they start in September or January).
6. **Prerequisite and co-requisite modules**  
Prerequisites: Law of Contract, Law of Equity and Trusts, Land Law  
Co-requisites - none
7. **The programmes of study to which the module contributes**  
Certificate of Higher Education  
  
Diploma of Higher Education  
  
LLB (Honours)  
  
LLB Law with Accountancy  
  
LLB Law with Business Management  
  
MLaw Legal Professional Practice (Exempting)
8. **The intended subject specific learning outcomes**  
**On successfully completing the module students will be able to demonstrate:**  
**Subject Specific Knowledge and Skills**
  1. A systematic understanding of the principles, transactions and procedures which govern this area in the context of both domestic and commercial transactions, involving freehold and leasehold property, including: the nature of a property transaction; the critical steps in a property transaction; the requirements of lenders and money laundering issues; and the tax aspects of a property transaction, including Stamp Duty Land Tax.

## MODULE SPECIFICATION

2. An ability to apply their knowledge of this area to complex practical legal problems of the kind they might encounter in practice, and derive reasoned conclusions that may form the basis for advice.
3. An ability to devise and sustain arguments based on appropriate and reflective use of the main modes of enquiry and sources within this area and critically analyse and synthesise the information thereby collected, with a view to proposing informed and reasoned solutions to practical legal problems.
4. An ability to investigate and identify relevant facts, research and identify the corresponding legal issues, and advise accordingly on the legal consequences of particular courses of action.
5. An ability to recognise potential conflicts of interest that may arise when acting for more than one party in a property transaction.
6. An ability to use their knowledge and understanding of this area to advance matters in this field of practice, planning and progressing matters through a series of steps and decisions including, for example, drafting appropriate documentation.
7. An ability to recognise those situations which raise ethical questions, and act within the Code of Conduct.
8. An ability to use the legal knowledge, skills, procedures and behaviours appropriate to each client and each transaction matter.

### **General Transferable Skills**

1. An ability to identify the client's goals and alternative means of achieving those goals, and offer reasoned advice to them, in light of their financial, commercial and personal priorities and constraints and the costs, benefits and risks involved with particular courses of action.
2. An ability to communicate complex information and recommend solutions clearly to specialist and non-specialist audiences, adapting the style of communication to the needs of the recipient.

### **9. A synopsis of the curriculum**

## MODULE SPECIFICATION

The aim of this module is designed to enable students to acquire a knowledge of the essential features of a conveyancing transaction and to apply that knowledge, in conjunction, where relevant, with the Course Skills and other skills used in this module, in undertaking tasks which would be expected of a trainee solicitor in a non-contentious seat.

In the course of studying the module, students will cover the following three elements:

### Outline Syllabus

**Element 1: Pre-contract stage** - take preliminary instructions and advise on client care; identify the steps needed to raise and the issues arising from pre-contract enquiries and pre-contract searches; deduce and investigate title as appropriate to the transaction; report on the transaction to the client; decide, with the client where appropriate, what action needs to be taken and identify what action (if any) the client has to take; and analyse and draft a contract (and constituent clauses).

**Element 2: Binding contract** - understand when the contract becomes binding (exchange of contracts), advise the client on the terms of any offer of finance and ensure that adequate finance is available before committing the buyer to the contract, and select a method of making the contract binding appropriate to the transaction.

**Element 3: After the contract becomes binding** - (post-exchange and pre-completion steps / completion and post-completion steps) - deal appropriately with the deposit, obtaining undertakings and insurances, prepare appropriate, clear and precise undertakings; draft document(s) (whether paper-based or electronic) necessary to transfer the legal estate; report on the title to the lender; prepare the mortgage documentation; prepare for completion and select a method appropriate to the transaction; carry out the completion and the relevant post-completion steps; complete the mortgage and protect the lender's security; and discharge any existing mortgage over the property.

Key skills developed include:

- Drafting
- Interviewing and advising
- Practical legal research
- Writing
- Communication and Literacy
- File management
- Negotiation
- Numeracy
- Teamwork
- Managing and Developing Self
- Managing tasks and solving problems
- Computing and IT Skills

### 10. Reading List

## MODULE SPECIFICATION

All textbooks and practitioner materials will be updated annually. Textbooks will be held in the latest edition and older editions will be withdrawn.

	<ul style="list-style-type: none"> <li>• <b>Title, author, publisher</b></li> </ul>
<b>Core Text</b>	<ul style="list-style-type: none"> <li>• Property Law and practice, Harris, C &amp; Rodell, A, Legal Practice Guides</li> </ul>
<b>Essential Reading</b>	<ul style="list-style-type: none"> <li>• A practical approach to conveyancing, Abbey, R &amp; Richards, M, Aldridge</li> <li>• Practical conveyancing precedents [online] Westlaw</li> <li>• Butterworths Property Law Service [Online] Lexis</li> <li>• Hill &amp; Redman's Law of Landlord &amp; Tenant [online] Lexis</li> <li>• SRA Code of Conduct [Online] <a href="http://www.sra.org.uk/solicitors/handbook/code/content.page">http://www.sra.org.uk/solicitors/handbook/code/content.page</a> Solicitors Regulation Authority</li> </ul>
<b>Recommended Reading</b>	<ul style="list-style-type: none"> <li>• Property law, Smith, R, Pearson</li> <li>• Megarry &amp; Wade: The Law of Real Property, Harpum, C et al, Sweet &amp; Maxwell</li> </ul>

### 11. Learning and Teaching Methods, including the nature and number of contact hours and the total study hours which will be expected of students, and how these relate to achievement of the intended module learning outcomes

Learning and teaching takes place through four key activities. These provide a blend of technical skills training, guided tasks assisting in self-directed research and study, practical application in a residential conveyancing context and consolidation. Conceptually, the aim of the learning and teaching method is to mirror as closely as possible a trainee's experience in the conveyancing department of a law firm. The module will mirror what a trainee would be involved in from the outset of a private residential transaction up to and including the post completion work that is the responsibility of a trainee/paralegal in the conveyancing team. The module will follow a fictional client(s) throughout and will expect the student to take ownership of conducting a sale and purchase transaction and to reflect upon the issues that arise throughout the transaction as per a real life transaction.

#### Part A – Technical skills training

The trainee is briefed in detail on the relevant legal area (this can take a variety of forms, including, for example: webinars; live and / or recorded lectures; and conference calls).

#### Part B – Self-directed research/Guided tasks

The supervising partner will guide the trainee via memoranda, e-mails and/or recorded voicemails into the relevant areas that need to be researched. This may include reading articles and practitioner texts, preparing checklists, drafting documentation for the clients to be explained to the client, providing advice on various aspects of the transaction and answering client/supervisor questions etc.

#### Part C – Seminar

The trainee will present their findings to the client and/or supervisor. New issues may arise from the presentation and or further client information being provided to change the dynamics of advice etc.

## MODULE SPECIFICATION

### Section D – Consolidation

This may be in the form of independent reflection and reading / online student discussion forum / associated tutor dialogue (e.g. via email) as students absorb the issues raised in the briefings and seminars through the consolidation process.

The module will aim to ensure the student has all of the applicable practical experience of working on a transaction by requiring drafting and amendment of the relevant documentation at each stage of the process.

Activity	Notional Hours of Study
Technical Skills Training	12
Self-directed preparation	140 (including assessment preparation and completion)
Seminars	24
Independent consolidation	24
Total	200

### 12. Assessment methods and how these relate to testing achievement of the intended module learning outcomes

This module will be assessed by a supervised assessment of 3 hours' duration, split into two parts:

Part A – an examination based on unseen questions set in a transactional context, in which students will be required to analyse various provided documents in order to advise a client or supervising partner (2 hours) (70%);

Part B – objective testing (1 hour) (30%).

Please note that 5% of the marks within Part A will be allocated to Professional Conduct and Regulation.

The pass mark for the module is 50%. Students will be required to attempt both parts of this assessment. Since the learning outcomes tested by each part overlap (see further detail below) an overall pass of 50% will be sufficient to pass the assessment.

### Rationale

This methodology reflects two key objectives: firstly, and most importantly, to assess that the learning outcomes set out above have been achieved by the students in a way which complies with the Legal Practice Course Assessment Regulations. Secondly, to align our assessment regime with that proposed by the Solicitors Regulation Authority for the new Solicitors Qualifying Exam.

The proposed assessment methodology, combining a transaction based examination with objective testing we feel achieves both of these goals.

## MODULE SPECIFICATION

### 13. Map of Module Learning Outcomes to Learning and Teaching Methods and methods of Assessment

Module learning outcome		SS1	SS 2	SS 3	SS 4	SS5	SS6	SS7	SS8	GT S1	GT S2
Learning/ teaching method	Hours allocated										
<b>Self-directed Preparation</b>	100	X	X	X	X	X	X	X	X	X	X
<b>Technical Skills Training</b>	10	X				X	X	X			
<b>Seminar</b>	20	X	X	X	X	X	X	X	X	X	X
<b>Consolidation</b>	20	X	X	X	X	X	X	X	X	X	X
Assessment method											
<i>Part A Examination</i>		X	X	X	X	X	X	X	X	X	X
<i>Part B Objective testing</i>		X	X			X		X			

14. The Collaborative Partner recognises and has embedded the expectations of current disability equality legislation, and supports students with a declared disability or special educational need in its teaching. Within this module we will make reasonable adjustments wherever necessary, including additional or substitute materials, teaching modes or assessment methods for students who have declared and discussed their learning support needs. Arrangements for students with declared disabilities will be made on an individual basis, in consultation with the Collaborative Partner's disability/dyslexia support service, and specialist support will be provided where needed.

**15. Centre where module will be delivered:**

Pearson College London

**16. Partner College/Validated Institution:**

Pearson Business School, part of Pearson College London

**17. University School responsible for the programme:**

Kent Law School

**FACULTIES SUPPORT OFFICE USE ONLY**

Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.

## MODULE SPECIFICATION

Date approved	Major/minor revision	Start date of the delivery of revised version	Section revised	Impacts PLOs (Q6&7 cover sheet)