



# **THE LAW SOCIETY OF SCOTLAND EXAMINATIONS**

## **CONVEYANCING**

**Monday 17 MAY 2004**

**1330 – 1630  
(Three Hours)**

**Candidates should answer FOUR questions, TWO from PART  
A and TWO from PART B.  
All sections of a question must be answered.**

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**Candidates should answer SIX questions.**

1. Evaluate the effect of the case of *Sharp v Thomson* 1997 SC (HL) 66 on conveyancing law and practice.
2. What similarities and differences are there between leases of residential and commercial properties?
3. How is a servitude created at common law and what types of servitude are recognised? What differences will the Title Conditions (Scotland) Act 2003 make here, when it comes fully into force on 28 November 2004?
4. Outline the steps which take place in a typical conveyancing transaction between conclusion of the missives and settlement.
5. What specialities are to be taken account of when acquiring a tenement flat? How will the Tenements (Scotland) Bill affect these?
6. Compare and contrast a standard security and a floating charge.
7. In the Land Register, to what extent is a proprietor in possession in an invulnerable position?
8. With regard to a disposition, explain the meaning and relevance of (a) the parts and pertinents clause and (b) the burdens clause.