



THE LAW SOCIETY
of SCOTLAND

www.lawscot.org.uk

THE LAW SOCIETY OF SCOTLAND
INTRA UK TRANSFER TEST

PAPER I
CONVEYANCING WITH TRUSTS & SUCCESSION

9 May 2016

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

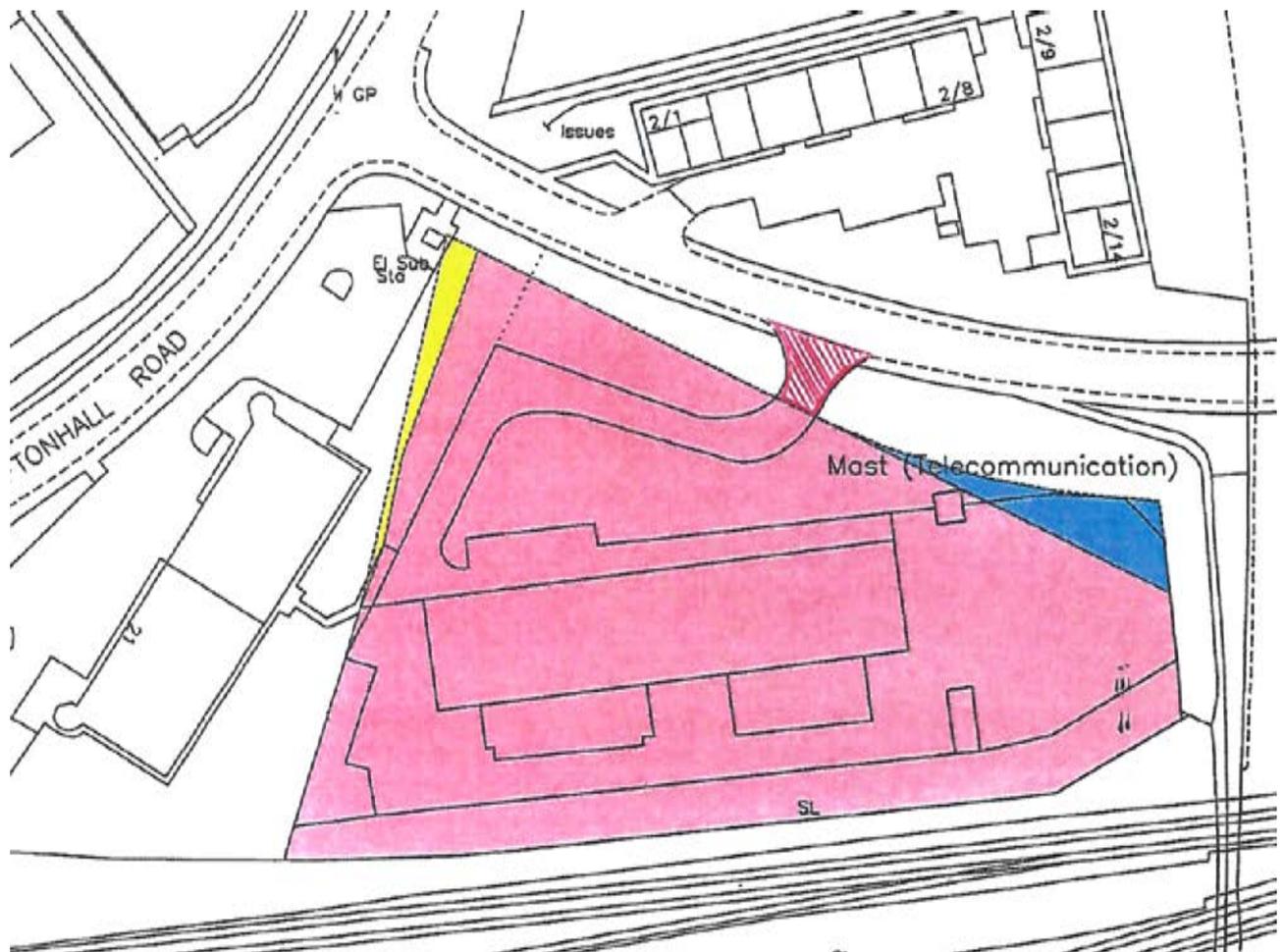
SECTION A – CONVEYANCING

Candidates must answer Question One.

Question 1

Scottish Development PLC 1 Rosyth Way, Dunfermline Fife own inter alia the factory unit at 1 Rosyth Way Dunfermline, Fife which you clients Precision Tools (Dunfermline) Ltd, 17 Townhead, Dunfermline, have agreed to buy at a price of £500,000 with entry on 28th May 2016. The unit is shown on the plan below. The subjects form part of a larger title registered under title number FFE98765.

The area is shown coloured pink, yellow and blue. A vehicular right of access is required over the area hatched pink. In respect of the area coloured yellow a right is to be conferred in favour of Scottish Power plc as owners of the sub-station site for electricity cables to be laid and maintained thereafter. The sellers have possessed the area coloured blue for 25 years but it falls outwith the plan on title sheet FFE98765. Precision Tools (Dunfermline) Ltd, 17 Townhead, Dunfermline would wish to acquire this blue area as it can be used as a site for a mobile phone mast and they have a prospective telecommunications company interested already. North is located at the top of the plan.



You are required to draft the disposition

Question 2

Bucklers Square is an 18th century tenement in the centre of Perth.

The tenement was divided into 12 units probably shortly after it was built and there are no title conditions in the title sheets of the registered flats and the remaining sasine titles for the other units. The two ground floor units are occupied by shops.

- a) Hamish who owns the eastmost shop wishes to open up his shop which is presently divided into two rooms at the rear, one of which is presently a store and a

larger front room. This will involve the demolition of the internal walls. Katy who lives above is concerned that the lack of support will cause her floors to sag.

Advise Katy whether she can prevent Hamish carrying out his proposals.

- b) The tenement is built on three sides of a courtyard area. The courtyard is cobbled. Ian owns the other shop. Since refuse collections became fortnightly at the beginning of April 2016 he has been storing quite large volumes of cardboard from supplies of goods to his shop in the courtyard immediately to the rear of his premises between refuse collections. Ian who owns one of the flats above is concerned that this makes the area untidy, will attract vermin and is a potential fire hazard but most of all he is unable to park his motor bike there because of the lack of space.

Advise Ian as to ownership of the courtyard and what remedies are open to him, if any.

- c) Jessie owns the flat above Ian. She finds the flat very cold and she, as with the other owners have only electric heating. He would like to install gas central heating and has contacted Scottish Gas who are willing to install a supply pipe on the rear elevation but some of the other owners are not keen on gas. Jessie has heard of the Tenement Management Scheme and wants advice as to whether she can use this to get a gas supply.

Advise her.

END OF SECTION A

SECTION B : TRUSTS AND SUCCESSION

Question 3

Sandy and William were the trustees under the continuing trust established by the will of their friend. The trust estate consisted of shares of considerable value and a successful fashion clothing business. Express authority was given in the trust to retain the shares and the business as trust assets.

Sandy and William divided responsibility between them so that Sandy had sole responsibility for the shareholdings while Wylie assumed sole responsibility for the business. When William died some years later, Sandy assumed Mike as a trustee and they agreed to the same division of responsibilities. In managing the business, Mike was delighted to find that the profits in his first year were double those achieved by the business in any of the years when William was in charge.

A crisis has now arisen. Sandy has absconded with the whole proceeds of the investments under his control. A full audit of the accounts of the clothing business has shown that William had been embezzling half of each year's profits of the business while he was in charge.

Advise the beneficiaries of their rights against Mike and of any protection which Mike may be entitled to claim.

Question 4

Peter aged 30 and Tim aged 25 are a gay couple. They live together in a flat title to which is in joint names "and the survivor". Peter typed a note in which he stated that on his death everything was to go to Tim whom failing to Peter's mother. Peter signed the note but did not have

the signature witnessed. Tim telephoned his solicitor telling her that he wanted to draw up a will leaving all his property to Peter but he never went to her office to sign it.

Peter and Tim were killed in a plane crash. It was not possible to determine who the survivor was. At the time of his death, Peter had his share of the house worth £250K, a house in the country worth £200K and money and shares worth £150K. Apart from his mother he is survived by his divorced wife and their five year old son. Tim had his share of the house and savings worth £50K. He also owned the furniture in the house valued at £50K. He is survived by his mother, her illegitimate daughter and his deceased brother's daughter.

How will the estates be distributed?

END OF SECTION B

END OF PAPER