Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

MODULE DIRECTORY

CILEX Paralegal

CILEX Advanced Paralegal

CILEX Lawyer

SWANSESA LAW SCHOOL

FACULTY OF MANAGEMENT AND HEALTH

2026-2027

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INTRODUCTION

This Module Directory includes all the modules for Levels 3, 5 and 6 in the CILEX Portfolio, within the Swansea Law School in the academic year 2026-2027.

This directory accompanies the Programme of Study Handbook, which will provide you with details of which modules you will be studying for your programme this year in the 'Programme of Study' section. This directory may include modules that are running on other programmes of study within your School/Faculty. If you require assistance in identifying the modules for your programme of study, please contact the Programme Manager (whose name and contact details are provided in the accompanying Programme of Study Handbook), or the relevant Faculty Office.

The University has made every effort to make the information as full and as accurate as possible, but you should note that minor changes in the organisation of modules between the planning stage and the actual teaching are inevitable. We shall try to keep any such changes to a minimum, and you will receive plenty of advance warning in the event of any alteration. We would also be grateful if you would let us know about any changes that you think might be helpful if introduced into future handbooks.

MODULES

F1 – Legal Systems

Foundation Stage

2026-2027

F1: Legal Systems

The aim of this module is to give you a fundamental knowledge and understanding of key elements of the English legal system and the constitution. The module explores the distinction between civil and criminal law and that between common law and equity, as well as the hierarchy of the courts. There is a focus on the creation of law, legislative and executive powers as well as the power of the judiciary, including interpretation, precedent, and judicial review. In addition, the module will introduce the framework for the protection of civil liberties, human rights and equality within the UK.

On completion of the module, you will be able to assess the appropriate track for a civil case and decide the appropriate court of first instance for a criminal matter. You will demonstrate practical knowledge of the most appropriate method of ADR based on circumstances, be able to identify whether a case has merit to warrant application for judicial review and analyse whether a particular characteristic is protected under the Equality Act 2010.

The module covers:

- Structure and classification of law; common law and equity
- The English legal system; criminal and civil courts and procedures
- Provision and regulation of legal services
- The nature of the UK constitution – the roles and powers of the legislature, the executive and the judiciary and sources of law
- The protection of civil liberties, human rights and equality

Learning Outcomes

By the end of this module you will be able to:

1. Explain the structure and classification of the law and how the UK legal system operates, understanding court hierarchy, objectives and available remedies
2. Be able to make sound assessments of the appropriate court, procedures and remedies based on a set of facts and recommendations for methods of settling disputes outside the court system
3. Identify key roles and personnel involved in the provision of legal services in England and Wales, including lay persons, and explain how the sector is regulated
4. Describe how legislation is created and interacts with common law, and demonstrate practical knowledge of the doctrine of precedent, being able to rationalise a case decision in a given scenario
5. Explain the nature and structure of the UK constitution and its key principles, and be able to assess whether there are sufficient grounds for judicial review based on a set of facts
6. Describe how human rights and equality are protected in law, and be able to practically apply this knowledge to a given scenario

Linked online assessment: F1

TQT: 80 hours

Module Resources

In addition to the course book that accompanies the module, updates are located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- No updates deemed necessary

1. The structure of law and its classifications	As a trainee in any legal services role, you must be able to explain how the law is classified. This requires understanding of the distinction between civil and criminal law, and common law and equity, especially in relation to remedies. Therefore you will need to know the following: a) The classification, impact and all-pervasive nature of law • How law affects our daily lives • Definitions of civil and criminal law • Definitions of, and comparisons between, common law and equity and legislation b) Distinguishing civil and criminal law • Burden and standard of proof • Objectives • Remedies • Case citation c) Distinguishing common law and equity • The meaning of equity • Why and how equity was created, and its relationship to the common law, including the Judicature Acts 1873-75 • The maxims of equity and equitable remedies • Equitable innovations; mortgages and trusts
2. The English legal system	It is vital that you, as a trainee legal practitioner, have an overview and understanding of both the criminal and civil courts in England and Wales; the protocols in relation to civil cases, the prosecution of criminal offences and alternatives to judicial resolution of disputes. You will therefore need to have practical knowledge of: a) The criminal legal system in England and Wales: • The roles, function, jurisdiction and personnel of the Magistrates Court, Crown Court, Court of Appeal and Supreme Court, including the role of laypersons b) Different types of offence: summary offences, offences triable either way and offences triable only on indictment • The main objectives of the Criminal Procedure Rules 2015 including the purpose of the overriding objective

- The prosecution of criminal offences by the Crown Prosecution Service, including the Full Code Test, and an understanding of private prosecution

c) The civil legal system in England and Wales:
- The roles, function and personnel of Tribunals, the County Court, the High Court, the Court of Appeal and the United Kingdom Supreme Court
- The main objectives of the Civil Procedure Rules 1998 including the purpose of the overriding objective
- Jurisdiction of the County Court or High Court; allocation of cases and the four-track system (small claims, fast track, intermediate track and multi-track)
  - Practice direction 26
- The Practice Direction - Pre-action conduct and protocols

d) The system of appeal routes within the court hierarchy, for both civil and criminal cases, including:
- Appeals in criminal cases
  - From the Magistrates to the Crown Court, including appeals against conviction and to the Divisional Court of the High Court by means of case stated on a point of law
  - Crown Court appeals against conviction and/or sentence to the Court of Appeal
  - The role of the Criminal Division of the Court of Appeal
  - The role of the Criminal Cases Review Commission
- Appeals in civil cases
  - Appeals in Tribunals
  - County Court or High Court appeals against Judgment to Civil Division of Court of Appeal
  - Appeals to the Supreme Court

e) The concept of the legal personality; natural and juristic persons, including incorporated companies and limited liability partnerships, and examples of when it may be appropriate to 'pierce the corporate veil'

f) The options for settling disputes outside the court system and the advantages and disadvantages of different types of Alternative Dispute Resolution (ADR), including:
- Alternative Dispute Resolution (ADR) and comparison of the features of negotiation, mediation and conciliation, arbitration
- Online Dispute Resolution (ODR) including online portals for low value civil claims (Civil Money Claims and Money Claim Online)
- Circumstances in which and by whom these different types of resolution might be used
- Alternative criminal out of court solutions, including:
  - Penalty notices
  - Warnings
  - Cautions
  - Conditional caution and diversion

3. The provision of legal services and its regulation	As a trainee in the legal services sector, you will work alongside various qualified legal professionals in the administration of legal cases. You are responsible for ensuring that the work you do is compliant with relevant regulatory requirements, and that you work in an ethically responsible manner. Therefore, you will need to know the following: a) The formal training and work undertaken by different legal professionals within England and Wales, including: • Chartered legal executives • Solicitors • Barristers b) The role of the Lord Chancellor/Secretary of State for Justice and the main types of judge, including the appointment and jurisdiction of each level of judge: • Justices of the Supreme Court • Lords Justices of Appeal • High Court Judges • Circuit Judges • Recorders • District Judges This section follows on from learning in the Ethics and Professional Responsibility 1. module: c) The role, purpose and authority of regulatory bodies relevant to the legal profession, including: • Legal Services Regulators (LSB) - Oversight Regulator • Solicitors Regulation Authority (SRA) - Legal Service Regulators • CILEx Regulation (CRL) - Legal Service Regulators • Bar Standards Board (BSB) - Legal Service Regulators • Financial Conduct Authority (FCA) d) Regulatory safeguards and professional ethics governing professional services and client/customer engagement in legal, financial, and accounting services, including: • Collection, storage and use of client data, with reference to the Data Protection Act 2018 and General Data Protection Regulation and cybersecurity • Financial crime and associated legislation including compliance with anti-money laundering guidance, with reference to Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (as amended) • Receiving and dealing with client money with reference to CILEx Regulation accounts outcomes and the Solicitors Regulation Authority Accounts Rules • Compliance with the Principles set out in the Solicitors Regulation Authority Code of Conduct for Solicitors and the CILEx Regulation Code of Conduct, particularly in relation to maintaining trust and

	acting fairly, competence, conflict of interests and confidentiality and disclosure • Personal responsibility for compliance with regulatory requirements
4. The nature of the UK constitution	Legal practitioners must have an underpinning knowledge of how the UK constitution was formed and has developed over time, in order to understanding the many conventions still prevalent in modern law and politics. Therefore, you will need to know the following: a) Understanding the UK constitution • The purpose, function and uncodified nature of the UK constitution • Key principles: ○ parliamentary sovereignty ○ the rule of law ○ the separation of powers b) Sources from which the UK constitution is derived • Key constitutional documents (including Magna Carta and the Bill of Rights) • Acts of Parliament • Common law • Royal Prerogative • Constitutional conventions • International law; including impact of European Convention on Human Rights and the Human Rights Act 1998, and of EU law c) Political governance and power • The Westminster model of government and its key elements • The unitary nature of the state and the devolution of power to Scotland, Wales and Northern Ireland
5. Legislative power	Building on your knowledge of the UK constitution, in order to become an effective legal practitioner, you must be able to effectively navigate and analyse sources of law. This requires an understanding of the location and operation of legislative power within the UK. Therefore, you will need to know the following: a) The structure of the UK legislature • The bicameral system • The composition and functions of the House of Commons and House of Lords • The role of the monarch b) Primary legislation; creation of Acts of Parliament • Definition of primary legislation • Consultation processes prior to the introduction of a bill to Parliament: green and white papers; the Law Commission; formal consultation processes

	• Types of Bills: Public Bills (Government and Private Members' Bills); Private Bills; Hybrid Bills • The stages and creation of an Act of Parliament: First Reading; Second Reading; Committee Stage; Report Stage; Third Reading and Royal Assent in the House of Commons and House of Lords • The Parliament Acts 1911-1949 • The Structure and content of an Act of Parliament c) Secondary (or delegated) legislation, its creation and control • Types of delegated legislation • Parliamentary control over delegated legislation: publication, laying before Parliament; Parliamentary committees; how the controls are effected in practice. • Judicial control over delegated legislation; substantive and procedural *ultra vires* • Advantages and disadvantages of delegated legislation
6. Executive power	It is essential for a trainee in the legal services sector to understand the role, function and power of the executive in the governance of the country. Therefore, you will need to know the following: a) Key roles within the executive branch of the constitution • Prime Minister • Secretaries of State • Cabinet ministers • Civil Service b) The role of the Crown • Exercise of prerogative powers, including the interaction between prerogative and legislative power c) Mechanisms of political accountability for the exercise of executive power, including the conventions of individual ministerial responsibility and collective cabinet responsibility
7. Judicial Power	Trainee legal practitioners must develop skills and knowledge to effectively analyse and apply the law. It is therefore crucial that you acquire an understanding of the role and function of the judiciary, the development of the common law, the meaning of key phrases and terms such as *ratio decidendi* and how case law interacts with legislation. Therefore, you will need to know the following: a) Judicial independence and impartiality, including the independence of the Supreme Court

	b) An overview of common law • Citation of cases • How common law is developed, including judgments, *ratio decidendi* and *obiter dicta* • The hierarchy of the Courts and the doctrines of precedent and *stare decisis* • Binding and persuasive judgments • The interplay of common law and legislation c) The status of decisions and impact of the following • The United Kingdom Supreme Court (with reference to the Practice Statement on Judicial Precedent 1966) • The Court of Appeal (with reference to *Young v Bristol Aeroplane Co Ltd* (1944) and other relevant case law) • The High Court • Other influential courts: the European Court of Justice, The European Court of Human Rights and the Privy Council • Overview of the status and impact of EU law pre and post the United Kingdom's withdrawal from the European Union
8. Judicial review	Legal practitioners must have a foundational understanding of the use of judicial review as a mechanism for challenging executive decision making. Therefore, you will need to know the following: a) The purpose of judicial review and its constitutional significance b) The grounds for judicial review: illegality, procedural unfairness and irrationality (including *Wednesbury* reasonableness) c) Remedies for successful application for judicial review: • Mandatory orders • Prohibiting orders • Quashing orders • Injunctions • Declarations • Damages d) The role of the Upper Tribunal in judicial review, with reference to the Tribunals, Courts and Enforcement Act 2007.

9. The protection of civil liberties, human rights and equality	All trainees in the legal services sector, regardless of their branch or specialism, will need to have an understanding and awareness of how the law protects human rights and equality within the UK. Therefore, you will need to know the following: a) The European Convention on Human Rights and its impact on domestic law, including: • The rights protected by the Convention • The enshrinement of ECHR into domestic law by the Human Rights Act 1998 b) The protection of human rights under the Human Rights Act 1998 • Section 2 and the impact of the case law of the European Court of Human Rights in UK courts • Section 3 and the power to interpret legislation compatibly with convention rights • Section 4 and declarations of incompatibility • Section 6 and legal challenges to unlawful acts of public authorities c) An overview of the powers of the state and rights of the individual in the investigation and process of criminal proceedings, in particular the use of force, investigation of crime and detainee's rights, with relevance to the convention rights d) An overview of the Equality Act 2010, including: • Protected characteristics • Prohibited conduct; direct discrimination, indirect discrimination, harassment, victimisation. • the Public Sector Equality Duty

F2 – The Law of Tort

Foundation Stage

2026-2027

F2: The Law of Tort

The aim of this module is to give you a fundamental knowledge and understanding of the law of tort, the contexts in which it operates and the relationships which it affects. This will enable you to understand how rights and interests are protected by statute and common law; how and when duties and obligations arise; how a breach of a statutory or common law duty may give rise to a cause of action; what full and partial defences might be available to challenge a claim and the potential remedies available.

You will be able to evaluate the strengths and weaknesses of a client's position, be able to offer recommendations and advise in the client's best interests.

Throughout this module you must recognise the limit of your authority and experience and must know when to seek assistance.

The module covers:

1. Tort law in outline
2. Negligence
3. Employers' liability
4. Occupier's' liability
5. Outline of the law relating to highways
6. Trespass and nuisance
7. Defences
8. Causation and remedies in tort

Learning Outcomes

By the end of this module you will be able to:

1. Identify the applicable law and apply to a matter with reference to the facts and the evidence including identifying overlapping causes of action
2. Evaluate the strengths and weaknesses of a client's position with reference to the law, facts and evidence
3. Know how to advise a client with regard to liability and prospects of success
4. Know how to make appropriate recommendations to the client which is in their best interests.

Linked online assessment: F2

TQT: 100 hours

Module Resources

In addition to the course book that accompanies the module, updates are located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- Separation of 8 into two components:
    - 8a Remoteness of damage
    - 8b Physical damage

1. Tort law in outline	The law of tort is a fundamental part of civil law, from which numerous causes of action derive. You must understand the scope of the law of tort, its purpose, who it protects and how, and its intended outcomes. Therefore, you will need to know the following: a) The function of the law of tort • Nature of tort law • Its purpose in terms of outcomes • Interests which the law protects: ○ The rights of individuals and organisations including the effect of the Human Rights Act 1998: ○ Articles 6 and 8 ○ Property interests (personal and land) ○ Economic interests
2. Negligence	The tort of negligence is an example of the evolution of common law principles to protect individuals or organisations, to whom a duty is owed by others, from damage caused by a breach of that duty. The tort of negligence does not just aim to protect from physical harm but also from economic losses caused by the breach and you must understand the scope of the tort. Therefore, you will need to know the following: a) The evolution of the common law principles of negligence b) The duty of care • The neighbour test and its application • The standard of care: the concept of reasonableness • Acts and omissions • Reasonable foreseeability of injury • Proximity • Fair, just and reasonable • Categories of established duties c) Breach of duty • The reasonable man • The standard of care expected of those persons having particular professional or recognised skill e.g. medical personnel; lawyers; financial advisors; estate agents and surveyors • Reasonable foreseeability and factors taken into account • Magnitude of risk including likelihood of injury and severity of consequences; cost of precautions and the defendant's objective d) Causation and damage e) Factual Causation - The "but for" test

	f) Breaks in the chain of causation: novus actus interveniens • The intervening act of the claimant • The intervening act of another g) Reasonable foreseeability: foresight not hindsight h) Remoteness of damage • Factors taken into account to determine remoteness • Rescuers • The "egg-shell" skull rule i) Outline of res ipsa loquitur: how the circumstances of an accident may give rise to an inference of negligence • Requirements • An unexplained occurrence outside the ordinary course of events under the management or control of the defendant • Effect of the maxim • Rebuttal of the maxim by reasonable explanation
3. Employers' liability	The principles of negligence form the basis of understanding how an employer's liability arises to employees and others. Employers have a contractual and statutory duty to their employees and can be liable for the negligence of employees or independent contractors which causes damage to property or to others. You must recognise whether an employer is liable in a given set of circumstances. Therefore, you will need to know the following: a) Scope of duty • The Health and Safety at Work Act 1974 and the general concept of the duty owed under the workplace regulations e.g. the Management of Health and Safety at Work Regulations 1999 in terms of reasonableness • Common law duty • Contractual duty • Defences • Liability for independent contractors b) Vicarious liability • Employees employed under a contract of employment • Relationships akin to employment and worker status • Scope of duty owed by employer for harm to others • The course of employment ○ Dishonesty ○ Disobedience ○ Criminal activity

4. Occupiers' liability	The principles of negligence form the basis of understanding how an occupier may be held liable to others for dangers arising due to the state of the premises or for things done or omitted to be done on the premises. Therefore, you will also need to know the following: a) The duty owed in negligence at common law b) Occupiers' Liability Act 1957 • Meaning of occupier • Meaning of premises • The state of the premises including things done or omitted to be done • Visitors ○ Meaning ○ The scope and standard of the duty owed ○ Time-limited permission ○ Geographical and space restrictions ○ Warnings and obvious risks ○ Child visitors ○ Factors to be taken into account ○ Age ○ Allurements • Liability for independent contractors: ○ Factors to be taken into account including insurance cover • Limitations on liability • Unfair Contract Terms Act 1977 • Law Reform (Personal Injuries) Act 1948 c) Occupiers' Liability Act 1984 • Difference between a visitor and a trespasser • The scope and standard of any duty owed under the Act including conditions to be satisfied • Where dangers are obvious
5. Outline of the law relating to highways	The principles of negligence form the basis of your understanding of how a highway authority may be held liable to others for dangers arising due to the state of the highway. In addition to the common law duty in negligence, to complement your knowledge, you also need to know about the statutory framework. Therefore, you will need to know the following: a) The Highways Act 1980 • The statutory duty to maintain (s.41) • The extent of the duty and factors to be taken into account • Transient hazards • The defence of reasonable care (s.58)

	b) Public rights of way – Countryside and Rights of way Act 2000 c) Local authority adopted highways
6. Trespass and nuisance	Relating to negligence, occupier's liability and highways, occupation of land can give rise to a liability to others. You should also know how the law protects the right to ownership and enjoyment of land. Trespass and nuisance are potential causes of action including the imposition of strict liability. Therefore, you will need to know the following: a) Trespass to land • What constitutes trespass • Duration • Defences ○ Common law e.g. Licence ○ Under statute e.g. police or other enforcement officials b) Nuisance • What constitutes nuisance • Public nuisance ○ Meaning of public nuisance ○ Understanding of the statutory offence of intentionally or recklessly causing public nuisance under the Police, Crime, Sentencing and Courts Act 2022. • Private nuisance • Meaning of private nuisance ○ Balance of interests: unlawful interference with use or enjoyment of land contrasted with reasonable use of land ○ Proprietary interest ○ Factors to be taken into account: ○ Reasonableness: -Sensitivity; extent of harm caused; locality; malice; usefulness of defendant's conduct • Defences and arguments ○ Prescription (private only) ○ Statutory authority ○ Coming to nuisance; usefulness of defendant's conduct c) The rule in Rylands v Fletcher • The scope of strict liability • Persons liable • The non-natural use of land • Dangerous things and things likely to do mischief e.g. water, fire, explosives; escape

7. Defences	A cause of action may arise which may result in the imposition of liability. When considering liability, you should also consider what general defences might be available to a defendant which may provide a full or partial defence to any claim. Therefore, you will need to know the following: a) Volenti non fit injuria • Knowledge of risk • Notice of risk • Acceptance of risk • Participants in or spectators at activities and events b) Ex turpi causa non oritur actio • Course of committing an offence c) Law Reform (Contributory Negligence) Act 1945 • Effect of contribution to accident • Effect of contribution to injury d) Volunteer, rescue and imperilled situations
8. Causation and remedies in tort	Causation is important, that is, the need to show a link between the breach of duty or infringement of a right or interest and the damage caused and what remedy is most suitable. Therefore, you will need to know the following: a) Remoteness of damage • Egg shell skull • Foreseeability ○ The Wagon Mound • Intervening acts • Pure Economic Loss b) Physical Damage • Defective goods or property • Damages in personal injury claims ○ Purpose, measure and assessment of general damages ○ Purpose, measure and assessment of special damages ○ Non-compensatory damages; Aggravated and exemplary damages ○ Injunctions: Mandatory; Prohibitory ○ Contributory negligence: Law Reform (Contributory Negligence) Act 1945; Effect on damages; Children ○ Mitigation and betterment

F3 – Contract Law

Foundation Stage

2026-2027

F3: Contract Law

The aim of this module is to give you the essential knowledge and understanding of the law of contract, the contexts in which it operates and how it may underpin commercial, professional, and individual relationships. This will enable you to understand how and when contractual obligations arise in the broad business environment including your own professional business environment; how to advise clients on the formation of a valid contract in non-contentious matters, and advise in potentially contentious matters, whether a contract exists and what, if any, obligations have been created.

The module covers:

1. Contract law in outline
2. The formation of a valid contract: offer and acceptance
3. The formation of a valid contract: consideration
4. The formation of a valid contract: intention to create legal relations and capacity
5. The content of a contract
6. Vitiating factors
7. Performance, termination and breach of contract
8. Causation and remedies for breach of contract

Throughout this module you must recognise the limit of your authority and experience and must know when to seek assistance.

Learning Outcomes

By the end of this module you will be able to:

1. Identify the professional context in which you are advising, and applicable law based on the facts and the evidence
2. Understand the client's position with reference to the law, facts and evidence
3. Know how to advise a client with regard to non-contentious and contentious contractual matters
4. Know how to make appropriate recommendations to the client which is in their best interests.

Linked online assessment: F3

TQT: 100 hours

Module Resources

In addition to the course book that accompanies the module, updates are located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- No updates deemed necessary

1. Contract law in outline	Contract law underpins many relationships including those in an employment, commercial, professional and consumer context. You need to understand how rights and interests are created, protected and enforceable by law and why some contracts are not permitted where they are contrary to public policy. Therefore, you will need to know the following: a) Privity of contract and third-party rights • Enforceability of a contract by a third party • Contracts (Rights of Third Parties) Act 1999 • Assignment of contractual rights and liabilities b) Professional relationships • Examples for context ○ Professional services contracts ○ Commercial contracts ○ Contracts of employment ○ Contracts of good faith ○ Insurance contracts ○ The Consumer Insurance (Disclosure and Representations) Act 2012 • Standard form contracts ○ Battle of the forms ○ Boilerplate clauses ○ Purpose ○ Examples: entire agreement; no representation or reliance; exclusion of third-party rights c) Business and consumer contracts • Sale of Goods Act 1979 • Supply of Goods and Services Act 1982 • Consumer Protection Act 1987 • Consumer Rights Act 2015 d) Illegality and public policy • Factors which make contracts illegal • Contracts to commit a crime; tort or fraud ○ Consequences • Ousting the jurisdiction of the courts ○ Terms which prevent a person seeking the assistance of the courts ○ Consequences • Restraint of trade e.g. employees; businesses

2. The formation of a valid contract: offer and acceptance	You need to understand how a contract is formed and the necessary components to establish agreement between the parties; how and why each of these components is a vital ingredient in the formation of a valid contract. Therefore, you need to know about: a) Offer: • Definition • How an offer is made • Verbally • In writing • By conduct • Invitations to treat • Factors distinguishing an offer from an invitation to treat e.g.: displays, advertisements, auctions, passengers, self-service and automated machines; mere puff; auctions; tenders and online transactions ○ Statements of price • Communication of the offer ○ Requirement for communication • Communication may be to a definite person or to a wider group • Withdrawal of offer ○ Requirement of withdrawal or revocation before acceptance ○ When does revocation of the offer take place? • Counter-offers and rejection of offers ○ Communication of rejection or counter-offer ○ Effect of counter-offer • Termination by lapse of time ○ Acceptance to be within a time prescribed in the offer ○ Acceptance to be within a reasonable period of time b) Acceptance • Definition and effect of acceptance to bring about agreement • Methods of communication of acceptance and relevant timing as to when acceptance is made ○ Acceptance complying with the terms of the offer • Instantaneous acceptance ○ Verbal acceptance face to face ○ By telephone • Acceptance in writing • By post and email • Standard form contracts and the battle of the forms c) New methods of contract formation • Overview if smart contracting • Using video communications • Text messages

3. The formation of a valid contract: consideration	You need to understand the central importance of consideration to the creation of a contract and what is capable of amounting to consideration. Therefore, you will need to know the following: a) Consideration • Definition • Requirement for simple contracts • Bare promises • Distinction between executory, executed and past consideration • Requirements that consideration must: ○ Move from the promisee ○ Be legal ○ Be possible ○ Not be past • Performance of existing duties as consideration • Sufficiency and adequacy of consideration ○ Bad bargains and caveat emptor • Satisfaction of debts • Promissory estoppel
4. The formation of a valid contract: intention to create legal relations and capacity	For a contract to be valid, there must be intention to create legal relations and the contracting parities must have capacity. Therefore, you will need to know the following: a) Intention to create legal relations • Presumptions and rebuttals • Business ○ Presumption of intention to create legal relations ○ Acceptance subject to contract • Social and domestic ○ Family agreements and clear intention to be bound ○ Mutuality between the parties b) Capacity • Minors and others under an incapacity • Minors' Contracts Act 1987 • Contracts for necessaries • Debts • Beneficial contracts of service ○ Voidable contracts

5. The content of a contract	Understanding of the content of written and verbal contracts is vital to the formation of a valid contract. This will enable you to interpret: - what the words mean; how the words used impact on the obligations arising; and why some terms are not permitted. You will also understand why it is sometimes necessary to imply terms into the contract so that it makes business sense. Therefore, you will need to know the following: a) Verbal and written contracts • Contracts may be verbal or in writing • Contracts which must be in writing b) Interpretation of contracts • Principles of interpretation • Intention of the parties • Documentary, factual and commercial context c) Express terms • Definition of express terms • Conditions: definition • Time made of the essence by express agreement or implied by the facts • Warranties: definition • Innominate/intermediate terms: definition • Incorporation of written terms into verbal contracts - • Verbal statements as terms rather than representations • Verbal statements adding terms to a written contract (the rules on incorporation) d) Implied terms at common law and under statute • Implied terms in fact: The business efficacy test • Implied terms in fact: The officious bystander test • Implied terms in law • Implied terms must not be contradictory to an express term • Custom and trade practice and course of dealing • Terms implied by statute ○ Sale of Goods Act 1979 ○ Supply of Goods and Services Act 1982 ○ Consumer Rights Act 2015 e) Control of exemption clauses, and unfair terms • The 'contra proferentem' rule • Use of the incorporation rules • Unfair Contract Terms Act 1977 • Consumer Rights Act 2015 **f)** Consumer Protection Act 1987

6. Vitiating factors	You must understand the importance of clear and unambiguous agreement between the parties about the contract and its terms and why mistake, misrepresentation, duress or undue influence can vitiate or "spoil" the contract. Therefore, you will need to know the following: a) Mistake • Common mistake ○ The grounds for common mistake • The effect of a unilateral mistake as to: ○ Terms of the contract ○ Identity of the subject matter ○ Ownership of the subject matter ○ Existence of the subject matter ○ Quality of the subject matter ○ Identity of the contracting party • Effect of mistakenly signed documents b) Misrepresentation • Requirements: ○ Statement of fact rather than opinion or puff ○ A statement which is false and unambiguous ○ Subsequent falsity ○ Reasonable reliance and inducements • Innocent and negligent misrepresentation and misstatement ○ Negligent misstatement at common law ○ Negligent & innocent misrepresentations - s2(1) Misrepresentation Act 1967 • Fraudulent misrepresentation ○ s.2 Fraud Act 2006 c) Remedies • Rescission and the bars to rescission • Damages in lieu under s.2(2) of the Misrepresentation Act 1967 • Damages at common law • Damages under s.2(1) of the Misrepresentation Act 1967 d) Duress and Undue Influence • Meaning of duress ○ Nature and effect ○ Threat of harm to a person or goods ○ The requirements • Economic duress ○ As distinct from ordinary commercial pressure ○ The requirements • Meaning of undue influence ○ Presumed undue influence: scope, requirements and effect ○ Actual undue influence: scope, requirements and effect ○ Consequences (rescission)

7. Performance, termination and breach of contract	You need to be able to explain how and why a contract may be discharged through performance, part-performance and agreement and so release the parties from their obligations. You should understand how and why: - time may be an important factor in the performance of a contract; some contracts may be breached; some contracts may be frustrated and made incapable of performance. Therefore, you will need to know the following: a) Performance of the contract • Substantial performance • Divisible and severable contracts b) Discharge by agreement • Accord and satisfaction c) Breach of contract: • Effect of a breach of warranty • Repudiatory breach and anticipatory breach • Events giving rise to repudiation by innocent party: ○ Breach of condition or a sufficiently serious breach of an innominate/intermediate term ○ A refusal to perform the contract d) Discharge by frustration • Definition • Grounds for frustration: ○ Physical impossibility ○ Destruction of subject matter ○ Illness or death ○ Unavailability ○ Failure of a source ○ Supervening illegality ○ Impossibility of a common purpose ○ The function of force majeure clauses ○ Limits to the application of the frustration principle ○ Effect of a frustrated contract: Common law and s1 Law Reform (Frustrated Contracts) Act 1943

8. Causation and remedies for breach of contract	Where a breach of contract arises, there is a need to show a link between the contractual breach and the contracting parties with the damage caused and the obligations for mitigation to limit the loss. You should consider what remedy is most suitable dependent on the facts. Therefore, you will need to know the following: a) Causation • Factual cause of loss • Remoteness of loss b) Common law remedies • Damages and heads of damages • Financial and non-financial loss • Measure and assessment of damages c) Equitable remedies • Specific performance • Injunction d) Statutory remedies: • Ss22;23;24,55,56 Consumer Rights Act 2015 e) Mitigation of loss f) Indemnities and guarantees

CILEX

CPQ

F4 – Introduction to Property and Private Client

Foundation Stage

2026-2027

F4: Introduction to Property and Private Client

The aim of this module is to give you the essential knowledge and understanding of the law and procedure relating to conveyancing and probate. There is a focus on the procedures required to act on a sale and purchase in a freehold residential conveyancing transaction. In addition, the module will introduce you to the purpose and content of a Will, the Intestacy Rules, how to apply for a Grant of Probate and the appointment of Personal Representatives. On completion of the module, you will know how to draft a straightforward contract of sale and transfer (TR1).

Throughout this module you must recognise the limit of your authority and experience and must know when to seek assistance.

The module covers:

- Organisations
- Underpinning land law
- Technical basics – the documents – property and private client
- Co-ownership
- Regulatory matters
- Technical basics – applying for probate and intestacy; personal representatives
- Technical basics – entitlement to act and personnel – property and private client
- Overview of the conveyancing transaction
- Taking instructions, initial steps and advice
- Deducing and investigating title
- Sale – drafting the contract and preparing the pre contract package
- Purchase – pre contract searches and enquiries
- Financing a purchase
- Reporting to client and exchange of contracts
- Preparing for completion
- Completion
- Post completion

Learning Outcomes

By the end of this module you will be able to:

1. Explain the professional framework and organisations that you will encounter in conveyancing and probate practice
2. Describe the underpinning law relevant to the transfer of title and the preparation of a Will
3. Identify the key risks encountered in a conveyancing transaction including conduct issues, money laundering and post completion deadlines
4. Identify the procedures required to apply for a Grant of Probate and to carry out a residential freehold conveyancing sale and purchase with a registered title from taking instructions to registration of a buyer's title following completion
5. Know how to draft a contract and a transfer (TR1) and advise a client on appropriate procedures and next steps in a straightforward conveyancing transaction

Linked assessment: F4
TQT: 180 hours

Module Resources

In addition to the course book that accompanies the module, updates are located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- No updates deemed necessary

Key Concepts and Initial Steps	
1. Organisations	A trainee in the property and private client departments must deal with a number of organisations. In addition to the regulators already covered in the Ethics and Professional Responsibility module 1, you will need to know the following: a) Law Society • Conveyancing Protocol and Transaction (TA) forms: purpose and outline content of the Protocol, Property Information Form (TA6), Fittings and Contents Form (TA10), Leasehold Information Form (TA7), Completion Information and undertakings Form (TA13) • Conveyancing Quality Scheme (CQS) • SRA Code of Conduct (in outline) b) Council for Licensed Conveyancers (CLC) • Purpose of the CLC • CLC Code of Conduct, in outline c) Probate Registry • Purpose of the Probate Registry • Function of HM Courts and Tribunals Service (HMCTS) Probate • Applications for a Grant (in outline) d) HM Land Registry (HMLR) • Function of HMLR – in outline • Land Registration Act 2002 (LRA 2002); Land Registration Rules 2003 • Applications to HMLR; use of the Portal; e-services; postal application e) Mortgage lenders • Purpose of UK Finance and the Building Societies Association • The difference between the UK Finance Mortgage Lenders Handbook and the Building Societies Association Mortgage Instructions f) Society of Trust and Estate Practitioners (STEP) • Purpose of STEP; status of STEP Trusts and Estates Practitioner • Code of Conduct (in outline) • STEP Standard Provisions for Wills (in outline)

2. Underpinning land law	An understanding of the key land law concepts is a vital starting point. Therefore, you will need to know the following: a) Common law and equity • Difference between common law and equity; equitable principles; legal and equitable remedies • Historical development (outline only) • Legal status of a Will and the fact that it is not a document of title • Equitable rights in a conveyancing transaction b) Definition of land • Law of Property Act 1925 (LPA 1925) definition • Distinction between real and personal property • Distinction between legal and equitable rights – in outline • Distinction between a fixture and a fitting c) Estates and interests in land • The two legal estates in land – freehold and leasehold and the distinction between them (also commonhold – in outline) • The five legal interests in land d) Leasehold land – in outline • Key principles of leasehold land • Characteristics of a valid lease • Leases of different types of property: residential, commercial • Key terms of a lease: landlord covenants; tenant covenants; rent; term; forfeiture e) Title to land • Difference between unregistered and registered title • Compulsory first registration of title; the triggers for registration • Format of a typical register of title – Property register, proprietorship register and charges register; the significance of the title plan • Definition of an overriding interest; significance of a non-owning occupier in a conveyancing transaction f) Third party rights in land • Third party rights and their significance • Easements in outline; characteristics of an easement; how they are created; the difference between express grant, implied grant and presumed grant and express reservation; how they can be terminated; their significance to the conveyancing transaction • Creation of covenants in outline and the difference between restrictive and positive covenants • Mortgages; how a legal mortgage is created; the different types of mortgage (repayment, pension, interest only); the significance of redeeming a mortgage and the undertaking risk for the seller's conveyancer; remedies of the mortgagee

3. Technical basics. Documents: - property and private client	An effective property and private client trainee must be able to draft documents clearly and accurately and understand the legal significance of the documents that are produced. Therefore, you will need to know the following: a) Contracts and deeds • Difference between a contract and a deed • Requirements for signature of a contract and signature and witnessing of a deed; including e-signatures • s1 LP(MP)A 1989 re deeds b) The requirements for a valid contract relating to land • Offer/counter-offer • Acceptance • Consideration • Intention to create a legal relationship • s2 LP(MP)A 1989 c) Wills and codicils • Purpose of a Will; reasons for making a Will; purpose of a codicil • Format and structure of a Will; s9 Wills Act 1837 • Capacity to make a Will; the tests in *Banks v Goodfellow [1870]* and Mental Capacity Act 2005 • Different types of gifts in Wills; gifts to children; ademption and lapse of gifts • The requirements for signature and witnessing of a Will and codicil; s15 Wills Act 1837; dealing with a testator who is blind, illiterate, where another signs on their behalf Revocation of a will, by marriage/ civil partnership, another will/codicil, destruction or testator's declaration. d) Different types of document and their significance to conveyancing • Conveyance • Deed of gift • Transfer of whole (TR1) • Transfer of part (TP1) • Declarations of trust • Mortgage deed • Assent e) Statutory declarations and statements of truth • The purpose • The basic format • Execution formalities for a statutory declaration or statement of truth

	f) Provision of documents in a conveyancing transaction– originals and copies • Significance of original documents; holding deeds on undertaking to a mortgage lender; when to release originals • An examined copy of a document • An abstract • An 'office copy' of a Grant of Probate (or Letters of Administration) • A 'certified copy' and how it is produced • The status of unverified photocopied documents • Use of the HMLR Portal
4. Co-ownership	An understanding of the rules of co-ownership is vital to carrying out client instructions in relation to (a) making a Will and the distribution of assets on death and (b) a conveyancing transaction. Therefore, you will need to know the following: a) Legal estate and beneficial interest • Difference between the legal estate and the beneficial interest; types of co-ownership; when a co-ownership situation arises; trust of land; Trusts of Land and Appointment of Trustees Act 1996 (TLATA 1996) b) Co-ownership and Wills • How the two options for co-ownership of the beneficial interest affect a gift of property in a Will; significance of doctrine of survivorship in relation to a co-owned property held on a beneficial joint tenancy; severance of a beneficial joint tenancy c) Co-ownership and registered titles • Beneficial joint tenancy and how to recognise it in a registered title; beneficial tenancy in common and how to recognise it in a registered title d) Co-ownership and conveyancing • When to give co-ownership advice in a conveyancing transaction; recognising and avoiding conflicts of interest in relation to co-ownership • Importance of a declaration of trust and a Will in relation to co-ownership • Principles of overreaching; need for trustees of land to give a valid receipt for the purchase; need to comply with a Form A restriction in a registered title

5. Regulatory matters	To be an effective conveyancing and private client trainee you must understand conduct and regulatory issues which are pervasive and specific to your area of practice. Property transactions involve high risk. Therefore, you will need to know the following: a) Codes of Conduct • Confidentiality and conflicts of interest in conveyancing (in outline); contract races; acting for buyer and seller in the same transaction • Dealing with elderly and vulnerable clients in relation to property • Avoiding conflicts of interest when drafting Wills; gifts to legal advisers • Contrast the CILEX Code of Conduct, Council for Licensed Conveyancers Code of Conduct and the SRA Codes of Conduct, in outline b) Client care and client identification • The 'client care' letter; ensuring that it meets the client's needs • Legal fees, VAT and disbursements; typical legal fees and disbursements on a residential conveyancing transaction (sale or purchase) • Informing the client about the firm's complaints procedure and their rights • Risk of fraud in conveyancing transactions; need for client identification in conveyancing transactions; best practice in relation to client identification; challenges of client identification when dealing with an elderly or vulnerable client c) Undertakings • Recognising an undertaking • Limitations on who can/should give an undertaking • Best practice in relation to undertakings; recording the giving and release of an undertaking • Examples of undertakings in a conveyancing transaction; Completion Information and Undertakings Form (TA13) • Risk of implied undertakings in a conveyancing transaction; relevance to formulae for exchange of contracts d) Money • Money laundering risks in conveyancing transactions • SRA Accounts Rules and the difference between office account and client account; client account not to be used as a banking facility • Importance of cleared funds; avoiding a breach of SRA Accounts Rules • Cybercrime risks; identifying the bank account to which funds will be sent • Third Party Managed Accounts (in outline) • SRA Transparency Rules (in outline) e) Taxation – a trainee will not be giving advice on the taxation aspects of a transaction, but should have an awareness of the relevant principles (in outline) • Capital gains tax (CGT) and how it relates to a conveyancing transaction • Stamp duty land tax (SDLT) in England and Land transaction tax (LTT) in Wales (in outline); how these relate to a conveyancing transaction

	• Inheritance tax (IHT) and how it relates to Wills and probate (in outline) • Importance of limiting or qualifying any taxation advice given to clients
6. Technical basics. Applying for a Grant of Probate; intestacy; personal representatives	An effective private client trainee must know what steps to take when a person has died, how to obtain a Grant of Probate or be able to recognise when an intestacy has arisen. Therefore, you will need to know the following: a) Preliminary steps when a person has died • Register the death • Arrange the funeral • Notify government organisations, banks, building societies • Locate the Will if there is one • Value the estate • Consider payment of debts • Advertise in the Gazette b) Circumstances where a Grant is not required • Property held as joint tenants • Life assurance policies • Pension schemes • Life interests in trust property • Statutory nominations c) Applying for a Grant of Probate – in outline • IHT forms to be sent to HMRC if applicable; IHT400; IHT 421 • Online applications for Grant of Probate • Paper applications for Grant of Probate • Documents to be lodged: probate application form with legal statement/statement of truth (online or paper version as applicable); probate fees; the Will • Renouncing probate • Power reserved • Caveats and citations • Payment of any IHT due d) Intestacy • Difference between property passing under a Will and on intestacy • Difference between intestacy and partial intestacy • Operation of the statutory trust of land; s 33 Administration of Estates Act 1925 (as amended) (AEA 1925) • Order of entitlement; including entitlement of spouses/civil partners; s46(2A) AEA 1925 e) Duties, Powers and Remedies • Duties, powers and remedies of personal representatives; collecting of assets, payment of debts, payment of tax, distribution of tax, distribution of estate, preparation of estate accounts • Duties, powers and remedies of trustees • Rights and remedies and beneficiaries

7. Technical basics. Entitlement to act and personnel: - property and private client	Recognising when a party has the authority to act in relation to a probate or conveyancing matter is essential to the effective administration of an estate or conveyancing transaction. Often, one person will be acting in more than one capacity. Therefore, you will need to know the following: a) Personal Representatives • Executors - appointment under the Will - executors; power reserved; renunciation; chain of representation if executor dies during administration of the estate • Administrators – appointment where there is no Will or appointment of executors by a Will; r 20 or 22 NCPR 1987 • Authority to act – derives from Will if executor; derives from Grant if administrator b) Administration of an estate - different types of Grant • Grant of Probate • Grant of Letters of Administration • Grant of Letters of Administration with Will annexed • Significance of the Grant when dealing with the sale of a property in a probate matter c) The seller in a conveyancing transaction • Checking the seller is the owner of the property and entitled to sell – considered in relation to registered land; the proprietorship register • Obtaining instructions from all co-owners; avoiding conflicts of interest • Checking that a surviving co-owner is entitled to sell (registered land only); surviving beneficial joint tenant; appointment of a second trustee • Lasting Powers of Attorney; Enduring Powers of Attorney; identification of the donor and the attorney; risks of acting in an attorney situation; identifying the client d) Risks of parties who are not clients of the firm • Beneficiary of an estate • Non-owing occupier on a sale of a property • Parents or family members gifting a deposit on a purchase • Family members and elderly or vulnerable clients; the risks of undue influence in a transaction • Aggrieved party on the other side of a transaction (e.g. a seller or buyer); professional conduct issues • Mortgage brokers; other estate agents; confidentiality risks

The Conveyancing Transaction	
8. Overview of the conveyancing transaction	An understanding of the overall conveyancing process is essential. This is important for those who only deal with one aspect of the conveyancing process in their role. Therefore, you will need to know the following: a) Key stages • Pre contract • Exchange of contracts • Pre completion • Completion • Post completion b) Key steps to take on behalf of seller and buyer in a freehold residential conveyancing transaction (flowchart); use of checklists c) Significance of a related sale and purchase and whether the clients want to synchronise them
9. Taking instructions, initial steps and advice	The importance of taking clear and comprehensive instructions at the outset of a matter must be understood along with the initial steps to take and advice to give once the retainer with the client has been created. Therefore, you will need to know the following: a) Preliminary matters • Checklists to take instructions on a residential conveyancing sale and purchase; opening a file • Significance of the Energy Performance Certificate (EPC) and how it is obtained • Content of the estate agent's memorandum of sale b) Initial advice to seller • Ensuring that instructions are taken from all co-owners of a jointly owned property; obtaining details of any adult non-owning occupier • Determining whether the title to the land is registered or unregistered; HMLR Map Search service or the Search of the Index Map • Seller's duty of disclosure under the contract; the wider potential liability for misrepresentation when completing the Property Information Form (TA6) and replying to pre-contract enquiries c) Initial advice to buyer • Ensuring that instructions are taken from all prospective buyers • Caveat emptor; importance of commissioning an independent survey; types of survey (mortgage valuation, RICS Home Survey Levels, 1, 2 and 3) and the extent that reliance can be placed on them • Co-ownership advice (in outline)

	d) Preliminary steps to take on a sale once retainer created • Confirm instructions with buyer's conveyancer • Obtain title – if registered: official copies of register of title and any documents referred to and title plan; use of HMLR Portal • Obtain title – if unregistered: understand significance if deeds held by a lender; draft appropriate undertaking for release of title deeds • Property Information Form and Fittings and Contents form to seller; explain that buyer can rely on the information provided • If there is a mortgage – obtain an indicative redemption figure e) Preliminary steps to take on a purchase once retainer created • Confirm instructions with seller's conveyancer • Obtain money from client on account of searches
10. Deducing and investigating a registered title	A conveyancing trainee must, when acting on behalf of a seller, be able to recognise whether the seller is entitled to sell the property and whether there are any obvious defects in the seller's title before drafting the contract and deducing title. When acting on behalf of a buyer, a conveyancing trainee must understand the basic format of a registered freehold title and be able to identify any inconsistencies between the title deduced and the contract. Therefore, you will need to know the following: a) Form of title in a registered freehold transaction • Format of a registered freehold title; the three parts of the register (property, proprietorship, charges); title plan • Classes of title; possibility of upgrade of class of title if less than absolute • Difference between a notice and a restriction and their effect (in outline); how to register and remove them; particular significance of a Form A restriction in conveyancing b) Deducing title – seller's conveyancer • Importance of confirming that the seller is entitled to enter into the contract and convey/transfer the property • Method of deducing title in a registered freehold transaction • Investigating the title for obvious defects (remedied prior to submitting the draft contract and deducing title) • Checks: which type of title guarantee is appropriate; incumbrances to be considered within the draft contract c) Investigating title – buyer's conveyancer • Reviewing the draft contract • Investigating a registered freehold title against the draft contract; due diligence checks of register entries and title plan; overriding interests affecting the property; raising requisitions on title with the seller's conveyancer

11. Sale – drafting the contract and preparing the pre contract package	A conveyancing trainee must understand the form and content of the contract for sale. Therefore, you will need to know the following: a) The form of the contract • Content of a contract incorporating the Standard Conditions of Sale (5th edition - 2018 revision) (SCS); standard conditions -2.2, 3.1, 5.1.1, 6.1; special conditions of sale • Title guarantee; contract rate • Deposit; holding as stakeholder; holding as agent for the seller; related transactions and the Standard Conditions of Sale • Drafting a basic contract of sale for a residential registered freehold transaction • Significance of adult non-owning occupier; special condition 7 b) The content of the contract package • Draft contract in duplicate • Official copies and title plan to deduce seller's title • Other relevant documents relating to the seller's title (e.g. death certificate, grant of probate, evidence of change of name) • Conveyancing Protocol forms (Property Information Form, Fittings and Contents form) • Other relevant documents (e.g. guarantees, planning permissions, new build warranty)
12. Purchase - pre contract searches and enquiries	A conveyancing trainee must know the purpose of the standard pre-contract searches which should be obtained on every purchase and be able to distinguish these from non-standard searches. They must be able to identify important further enquiries which might arise as a result. Therefore, you will need to know the following: a) Pre contract searches – standard • Local search; LLC1, CON29Drainage and water search • Environmental search • Physical inspection of the property by the buyer • Methods of carrying out these searches b) Pre contract searches – non standard • Chancel repair liability search • Company search • Bankruptcy search (and the need to repeat before completion) • Location specific searches (e.g. commons registration, coal mining, flood risk) • Methods to carry out these searches c) Pre contract enquiries • The importance of reviewing the Property Information Form and considering responses of concern: ○ Boundary discrepancies ○ Disputes ○ Japanese knotweed

	○ Insurance claims ○ Flooding ○ Non owning occupiers ○ Rights and informal arrangements • Key issues arising from the most common search results (e.g., adoption of road fronting the property; the property being connected to public foul drainage and water services) • Procedure for raising straightforward pre-contract enquiries
13. Financing a purchase	A conveyancing trainee must know how a buyer client proposes funding their purchase of a property. Therefore, you need to know the following: a) Cash • Checking source of funds and source of wealth • The link to money laundering (outline only – identify risk in broad outline and identify need to report circumstances to firm's MLRO) b) Mortgage financing • Acting for lender and borrower; avoiding conflicts of interest • The relevance of the balance of the purchase money coming from the borrower's own resources; risk of a gifted deposit • Form and content of a standard mortgage offer • Key terms of a mortgage offer; advising on the terms of the offer (noting the prohibition on giving specific financial advice) • Reporting to the lender; obtaining the borrower's consent first; understanding the risk of proceeding without receiving written confirmation from the lender that the issue is satisfied / resolved • Non owning occupiers consent form • The mortgage deed c) Government backed assistance schemes – in outline • Help to Buy ISA (now closed to new accounts) • Lifetime ISA • Mortgage guarantee scheme

14. Reporting to client and Exchange of contracts	A conveyancing trainee must understand the importance of reporting to a buyer client on a purchase and of the necessity to review a file prior to exchange of contracts. They must understand the purpose and significance of exchange of contracts. Therefore, you will need to know the following: a) Report to client on purchase • The purpose of reporting to the client and how this might be done ; ensure the report meets the client's needs and client understands the information b) Pre exchange file review – sale • Checks: ○ Answering pre contract enquiries; when indiscriminate enquiries can be disregarded under the Protocol ○ Relevance of obtaining indicative redemption figures on all registered charges before exchange of contracts ○ Process of agreeing the form of the contract with the buyer's conveyancer; additional special conditions to reflect the agreement between the seller and buyer ○ Relevance of obtaining the seller's signature to the contract prior to exchange of contracts • Informing the seller regarding insurance obligations • The use of a checklist c) Pre exchange file review – purchase • Checks ○ Search results received ○ Pre contract enquiries responses ○ Financing ○ Lender has authorised the conveyancer to proceed in the light of any issues reported ○ Cleared deposit from the buyer • Informing a buyer regarding insurance obligations, with reference to Standard Condition 5 • Obtaining the buyer's signature to the contract prior to exchange of contracts • Use of a checklist d) Preparing to exchange – sale and purchase • Agreeing the same completion date; synchronizing the transactions • Irrevocable authority to exchange contracts e) Exchange of contracts • Methods for exchange of contracts • The Law Society's formulae for exchange; their purpose; the requirements for a memorandum of exchange; the implied undertakings • Immediate steps post exchange

15. Preparing for completion	Preparing in a timely manner for completion of a transaction is a vital part of the conveyancing process. Therefore, you will need to know the following: a) Preparing to complete - sale • Obtain redemption figure for all mortgages • Approve the TR1 and obtain seller's signature to the engrossed transfer • Witnessing of signatures and use of e-signatures • Prepare a completion statement; calculate net sale proceeds • Reply to Completion Information and Undertakings Form (TA13); significance and risk of undertaking to redeem any mortgages b) Preparing to complete - purchase • Pre completion searches • Replies to Completion Information and Undertakings Form (TA13); undertaking received to redeem all mortgages out of the net sale proceeds and evidence of discharge • Preparing a completion statement • Obtain funds required for completion; importance of cleared funds; submit certificate of title and request for release of mortgage funds to mortgage lender (if any); check lender's requirements regarding holding SDLT/LTT and HMLR fees prior to release of mortgage funds • Draft the TR1; prepare an engrossment once approved; obtain buyer's signature to engrossed transfer, if required • Obtain buyer's signature to mortgage deed, if any • Obtain signed SDLT1 (in England) or LTT return (in Wales); secure client's authority to submit SDLT1 or LTT return, if required • Witnessing of signatures and use of e-signatures
16. Completion	Completion is one of the most important stages in the transaction and must be carried out in a timely manner. Therefore, you will need to know the following: a) Time for completion b) Process of completion • Methods of completion • Law Society's Code for Completion by Post (2019) (in outline); mechanics of completion; telegraphic transfer of funds; receipt of funds; notification to all relevant parties by seller's conveyancer that completion has taken place • Practicalities on the day of completion for the client: release of keys; removals; vacating (on a sale) or moving in (on a purchase)

17. Post completion	A conveyancing trainee must understand that the post completion work on a conveyancing transaction is a high-risk phase of the matter. There are important deadlines to be met and tasks to be carried out. Therefore, you will need to know the following: a) Post completion – sale • Send signed, dated TR1 (and any other relevant documents) • Redeem any mortgages on the day of completion out of the sale proceeds • Send evidence of discharge of any mortgages to buyer's conveyancer and seek release from undertaking given on completion • Pay estate agent's fee; account to client for any net sale proceeds; check file balances; Close file b) Post completion – purchase • Date mortgage deed, if any • Deal with any SDLT (in England) or LTT (in Wales) requirements: ○ Land transaction return (SDLT1), paying any SDLT; penalties; significance of land transaction Return certificate (SDLT5) ○ Submit land transaction return, paying LTT; penalties; significance of land transaction certificate • Receive documents from seller's conveyancer and check validly executed • Submit HMLR application on AP1 within OS1 priority period; documents to submit; use HMLR Portal (electronic Document Registration Service or Digital Registration Service)/postal application; significance of a failure to submit within the OS1 priority period; HMLR identification requirements • Nature and purpose of HMLR requisitions (in outline) • Checks: ○ Title Information Document received from HMLR ○ requirements of mortgage lender (if any) for sending documents to lender ○ Copy of Title Information Document to client; seeking instructions regarding the storage or otherwise of any documents ○ Check file balances • Close file

F5/F6 – Professional and Legal Skills

Foundation Stage

2026-2027

F5/6-Professional and Legal Skills

The aim of this module is to equip you with the professional and legal skills required to perform the role of a paralegal in a fast-paced legal environment. There is a focus on how to conduct yourself and your work effectively and efficiently and how you will be able to support a team. On completion of the module, you will be able to conduct legal research and have a greater appreciation of effective communication in an increasingly high-tech legal environment.

The module covers:

1. Succeeding in a Legal Environment; The Role of the Paralegal in a Legal Environment
    - Personal Impact
    - Working in a Team
    - Setting Standards
    - Client First Approach
    - Commercial Focus
    - The Impact of Technology
2. Effective Communication
3. Communicating with internal and external clients
4. Using Technology to carry out Legal Research; Conducting Legal Research

Learning Outcomes

By the end of this module you will be able to:

1. Understand the essential work skills a Paralegal requires
2. Explain how the role of the paralegal contributes to the law firm commercially
3. Understand how technology is being used in the legal sector
4. Demonstrate the skills required for effective communication with internal and external clients
5. Be able to undertake basic legal research

Linked online assessments:

- F5 Succeeding in a legal environment
- F6 Legal Research

TQT: 100 hours

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

No updates deemed necessary

F5. Succeeding in a Legal Environment

Your Role as a Paralegal in a Legal Environment

1. Personal Impact	A paralegal will interact with staff at all levels of the organisation, as well as with external clients. You will need to appreciate how your conduct and personal impact relates to others, to be effective in the workplace. a) Interpersonal relationships • Understand techniques to create a positive impression e.g. conduct, respect, inclusion, reliability • Recognise negative behaviours in yourself and others • Know why it is important to be honest and reliable in all professional dealings • Appreciate the importance of attention to detail and the implications/risks of not being so • Cultivate a positive 'can do' attitude b) Equality, diversity and respect • Recognise and respect equal opportunity and diversity • Understand the importance of cultural difference in a legal environment c) Time Management • Understand the importance of good time management • Plan, prioritise and organise own time in a work environment • Be aware of the value of billing time, understanding chargeable and non-chargeable time • Identify barriers to effective time management and know how to overcome them • Identify the impact on the business of poor time management d) Building rapport and effective working relationships • Identify opportunities for sharing knowledge promptly with the right person • Understand the opportunities for Identifying and using information sources e) Networking • Understand the importance of networking internally and externally • Identify opportunities to develop internal networks

2. Working in a Team	All employees will be part of a team, regardless of the size of the organisation. You have opportunity to impact positively or negatively on your team. Understanding your role in the team and how to contribute will be important in building a strong professional reputation. a) Role within a team and the organisation • Define different types of organisational teams; functional, problem-solving, project teams • Develop and contribute ideas and use a mentor • Know when to seek assistance b) Managing team workload • Recognise the importance of pro-actively supporting others to manage team workload • Identify core information to understand issues • Consider approaches to reporting progress effectively c) The impact of technology on teams • Understand how technology can be used to record and share information and the requirements for sharing data with others, including risks • Understand the importance of virtual team development, meetings and networking
3. Setting Standards	You should be able to demonstrate an awareness of the general requirements of the CILEx professional standard. You should also be able to understand the importance of appraisals and CPD in achieving continuous improvement. a) External Regulation • Be aware of the CILEx professional standards • Understand the duties and responsibilities of the code for professional and personal conduct b) Appraisal and CPD as a driver for improvement • Recognise the self-appraisal role in your personal development; skills, technical and operational competence • Understand the value of seeking and taking on board regular feedback • Understand the CILEx CPD requirements ○ Identify where to access CPD ○ Know how to communicate CPD requirements to a supervisor ○ Create and implement a personal development plan

4. Client First Approach	The successful paralegal trainee needs a client centred approach to deliver a high-quality service on time, every time. Whether you are dealing with internal or external clients, the same level of service needs to be achieved. a) The relationship of external client service to the success of the organisation • Appreciate how service chains operate in a legal environment • Know how the role involves supporting client care b) The importance of the internal client • Recognise the direct link between internal clients and the quality of service received by the external client • Understand what client service standards apply to internal clients and how they may differ from those applied to external clients c) The impact of client relationships on the success of the lawyer • Understand the ways in which client relationships can be nurtured d) Fulfilling professional and ethical considerations • Understand how clients are served in an ethical and professional way
5. Commercial Focus	A commercial approach is vital to a successful law practice and an essential attitude for a trainee to develop. Regardless of the environment you find yourself in, whether that be working in the private or public sector, you need to think commercially for the enterprise to succeed. a) Opportunities to practise law • Know the types of organisations where law is practised • Distinguish between contentious and non-contentious work • Recognise the factors which impact on different organisational structures b) Commercial opportunities in a legal practice • Explain how a commercial law generates income • Identify the factors that can impact on an organisation's performance • Identify the range of services provided by a law firm c) The impact of non-legal functions within a legal organisation structure • Understand how non-legal functions interact with the legal function

6. The Impact of Technology	Technology has increasing importance in professional services. From case management systems and accounting software to artificial intelligence, the legal professional needs an awareness of the current and potential impact of legal technology. a) Different types of software applications used in the workplace • Understand how to use standard software applications in the business environment, for word processing, creation of spreadsheets and using databases b) The appropriate use of systems in practice • Understand the place of systems in a legal environment including: ○ Customer Relationship Management systems ○ Case Management systems ○ Cloud computing ○ Cloud file sharing c) Using technology to communicate • Identify the differences in communicating formal and informal business information • Understand etiquette in communicating using IT systems d) The risks associated with office technology • Identify the risks associated with office technology when dealing with external clients ○ Systems e.g. security and access management ○ Data e.g. confidentiality, ethical walls, data protection and data transfers
Effective Communication	
7. Communication with Internal and External Clients	Communication skills are fundamental to building confidence with clients and peers. You will have to communicate effectively, both orally and in writing, with internal and external clients. This will involve speaking to individuals, listening to what they have to say and noticing the way they respond to the message you are giving them. When you communicate in writing, you must ensure that there are no spelling errors and that the document is grammatically correct. a) The importance of effective communication within a legal environment • Identify the range of internal and external clients a legal professional will communicate with • Identify the ways in which legal professionals communicate with clients and third parties • Understand the range and appropriate methods of communication to use with specific clients and third parties • Understand the internal and external barriers to effective communication in a legal environment

b) The use of verbal communication to effectively communicate a message
- Prepare effectively for verbal communication situations e.g. interviews with clients
- Distinguish between the types of question to be used in different situations
- Understand the effect tone of voice and language can have on the receiving party

c) The role non-verbal cues play in effective communication
- Recognise different types of non-verbal communication
- Understand the range of non-verbal responses and the effect they can have on the communication process

d) Actively listening to internal and external clients in order to effectively meet their requirements
- Accurately receive and interpret messages while communicating
- Use active listening skills to fully understand the message

e) The importance of effective and accurate legal writing
- Understand the effect well written legal correspondence has on those who receive it
- Be able to effectively take notes upon which others can then base correspondence
- Be able to recognise correspondence, which is grammatically correct, with no spelling mistakes

f) Drafting original and precedent forms of communication
- Understand the importance of the client care letter
- Understand the content of the client care letter
- Understand the differences between a:
    - Routine letter
    - Client letter
    - Attendance note
    - Matter creation form
    - Email
    - Text
    - Website correspondence

F6. Using Technology to Carry Out Legal Research	
8. Conducting Legal Research	Essential to the provision of good legal advice is the ability to effectively research the law. You need to be able to find the appropriate sources, understanding the weight to be given to them and then use those sources to answer the legal problem. a) The scope and purpose of legal research, ascertain the legal context and issues • Understand how legal professionals use research as a tool for a prescribed reason to contribute to an agreed outcome • Identify the legal issues raised by the problem • Identify the types of question that need to be investigated and answered b) Determining the most appropriate legal resources to use • Understand the range of resources available to carry out legal research, including print and online resources • Distinguish between primary and secondary sources • Demonstrate an understanding of the strengths and weaknesses and validity of different formats c) The importance of search terminology to use legal sources effectively • Understand the terminology associated with research on electronic formats • Evaluate the benefits and dangers of internet searches d) Using primary sources (Acts of Parliament, statutory instruments and case law) to inform research • Demonstrate knowledge of the structure of Acts and Statutory Instruments • Appropriately cite legislation • Demonstrate knowledge of the structure of law report • Appropriately cite law reports • Understanding the hierarchy of law reporting in England & Wales e) Evaluating different online sources • Differentiate between primary and secondary sources in terms of validity e.g. reliability and relevance f) Applying research to reach a conclusion and communicating the results • Apply research findings to a problem to reach a conclusion which is clear • Provide a response to a problem that has been researched in an appropriate format g) The ethics and legality of information use • Understand relevant intellectual property rights (copyright) and fair use

A1 – Dispute Resolution and Litigation

Advanced Stage

2026-2027

A1: Dispute Resolution and Litigation

The aim of this module is to give you the essential knowledge and understanding of how disputes are resolved through the litigation process or through alternative dispute resolution methods. You will cover all stages of a case, from first considerations in dispute resolution through to enforcement of judgments following a trial. You will consider alternative methods of dispute resolution, considering the client's wishes, together with the steps that can be taken to protect the client's costs position. You will gain an understanding of how costs underpin the litigation process and be able to conduct the case accordingly.

The module covers:

1. Establishing the cause of action
2. Limitation
3. Funding
4. Obtaining pre-action remedies and information
5. The overriding objective and resolving a dispute without litigation
6. The courts case management powers and costs
7. Damages and entitlement to and calculation of claims for interest
8. Preparing and issuing a Part 7 claim
9. The defendant's response
10. Focus on statements of case
11. Case Management
12. Witness evidence
13. Expert evidence
14. Disclosure
15. Interim applications
16. Focus on discontinuance, negotiation, and settlement before trial
17. Preparations for trial
18. Appeals
19. Enforcement

Learning Outcomes

By the end of this module you will be able to:

1. Identify within the relevant frameworks for alternative dispute resolution and litigation, an appropriate means for resolution of issues arising in contract and tort and apply to a set of facts
2. Understand the client's position with reference to the law, facts and evidence and know how to assist the client towards a resolution of their dispute
3. Know how to advise a client regarding tactical and strategic steps to place the client at an advantage
4. Know how to analyse a situation and make appropriate recommendations to the client
5. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: A1
TQT: 180 hours

If there have been changes in law, and/or changes in thresholds or rates, within six months of an examination, if a candidate refers to either the old or new, both should receive credit.

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- 5c 'Damages Claims Portal' added

1. Establishing the cause of action	One of the first considerations when providing advice is whether the facts of the dispute give right to a cause of action. Building on the knowledge and understanding of the law of contract and tort covered at Foundation level will help you determine whether a cause of action arises and whether there is a cause of action in both contract and tort. Therefore, you will need to know the following: a) Multiple causes of action b) Interrelationship of contract and tort
2. Limitation	It is necessary to establish what the cause of action is because the right to bring a claim may become statute barred due to its relevant limitation period. You must know the relevant time limits for bringing a claim and when the limitation period may be extended or excluded. Therefore, you will need to know the following: a) The purpose of limitation of actions • To ensure claims are not stale and can still be investigated • Fairness to the parties – prejudice • To adhere to the overriding objective to deal with cases justly and expeditiously • To ensure the parties are on an equal footing b) Limitation Act 1980 • Claims in contract; s.5 • Non-personal injury claims in tort; s.2 • Personal injury claims • s.11 and s.11A • s.14 • s.33 • Incapacity; s.28 • Fraud and mistake; s.32 c) Claims for contribution • ss.1, 2 and 3 Civil Liability (Contribution) Act 1978 • s.10 Limitation Act 1980

3. Funding	Understanding how a litigation matter will be funded is essential. This may determine whether or not proceedings can be commenced. Therefore, you will need to know the following: a) Conditional fee agreements • Content and terms • Notification requirements • Success fees • Application and calculation of liabilities b) Damages-based agreements • Content and terms • Notification requirements • Success fees • Application and calculation of liabilities c) Fixed fees and hourly rate retainers • Awareness of Portals for Low Value Personal Injury claims e.g. Road Traffic Accidents and EL and PL claims d) Third party funding • Litigation crowd funding solutions e) Legal aid • Availability
4. Obtaining pre-action remedies and information	An effective litigation trainee will be able to consider whether a pre-action remedy is appropriate and, if so, how to apply for it. Therefore, building further on the knowledge gained at Foundation Stage about remedies, you will need to know the following: a) Injunctions • Practice Direction 25A • Outline of procedure; making an application; evidence; urgent application without notice b) Pre-action disclosure and non-party disclosure: • Part 31.16

5. The overriding objective and resolving a dispute without litigation	Litigation is controlled by the court even before a claim has been issued. This ensures that the parties give full consideration to the possibility of settlement. You must understand the workings and relevance of the Practice Direction – Pre-Action Conduct and Protocols and specific protocols, and the Civil Procedure Rules generally. Therefore, you will need to know the following: a) The framework for litigation • The Civil Procedure Rules • Part 1 The overriding objective b) The Practice Direction – Pre-Action Conduct • When it is applicable • Requirements c) Overview of The Pre-Action Protocols including awareness of resolution of personal injury and money disputes through the three stages of the online portals: • Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents ('the RTA Protocol') • Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims • Pre-action disclosure of documents • Money Claim Online • Damages Claims Portal d) Awareness of methods of Alternative Dispute Resolution (ADR) • Litigation as a last resort • The aims of ADR and the court's approach • Consideration and timing of ADR • Unreasonable refusal to consider ADR; Churchill v Merthyr Tydfil Borough Council [2023] (Churchill) • Mediation • Early Neutral Evaluation • Arbitration • Negotiation including round table meetings • Online Dispute Resolution

6. The court's case management powers and costs	The courts have wide case management powers and the right to sanction a party which has failed to comply with Rules, Practice Directions and Orders. This can have costs consequences and you must understand how, when and what costs may be ordered, how they are assessed and how a party can be penalised in costs. Therefore, you will need to know the following: a) The court's case management powers • Part 1 The overriding objective • Part 3 General powers (CPR3.1; and 3.1A) b) Sanctions and application for relief from sanction • Types of sanction • When sanctions might apply • The duty of the court to enforce compliance with rules, Practice Directions and Orders • Power to make orders of own initiative • Power to strikeout of own initiative or on application contrasted with an outline of applications for summary judgement • Application for relief against sanction and factors to be taken into account (Denton) • Costs consequences c) General principles of costs and orders relating to costs • Parts 44 and 45 • Court's discretion • Basis of assessment • Factors to be taken into account • Cases where costs orders deemed to be made • Court's powers in relation to misconduct • Scope and effect of Qualified One-way Costs Shifting • Fixed recoverable costs d) Costs management and budgeting • Court's case management powers (Part 3) • Filing and exchanging budgets and budget discussion reports; precedents • Costs management order • Costs management conferences • Cost capping orders e) Outline of applications for security for costs • Part 25 • Conditions to be satisfied f) Assessment of costs • Part 47 • Summary assessment • Detailed assessment

7. Damages and entitlement to and calculation of claims for interest	You must understand the purpose of an award for damages and any entitlement to interest. You must understand how a claim for interest is made and the court's discretion to award statutory interest. Different heads of claim may attract different rates of interest and, in contract claims, there is an additional statutory entitlement to interest. Therefore, you will need to know the following: a) Statutory interest • Entitlement to interest • Court's discretion as to rate and period • Unreasonable delay; Part 16: Requirement for a claim for interest to be stated • Senior Courts Act 1981 • County Courts Act 1984 b) Claims in tort • Generally: the purpose of an award • Personal injury claims: ○ Outline of types of awards for general damages including provisional damages; applicable rate of interest and calculation ○ Outline of awards for special damages and applicable rates of interest and calculation c) Claims in contract • Generally: the purpose of damages • Contractual entitlement to interest • Late Payment of Commercial Debts (Interest) Act 1998 ○ Rate of interest ○ Calculation ○ Compensation
8. Preparing and issuing a Part 7 claim	If a claim cannot be resolved during the pre-action phase, proceedings may be commenced by the claimant. You must understand how and when the claim form must be filed and be able to identify who should be sued and how they should be described and how to draft, issue and serve a claim form. Therefore, you will need to know the following: a) Jurisdiction of the court and allocation of business b) Identify and describe the correct parties c) Joint and several liability d) Part 16 Contents of the claim form (N1) including the required statement of value • Part 7 issuing proceedings including documents to be sent to the court • Part 6 ○ Service of a claim form within the jurisdiction ○ Methods of service

	○ Time limit for service and where to serve ○ Deemed dates of service and time limits for serving Proceedings ○ Service of a claim form outside the jurisdiction, with or without the court's permission ○ Service by an alternative method and technology permitted
9. The defendant's response	Usually, the particulars of claim are served at the same time as the claim form. You must understand when a defendant is required to respond to the documents received and the defendant's options when responding to the claim in addition to the time limits for response to avoid default judgment. Therefore, you will need to know the following: a) Time limits for response b) Part 9 Defendant's options: • Admissions • Filing an acknowledgment of service, • Filing a defence • Consequences of not filing ○ Request for default judgment c) Part 12 requesting default judgment d) Part 13 setting aside default judgment
10. Focus on statements of case	You must understand the purpose of statements of case and what they should contain along with the evidence required to enable the court to decide on appropriate case management and track allocation. You must know what is required in a statement of case. Therefore, you will need to know the following: a) Statements of case • Examples b) Structure and purpose of the statement of case c) Part 16 • Contents of the particulars of claim • Contents of the defence • Part 9 Defendant's options ○ The scope and import of admissions • Inclusion of counterclaims and other additional claims (Parts 15 and 20) • Reply to defence d) Part 22 and PD 22 Statements of Truth • Purpose of the statement of truth • Documents to be verified • Form of the statement of truth • Who should sign? • Consequences of failure to verify • Contempt

11. Case Management	As part of its case management role, after a defendant has filed its defence, the court officer will, after an assessment of various factors, provisionally allocate the claim to the most suitable track. The parties will then be asked to complete a directions questionnaire to help the court firmly decide upon the correct track and the directions for future conduct. You must understand this process. Therefore, you will need to know the following: a) Part 26 and PD 26 • Preliminary allocation • Directions questionnaire • Content • Requirement for completion • Stay to allow settlement • Agreeing directions ○ Varying standard directions ○ Seeking permission to use expert evidence • Scope of the tracks • Matters which are relevant and not relevant to allocation to track b) The Small Claims Track Part 27 • The scope and conduct of claims on the small claims track c) The Fast Track Part 28 • Standard directions d) The Intermediate Track Part 26.9 and Part 28 • Scope of the Intermediate Track e) The Multi-track Part 29 • case management and case management conferences f) Costs and costs budgets g) Consequences of non-compliance; varying the timetables; extensions of time h) Notice of allocation
12. Evidence	Evidence is required to establish an issue. Any fact which needs to be proved should be proved at trial by a witness' oral evidence. That evidence, along with other evidence, such as documentary and expert evidence, provide the basis for the court's decision in the case as to whether to make a finding of liability and award damages. You must get the witness evidence right. Therefore, you will need to know the following: a) What is witness evidence? b) Who may give evidence?

	c) Part 32: court's power to control evidence d) Part 33 e) The civil burden and standard of proof f) Factual witness statements: • Structure of a witness statement • Function of the witness statement at trial • Statements of truth ○ Part 22 • Consequences of failure to comply with court direction for exchange of statements ○ Inbuilt sanction
13. Expert evidence	The court seeks to restrict expert evidence to that which is needed to be used. Knowing when expert evidence might be necessary, how to obtain the court's permission and how to instruct an expert are important. Therefore, you will need to know the following: a) The nature of expert evidence distinct from lay witness evidence b) Part 35 and PD 35 c) Power of court to restrict expert evidence d) Seeking the court's permission e) Determining need for expert evidence f) Choice and instruction of experts • Single experts • Single joint experts • The letter of instruction g) Duties of experts • The expert's report • Questions to and discussion between experts

14. Disclosure	Documentary evidence is a form of lay evidence. The objective of requiring the parties to disclose relevant documents links to the overriding objective and the need to enable the court to deal with a case justly and at proportionate cost. Even at the pre-action stage, the parties must consider disclosure of documents with the aim of achieving a compromise of the claim at an early stage if possible. Therefore, you will need to know the following: a) Part 31 b) The process of standard disclosure: • The meaning of a 'document' ○ Electronic documents • Duty of disclosure ○ Reasonableness of search ○ Meaning of disclosure ○ Meaning of inspection ○ Right of inspection ○ Documents referred to in statements of case c) Withholding inspection • Legal professional privilege • Documents having dual purpose • Without prejudice communications d) Consequences of false disclosure statements e) Review of documents on inspection f) Requiring specific disclosure g) Requiring disclosure by non-parties

15. Interim applications	During the course of the litigation process, occasions will arise when a party may need to make an application to the court to ask for the court's assistance, particularly in enforcing compliance with orders which have been made. Knowing how to make an application is important. Therefore, you will need to know the following: a) Part 23 b) General applications • Outline of common reasons for applications and examples under Part 18 and Part 25 (application for interim payments) • Completion of the application notice: common orders including unless orders and costs orders c) Requirements for service and applications which may be dealt with without hearing d) Setting aside or varying orders made without notice e) Power of the court to proceed in the absence of a party f) Schedules of costs and summary assessment g) Telephone hearings, video links and conferencing

16. Focus on discontinuance, negotiation and settlement before trial	Following disclosure and exchange of evidence, the parties are in a position to evaluate the claim and consider the strengths and weaknesses on both sides. The possibility of resolution should again come to the forefront of relevant considerations. It may be possible to settle the case in full or at least to minimise the issues between the parties which in turn should minimise costs and wasted court time. There are several options to consider. Therefore, you will need to know the following: a) Part 38 b) Discontinuance • Why and when a party may discontinue • Procedure • Court's permission • Liability for costs on discontinuance • Effect of QOCS c) Negotiation • Without prejudice offers • Calderbank offers • Effect on costs d) Part 36 • Effective Part 36 offers • Clarification • Withdrawal and varying terms • Acceptance • Restriction on disclosure • Status of offers outside Part 36 • Costs consequences on acceptance and on judgment ○ QOCS in personal injury claims e) Consent orders and Tomlin orders • Purpose and differences • Structure and drafting effective wording f) Claims involving minors and persons under a disability • Approval hearings where proceedings have been issued • Approval hearings where proceedings have not been issued (Part 8) • Requirements ○ Procedure

17. Preparations for trial	Specific preparations which must be undertaken to ensure that the case is ready for final hearing before the judge including the need to keep the prospect of resolution in focus. You must know how to prepare for trial including awareness of the role of counsel, where instructed. Therefore, you will need to know the following: a) Pre-trial checklists • Purpose and content b) Trial bundles • Purpose • Contents • Obligations for preparation c) Organising and preparing witnesses • Refreshing the witness' memory • Arranging attendance of witnesses • Part 34 • Issue and service of witness summonses • Travelling expenses and compensation • Failure of a party or a witness to attend trial • Video links and remote evidence d) Continuing efforts towards resolution • Possible need to seek counsel's advice on evidence, liability and quantum • Managing expectations • Explaining possible outcomes • Explaining risks of litigation • Explaining ongoing need to consider compromise
18. Appeals	Each party at trial (or at an earlier hearing) hopes to be the successful party. But at every hearing and every trial, each party runs the risk of an adverse outcome. An adverse outcome is not necessarily a wrong decision by the court, but occasionally it is necessary to appeal a decision. Therefore, you will need to know the following: a) Decisions which may be appealed b) Part 52 • Grounds of appeal • Permission to appeal • Destination of appeals • Time limits for appeals • Skeleton arguments

19. Enforcement	If a judgment debtor does not pay the judgment sum on time in accordance with the court judgment or order, steps can be taken to enforce the judgment. Therefore, you will need to know the following: a) How and when a judgment may be enforced • Date when judgment takes effect • Date when judgment may be enforced • Interest on judgment debts ○ Judgments Act 1838 ○ Rate ○ Date from when interest runs b) Suitable enquiries to be made as to the financial viability of the debtor c) Part 71 procedure d) Methods of enforcement: • High Court and County Court enforcement • Taking control of goods • Attachment of Earnings Orders • Charging Orders • Third-party debt orders

A2 – Criminal Law and Litigation

Advanced Stage

2026-2027

A2: Criminal Law and Litigation

The aim of this module is to give you, the trainee, the essential knowledge and understanding of criminal law and its end-to-end process; how in practice a case commences; its progress through the Criminal Justice System to conclusion.

The module covers:

1. The context of the criminal law
2. The hierarchy of the criminal court system
3. Principles of criminal liability
4. Key criminal offences and defences
5. Acting for a defendant
6. Key stakeholders and procedural matters within the criminal justice system
7. Dealing with vulnerable clients and witnesses

Learning Outcomes

By the end of this module you will be able to:

1. Outline the purpose and function of the criminal law and recognise key differences between the civil and criminal law
2. Identify classification of offences and which court they are heard in
3. Apply the practical process and procedures of the Criminal Justice System, its forms, courts, and duties of the participants in the Criminal Justice System including the role of the police, various prosecuting authorities and the defence in bringing and defending a case
4. Know how to represent and advise a client who is in custody in a police station, acting in the client's best interests and in accordance with the standards required of a Police Station Accredited Representative
5. Know how to advise a client on their plea whilst taking the necessary strategic steps to prepare their case and fully represent and act in their best interests
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: A2

TQT: 180 hours

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- 2b) – Removal of 'Pleas'
- 3a) – Removal of 'Voluntary and involuntary conduct and the impact of this on proving the elements of an offence'
- 3b) – Removal of 'Direct'
- 4g) – Removal of 'Rape and sexual assault, including the definition of consent (s76 Sexual Offences Act 2003) and the use of the SOA 1956 in relation to non-recent sexual offences'
- 4h) – Removal of 'Understanding consent as a defence to alleged sexual offences'
- 7c) – Removal of 'Eligibility for special measures for adult victims of sexual offences'

1. The context of the criminal law	To work in any area of criminal practice you will need to have a broad understanding of the criminal law; the purpose, functions and context of criminal law, the classification of criminal offences and the relationship between civil and criminal law. Therefore, you will need to know the following: a) Fundamental principles, aims, theory, scope and function of the criminal law; including recognition of the balance between individual autonomy and community welfare, fault-based element of crime, retributive justice and rehabilitation b) The classification of offences • Summary only • Either way • Indictable only c) The burden and standard of proof in a criminal case (including where the burden of proof is reversed) d) The relationship between criminal and civil law; the difference in standard of proof, remedies and knowledge of the key offences arising in both civil and criminal law, for example: • Misrepresentation • Negligence • Gross negligence • Harassment • Assault
2. Hierarchy of the Criminal Court System	An understanding of the hierarchy of the criminal court system is essential. Therefore, you will need to know the following: a) The magistrates' court • Procedure: ○ First appearance/plea before venue/allocation ○ Summary offences/Either-way offences ○ Indictable only offences / "sending" • Relevant provisions of the Bail Act 1976 ○ Right to bail and exceptions ○ Appeals by the prosecution against the grant of bail ○ Breach of bail • The importance of accuracy of pre-trial forms • Trials • Overview of sentencing powers of the magistrates' court • Right to appeal to the Crown Court against conviction and/or sentence, or where appropriate to the Administrative Court in the Divisional Court of the King's Bench.

	b) The Crown Court • Overview of process and procedures • Plea and Trial Preparation Hearing (PTPH) forms • Types of hearings • Trials • General sentencing powers • Rights of appeal c) The Administrative Court • Divisional court of the Kings's Bench • Appeal by way of case stated and judicial review • Overview of the process, procedure and purpose • Appeals ○ Magistrates' court ○ Crown Court d) Court of Appeal (Criminal Division) • Overview of process and procedures • Appeal against conviction from the Crown Court • Appeal against sentence and unduly lenient sentences e) The Supreme Court • Key decisions on criminal cases
3. Principles of Criminal Liability	You need to have a sound understanding of the elements of a crime in order to advise a client based on their instructions and the evidence against them. Therefore, you will need to know the following: a) Actus reus • Definition • The actus reus for each of the key offences within this module • The distinction between conduct, circumstances and result of the actus reus within the offence b) Mens rea • Definition • The mens rea for each of the key offences within this module • Intention • Recklessness c) Strict liability • Definition and purpose • The types of offences it applies to e.g. driving offences

4. Key Criminal Offences & Defences	You will need to be aware of the elements of key criminal offences with which a client might be charged, the sentencing guidelines for each offence and some of the key defences: a) Theft; Theft Act 1968 b) Criminal damage; Criminal Damage Act 1971 c) Murder; contrary to common law d) Manslaughter: • Voluntary manslaughter • Involuntary manslaughter - Unlawful act/Constructive manslaughter e) Non-fatal offences against the person; • Assault and battery s.39 Criminal Justice Act 1988 • Actual bodily harm – s47 Offences Against the Person Act 1861 f) Knife crime – possession of a bladed article, having an offensive weapon in a public place. g) 'Hate Crime' - understanding the impact on sentencing of crimes motivated by hostility of the victim as set out in s66 Sentencing Act 2020 h) Defences • Self-defence /defence of another/ prevention of crime including meaning of reasonable force • Intoxication: voluntary and involuntary • 'Good reason' as a defence to possession of a bladed article
5. Acting for a Defendant	When acting for a defendant you will need to know the steps required to fully prepare a client's defence as the case progresses. Therefore, you will need to know the following: a) The role of defence through the Police Station Accreditation scheme; relevance and application of the Codes of Practice under Police and Criminal Evidence Act 1984 (PACE 1984) • Obtaining relevant information from the client • Client care: managing clients in difficult circumstances, e.g. withdrawing from drugs • Application of the Codes of Practice under PACE 1984 at the police station, including lawful arrest, identification and the client's rights • Advising the client on how to respond in interview based on the evidence disclosed and other circumstances of the case • How to make and handle complaints against the police • Bail pending further investigation • Bail after charge, alternatives to charging, commencing a case other than by charge

	b) Obtaining adequate funding: • Legal Aid • Private funding • Insurance policy cover c) Compliance with regulatory requirements and knowledge of the key requirements most relevant to criminal law, i.e. • The Solicitors' Regulatory Authority Code of Conduct • SQM Standard/Lexcel • Legal Services Commission terms and conditions • Private Client terms and conditions d) Awareness of the Criminal Procedure Rules and application to procedure e) Preparation of a client's case, including: • Obtaining full instructions on evidence served • Providing plea advice to client including possible reduction in sentence for early guilty plea • Defence witness statements in accordance with requirements of s9 Criminal Justice Act 1967, to further the objectives set out in the Criminal Procedure Rules • Ensuring ongoing compliance with SRA Code of Conduct throughout the case • Disclosure of evidence including expert evidence. f) Managing conflicts of interests when representing a co-defendant g) Advising a client on the impact of cautions and convictions on Disclosure and Barring Service checks, including spent convictions and filtering of some offences
6. Key Stakeholders and Procedural Matters Within the Criminal Justice System	Working in criminal law requires an awareness of the key stakeholders in the Criminal Justice System; their roles, functions and procedures. You will need to know the sequence of its procedures to provide support, care and conduct through the life of a criminal case. Therefore, you will need to know the following: a) Role and function of the police: • The role and responsibilities of the police in relation to investigation, arrest, detention, bail and charge • Requirements of PACE (Police & Criminal Evidence Act) 1984 • Alternative disposals, e.g. cautions, Single Justice Procedure Notices, Domestic Violence Protection Orders

	b) Role and function of the CPS: • Effects of the Prosecution of Offences Act 1985 • The CPS as an independent body • Adherence to the Code for Crown Prosecutors and other statutory duties and powers to prosecute individuals, and various business entities • Relationship with the police, defence, courts and other prosecuting agencies • Making the charging decision (Full Code Test and Threshold Test from the Code for Crown Prosecutors) • Preparing and presenting cases at Court including disclosure of evidence • Supporting witnesses and victims c) Other prosecuting authorities, and an overview of the types of offences they prosecute, e.g. • Local authorities • Health & Safety Executive • Financial Conduct Authority d) Role and function of the probation service: • Preparation of pre-sentence reports and recommendation of appropriate sentencing • Overseeing of offenders released on licence or subject to community sentences • Exercising powers of recall to prison for those in breach of post-release licence conditions • Bringing proceedings in the magistrates' or Crown Court where conditions of a community sentence/suspended sentence have been breached • Working with some victims of sexual or violent offences e) Role and function of Youth Offending Teams: • YOT as part of local authority, and separate to the police and CPS • Crime Prevention Programmes aimed at under 18s • Helping young people and their families at the station and in Court • Supervising and supporting young people who are under community or custodial sentences
7. Dealing with vulnerable clients and witnesses	Working in criminal law can be rewarding and also challenging. You will need to develop skills to recognise when defendants/clients and witnesses are vulnerable, and deal with these individuals professionally and sensitively. You will therefore need to know: a) The definition of vulnerable and intimidated witnesses, within the context of the Youth Justice and Criminal Evidence Act 1999 b) The meaning of special measures, and overview of the measures available at the discretion of the Court

	c) The limited special measures available for young or otherwise vulnerable offenders, including access to an appropriate adult and an intermediary d) The power to restrict reporting on certain adult witnesses, e.g. members of the LGBTQ+ community conferred under s.46 YJCEA 1999 e) Giving evidence by live link where special measures are not available

A3 – Property and Conveyancing

Advanced Stage

2026-2027

A3: Property and Conveyancing

The aim of this module is to give you the essential knowledge and understanding of the underlying law relating to conveyancing and how the law relates to practice. There is a focus on the creation of third-party rights in registered and unregistered land and how these issues might affect a buyer of land. The module also covers the grant and assignment of a long residential lease and the conveyancing procedures involved in those transactions.

The module covers:

1. Underpinning land law
2. Underpinning law of trusts
3. Unregistered title
4. Registration of title at HMLR
5. Third party interests in registered land
6. Third party rights in land – easements
7. Third party rights in land – covenants
8. Third party rights in land – mortgages
9. Adverse possession
10. Co-ownership – overreaching; severance; registering restriction at HMLR; co-owner disagreements
11. Underpinning landlord and tenant law
12. Leases – common provisions
13. Leases and HMLR
14. Overview of the conveyancing transaction – residential leasehold
15. Grant, sale and purchase of a long residential lease
16. Particular issues with long residential leases
17. Enfranchisement / tenant protection
18. Remedies – notice to complete
19. Remedies – failure to complete
20. Short term residential tenancies

Learning Outcomes

By the end of this module, you will be able to:

1. Identify the main third party rights encountered in conveyancing and how they are created and enforced
2. Identify the procedures required to carry out a conveyancing transaction involving the sale/purchase of unregistered land, and the steps required to procure registration of the title at HM Land Registry
3. Identify the issues arising on, and the procedures required to carry out, a transfer of part of a registered title
4. Describe the underpinning law relevant to landlord and tenant matters and the common provisions found in a lease
5. Identify the procedures required to carry out a residential leasehold conveyancing transaction on the grant and assignment of a lease
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics or other issues under the applicable Codes of Conduct

Linked online assessment: A3
TQT: 180 hours
Prerequisite knowledge – Subjects covered by the Foundation stage Introduction to Property and Private Client module

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

Module Resources

In addition to the VitalSource manual, there is a reading list to accompany the module which is located in the 'Study Guide and Content Updates – Advanced Stage 2nd Editions' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- 3(h) Addition: Unregistered interests which override on first registration; Land Registration Act 2002 (LRA 2002) Sch 1
- 4(h) Addition: Third party interests that override registration - LRA 2002 Sch 3
- 8 Addition: Third party rights in land – mortgages
- 9 Addition: Adverse possession
- 16 Addition: Current concerns with long residential leases
- 17(d) Addition: Landlord and Tenant Act 1987, Parts 1 and 2 - right of pre-emption and appointment of manager'
- 20 Update: 'Right to rent checks' and 'Renters' Rights Act 2025'

1. Underpinning land law	Developing a further understanding of the key land law concepts, to support those covered at Foundation Stage of the CPQ, is a vital starting point for a trainee in the property department. Therefore, you will need to know the following: a) Formalities required for the express creation of legal interests • Mortgages • Easements • Rentcharges; estate rentcharges • Profits à prendre (in outline): profits à prendre in gross; profits appurtenant • Rights of entry: contained in leases and rentcharges b) Formalities required for the express creation of equitable interests • Equitable mortgages • Restrictive covenants • Positive covenants • Estate contracts c) Statutory requirements for a deed and the exceptions to the requirements for a deed • Assent of land • Disclaimer of a lease under Insolvency Act 1986 • Surrender of a lease • Leases and tenancies not required to be made in writing Law of Property Act 1925 (LPA 1925)
2. Underpinning law of trusts	An understanding of the law of trusts as it relates to property transactions is vital to giving appropriate co-ownership advice and to understanding the remedies that might be available in the event of default. Therefore, you will need to know the following: a) Types of trust • Implied, resulting and constructive trusts • Relevant case law • Purpose trusts b) Formalities for the creation of an express trust of land c) Rights of trustees and beneficiaries under Trusts of Land and Appointment of Trustees Act 1996 (TLATA 1996) • Right to occupy • Right to be consulted • Resolution of disputes

3. Unregistered Title	Conveyancers will encounter fewer unregistered titles, but an understanding of the principles of unregistered land and how the seller will deduce title is important for trainees. Therefore, you will need to know the following: a) Key unregistered title documents • Conveyance • Mortgage deed • Deed of gift • Assent • Full land charges searches b) The root of title • Requirements of a good root • Risks of accepting a short root c) Title deeds and epitome of title • Form and content of epitome • Obtaining original documents on completion • Sales of part: endorsement of memoranda, retention of original deeds d) Title passes on completion e) Protection of third party interests - land charges • Main classes of land charges • Registration of land charges; importance of registering against the correct name • The doctrine of notice • Registration constitutes notice f) Enforcement of third party interests • Legal interests; binding on third parties • Equitable interests g) The doctrine of notice • Actual • Constructive • Imputed g) Unregistered interests which override on first registration; Land Registration Act 2002 (LRA 2002) Sch 1

4. Registration of title at HMLR	A detailed understanding of the nature of registered title, the triggers for registration and the format of the register is essential. Therefore, you will need to know the following: a) LRA 2002 – (in outline) • Purpose • Main provisions • Land Registration Rules b) The main triggers for first registration and voluntary registration • Deeds of gift • Assents • Conveyance on sale • Creation of a leasehold interest of more than 7 years in duration • Assignment of a lease which has more than 7 years to run • Creation of a first legal charge over unregistered land • Voluntary first registration c)Estates and interests that can/must be substantively registered • Estates in land • Easements • Rentcharges • Franchises (in outline) • Profits à prendre in gross (in outline) d) The contents of the registers of title • Property register • Proprietorship register • Charges register • How rights are shown on the title • How mortgages are shown on the title • Class of title • The different classes of title • Upgrading the class of title • What HM Land Registry (HMLR) forms are needed to upgrade title e) The filed (title) plan f) Cautions against first registration • Purpose • HMLR Practice Guide (LRPG) 3 • Who can apply • How the application is made • HMLR Form CT1 • Cancellation

	g) Dealings with registered land • Dispositions which must be registered: ▪ transfers of whole and transfers of part of a registered title ▪ charges over a registered title ▪ grant of a lease for a term of more than 7 years out of a registered title ▪ creation of other legal interests (easements, etc) • Relation to practice – registration application which must be made following completion h) Third party interests that override registration - LRA 2002 Sch 3
5. Third party interests in registered land	A detailed understanding of how third party rights are protected in registered land is essential. Therefore, you will need to know the following a) Third party interests • How they are protected • Legal mortgages • Legal easements b) Notices • Purpose • Agreed notice; HMLR Form AN1 • Unilateral notice; HMLR Form UN1 • Cancellation or removal • LRPG 19 c) Restrictions • Purpose • Registration – HMLR Forms: TR1, TP1, AS1, RX1, CH1 • Removal – withdrawal or cancellation • HMLR PG19 • Relation to practice –purpose and wording of the HMLR Form A restriction

6. Third party rights in land – easements	It is necessary to recognise whether an easement is required or has been created because rights are fundamental to the use and enjoyment of land. Therefore, you will need to know the following: a) Characteristics of an easement • The rule in *Re Ellenborough Park* [1956] • Relevant case law b) How easements are created • Express grant and reservation by deed • Implied grant and reservation by necessity • Common intention • Implied grant by: ▪ The rule in *Wheeldon v Burrows* [1879] ▪ LPA 1925, s 62 (subject to no contrary intention) • Grant by prescription • Easements as an overriding interest in registered land • Profits and acquisition of profits • Relation to practice: right of access; right to use services; grant by prescription – link to statutory declaration / statement of truth and indemnity insurance c) The difference between express grant and reservation • Relation to practice – the wording for Form TP1 to ensure that the benefit and burden of easements granted or reserved run with the land transferred or the land retained • The risks from enlargement d) Protection of easements: registered land and unregistered land • Relation to practice – how the benefit and burden of easements are shown on a registered title; how rights might be contained in a conveyance or deed of easement in an unregistered title e) How easements are discharged • How easements can be determined or extinguished: unity of seisin; intensification; estoppel; abandonment

7. Third party rights in land – covenants	An effective conveyancer must be able to recognise whether a covenant affects land, whether it might be enforceable and the nature of the covenant. Therefore, you will need to know the following: a) Restrictive; Positive; Personal b) Formalities required for the creation of freehold covenants • Relation to practice – how the burden of a covenant is shown on a registered title; the requirement for registration as a Class D(ii) land charge if burdened land is unregistered at the date of creation pre-1926; the importance of a full land charges search on a purchase of unregistered land c) Rules for determining if freehold covenant runs at law or in equity • Original contracting parties • Successors in title - restrictive covenants – the benefit and burden • Positive covenants – how to enforce: *Halsall v Brizell* [1957]; chain of indemnity covenants; grant of a lease (or commonhold scheme – in outline); right of entry coupled with a rentcharge • Relation to practice – recognising restrictive, positive and personal covenants in a registered title; link to pre-contract enquiries and whether there is any evidence of breach of covenant; the wording of a Form TP1 imposing a restrictive covenant on the land transferred and/or the land retained; link to indemnity insurance d) How a freehold covenant can be extinguished or modified • By deed • Common ownership • LPA 1925, s 84
8. Third party rights in land – mortgages	An effective conveyancer must be able to recognise whether a buyer needs to secure borrowing by way of mortgage and how that security should be protected, the position in the event of default by the borrower and the priority of mortgages. Therefore, you will need to know the following: a) Formalities for the creation of legal and equitable mortgages; equity of redemption • Equitable mortgages • Charge by way of legal mortgage b) Protection of mortgages • Registered land • Unregistered land • Relation to practice – recognise a mortgage on the charges register and the lender's restriction; the mortgage deed if the title is unregistered and the requirement for a second or subsequent mortgage to be registered as a Class C(i) land charge; the importance of a full land charges search

	c) Methods of enforcement of a mortgage by a mortgage lender • Possession • Order for sale • Appointment of receiver • Action in debt • Foreclosure d) Priority of mortgages • Relation to practice – how priority of mortgages affects sale by a mortgagee, the distribution of the proceeds of sale and what documents must be produced to perfect the title e) Mortgages by companies • Fixed charge • Floating charge • Registration at Companies House
9. Adverse possession	An effective conveyancer must recognise when a party does not have documentary evidence of title to land and how an adverse possession claim will differ depending on whether the title is registered or unregistered. Therefore, you will need to know the following: a) Adverse possession in unregistered land • Limitation Act 1980 • Period of adverse possession • Procedure for application to HMLR • Class of title normally granted on an adverse possession application b) Adverse possession in registered land • LRA 2002 • Post 12.10.03 procedure • Limitation Act 1980 • Period of adverse possession • Procedure for application to HMLR • Class of title available for adverse possession application • Relation to practice – a seller may have occupied land to which they do not have title which might result in an adverse possession application; use of statutory declaration / statement of truth; link to the need for indemnity insurance

10. Co-ownership – overreaching; severance; registering restriction at HMLR; Co-owner Disagreements	Recognising the behind-the-scenes beneficial interest and knowing how to deal with this on behalf of a buyer is essential for a conveyancer. Therefore, you will need to know the following: a) Overreaching • Identifying the behind-the-scenes beneficial interest • The position of the sole trustee of the legal estate • How to effect overreaching • The impact on the contract for sale • Considerations for the buyer's conveyancer: identification of second trustee; making the HMLR application • Drafting the provision for the transfer b) Severance • Methods - written notice; treatment of share; disposal; agreement; course of dealings; forfeiture; bankruptcy • Drafting the notice of severance • Effective service of the notice; *Kinch v Bullard* [1998] c) Registering the Form A restriction at HMLR • Form SEV • Form RX1 d) Co-ownership advice • Common situations where co-ownership advice must be given • Risks of conflict • Development of case law • Inequality of contribution to purchase – tenancy in common advice • Drafting a straightforward declaration of trust e) Co-owners failing to agree on a sale – in outline • TLATA 1996, s 14; applying to court • TLATA 1996, s 15; factors court will take into account in considering an order under TLATA 1996, s 14

11. Underpinning landlord and tenant law	A detailed understanding of the characteristics of a lease and the different types of lease and the privity of contract rules are essential for any conveyancer. An outline understanding of the remedies for breach and how a lease is terminated is also important. Therefore, you will need to know the following: a) Characteristics of a lease • Lease v licence distinction • *Street v Mountford* [1985] b) Formalities for the creation of a lease (recap from section 2) • Requirement of a deed • Equitable leases c) Common types of lease • Fixed term tenancies • Periodic tenancies • Reversionary leases (in outline) • Tenancies at will (in outline) d) Remedies for breach of leasehold covenant • Commercial Rent Arrears Recovery • Forfeiture • Waiver • Self help e) Termination of leases • Expiry • Notice • Surrender and merger • Forfeiture • Frustration f) Landlord and Tenant (Covenants) Act 1995 • Privity of contract rule for pre-01.01.1996 leases and for leases granted on or after that date (in outline)

12. Leases – common provisions	An understanding of the key terms relating to leases is essential whether acting for a landlord or a tenant and whether it is a residential or commercial property. Therefore, you will need to know the following: a) Key lease clauses • Rent • Term • Extent of the demise • Tenant covenants (in outline), with particular reference to repair, alterations, use and dealings (assignment, underletting, etc) • Landlord covenants (in outline), with particular reference to covenant for quiet enjoyment, insurance and services/service charge • Mutual rights • Landlord to enforce covenants in other leases • Forfeiture b) Statutory protection • Assignment: absolute; qualified - Landlord and Tenant Act 1927 (LTA 1927), s 19(1)(a) • Alterations: absolute; qualified - LTA 1927, s19(2) • Use; absolute; qualified - LTA 1927, s 19(3) • Service charge / management company; service charge regime - Landlord and Tenant Act 1985
13. Leases and HMLR	An effective conveyancer must understand when a lease is registrable at HMLR and the land registration requirements. Therefore, you will need to know the following: • The importance of the lease plan; HMLR PG 40 • HMLR's change of approach to the creation of leasehold title plans
14. Overview of the conveyancing transaction – residential leasehold	Knowing how a leasehold transaction progresses from instructions to registration on behalf of a landlord or a tenant is essential. Therefore, you will need to know the following: Link the grant of a new lease and the assignment of an existing lease to the basic conveyancing overview: a) Key stages (pre-contract, exchange, pre-completion, completion, post-completion) b) Key steps to take on behalf of seller and buyer (flowchart) c) The use of checklists d) How the Law Society Conveyancing Protocol (the Protocol) applies to leasehold residential transactions

15. The sale and purchase of a long residential lease	An effective conveyancer must know the process for the grant of a new lease and the assignment of an existing residential lease. Therefore, you will need to know the following: a) Grant of a new lease • The provisions of the Protocol • Taking instructions from the landlord on key lease content • HMLR compliant plan • Pre-contract searches and enquires (specific issues relating to long leasehold flats and houses) • Drafting the contract with lease annexed; Standard Condition 8.2 • Documents to include in the contract pack • Approving the draft lease • Lender requirements • Exchange and preparing for completion: preparation of original and counterpart • Pre-completion tasks – priority search (Form OS1 or OS2) and other specific issues • Completion – documents received by tenant's conveyancer • SDLT in England and LTT in Wales: payable on premium and net present value • Registration at HMLR • Notice of mortgage if required b) Assignment of an existing lease • The provisions of the Protocol • Is landlord's consent required; Standard Condition 8.3 • Drafting the contract • Documents to include in the contract pack: in addition to standard documents: copy lease, Leasehold Information Form, management company information, form LPE1, service charge accounts, buildings insurance, ground rent and service charge receipt, copy freehold title, copy share certificate in freehold or management company (if relevant) • Approving the contract • Pre-contract searches and enquires (specific issues relating to long leasehold flats and houses) • Exchange and preparing for completion: Standard Condition 6.3 apportionments • Pre-completion tasks – priority search (Form OS1 or OS2) and other specific issues relating to long leasehold flats and houses • Completion – documents received by buyer's conveyancer • SDLT or LTT • Registration at HMLR • Notice of assignment and mortgage (if required) • Transfer share in management company to buyer (if required)

16. Current concerns with long residential leases	Long residential leases have become a complex topic in practice and represent a risk to conveyancers in terms of the advice to give to buyer and lender clients. Therefore, you will need to know the following in relation to the residue of the term and ground rent: • Insufficient remaining term of lease; what is an acceptable residue? • Ground rents – Housing Act 1988 (HA 1988); risk of a lease with ground rent over £250 (or £1000) in London falling within ambit of HA 1988; the risk of termination under Ground 8 of Schedule 2 of HA 1988; • In outline, what provisions can be included in a new lease or a deed of variation to mitigate the effect of this risk? • Ground rents – the problem with doubling every 10 years • View of lenders • Possible solutions: deed of variation; enfranchisement (in outline only) • Leasehold Reform (Ground Rent) Act 2022 - peppercorn ground rent for new, qualifying long residential leasehold properties in England and Wales • Leasehold and Freehold Reform Act 2024
17. Enfranchisement / tenant protection	A conveyancer must have an understanding in outline of the protections afforded to tenants of long leases of houses and flats. The conveyancer must appreciate that these are specialist areas of practice. The government has indicated its intention to reform these provisions, so an outline understanding of the proposed reforms is important. Therefore, you will need to know the following: a) Leasehold Reform Act 1967 • Protection of tenants who have a long lease of a house • Qualifying conditions • Procedure • Extend the term b) Leasehold Reform, Housing and Urban Development Act 1993 • Protection of tenants who have a long lease of a flat • Qualifying conditions • Acquisition of freehold • Extension of lease • Possible reform – Leasehold and Freehold Reform Act 2024 • Further proposals for reform (outline only) c) Commonhold and Leasehold Reform Act 2002 • Nature of a commonhold scheme • Perceived benefits over long leasehold tenure • Proposed reforms d) Landlord and Tenant Act 1987 • Parts 1 and 2 – right of pre-emption and appointment of manager

18. Remedies – notice to complete	A conveyancer must understand the remedies available under the Standard Conditions of Sale in the event of late completion. Therefore, you will need to know the following: • Time for completion in the contract • Late completion; interest due at the contract rate • Notice to complete procedure • Standard Condition 6.8 • Drafting a notice to complete • Recent case law
19. Remedies – failure to complete	A conveyancer is unlikely to deal with litigation which might arise following a failure to complete a conveyancing transaction. But a conveyancer must have an outline understanding of the key remedies available in the event of non-completion. Therefore, you will need to know the following in relation to failure to complete: • Time of the essence • Forfeiture of deposit • Damages • When the right to rescind arises • Standard Condition 7 • Equitable remedies in general • Specific performance • Misrepresentation • Suing under the covenants for title
20. Short term residential tenancies	A conveyancer must have an outline understanding of the key short-term residential tenancies. Therefore, you will also need to know the following in relation to the statutory framework which regulates those tenancies: • In outline only - HA 1988: assured tenancy; assured shorthold tenancy; exclusions; security of tenure; recovering possession; proposed future changes • Outline of Tenancy Deposit Scheme • Outline of Tenant Fees Act 2019 and Renting Homes (Fees etc.) (Wales) Act 2019: permitted payments; prohibited payments. • Outline of Housing (Wales) Act 2014: registration and licensing of landlords, etc Rent Act 1977 tenancies: protected tenancies; exclusions; rent control; recovery of possession • Renting Homes (Wales) Act 2016: secure contract; standard contract; exclusions; termination • Selling a property subject to a tenancy: contract drafting, key issues arising • Right to rent checks • Renters' Rights Act 2025

A4 and A5 – Professional and Legal Skills

Advanced Stage

2026-2027

A4 and A5: Professional and Legal Skills

The aim of this module is to develop the essential professional and legal skills introduced at Foundation Stage, helping you to progress your legal career.

A successful legal professional is one who has the skills to increase both individual and team productivity and efficiency. The skills developed at the Advanced Stage will allow you to do this through the development of your interpersonal skills, appreciation of the importance of continuous learning and an increased commercial awareness. You will also consider the potential impact of technology on the role you perform and the legal sector.

The module covers:

- Succeeding in the legal environment; The role of the senior paralegal in a legal environment
  - Personal impact
  - Working in a team
  - Setting standards
  - Client first approach
  - Commercial focus
  - The impact of technology
- Effective communication
  - Communicating with internal and external clients
- Using technology to carry out legal research

Learning Outcomes

By the end of this module you will be able to:

- Understand the purpose of an organisational strategy and how it aligns to individual and team targets and the role you play
- Understand how a legal entity operates and the opportunities technology presents
- Identify personal skills and knowledge gaps
- Understand accounts rules including handling a client's money
- Communicate more effectively, including accurate legal writing and drafting
- Apply a brief to carry out effective legal research, to support a legal outcome

The development of skills and competence is an essential component of the CPQ; therefore, providers are encouraged to build a good awareness of the topics outlined in this module, and to integrate the delivery of these topics and skills into the law modules offered to trainees at this CPQ stage. Although the exams connected to this module focus on three areas: Communication, Legal Accounts and Legal Research, this does not lessen the importance of the topics not examined directly, and which are essential for progression through CPQ and for the competent lawyer.

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

Linked online assessment: A4 and A5

Module Resources

In addition to the VitalSource manual, there is a reading list to accompany the module which is located in the 'Study Guide and Content Updates – Advanced Stage 2nd Editions' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026-2027 Module Specification

a) Relocation of 'Accounts rules and handling client money' from A4 Section 3b to A5 Section 7

A4: Succeeding in the Legal Environment

1. Personal Impact	Your interpersonal skills are fundamental to achieving success in an organisation. You will need to effectively manage and develop relationships with others, whether they are internal or external clients. You are likely not just to have to manage your own workload, but to actively organise and monitor others within the organisation. Your focus needs to be on achieving the common goals of the organisation you work for. a) Interpersonal relationships • Illustrate how emotional intelligence is used to understand the needs and feelings of others to create a positive, high-functioning workplace • Show how an understanding of interpersonal skills can help manage and resolve conflict situations ○ Identify conflict ○ Understand why conflict exists ○ Strategies to manage conflict • Define resilience and identify how it can be built in the workplace • Understand the principles of assertiveness • Know how to motivate others to achieve the common goals of the organisation • Understand your role as an informal mentor b) Diversity and respect • Actively consider the impact of equality, diversity, and cultural difference within the workplace • Review legal transactions through the lens of diversity and cultural difference ○ Clients ○ Third Parties c) Time Management • Plan, organise and monitor your own time in a work environment ○ Keeping files up to date ○ Communicating with clients and third parties in a timely manor • Monitor others' time management and act if necessary, to ensure goals are met • Understand how to overcome barriers to effective time management for self and others • Effectively manage chargeable and non-chargeable time • Manage your workload and self-care d) Building rapport and effective working relationships • Build rapport with internal and external clients • Ensure that knowledge is shared promptly with the appropriate person • Identify opportunities to share knowledge and resources

	• Acknowledge and respond to the needs of others; respecting differences e) Networking • Create internal networks • Identify the potential to create external networks • Understand how technology can be used to create a networking opportunity
2. Working in a team	You will be central to the team achieving its designated goals, whether you have set them, or they have been set by others in the organisation. You should use technology to enhance working in a team, personally supporting others to achieve common goals. a) Role within a team and the organisation • Participate as a key member of the team in order to achieve the designated goals: ○ Setting deadlines and prioritising ○ SMART action planning ○ Target setting ○ Accepting responsibility b) The impact of technology on teams • Use technology to support and enhance team collaboration • Technology to support remote working • Use of digital planning tools c) Manage team workload • Support others when needed to achieve goals • Understand the principles and benefits of delegated responsibility d) Decision making and developing solutions • Analyse information from different sources to develop a reasoned conclusion • Apply strategies to challenge information in a professional manner ○ Considerer alternative views and test the validity of ideas ○ Analyse alternative solutions using qualitative and quantitative data • Prioritise key issues • Appreciate when more expert help is required, identifying linkages, inconsistencies and ambiguities

3. Setting Standards	The profession is ever-changing, and you will be encouraged and supported through any changes to ensure that you are continuously developing and working towards becoming successful. You should always conduct business in line with the code for professional and personal conduct. Appraisal and CPD are important, and you should actively engage in the appraisal process, as an appraisee and an appraiser, setting performance targets for yourself and others, giving and receiving feedback. a) External Regulation • Apply the duties and responsibilities of the code for professional and personal conduct throughout internal and external transactions b) Appraisal and CPD as a driver for improvement • Understand the importance of appraisals, as an appraiser and appraisee • Understand the different ways in which appraisals are used e.g. 360 appraisal, rating scale, management by objective • Set performance targets for self and others ○ SMART objectives • Identify and pursue opportunities for CPD ○ CILEx CPD requirements and support • Act on feedback to improve performance ○ Use reflective practice models e.g. Gibbs reflective cycle • Understand how formal and informal feedback is given to allow others to improve performance
4. The Impact of Technology	The legal professional requires an appreciation of the potential impact of the growth in technology for the legal sector. You will use standard software applications on an almost daily basis, however your knowledge will need to go further and you will be required to understand where specific technology such as artificial intelligence, can be used effectively in the legal environment. As the use of technology becomes more prevalent in the legal office, you need to actively consider how you mitigate against hacking, fraudulent activity and so forth. Therefore, you need to know the following: a) Different types of software applications used in the workplace • Use standard software applications within the business environment • Understand the limitations of using specific types of software applications • Understand the benefits and limitations of a website b) The use of systems in practice • Understand the core principles of legal technology e.g. databases, search, automation • Explain how IT specific systems benefit practice e.g. efficiency, client satisfaction, automation of routine tasks • Have an overview of types of systems used

	○ Customer Relationship Management systems ○ Case Management systems ○ Cloud computing ○ Cloud file sharing • Be aware of the use of specific systems in non-contentious and contentious work c) Use technology to communicate • Use online communication in the legal environment÷ Teams, Zoom etc. • Differentiate in language and format between internal and external communication • Differentiate in language between formal and informal communication. • Use the appropriate etiquette in communicating using IT systems. d) The risks associated with office technology • Illustrate how the risks associated with office technology can be mitigated ○ Cybersecurity ○ Emotional impact e) Explain how legal technology is changing the landscape of the legal sector and consider opportunities for your own firm/legal department • Overview of: ○ Smart contracting ○ Use of AI ○ Cybercrime ○ Encryption ○ Predictive coding ○ Legal apps ○ Legal spend management systems ○ DIY law ○ Unbundling Services ○ Using technology for marketing law firms
5. Communication with Internal and External Clients	You will likely have daily communication with internal and external clients, as well as third parties such as the Court or another lawyer. As such, you will need to use all your skills as an effective communicator, including the ability to negotiate effectively and take accurate instructions. Both your oral and written communication needs to be effective and appropriate. You will need to demonstrate the ability to draft appropriate documentation which has no spelling errors and is grammatically correct. a) The importance of effective communication within a legal environment • Use appropriate methods of communication with a range of clients and third parties • Prepare for and conduct successful client interviews • Prepare for and undertake straightforward negotiations and influence in favour of a preferred solution ○ Principled negotiation

- Positional bargaining
  - Collaborative and distributive negotiation
  - BATNA (best alternative to negotiated agreement)
- Explain why specific methods are used in specific circumstances
- Illustrate where barriers have been overcome to effective communication

b) The use of verbal communication to effectively communicate a message
- Provide questions for different situations with internal and external clients and third parties
- Tailor the message for different audiences, conveying the message concisely and, where appropriate, persuasively
- Speak at the appropriate pace
- Maintain high professional and ethical standards under pressure

c) The role non-verbal ques play in effective communication
- Explain how non-verbal cues helps with effective communication
- Act on non-verbal cues to change approach in communication e.g. eye contact, posture, facial expression, personal space and distancing

d) Actively listen to internal and external clients to effectively meet their requirements
- Use critical listening to evaluate and analyse
- Use reflective listening skills to paraphrase
- Take accurate instructions relating to legal matters from colleagues and client
- Understand how to communicate with vulnerable clients

e) The importance of effective and accurate legal writing
- Effectively take notes on which to then base correspondence
- Draft correspondence, which is accurate, clear and unambiguous
- Draft correspondence, which is grammatically correct, with no spelling mistakes

f) Drafting original and precedent forms of communication
- Create different forms of written communication by drafting:
  - Routine letter
  - Client care letter
  - Attendance note
  - Matter creation form
  - Email
  - Website correspondence
  - File note
  - Practice Note/Briefing

A5: Using Technology to carry out Legal Research

6. Conducting Legal Research	Legal research is an essential aspect of your practice and you ensure that you plan and execute your research in a timely and purposeful way. You can effectively use research tools for any legal purpose, whether that be contentious or non-contentious in nature. In respect of findings, you demonstrate your ability to use the information found in a constructive way to provide legal advice. a) The scope and purpose of legal research, ascertain the legal context and issues • Use legal research to support or challenge legal reasoning • Use legal research to provide supporting information in the preparation for hearings, advocacy or negotiations • Reach a conclusion upon which legal advice can be based • Identify the legal issues raised by the problem • Formulate the questions that need to be investigated and answered • Use non-legal sources of information and secondary sources to narrow the issues and gain an overview b) Determining the most appropriate legal resources to use • Use 'finding tools' such as databases, search engines or indexes to carry out legal research. • Justify the use of primary and secondary sources. • Understand the financial drivers in respect of choice. c) The importance of search terminology to use legal sources effectively • Use 'indexed' and 'free-text' searching to carry out legal research. • Correctly use search terms and connectors to effectively search. • Understand the potential dangers of unstructured internet searches. d) Using primary sources (Acts of Parliament, statutory instruments and case law) to inform research • Utilise appropriate information from an Act or Statutory Instrument in reaching a conclusion • Cite information from the Act or Statutory Instrument appropriately • Utilise appropriate information from a case in reaching a conclusion • Cite information from the case appropriately

	e) Evaluating different online sources • Distinguish the utility of a source in respect of the research being undertaken and use ethically • Use a primary source to access other primary and secondary sources • Fake news - filtering information e.g. snopes f) Applying research to reach a conclusion and communicating the results • Apply you own research findings to a problem to reach a conclusion which is clear • Reflect on the appropriateness of the research techniques employed • Provide a response to the problem researched to the intended audience in an appropriate format, which is accurate and concise g) The ethics and legality of information use • Cite sources of research using a recognised and accepted format e.g. Oxford Standard for Citation of Legal Authorities (OSCOLA)
7. Accounts rules and handling client money	A comprehensive understanding of accounting rules and procedures underpins effective compliance and the appropriate handling of client money. In respect of this area, you demonstrate the ability to apply the CILEx Accounts Rules, maintain accurate and compliant accounting records, apply double-entry bookkeeping principles in outline, and appropriately manage billing, disbursements, client reporting, and the correction of accounting errors. **a)** Accounts rules and handling client money • Understand the CILEx accounts rules ○ Ability to record and account for client money ensuring it is allocated promptly ○ Understand the need to keep client money safe and away from that of the business ○ Understand when and how to account for interest to the client ○ Know how to rectify mistakes on an account ○ Understand money held as an agent/stakeholder

	• Double Entry bookkeeping – in outline ○ Understand the requirement to post entries to the client ledger account and the appropriate cash books of a legal entity ○ Understand when and how to send a bill of costs and charge applicable VAT • Understand when it is appropriate to provide the client with a financial statement • Understand what is meant by a disbursement • Know how to deal with errors on an account

A6 – Wills, Probate and Private Client

Advanced Stage

2026 - 2027

A6: Wills, Probate and Private Client

The aim of this module is to give you knowledge and understanding of:

- the role of equity and trusts in relation to wills and probate;
- the law and procedure relating to wills and will drafting;
- how property passes on intestacy
- inheritance tax; and
- the law and procedure relating to the administration of an estate.

Throughout the module, you should be able to recognise risks and consider appropriate steps to mitigate risks.

The module covers:

1. Equity and trusts
2. Making a will
3. Will Drafting
4. Beneficial entitlement
5. Structure and contents of a will
6. Alteration and revocation of wills
7. Intestacy
8. Inheritance tax
9. Applying for the grant of representation
10. Estate administration
11. Claims against an estate

Learning Outcomes

By the end of this module, you will be able to:

1. Explain and apply the law relevant to equity and trusts, wills, and estate administration.
2. Understand the risks of will drafting and identify best practice to mitigate those risks.
3. When taking will instructions, identify the options available to a client, the consequences of those options to be able to draft a will and codicil.
4. Appreciate when an alteration or revocation of a will is valid or invalid.
5. Explain and apply the intestacy rules.
6. Explain and apply rules 20 and 22 Non-Contentious Rules 1987.
7. Undertake a simple inheritance tax calculation.
8. Plan and manage an estate administration.
9. Understand the risks of estate administration and identify best practice to mitigate those risks.
10. Explain when a claim may be made against an estate and apply the law in this area.
11. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Candidates are expected to know the basic differences of the law in Wales as well as the law in England where they differ.

Linked online assessment: A6

Prerequisite knowledge – Subjects covered by the Foundation Stage Introduction to Property and Private Client module

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

TQT: 180 hours

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026-2027 Module Specification

The module specification has been restructured under new headings. As part of the update, some of the content has been retained/re-worded or removed; other parts have been expanded on or added.

Additions for 2026-2027 Module Specification (2026-2027 module references)

- 1b) addition of: Settlor
- 1b) addition of: Will trusts, Fixed interest and Interest in possession trusts
- 1b) addition of: Charitable and Non-charitable purpose trusts

- 2b) addition of: s.11 Will Act 1837 – privileged wills
- 2d) addition of: Pressure exerted to overpower the free will of a testator
- 3a) addition of: Direct where assets should pass (avoid the intestacy rules)
- 3b) addition of: Third party referrer e.g. family members in Will instructions (including identifying risks)
- 3d) addition of: Sending the client a draft will with clear explanatory letter

- 4a) addition of: Letters of wishes
- 4b) addition of: Abatement

- 5a) addition of: Commencement
- 5b) addition of: Revocation- Avoid multiple valid wills
- 5c) addition of: Role is voluntary
- 5d) addition of: Role is voluntary
- 5h) addition of: Direction re payment of inheritance tax
- 5h) addition of: Longstop clause
- 5k) addition of: Risks

- 6c) addition of: Conditional revocation

- 7a) addition of: Entitlement to a grant under the Non-Contentious Probate Rules 1987
- 7a) addition of: Two administrators needed if there is a minor interest

- 8a) addition of: Inheritance tax
    - Calculating inheritance tax
    - Overview of business property relief and agricultural property relief
    - Spouse and charity exemption
    - Nil rate band, transferable nil rate band, residence nil rate band, and transferable residence nil rate band
    - Annual exempt amount
    - Potentially exempt transfers and lifetime chargeable transfers
        - Overview
        - Effect on NRB
    - Rate of IHT

- 9a) addition of: Initial steps
    - Identifying who can act as personal representative (including AML requirements)
        - Rule 20 NCPR 1987
        - Rule 22 NCPR 1987
        - Executors – not willing or able, renunciation and power reserved, and chain of representation s.7 AEA 1925
    - Valuing the estate - writing to asset and liability holders (including settling the deceased's pre-death tax position)
    - Registering the estate (if necessary) with HMRC
    - Identifying (including AML requirements) and contacting beneficiaries
    - Missing beneficiaries
        - Tracing agent/genealogist
        - Missing Beneficiary Insurance
        - Application to court – Re Benjamin Order

- 9b) addition of: Paying inheritance tax
    - Timescale
    - Options – direct payment scheme, instalment option, loans for PRs or beneficiaries, grant on credit
    - Advising executors of HMRC interest rates

- 9c) addition of: Grants of representation
    - Grant of probate, grant of letters of administration, grant of letters of administration with will annexed
    - Special grants e.g. grant of letters of administration *de bonis non*, limited grants

- 9d) addition of: Application procedure
    - Excepted estates v non-excepted estates
    - Professional v personal
    - Online v paper

- 10a) addition of: Administering the estate
    - Collecting in assets and paying debts
    - Taking instructions re whether assets are to be sold or transferred
    - Realising assets – bank accounts, sale of shares, portfolios etc
    - Income tax, CGT and IHT during the estate administration
    - Variations

- 10b) addition of: Duty to beneficiaries
  - Update
  - Interim estate accounts
  - Interim distributions
  - Minor beneficiaries – infant receipt clause, setting up a trust s.42 AEA 1925

- 10c) addition of: Finalising the estate
  - Timing of distribution (best practice - 6 months from grant re I(PFD)A 1975 claims)
  - Distribute estate according to will or rules of intestacy
  - Transfer/assent of assets
  - Appropriating assets – s.41 AEA 1925
  - HMRC clearance/deemed clearance
  - Final estate accounts
  - Final distribution
  - Receipts to discharge the PR

- 11a) addition of: Validity of will – lack of (in outline):
  - Knowledge and approval

- 11b) addition of: Inheritance (Provision for Family and Dependants) Act 1975
  - Time limit
  - Who can bring a claim
  - What they can claim
  - What the court will take into account when considering a claim
  - Orders awarded by the court – in outline

- 11c) addition of: Effect a claim has on the estate administration
  - PR to act impartially, beneficiaries to defend claim
  - Timescale
  - Managing PR and beneficiary expectations
  - Distributions from the estate

Removals from 2025-2026 Module Specification (2025-2026 module references)

- 2a) removal of: Why have a trust- client motivations
- 2c) removal of: Types of trust- personal injury trusts
- 5e) removal of: Foreign element – Elections that can be made if property in Spain
- 5h) removal of: Other Wills
- 6b) removal of: CPR Part 8
- 11a) removal of: The position of co-habitees

1. Equity and trusts	To work in this area in practice, you need an awareness of the role of equity and be able to identify and explain the nature and operation of various trusts. Therefore, you will need to know the following: a) Common law and equity • How and why the law of equity developed • The relationship between the common law and equity today b) Trusts • The creation of trusts • Difference between settlor, trustee and beneficiary • The duties, remedies, liabilities and power of trustees • The rights, remedies and powers of beneficiaries • Express trusts ○ Created during lifetime ○ Will trusts ○ Fixed interest trusts ○ Interest in possession trusts ○ Discretionary trusts • Purpose trusts ○ Beneficiary principle ○ Charitable purpose trusts ○ Non-charitable purpose trusts • Gifts to unincorporated associations ○ The four options • Secret and half secret trusts ○ When and how created ○ Risks ○ Alternatives • Resulting and constructive trusts c) Equitable remedies - in outline
2. Making a will	You need to understand the law underlying the validity of wills and the formalities for making a will. a) Testamentary capacity • Test for testamentary capacity - Banks v Goodfellow (1870) • Intention to make a will • Burden of proof - Key v Key [2010] • Capacity to execute a will - Parker v Felgate (1883) • The golden rule • Obtaining a report on capacity from a medical professional • Mental Capacity Assessment Training

	b) Format and structure of a Will • s.9 Will Act 1837 - writing, intention to give effect, signed and witnessed • Signature, signature by another • Attestation clause • s.11 Will Act 1837 - privileged wills c) Knowledge and Approval • Presumption in favour • Absence of presumption - deaf testator, inability to write, blind, illiterate, directed another to sign on their behalf, English not testator's first language. d) Duress and undue influence • Pressure exerted to overpower the free will of a testator
3. Will Drafting	When taking instructions for the preparation of a will and drafting a will, you need to understand the purpose of making a will, the options available to a client and recognise and mitigate any risks. a) Purpose of a Will • Direct where assets should pass (avoid the intestacy rules) • Choosing who to administer the estate - executor • Appointing guardians • IHT planning • Care home fee planning b) Will Instructions (including identifying risks) • Taking instructions from your client (including AML requirements) ○ Including testator's personal information (including marital status, family conflict etc) • Assessment of testamentary capacity/golden rule • Third party referrer e.g. family members • Recognising and avoiding conflicts of interest • Clients whose first language is not English • Requirement for speed if preparing a 'death bed' Will • Recognising duress and undue influence • Will draftsman's capabilities • Duty of care - White v Jones [1995] • Signature; Payne v Payne [2018]; signature by another • With intent; Marley v Rawlings [2014] • Dealing with a notice of severance when testator wishes to gift land held as joint tenants • Seek clarification as to why financial provision has not been made for certain potential beneficiaries/discuss claims and letters of wishes c) Mirror wills and mutual wills • The differences • Implications of a mutual will

	d) Risk management • Face to face meetings • Use of checklists • Attendance notes • Sending the client a draft will with clear explanatory letter • Capacity report • Deadlines • Seeking supervision e) Foreign Property • How it passes on death • Implications of making a will where an existing foreign will exists • EU Succession Regulation (Brussels IV) f) Assets that pass independently of a will or the rules of intestacy • Examples - life insurance, death in service payments, pensions, property subject to a *donatio mortis causa* etc • Who will inherit the asset • Jointly owned assets – joint tenants in equity v tenants in common • When severance of a joint tenancy is required • Consider nominations
4. Beneficial entitlement	When preparing a will for a client, you need to understand and explain the different types of beneficial entitlement and the rules surrounding gifts and the failure of gifts. a) Legacies • Specific, general, demonstrative, and pecuniary legacies • s.24 Wills Act 1837 • Vested v contingent • Successive interests • Certainty of objects and subject matter • Class gifts • Class closing rules and early closing • Gifts to minors • Gender recognition • Surrogacy and fertilisation treatment • Letters of wishes b) Failure of gifts • Lapse • Ademption • Commorientes rule – s.184 LPA 1925 • s.33 Will Act 1837 • s.15 Wills Act 1837 • Forfeiture • Uncertainty • Abatement • Illegal, immoral, or contrary to public policy

	c) Will trusts • Uses • The role of trustees • Discretionary v fixed interest trusts
5. Structure and content of a will	When drafting wills, you will need to understand the structure of a will, options available to a client, and highlight any potential risk or conflict to be able to draft a will for the client. a) Commencement • Identifying the testator (including alias) • Extended to include foreign property • Made in contemplation of specific marriage/civil partnership b) Revocation • Avoid multiple valid wills c) Appointment of executors and trustees • Lay vs professional • Responsibility • Conflicts • Role is voluntary d) Guardians • Parental responsibility • Joint Guardians • Choice of guardians • Role is voluntary e) Legacies • Specific, general, demonstrative, and pecuniary legacies • Burden of IHT • Vested v contingent • Expenses - transport and insurance f) Gifts to the draftsman • Professional Conduct • Law Society Guidance g) Charitable gifts • Identification • Cy-près doctrine • Tax benefits (exempt, 36% rate) h) Residuary gifts • Provision for payment of debts and legacies • Direction re payment of inheritance tax • Vested v contingent

	• Substitutional gifts • Longstop clause • Gifts to minors i) Administrative Powers • Trustee Act 2000 • Receipt clause – charity and infant • Business • Investment • s.31 and s.32 Trustee Act 1925 and modifications to these provisions • Appropriation without consent • Consultation with beneficiaries s.11 Trusts of Land and Appointment of Trustees Act 1996 • Standard Administrative Provisions • STEP administrative provisions j) Survivorship clauses • S.184 Law of Property Act 1925 • IHT considerations k) Charging clauses • Purpose • Risks • Law Society Guidance l) Attestation clauses • Standard and special
6. Alteration and revocation of wills	A testator may wish to alter or revoke their will. You may also come across invalid alterations or revocation on a testator's death, therefore you need to be able to recognise such cases and advise a client accordingly. a) Alterations to Wills • Alterations - s.21 Wills Act 1837 • Revival - s.22 Wills Act 1827 • Extrinsic evidence – s.21 Administration of Justice Act 1925 • Interpretation of a will • Incorporation by reference - doctrine of incorporation • Republication (and how this can affect interpretation and construction of an earlier will) • Rectification - s.20 Administration of Justice Act 1982 b) Codicil • Content of a codicil • The risks of making a codicil • Formalities

	c) Revocation of Wills • s.18 Will Act 1837 - by marriage/civil partnership • s.18A Will Act 1837 - effect of divorce/dissolution of civil partnership • Revocation by a later will or codicil • s.20 Wills Act 1837 - destruction • Intention to revoke • Lost and destroyed wills and the presumption of revocation • R54 NCPR procedure • Conditional revocation
7. Intestacy	Where a person dies intestate, you will need to be able to explain and apply the intestacy rules, identifying who is entitled to the estate and who is entitled to administer the estate. a) Intestacy • The difference between intestacy and partial intestacy • How to avoid a partial intestacy • The order of beneficial entitlement – s.46 Administration of Estates Act 1925 • The statutory trusts – s.47 Administration of Estates Act 1925 • Entitlement to a grant under the Non-Contentious Probate Rules 1987 • Two administrators needed if there is a minor interest • The entitlement of spouses/civil partners and the 28-day survivorship condition; • Right of spouses/civil partners to require PR to appropriate the matrimonial home to them in part or full satisfaction of their entitlement under the Intestates' Estates Act 1952, Schedule 2 • Bona vacantia • Unclaimed estates list
8. Inheritance tax	a) Inheritance tax • Calculating inheritance tax • Overview of business property relief and agricultural property relief • Spouse and charity exemption • Nil rate band, transferable nil rate band, residence nil rate band, and transferable residence nil rate band • Annual exempt amount • Potentially exempt transfers and lifetime chargeable transfers ○ Overview ○ Effect on NRB • Rate of IHT

9. Applying for the grant of representation	There are many aspects to an estate administration. You will need to plan the estate administration, including identifying who can act as personal representative, advising what their duties are and what protection is available to them, and apply for the grant of representation. You will also need to identify any risks and mitigate those risks. a) Initial steps • Identifying who can act as personal representative (including AML requirements) ○ Rule 20 NCPR 1987 ○ Rule 22 NCPR 1987 ○ Executors – not willing or able, renunciation and power reserved, and chain of representation s.7 AEA 1925 • Powers, duties and liabilities of a PR – s.25 Administration of Estate Act 1925 • Protection available to personal representatives – s.27 Trustee Act 1925 ○ when adverts can be placed – executor v administrator • Taking instructions from the PR (including AML requirements) • Valuing the estate - writing to asset and liability holders (including settling the deceased's pre-death tax position) • Registering the estate (if necessary) with HMRC • Identifying (including AML requirements) and contacting beneficiaries • Missing beneficiaries ○ Tracing agent/genealogist ○ Missing Beneficiary Insurance ○ Application to court – Re Benjamin Order b) Paying inheritance tax • Timescale • Options – direct payment scheme, instalment option, loans for PRs or beneficiaries, grant on credit • Advising executors of HMRC interest rates c) Grants of representation • Grant of probate, grant of letters of administration, grant of letters of administration with will annexed • Special grants e.g. grant of letters of administration *de bonis non*, limited grants d) Application procedure • Excepted estates v non-excepted estates • Professional v personal • Online v paper

10. Estate administration	Once you have obtained the grant of representation, you will need to administer the deceased's estate, considering the many factors of an estate administration, including the role of the personal representative, their duties to beneficiaries and best practice. You will also need to identify any risks and mitigate those risks. a) Administering the estate • Collecting in assets and paying debts • Taking instructions re whether assets are to be sold or transferred • Realising assets – bank accounts, sale of shares, portfolios etc • Income tax, CGT and IHT during the estate administration • The administrative year • Disclaimers and variations b) Duty to beneficiaries • Update • Interim estate accounts • Interim distributions • Minor beneficiaries – infant receipt clause, setting up a trust s.42 AEA 1925 c) Finalising the estate • Timing of distribution (best practice - 6 months from grant re I(PFD)A 1975 claims) • Distribute estate according to will or rules of intestacy • Transfer/assent of assets • Appropriating assets – s.41 AEA 1925 • HMRC clearance/deemed clearance • Final estate accounts • Final distribution • Receipts to discharge the PR
11. Claims against an estate	Understand the circumstances in which a person could bring a claim against an estate, and the consequences on the estate administration. a) Validity of will – lack of (in outline): • Knowledge and approval • Testamentary capacity • Formalities • Other claims b) Inheritance (Provision for Family and Dependants) Act 1975 • Time limit • Who can bring a claim • What they can claim • What the court will take into account when considering a claim • Orders awarded by the court – in outline

	c) The effect a claim has on the estate administration • PR to act impartially, beneficiaries to defend claim • Timescale • Managing PR and beneficiary expectations • Distributions from the estate

A7 – Family Law and Practice

Advanced Stage

2026-2027

A7: Family Law and Practice

The aim of this module is to give you the essential knowledge and understanding of law and procedure to equip you to deal with family law cases. The module covers a range of current family law topics that you would encounter in practice, incorporating the formation of adult relationships, matters relating to children, and the breakdown of adult relationships. On completion of the module, you will have the skills to draft basic court documentation, whilst acquiring the knowledge and extended foundations of family law and procedure.

The module covers:

1. Family Law themes
2. Formation of adult relationship: Marriage, Civil Partnership
3. Void and Voidable Marriages and Civil Partnerships
4. Divorce, Dissolution and Judicial Separation
5. Financial Remedy on Divorce/Dissolution
6. Wills, Severance and Intestacy
7. Cohabitants
8. Private Law Children
9. Child Maintenance
10. Public Law Children
11. Domestic Abuse

Learning Outcomes

By the end of this module you will be able to:

1. Demonstrate detailed knowledge and understanding of the principles and rules governing family law
2. Identify and evaluate relevant facts and issues and apply the law to provide advice on a given set of facts
3. Know how to advise on procedural matters in family law cases
4. Know how to draft key documents in family law cases, including application for a matrimonial order and application for a private law children order
5. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: A7

TQT: 180 hours

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

Commented [NM1]: Emma, please note that there is a Reading list change.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026-2027 Module Specification

No updates were deemed necessary

1. Family Law themes	The basis of family law is underpinned by some common themes which those studying and working in family law need to know. There will be legal and ethical obligations to the client, particularly relating to funding options and mediation. a) Single family court • Structure • Allocation of cases and gatekeeping • Appeal process • Using technology • Jurisdiction; impact of European Union (Withdrawal Agreement) Act 2020 including the Hague regime, doctrine of *forum non conveniens* and the forum test • Transparency reporting pilot b) Funding • Legal Aid, Sentencing and Punishment of Offenders Act 2012 • Legal Aid franchise • Access to public funding domestic abuse and forced marriage cases • Access to public funding public law children cases • Statutory charge • Privately paying or self-representation c) Mediation • S.10 Children and Families Act 2014 • Part 3 Family Procedure Rules 2010, Practice Direction 3A • Mediation, Information and Assessment Meeting (MIAM) • Exclusions from Mediation • Referral and Instructions to the Mediator • Legal aid for mediation d) Understanding risk and ethics in family practice

2. Formation of adult relationship: Marriage, Civil Partnership	The basis of family law requires you to consider what type of adult relationship has taken place. This will involve consideration of the rules relating to formation of that adult relationship, and whether they have been complied with, to establish validity of the marriage or civil partnership. Therefore, you will need to know the following: a) Key Statutes on formation of a marriage/civil partnership • Matrimonial Causes Act 1973 • Civil Partnership Act 2004 • Marriage (Same Sex Couples) Act 2013 • S.9 Marriage (Same Sex Couples) Act 2013 - Transitional arrangements; converting a civil partnership into a marriage • The Marriage and Civil Partnership (Minimum Age) Act 2022 b) Key similarities and differences between a marriage and a civil partnership • Property • Children • Intestacy rules • Dissolving the relationship c) Provisions relating to capacity to marry/civil partnership • Age (The Marriage and Civil Partnership (Minimum Age) Act 2022) • Prohibited Degrees • Not already married d) Provisions relating to formalities to marry/civil partnership • Preliminary formalities for Church of England ceremonies • Preliminary formalities for non-Church of England ceremonies • The marriage ceremony – Civil marriages • The marriage ceremony – Church of England ceremonies • The marriage ceremony – Quaker and Jewish marriages • The marriage ceremony – other religious ceremonies • Registration post ceremony • Law Commission 2022 report on Celebrating Marriage: A new Weddings Law • The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022 (SI 2022/295) e) Different outcomes for failing to comply and their effects • Void • Non-marriage

3. Void and Voidable Marriages and Civil Partnerships	As well as recognising whether an adult relationship has been formalised in accordance with the law so it is valid, you must also understand the circumstances in which a marriage or civil partnership is void or voidable, and the key differences and effects. Therefore, you will need to know the following: a) The law of nullity: void • S.11(a)-(d) Matrimonial Causes Act 1973 • Effects b) The law of nullity: voidable • S.12(1)(a)-(h) Matrimonial Causes Act 1973 • Statutory bars per s.13 Matrimonial Causes Act 1973 • Effect of securing an order of nullity
4. Divorce, Dissolution and Judicial Separation	All family practitioners will be asked to advise on divorce or dissolution, or other alternatives for the parties to live apart, which will involve consideration of the law and the procedure. Therefore, you will need to know the following: a) Statutory provisions relating to divorce and dissolution • Matrimonial Causes Act 1973 • Civil Partnership Act 2004 • Divorce, Dissolution and Separation Act 2020 b) Effects of the Divorce, Dissolution and Separation Act 2020 • Applications can now be made jointly (both parties to the marriage), or by a sole applicant (either party) • Statement that the marriage or civil partnership has irretrievably broken down; no need to prove one of the five 'facts' • Terminology; applicant, respondent, conditional order, final order • Limited grounds to dispute the application c) Bar to applying within one year of marriage or civil partnership • S.3 Matrimonial Causes Act 1973 • S.41 Civil Partnership Act 2004 d) Procedure – Family Procedure Rules 2010 • Deciding whether to make a sole or joint application for divorce or dissolution • Online/'digital' divorce and paper divorce application processes • Applying for divorce/dissolution and documents required: application for matrimonial order (D8), marriage certificate, fee, statement of reconciliation (FPR 7) • Service, and methods of service (FPR 6); effective service by email • Applying for the conditional order; sole or joint application, minimum wait-period of 20 weeks • Pronouncement of conditional order

	• Settling financial issues; objecting to the divorce/dissolution on the grounds of grave financial or other hardship • Application for final order; sole or joint application, minimum wait-period of 6 weeks • Final order pronounced e) Judicial Separation as an alternative to divorce / dissolution • S.17 Matrimonial Causes Act 1973 • Statement by one or both parties to the marriage that the seek judicial separation; no longer required to prove one of five 'facts' • Available in the first year of marriage / civil partnership • Key differences between divorce/dissolution and judicial separation; does not end the marriage / civil partnership, parties may not re-marry, financial orders available with exceptions e.g. those relating to pensions
5. Financial Remedies on Divorce/Dissolution	In conjunction with advising a client on divorce/dissolution, you will also advise on how the assets will be divided. As such, financial remedies on divorce/dissolution will be considered. You must have an awareness of the key law and procedures governing financial remedies. Therefore, you will need to know the following: a) The law - Matrimonial Causes Act 1973 • S.25(1) - all the circumstances with first consideration to minor child • S.25(2)(a)-((h) - statutory factors • S.25A clean break principle • Yardstick of equality b) Financial orders - Matrimonial Causes Act 1973 • S.22 - maintenance pending suit • S.23 - periodical payments order • S.23 - lump sum order • S.24 - property adjustment orders • S.24B - pension sharing orders • S.24C - pension attachment • Offsetting • Legal Services Order c) Pre-nuptial agreements • Legal basis • S.25 MCA 1925 consideration • Principles • Law Commission 2014 'Qualifying Nuptial Agreements' d) Procedure – Part 9 Family Procedure Rules 2010 • Making the application within the divorce proceedings or making the application as a stand-alone application • Pre-application Protocol • Importance of the MIAM before issue • Form A (issue) • Online process – Practice Direction 36N

	• FRC Efficiency Statement • Form E (financial questionnaire) • First appointment • Financial Dispute Resolution appointment • Final hearing • Consent orders • Code of Conduct for CILEx/ Solicitors/Code of Conduct for Firms – duty of full and frank disclosure/not to mislead the court
6. Wills, Severance and Intestacy	On receiving instructions from a client regarding financial provision, you should understand how to protect the client's interests in relation to assets from the outset. It is important to understand the role of a CILEx Family Law Practitioner, the authorisation you have and when to escalate to another member of staff. Therefore, you will need to know the following: a) Overview of wills • Validity • Effect on divorce • CILEx Family Law Practitioner responsibilities in respect of advising on making a new Will b) Awareness of the implications of not having a will c) Protecting property rights • Joint or sole • Sole name of other party – registration of home rights notice • Joint names: o Preparing a Severance of Joint Tenancy o When o Effect o Filing at the Land Registry
7. Cohabitants	Family practices not only deal with clients who are married or civil partnered, they often deal with clients who live with their partners and often have children. On the breakdown of a cohabitation, family practitioners will need to advise on division of assets and matters relating to children. Therefore, you will need to know the following: a) Define cohabitants b) Cohabitation Contracts/Agreements • Status • Content c) Contrasting consequences and remedies as against married couples and civil partnership couples: • Financial support • Property disputes

	d) The Law – Implied trusts • Joint names or sole name of one party? • Resulting trust • Constructive trust • Lloyds Bank v Rossett (1990) • Stack v Dowden (2007) • Establishing the size of the interest e) Trusts of Land and Appointment of Trustees Act 1996, s.14 and s.15 f) Escalation of contentious matters
8. Private Law Children	Disputes relating to children between separating parents is a key part of family practice work; from disputes relating to whether a person is actually the natural parent, through to who has parental responsibility of a child, and then who the child should live with or see. Additionally, issues may arise on specific aspects of parenting, for example, should the child be immunised, can the child move to another country with the resident parent? Children issues that you may face are far reaching. Therefore, you will need to know the following: a) Parental Responsibility - Children Act 1989: • S.3(1) - definition and examples • Automatic parental responsibility • Acquired parental responsibility • S.4 - application and criteria 'CAR' from Re H (Parental Responsibility) (No 3) (1991) • S.2(5) and S.2(7)- exercise of parental responsibility • Termination of parental responsibility. • Jade's Law under the Victims and Prisoners Act 2024 b) S.8 Children Act 1989 applications: • Child arrangements e.g. relocation • Shared parenting • Specific issue e.g. change of surname • Prohibited steps • Enforcement & committal • S.10(4), S.10(5) and S.10(9) – who can apply • S.1 – general principles • S1(3) – welfare checklist • Practice Direction 12J (as amended by the Domestic Abuse Act 2021) c) Procedure for initiating a s.8 application: Child Arrangements Programme 2014 • MIAM • Application (Form C100) • Allegations of Harm (Form C1A) • Service on Respondent (C100/C1A, C6, C7) • Service on CAFCASS • Escalation

	d) Role of CAFCASS in s.8 applications: • Position and duty • S7 Welfare Reports & s37 Investigations by Local Authorities
9. Child Maintenance	Whilst working in family practice, either stand-alone, or in conjunction with advising on other children matters or financial relief, you may be asked by the resident parent to advise on child maintenance. You will need to know the following: a) The Child Maintenance Service • When would you make the application? • Qualifying child • Rights to receive • Rights to pay • Appeal process • Circumstances where referrals should be made • The Child Support Collection (Domestic Abuse) Act 2023 b) Top-up Maintenance/Financial Provision • s.15 and Schedule 1 Children Act 1989 • Factors to consider • Periodical payments • Lump sum • Property adjustment • Re P (Financial Provision) (2003)
10. Public Law Children	You need to understand the difference between private law children matters and public law children matters. Practices undertaking public law child work will have a legal aid contract, along with a senior solicitor who is a member of the Children Panel. Public law children cases do attract public funding. In such cases, you may be working alongside and therefore you will need to know the following: a) What is a public law case? • Fundamental principles of public law in relation to children; Children Act 1989 • Recognising a vulnerable child • Safeguarding duty and escalation • Low level intervention, s.17 and s.20 • Short term intervention/emergency, s.44 and s.46 • Long term intervention s.31 b) Inter-agency working/referral/assessment • School, neighbours, GP, hospital, health visitor, police, social services • Overview of investigations and assessments carried out

11. Domestic Abuse	There may be cases involving vulnerable clients who have been threatened or subjected to domestic abuse and may face removal from their family home. Such matters are fast moving and urgent and it often means you have to stop all other work that day to accommodate this client. You will need to know the following: a) Part IV Family Law Act 1996 • Non molestation order • Occupation order b) Non-molestation order • S.62 associated persons • S.63 relevant child • Define molestation with reference to case law • S.42(5) test • Terms of the order – general or specific • Duration of the order c) Occupation order • S.62 associated persons • S.63 relevant child • S.33 applicant entitled to occupy ○ Balance of harm ○ S.33(6) factors ○ S.33(3) orders ○ S.33(10) duration • S.35 applicant is a former spouse or former civil partner who is not entitled to occupy ○ Balance of harm ○ S.35(6) factors ○ S.35(10) orders and duration • S.36 applicant is a cohabitant or former cohabitant with no entitlement to occupy ○ Balance of harm factors ○ S.36(6) factors ○ S.36(10) orders and duration • S.37 and S.38 neither party is entitled to occupy d) Applications to be considered as either on notice or without notice • Documentation • Referrals e) Domestic Abuse Act 2021 • Statutory definition of Domestic Abuse • Special Measures directions • Prohibition on direct cross-examination and the appointment of a Qualified Legal Representative (QLR) • Domestic Abuse Protection Orders and Domestic Abuse Protection Notices • Part 3A Family Procedure Rules 2010

A8 – Business and Employment Law

Advanced Stage

2026-2027

A8: Business and Employment Law

The overall aim of this module is to give you, the trainee, the essential knowledge and understanding of common business structures, including how they are formed and operate within relevant legal frameworks. It will also ensure awareness of associated internal procedures, liability issues for owners and managers and how such businesses may come to an end through insolvency. The module will additionally provide an outline of issues relating to employer/employee relationships, including providing an introduction to key employment rights, and taxation, including of profits and capital gains arising in the business (building on the knowledge of business accounts from the Advanced Stage Skills module).

The module covers:

1. The types of business structure
2. Starting a business; formation of the different types of business structure
3. Running and growing a business
4. Company procedures
5. Dissolution, insolvency and winding up
6. Taxation
7. Introduction to Employment Law

Learning Outcomes

By the end of this module, you will be able to:

1. Know how to identify and advise upon the most appropriate form of business structure for a client, based on their instructions
2. Know how to explain to a client how to set up their chosen form of business structure and identify the advantages and disadvantages of each business medium
3. Understand the liability arising from the main forms of business ownership and how to bring a business entity to an end
4. Know how to draft the key documents relating to company procedures
5. Understand in outline the key taxes that will be encountered when running a business and common employment issues that will arise
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: A8

TQT: 180 hours

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026 –2027 Module Specification

- Revision to Module Resources
- 3c) – Addition of '…including identity verification'
- 4b) – Addition of '…including short notice'
- 4c) – Addition of '…including changes under ECCTA 2023'
- 7a) – Addition of '…the gig economy'
- 7a) – Removal of 'Limited rights to subcontract' and 'No obligation to accept hours when offered but once accepted must attend work'
- 7a) – Addition of 'Common law and main tests'
- 7a) – Removal of 'Mutuality of obligations' and 'Degree of control and supervision' and 'Personal service'
- 7b) – Addition of 'common terms and managing changes to terms and conditions'
- 7c) – Removal of '(s.94 ERA 1996)'
- 7d) – Removal of 's.95 ERA 1996' and 's.94'
- 7d) – Addition of 'Fixed term contracts'
- 7d) – Addition of 'Background and eligibility' and 'Reasonableness and ACAS Code of Practice' and 'Constructive dismissal' and 'Procedure, time limits and remedies'
- 7d) – Addition of 'Consultation'
- Addition of '7f) Settlement of employment disputes and compromise agreements'

1. The types of business structure	Knowledge and understanding of the core characteristics of main types of business structure are essential to the work of a trainee in the business department. Therefore, you will need to know the distinguishing features of the following: a) Business structures • Sole traders • Partnerships • Limited liability partnerships (LLPs) • Companies limited by shares (both private and public) • Companies limited by guarantee b) The legislation relevant to these structures, including: • The Companies Act 2006 (CA 2006) • The Partnership Act 1890 (PA 1890) • The Limited Liability Partnerships Act 2000 (LLPA 2000) • The Insolvency Act 1986 (IA 1986) • The Economic Crime and Corporate Transparency Act 2023
2. Starting a business; Formation of the different types of business structure	The different types of business structure are formed in different ways. You must be aware of the varying formalities in order to advise the client adequately and be able to carry out the necessary formalities, including drafting appropriate documents. Therefore, you will need to know the following: a) Sole trader • No prescribed formation procedure • Regulation of choice of business name under s1192 CA 2006 b) Partnerships • No prescribed formation procedure • Definition of a partnership under ss1 to 2 PA 1890 • Relevant case law • Partnership agreements: no requirement but advisable • Key content of a partnership agreement c) Limited liability partnerships • Governed by the LLPA 2000 • Legal requirements of an LLPA • Registration process under the LLPA: prescribed documentation and fee • Agreements: no requirement but advisable • Regulation of choice of business name under CA 2006

	d) Companies limited by shares • Incorporation governed by the CA 2006 • Registration process with Companies House, including relevant documentation and fee • Required company constitution ○ Memorandum and articles of association ○ Model articles • Identity verification under the Economic Crime and Corporate Transparency Act 2023 • Use of 'off the shelf' companies • Regulation of choice of company and business name under CA 2006 • Public companies: minimum authorised capital requirement; s763 CA 2006 • Brief comparison with other forms of company e) Promoters and pre-incorporation contracts • Nature of promoter • s51 CA 2006 • Potential personal liability • Protection from liability
3. Running and growing a business	A trainee in the business department must understand and be able to advise on the nature of ownership and consequent liability issues, and how the businesses may be managed and run. You must be able to distinguish between unlimited and limited liability, and outline the possible management structures, day to day running issues and associated regulation. Therefore, you will need to know the following: a) Sole trader • Business owner • Self-finances: cash or a loan; personal guarantees • Potential personal liability for business debts • Freedom to manage • Business transfer procedure b) Partnerships • Each partner owns part of the business • Jointly and severally liable • Partners are agents (s5 PA 1890); differences between actual (express or implied) and apparent authority • Fiduciary duties in outline • Freedom to manage • Partnership agreements: govern management structure; limits on authority to incur debts/liabilities • PA 1890 implies in absence of express agreement

- Liability of partnership for acts of individual partner: ss6 to 8, 14 and 17 PA 1890
- Partnership property: ss20 and 21 PA 1890
- Exit routes under PA 1890 in absence of express agreement
- Consequences of breach of partnership agreement
- Expulsion of a partner

c) Companies limited by shares
- Separate legal personality
- The entity can sue and be sued and enter into contracts
  - Entering into contracts and execution of documents: ss43 and 44 CA 2006
- Owners are shareholders
- Shareholders; limited liability
- Meaning and significance of persons of significant control, including identity verification (PSCs)
- Corporate veil; separation between the shareholders and the company; Salomon v Salomon [1897]
- Lifting of corporate veil
  - Overview of elements of 'test'
- Nature and purpose of the company's constitution:
  - s33 CA 2006
- Management of company: directors; CA 2006; company constitution
- Limits on capacity and directors' authority; ss39 and 40 CA 2006
- Transfers
  - Procedure for transfer of shares
  - Stock transfer forms
  - Register of members
  - Restrictions in articles

d) Company directors and secretary
- Appointment; s154 CA 2006 and Model Article 17; members' or directors' resolution - including minimum number
- Identity verification
- De facto and shadow directors
- Executive, non-executive and alternate directors
- Duties under ss170 to 177 CA 2006
- Regulation by the articles of association; Model Articles for Private Companies Limited by Shares
- Removal and CDDA
- Service contracts
- Company secretary: required for a public company; not required for private companies

	e) Day to day running of the business • Hiring and firing ○ Sole trader ○ Partnerships ○ Companies • Data control - broad principles
4. Company procedures	A company is regulated by the CA 2006, which lays down a number of requirements for company decision-making and proceedings. There are also numerous disclosure requirements. You must be able to advise clients appropriately, including completing relevant forms, drafting generic text in documents and commenting critically on documents including board minutes. Therefore, you will need to know the following: a) Directors' proceedings • Governed by the articles of association • Form - board meetings and other forms including written directors' resolutions • Notice • Quorum and voting ○ Remote voting procedures • Resolutions • Declarations of interest s177 CA 2006 • Conflict of interest and MA 14 b) Shareholder proceedings • CA 2006 provisions • General meetings • Annual general meeting requirements • Notice, including short notice • Quorum • Ordinary and special resolutions • Written resolutions • Voting • Proxies and poll votes • Examples: change of company name; change of articles of association c) Company administration and disclosure requirements • Filing requirements such as resolutions, and forms, following: ○ Change of registered office ○ Change of name ○ Appointment and departure of director ○ Change of articles • Accounts • Penalties for non-compliance • Company searches

	• Statutory records, including changes under ECCTA 2023 ○ Register of members ○ Register of directors ○ PSC register
5. Dissolution, insolvency and winding up	Bringing a business entity to an end is largely procedural and is governed by the Insolvency Act 1986. You must be able to advise clients appropriately, including drafting relevant forms and documents. Therefore, you will need to know the following: a) Definition of insolvency • Statutory test for corporate insolvency: s123 IA 1986 • Initiation of winding up or bankruptcy proceedings • Statutory demands b) Personal bankruptcy • Outline of procedure • Implications for sole trader, partner, company director c) Dissolution of a partnership • Service of notice; automatic termination; PA 1890 provisions, ss32, 33, 35 and 44 • Partnership agreement d) Outlines of company winding up procedures • Members' voluntary winding up • Creditors' voluntary winding up • Compulsory winding up • Appointment of liquidator • Powers of liquidator • Winding up process • Order of priority and distribution of assets • Implications for company directors

6. Taxation	A trainee in the business department must have an outline understanding of the key taxation issues that may encountered by their clients in the context of running a business. Therefore, you will need to know the following: a) Income tax • What is income tax • Rates and tax year • Allowances and reliefs • Taxable income: elements for simple calculation • Income tax on employment related shares b) Capital gains tax (CGT) • What is CGT • Rates and tax year • What is a disposal • When is CGT not payable? • Chargeable gain: elements for simple calculation • Outline nature of allowances and reliefs: ○ Annual allowance ○ Business asset disposal relief ○ Roll-over on replacement of qualifying business assets ○ Roll-over on incorporation ○ Holdover relief c) Corporation tax • What is corporation tax • Rates and financial year • Trading losses in outline • Research and development expenditure • Goodwill and intellectual property • Distributions • Taxable income and gains: elements for simple calculation d) Tax avoidance: General Anti-Abuse Rule e) VAT • What is VAT • Scope • Inputs and outputs • Registration • Rates • Exempt supplies • VAT records • VAT returns • Flat rate scheme • Making tax digital

	f) Stamp duty on transfer of shares: • Rate • Certificate where consideration £1,000 or less g) Employment related taxes/obligations • PAYE • National Insurance
7. Introduction to Employment Law	To provide effective advice to clients running a business, trainees must understand common employment law rights, the implications of engaging and dismissing employees, and should be able to identify potential issues with an employer's proposed course of action. You should also recognise when TUPE applies and its effect. Therefore, you will need to know the following: a) Employment status • Status determines the level of rights/protections in law • Self Employed Contractor ○ Supervision ○ Invoices ○ Tax status ○ Rights of substitution ○ Providing equipment • Zero hours contracts and the gig economy • Worker • Employee ○ Common law and main tests b) Recruitment • Sourcing employees and advertising • Discrimination in recruitment and selection ○ The protected characteristics under the Equality Act 2010 • Pre employment checks ○ Obtaining references ○ DBS checks ○ Right to work checks ○ Qualification checks • Appointment ○ s.1 Employment Rights Act 1996 statement of terms ○ The contract of employment- common terms and managing changes to terms and conditions ○ Automatic enrolment pension obligations c) Employment Rights • Protection from discrimination • National Minimum Wage • Statutory sick pay

- Eligibility and when it's paid
- Contractual sick pay

- Working Time Regulations 1998
- Maternity/family friendly rights
- Protection from unfair dismissal
- Protection from unlawful deduction from wages (s.13 ERA 1996/breach of contract considerations)

d) Terminating Employment
- Definition of termination
- Wrongful dismissal
  - Statutory notice and contractual notice
- Fixed term contracts
- Unfair dismissal
  - Background and eligibility
  - Potentially fair reasons for dismissal in outline
  - Reasonableness and ACAS Code of Practice
  - Constructive dismissal
  - Procedure, time limits and remedies
- Automatic Unfair Dismissal and key AUD grounds:
  - Pregnancy/maternity and other family reasons
  - Asserting a statutory right
  - Whistleblowing
  - Trade union activity
  - Health and safety
  - TUPE (but requires qualifying period).
- Redundancy
  - Definition
  - Statutory redundancy payment
  - Consultation
  - Offer of alternative employment
  - Possibility of claim for unfair dismissal
- Discrimination on termination of employment
  - Situations where termination is because of, or linked to, a protected characteristic

e) Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Outline of when TUPE applies to a business transfer and service provision change and its effect.
- Outline of the rights associated with dismissal because of a transfer and distinction from a redundancy due to economic, technical or organisational reasons.

f) Settlement of employment disputes and compromise agreements

P2 – Dispute Resolution

Professional Stage

2026 - 2027

P2: Dispute Resolution

The aim of this module is to give you the essential knowledge and understanding to equip you to deal with dispute resolution in a civil litigation context. You will be able to challenge appropriately and give advice in the client's best interests. Through the development of drafting and tactical awareness skills, you will be able to prepare your client's case and take steps to resolve the case. You will develop your advocacy skills to present cogent and clear arguments. In addition, you will develop specialist skills in new areas of litigation and be able work with confidence with current and emerging technology in dispute resolution.

This module covers:

1. Procedural and tactical considerations at the initial stage
2. Tactical awareness and case analysis in dispute resolution
3. Preparing for and representing the client at hearings
4. Preparing for an ADR procedure
5. Media and Communications
6. Specific claims for personal injury and death
7. Trespass to goods and to the person
8. Commercial disputes
9. Communication skills and people management
10. Drafting
11. Current practice: portal claims and money claims online
12. Emerging practice: the impact of Artificial Intelligence in dispute resolution

Learning Outcomes

By the end of this module, you will be able to:

1. Plan and implement procedural steps to be taken in a civil litigation context to achieve particular outcomes and identify relevant procedural requirements
2. Draft a range of documents which are fit for purpose
3. Gather, analyse and synthesise a range of material with appropriate application to a case to develop solutions which are in your client's best interests
4. Formulate a case strategy and evolve as necessary to manage a complex case through the litigation process or ADR
5. Develop communication and written skills in the obtaining of client's instructions, delivering appropriate advice where necessary and building a trusting professional relationship with the client
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: P2
TQT: 300 hours
Prerequisite knowledge: Advanced Stage Dispute Resolution and Litigation

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026- 2027 Module Specification

There are no updates deemed necessary.

1. Tactical awareness and case analysis in dispute resolution	At the centre of dispute resolution is the ability to undertake close analysis of a range of materials and to decide upon a strategy to achieve an outcome which is in the client's interests. This includes: a) Identifying what evidence is needed and analysing case in light of emerging evidence • Costs and proportionality • Investigations: site visits and photographs and plans • Factual and expert witness evidence ○ Corroborative and probative value ○ Credibility and weight (NB: including Civil Evidence Act 1968 s.11) ○ Deciding what evidence to disclose or to dispense with ○ Strengths and weaknesses ○ Exploiting opponent's weaknesses • Usefulness of supplementary evidence b) Analysing a case in light of emerging evidence and drafting applications and evidence in support, including objective evaluation of: ○ Statements of case including requirements for amendment, and addition or substitution of parties: ○ Part 17 Amendments ○ Part 19 Adding and substitution of parties ○ Part 20 Counterclaims and other additional claims ○ Factors to consider including risk to client and costs liabilities c) Obtaining and evaluating documentary evidence including contemporaneous evidence e.g. photographs, records and plans d) Challenging suspected false evidence • Professional obligations • The client • The opponent • Sanctions e) Tactical use of • Notices to admit • Notices to produce • Deemed admission as to authenticity of disclosed documents

2. Preparing for and representing the client at hearings and trial	Applications may be made throughout the litigation process. You must understand the underpinning rules of evidence and those relating to the use of hearsay evidence. You must know how to prepare for substantive applications. Therefore, you will need to know the following: a) Rules of evidence b) Burden and standard of proof in given situations • General • Contributory negligence • Res ipsa • Duress/undue influence • Fraud (NB: Limitation Act 1980 s32) c) s11 Civil Evidence Act 1968 d) Civil Evidence Act 1995 • The nature of hearsay evidence • Admissibility of hearsay evidence • Previous statements • Proof of statements and records • Credibility • Notice of intention e) Specific applications • Managing client's expectations, explaining costs and obtaining instructions • Requirements, grounds and preparation and drafting of statements in support of the following applications: • Part 16: Pre-action Disclosure • Part 13: Setting aside judgment • Part 18: Requests for further information • Part 25: Interim payments • Part 25: Security for costs • Part 25: Injunctions • Part 24: Summary judgment • Part 3: Striking out • Part 3: Applications for relief from sanctions: The Denton test f) Awareness of advocacy skills – preparing for the hearing • Know how to establish suitable rapport with the court • Demonstrate understanding of relevant ethical rules, etiquette, and conventions • Understanding the scope of the judge's power • Effective advocacy

	○ Preparation for the hearing ○ Preparation of arguments ○ Anticipating and responding to challenge • Recognise appropriate body language, pace and language • Prepare and present a coherent and persuasive case, consistent with client's instructions taking diversity into account • Demonstrate practical understanding of substantive and procedural law • Correctly apply relevant law to facts of case • Maintain these standards when working under pressure
3. Preparing for ADR	Throughout the dispute resolution process, the parties are encouraged to consider settlement and appropriate methods of ADR. You should understand the options for ADR including negotiation and settlement offers. Therefore, you will need to know the following: a) When to use ADR • The difference between adjudicative and non-adjudicative options • Confidentiality and privileged materials • Funding b) Conduct • Failure to consider ADR • Unreasonable conduct in ADR • Sanctions c) Arbitration • Principles of s1 Arbitration Act 1996 • Requirements • Likely uses • Commencement • Procedure • Enforcement of awards d) Mediation • Before, during and after the mediation process: • Selection of the mediator • Venue for mediation • Agreement to mediate • The position statement • Key supporting documents • Disclosure • Settlement clauses • Mediation stages • Enforcement of settlements

	e) Early neutral evaluation • Expert evaluation • Suitable cases • Contractual provisions for referral to expert • Selection of the expert • Procedure • Challenging the expert's decision • Judicial neutral evaluation • Process • Limitations • Effect on conduct of proceedings f) Negotiation • Establishing strategy and parameters for settlement by negotiation • Preparing to negotiate • Case analysis of strengths and weaknesses • BATNA and negotiation plans • Identifying issues, objectives and concessions • Anticipating and responding to challenge • Advising the client and obtaining instructions • Conduct (including ethics) • Face to face • Telephone • Written • Tactical use of Part 36 and other offers • Joint settlement meetings
4. Media and Communications	There are various specialisms in the area of dispute resolution in a civil context. A burgeoning area is in the arena of media and communications including the widespread use of online media. Therefore, you will need to know the following: a) An outline of possible claims: defamation, misuse of private information, data protection law or harassment by publication, claims in breach of confidence and malicious falsehood which arise from publication or threatened publication by the print or broadcast media, online, on social media, or in speech b) What is defamation?

	c) Defamation Act 1996 and 2013 • Limitation • The use of a cease and desist letter • Offers to make amends d) Distinction between libel and slander • Meaning of a statement • Burden of proof • Cases actionable per se e) Requirements • Reference to claimant • Responsibility for publication f) Defences • Truth • Honest opinion • Public interest • Absolute privilege • Qualified privilege • Fair comment g) Damages h) Rehabilitation of Offenders Act 1974 i) Managing the claim: • Pre-action Protocol for Media and Communications Claims • Summary disposal of claim and Part 53

5. Specific claims for personal injury and death	A specialism in the area of dispute resolution concerns claims for personal injury and death. You will be assumed to have Foundation Stage knowledge of the following underpinning causes of action which may give rise to such claims: occupiers' liability, employers' liability, and claims under the Highways Act. In addition, , you will need to know the following: a) Psychiatric Illness • The rules • Duty of care and psychiatric harm ○ Primary victims ○ Secondary victims • Medically recognised psychiatric injury • Nervous shock • Post-traumatic stress disorder • Pathological grief • Personality disorder • Trauma induced miscarriage • Unrecognised harms • Sudden event b) Fatal accident claims - claims by dependants • Limitation • Fatal Accidents Act 1976 • Claims for dependency • Types of dependency • What is recoverable? ○ Loss of financial dependency ○ Bereavement award ○ Assessment of damages ○ Impact of contributory negligence c) Claims for the benefit of the deceased's estate • What is recoverable? • Law reform (Miscellaneous Provision) Act 1934 • s.1 Administration of Justice Act 1982 • Kadir v Mistry [2014] • Who is entitled to claim? • Procedure

6. Trespass to goods and to the person	Trespass to goods and to the person are further examples of specialist practice. You will be assumed to have underpinning Foundation Stage knowledge of the law of trespass. In addition, you will need to know the following: a) Trespass to goods • Torts (Interference with Goods) Act 1977 • Wrongful interference with goods ○ What is conversion? ○ Direct interference ○ Possession (third party rights) ○ Limitation ○ Remedies ○ Defences
7. Commercial disputes	Commercial disputes derive from contract law, and you will be assumed to have Foundation Stage knowledge of underpinning contract law giving rise to causes of action, including where deception or misrepresentation plays a role. You must have an awareness of some of the most common areas giving rise to a dispute including an outline understanding of trade disputes. In addition, you will need to know the following: a) Conspiracy including conspiracy to defraud b) Inducing breach of contract c) Intention to cause loss by unlawful means d) Fraudulent misrepresentation, and fraudulent and deliberate concealment (NB: Limitation Act 1980 s32)
8. Communication skills and people management	Effective communication is a key skill for a successful litigator as the work requires skilled people management and compliance with regulatory requirements to achieve the best possible outcome. Building on the skills introduced at the Advanced Stage, you will need to develop the following: a) Application of communication skills for a civil litigation lawyer • Use of appropriate language • Recognise when an interpreter is required • Be able to understand and explain role of the relationship between client and solicitor/counsel where appropriate during the conduct of the case

	• Elicit other relevant information from other side and relevant witnesses, experts where appropriate • Formulate appropriate advice through correct identification of legal/non legal issues • Actively consider whether settlement or non-litigation process is most appropriate to meet the client's objectives • Have the capacity (but where necessary to refer to trial Counsel) to give appropriate advice to assist client in making decisions including giving advice which is negative to the client's case and which is based on the evidence • Enable client to understand and to agree to the necessary steps to be taken in the preparation of the client's case • Persuasive communications towards resolution of issues b) Giving advice and managing challenges • Clients • Witnesses • Persons under a disability including elderly clients and minors • Litigation friends • Professional obligations towards litigants in person • Emerging guidance c) Interviewing and advising skills for clients and witnesses
9. Drafting	Drafting is an extension of communication skills. The objective is to condense material and present it clearly and concisely to achieve its purpose. Therefore, you will need to know the following: a) The nature and purpose of legal documents b) Adapting precedents c) Use and completion of online court forms (HMCTS service) d) Rules of drafting e) The structure, content, and requirements for: • Drafting a claim form • Drafting statements of case • Drafting witness statements • Drafting schedules of loss and counter-schedules • Drafting settlement offers • Drafting settlement agreements • Drafting instructions to counsel

10. Current practice: portal claims and money claims online	Dispute resolution is an area of practice in which technology is heavily used throughout the process. Therefore, you will need to know the following: a) The digitisation of the justice system b) The Pre-Action Protocols including resolution of personal injury and money disputes through the online portals: • The Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents ('the RTA Protocol' • The Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims • Money Claim Online

P3 – Criminal Litigation

Professional Stage

2026 - 2027

P3: Criminal Law and Litigation

The aim of this module is to give you a detailed knowledge and understanding of the criminal litigation process from the initial investigation through to trial and how to deal with outcomes such as acquittal or conviction and sentence, and then the appeal process. On completion of this module, you will be able to challenge appropriately and give advice, in the client's best interests. Through the development of drafting and tactical awareness skills, you will be able to prepare and take steps to resolve the case. You will develop your communication and advocacy skills to present cogent and clear arguments.

The module covers:

1. Fundamental principles of criminal liability
2. Common criminal offences and their composition
3. General criminal defences
4. Criminal law practice and procedures
5. Police powers, procedures and rights of the suspect
6. Rules of evidence
7. Criminal justice process
8. Magistrates court procedures
9. Criminal law and procedure relating to youths
10. Crown Court
11. Proceeds of crime
12. Professional criminal litigation skills - knowledge of role and duties
13. Building the client relationship and professional criminal litigation skills

Learning Outcomes

By the end of this module you will be able to:

1. Understand police powers and criminal justice procedures
2. Explain how to represent a client at a police station and in court, including taking detailed and relevant instructions
3. Analyse and synthesise a range of materials including all the served prosecution evidence and unused material in order to give accurate and appropriate advice and guidance to clients regarding liability for a range of alleged offences
4. Formulate a criminal defence or prosecution case competently from inception to its conclusion across the range of criminal offences, including a regulatory offence or professional conduct case.
5. Develop communication and written skills in the obtaining of client's instructions, delivering appropriate advice where necessary and building a trusting professional relationship with the client
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct
7. Support a criminal litigator/advocate

Linked online assessment: P3
TQT: 300 hours
Prerequisite knowledge: Advanced Stage Criminal Law and Litigation

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026-2027 Module Specification

- 2e) Addition of rape and sexual assault

1. Fundamental principles of criminal liability	In order to provide the appropriate and relevant advice and guidance to clients regarding the liability of alleged offences you need to understand certain fundamental principles of criminal liability. These principles have been introduced at Advanced Stage and are further developed. Therefore, you will need to know the following: a) The actus reus • Liability for omissions • General principles and exceptions to the rules of causation b) The mens rea • Coincidence of the actus reus and the mens rea • The concept of transferred malice c) Elements of criminal liability • Secondary participation • Accomplice liability • Encouraging or assisting • Innocent agents • Conspiracy • Attempts • Impossibility
2. Common criminal offences and their composition	You must be able to advise a client on their liability by assessing the strength of the prosecution case and on the basis of the client's account, the evidence against them and available defences. You will need to know the following: a) Non -fatal offences against the person • Inflicting grievous bodily harm and wounding s. 20 Offences Against the Person Act 1861 (OAPA) and causing grievous bodily harm and wounding with intent s18 OAPA • Stalking - Protection from Harassment Act. 1997 b) Property Offences • Arson • Aggravated criminal damage • Robbery • Burglary • Fraud ○ Offences under the Fraud Act 2006 ○ False representation: failure to disclose information; abuse of position; composition of fraud; ○ Theft Act 1978 and its relationship with s11 Fraud Act 2006

c) Additional homicide offences
   - Infanticide
   - Causing death by dangerous driving; causing death by careless or inconsiderate driving,
   - Corporate manslaughter

d) Drug offences under the Misuse of Drugs Act 1971
   - Possession
   - Possession with intent to supply

e) Sexual Offences
   - Rape and sexual assault, including the definition of consent (s76 Sexual Offences Act 2003) Including consent as a defence to sexual offences.
   - VAWG strategy including: stalking, harassment, 'honour based' violence and the availability of Domestic Violence Protection Orders and Notices
   - Sexual offences involving images/data e.g. 'revenge porn' and 'upskirting'

f) Statutory and Regulatory Offences; overview of different regulators and key offences e.g.
   - The Food Safety and Hygiene (England) Regulations 2013- prosecuted by Food Standards Agency/Local Authority
   - Health and Safety at Work Act 1974 – prosecuted by Health and Safety Executive/Local Authorities
   - Consumer Protection Act 1987 (product liability, consumer safety), prosecuted by Local Authorities/Trading Standards
   - Trade Marks Act 1994 – prosecuted by Local Authorities (Trading Standards)
   - Environmental Protection Act 1990 – prosecuted by the Environment Agency and Local Authorities
   - Prosecutions brought by the Department of Business, Energy & Industrial Strategy, Director of Public Prosecutions and HMRC (Her Majesty's Revenue & Customs) for offences relating to bankruptcy/winding up procedures under the Insolvency Act 1986, and applications by prosecuting body under the Company Directors Disqualification Act 1986

g) Specific liabilities for individuals e.g. directors, partners, sole traders

h) Protections available for individuals, limited companies, PLCs, LLPs and charities

i) Potential implications of conduct and disciplinary proceedings brought by professional bodies for particular types of client

3. General criminal defences	You must be able to recognise the defences and seek guidance on how evidence can be constructed/supported in order to advise clients on the offences and circumstances of the case, ensuring procedure is observed. Therefore, you will need to know the following: a) Criminal incapacity • General defences and their application • Difference between justification and excuse • Duress by ○ Threats ○ Circumstances • Necessity b) Private and public defence • Common Law • s 3 Criminal Law Act 1967 • s 76 Criminal Justice and Immigration Act 2008 c) Denial of Offences • Non-insane automatism • Insanity (as a denial of offending) • Impact of burden of proof (reverse burden) d) Potential defences to regulatory procedure prosecutions; reasonably practicable; fault of another, due diligence
4. Currency of law relating to offences, defences and sentencing	It is helpful to have an awareness of key changes and developments to the law in relation to criminal offences and defences, and legal tests • Sentencing and the impact of planned reforms • Impact of high-profile and historic offences, especially sex offences • An awareness of inspections and reports by HMICFRS (His Majesty's Inspectorate of Constabulary and Fire & Rescue Services)
5. Criminal law practice and procedures	You will need to know the practice and procedures that underpin criminal law, the criminal justice process , and its potential impact on other areas of the client's case. Therefore, you will need to know the following: a) Key personnel b) Criminal Procedure Rules 2020 c) Professional conduct and ethics - personal responsibilities d) Legal professional privilege • Confidential communication between lawyer and client (written or oral)- purpose

	e) Human rights • Recognition of the impact of the relevant Articles of the Human Rights Act 1998 on Criminal Law i.e. Art 6 Right to a fair trial, Art 8 Right to respect for private and family life f) Appropriate use and accurate completion of documents and forms prescribed by the CrimPR
6. Police powers, procedures and rights of the defendant	You should know what powers the police have outside the police station, how police should support, guide and advise a client in custody. You may also be required to monitor all detention procedures to ensure compliance with the Police and Criminal Evidence Act 1984 (PACE 1984) and your client's rights. Therefore, you will need to know the following: a) Powers of the police outside the police station; Stop, Search, Arrest, Entry, Seizure (exercised under PACE and other provisions e.g. mobile phone/computer PIN requests under Regulation of Investigatory Powers Act 2000) b) Codes of Practice applying to persons detained in a police station • The rights of suspects including appropriate access to client by representative, and appropriate adult where the detainee is juvenile or vulnerable • Steps to ensure Codes of Practice is complied with: ○ Adverse issues entered on custody record ○ Complaints to senior officers ○ Maintaining detailed record of attendance (acting in or supervising role of Police Station Accredited Representative) c) Application of PACE Codes of Practice to suspects interviewed by investigating officers from regulatory bodies who are authorised by statute (who are not police officers)

7. Rules of evidence	You will need to demonstrate a practical knowledge and understanding of the different types of evidence and when they are admissible. Therefore, you will need to know the following: a) Recognise different forms of relevant evidence and obtaining and/or applying them to case preparation b) Admissibility of evidence and the court's discretion to exclude evidence • Distinction between s76 and s78 PACE 1984 c) Circumstances where inferences may be drawn • Criminal Justice and Public Order Act 1994 • Criminal Procedure and Investigations Act 1996 d) Legal professional privilege e) Corroboration f) Use and application of the relevant provisions of the Criminal Justice Act 2003 to apply for or resist the inclusion of specific types of evidence – hearsay, character
8. Criminal justice process	You will need to understand how the criminal justice process works. Therefore, you will need to know the following: a) Crimes commonly dealt with at magistrates' courts and the ability to locate definition where not known b) Classification of offences by mode of trial c) Methods of commencing criminal proceedings and their legal requirements d) Methods of funding criminal representation e) Restricted powers of single justice/justices' clerks f) Special procedures regarding mentally disordered or disabled witness and defendants. g) Recognise the scope of other legal bodies beyond the Crown Prosecution Service to investigate, and institute private prosecutions

9. Magistrates court procedures	You will need to understand the role of the magistrate court and the process and procedures from the first hearing through to summary trial. Therefore, you will need to know the following: **Initial hearings** a) Role of the prosecution b) Representation of the Defendant • Own solicitor or duty solicitor (DS) including the extent of the role and obligations to the defendant • Attending on bail/answer to summons or in custody • Client's rights as far as duty solicitors are concerned • Building and presenting a case • Funding case ○ Application for legal aid ○ Private funding ○ Provisions in own insurance policy c) Procedural steps • Preparing for trial d) Preparing for effective advocacy • Preparation for the trial • Preparation of arguments • Anticipating and responding to challenge • Awareness of order and techniques
10. Criminal law and procedure relating to youths	You must understand the criminal law as it relates to young people. Therefore, you will need to know the following: a) Youth courts, procedures and powers including powers to send to the Crown Court for trial. b) Obligations of parents and guardians c) Sentencing d) Cautions, conditional cautions and communication resolution

11. Crown Court	You must understand the process and procedures for cases directed to the Crown Court with regard to pleas and trials. Therefore, you will need to know the following: a) Types of offences b) Appeals and committals for sentences from the magistrates' court c) The role of the CPS d) Judge and jury trials e) Plea and trial preparation hearing f) Dealing with vulnerable witnesses g) Case management - preliminary hearings and directions h) CPIA duties (Criminal Procedure and Investigations Act 1996)/Defence Statement; continuing duty of disclosure i) Pretrial hearings e.g. ad hoc applications, ground rules hearings, PII applications (*ex parte* or *intra partes*)
12. Proceeds of crime	All criminal trainees must understand the importance of dealings with the proceeds of crime and be able to recognise if an offence has been or is likely to be committed. Therefore, you will need to know the following: a) Proceeds of Crime Act 2002 b) Magistrates' court powers/jurisdiction in relation to cash seizures c) Purpose/aim of legislation in criminal proceedings • Determination of confiscation orders exercised by Crown Court only d) Procedure to support confiscation
13. Professional criminal litigation skills - knowledge of role and duties	It is very important to maintain professional standards of performance. You should consider standards and the CILEX Code of Conduct when taking appropriate instructions from the client in the police station, at court or in the office, and the giving of appropriate advice to ensure you are acting in the client's best interests. Therefore, you will need to know the following: a) Gathering information as client's representative • In the police station • As an advocate (or when acting as the magistrates' court duty solicitor) • Prior to court and when at court

	b) Obtaining information from police/court/prosecution to ensure that the nature of allegation is understood c) Consulting with client and taking instructions d) Advising / Informing client regarding general procedure and likely venue of the case e) Skills and duties relating to the prosecution of offences • Full Code and Threshold Tests from the Code for Crown Prosecutors
14. Communication skills and people management	Building a relationship with your client and adhering to ethical standards are essential to the role of the criminal lawyer and you should develop the appropriate skills. Therefore, you will need to know the following: a) Application of communication skills for a criminal lawyer • Use of appropriate language • Clear and assertive expression • Communicating with vulnerable and diverse clients • Communicating when under pressure • Make appropriate written record • Take appropriate action to gain trust and confidence of client including taking into account diversity • Recognise when an interpreter is required • Be able to understand and explain role of the relationship between client and solicitor/counsel/HCA where appropriate during the conduct of the case • Allow client to explain their position through the skill of active listening • Elicit other relevant information from prosecution and relevant witnesses, experts where appropriate and character evidence • Formulate appropriate advice through correct identification of legal/non legal issues • Have the capacity (but where necessary to refer to trial Counsel) to give appropriate advice to assist client in making decisions including giving advice which is negative to the client's case and which is based on the evidence • Enable client to understand and to agree to the necessary steps to be taken in the preparation of the client's case b) Interviewing and advising skills at court by own solicitor and where relevant duty solicitor c) Recognise and deal appropriately with ethical issues arising • Maintain standards when under pressure

	d) Awareness of advocacy skills • Comply with the rights of audience and conduct rules as they apply in criminal law proceedings • Demonstrate understanding and application of relevant ethical rules, etiquette, and conventions • Act in accordance with the requirements of court etiquette and conventions within advocacy • Identify issues of ethical and professional conduct and take appropriate action. • Demonstrate good practice when dealing with vulnerable clients and witnesses • Demonstrate courtesy and respect for equality and diversity • Examine, cross-examine and re-examine appropriately whilst exercising emotional competence • Identify when it is appropriate to adduce expert evidence • Establish suitable rapport with the court • Deal effectively with uncooperative witnesses • Appropriate body language and speak clearly and at appropriate pace using appropriate language • Present coherent and persuasive case, consistent with client's instructions taking diversity into account • Demonstrate practical understanding of substantive and procedural law • Correctly apply relevant law to facts of case • Demonstrate understanding and application of relevant ethical rules, etiquette, and conventions • Maintain these standards when working under pressure

CILEX

CPQ

P4 – Residential Conveyancing

Professional Stage

2025-2026 v1.1

P4: Residential Conveyancing

The aim of this module is to give you the essential knowledge and understanding of the law and procedure relating to more complex residential conveyancing issues and transactions. The module covers taxation advice and issues involving risk; for example, money laundering and fraud. There is a focus on analysis of situations and documents to enable you to select the most appropriate next steps or advice in order to advance the transaction or protect the client's interests. The module considers the essential aspects of making applications to HM Land Registry (HMLR) such as title plan issues, restrictions in the register and dealing with requisitions.

The module covers:

1. Regulatory matters in residential conveyancing
2. Taxation issues in residential conveyancing
3. Technical basics: Entitlement to act and personnel - attorneys
4. Overview of the residential conveyancing transaction - residential context
5. Indemnity insurance
6. Capacity to sell
7. Deducing and investigating title – complex issues involving registered land
8. Deducing and investigating title – unregistered land
9. Devolution of title on death of a co-owner
10. Title plans and property extent
11. Planning and Building Regulations
12. Contract of sale – content and purpose of standard conditions and special conditions
13. Purchase – pre-contract searches and enquiries
14. Advice to clients on specific issues involving risk
15. Reporting to client and exchange of contracts
16. HMLR – restrictions in the register
17. Death between exchange and completion
18. Insolvency between exchange and completion
19. Residential conveyancing transactions – acting on a sale or purchase of part
20. Residential conveyancing transactions – acting on a purchase of a new build property
21. Residential conveyancing transactions – acting on a transaction where the sale is by personal representatives
22. Residential conveyancing transactions – acting on a purchase of a buy to let property
23. Residential conveyancing transactions – acting on a deed of easement
24. Securing a positive obligation
25. Dealing with HMLR requisitions
26. Looking ahead – proposed reform

Learning Outcomes

By the end of this module you will be able to:

1. Identify appropriate steps and advise the client accordingly in relation to a residential conveyancing transaction
2. Investigate registered and unregistered title and explain the steps required to remedy any title defects
3. Determine the appropriate action to take to deal with commonly encountered HMLR issues
4. Consider a range of more complex residential conveyancing transactions and evaluate how best to advance the transaction and protect the client's interests
5. Draft a range of undertakings, a more complex contract, or a straightforward transfer of part (Form TP1)
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: P4
TQT: 300 hours
Prerequisite knowledge:
Foundation Stage Introduction to Property and Private Client
Advanced Stage Property and Conveyancing

Module Resources

In addition to the coursebook, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026 - 2027 Module Specification

- Re-arranging of section numbers from s22- s26
- Addition of new section 22 'Residential conveyancing transactions – acting on a purchase of a buy to let property'

1. Regulatory matters	An effective residential conveyancer must understand the conduct and regulatory issues affecting them which are pervasive and specific to their area of practice. Property transactions involve high risk. Therefore, you will need to know the following: a) Fraud in conveyancing b) Undertakings - form and content • Drafting an undertaking c) Money laundering • Money laundering risks in conveyancing • Sixth Money Laundering Directive • Cybercrime risks • Legal Sector Affinity Group Anti-Money Laundering Guidance for the Legal Sector 2023
2. Taxation issues in residential conveyancing	An effective residential conveyancer must be able to explain the key taxation implications of a sale or purchase to a client, but must also understand the limitations on the advice to be given. Therefore, you will need to know the following: • Capital gains tax (CGT) and how it relates to a residential conveyancing transaction • Stamp duty land tax (SDLT) in England or land transaction tax (LTT) in Wales and how it relates to a residential conveyancing transaction • Annual tax on enveloped dwellings (ATED) and how it relates to a residential conveyancing transaction • Advice to clients on taxation implications; importance of limiting or qualifying any taxation advice
3. Technical basics – entitlement to act and personnel - attorneys	Attorneys are encountered frequently in a conveyancing transaction, and it is important for an effective residential conveyancer to recognise who is the client, the duties owed, and the extent of the authority conferred by a power of attorney. Therefore, you will need to know the following: a) Acting when an attorney is involved • Mental capacity concerns in outline: Mental Capacity Act 2005; undue influence; Law Society's Practice Note – meeting the needs of vulnerable clients

	• When a court order might be needed b) The key types of power of attorney • General power of attorney • Enduring power of attorney • Lasting power of attorney • Trustee power of attorney
4. Overview of the conveyancing transaction - recap	Ensuring that they can identify each relevant stage in a transaction is key for an effective residential conveyancer. Therefore, you will need to know the following: a) Key stages (pre-contract, exchange of contracts, pre-completion, completion, post-completion) b) Key steps to take, and issues to be aware of, on behalf of the seller, buyer and any mortgage lender c) Use of checklists; software solutions d) Application of The Law Society Conveyancing Protocol (the Protocol) to residential conveyancing transactions
5. Indemnity insurance	Indemnity insurance is sometimes necessary in a conveyancing transaction, to enable a matter to progress if defect in title or other problem has been identified. Knowing when to use and when not to use indemnity insurance is vital for an effective residential conveyancer. Therefore, you will need to know the following: a) Key issues • Limitations of indemnity insurance • Requirement of non-disclosure • Insurance Distribution Directive/Financial Services and Markets Act 2023 (in outline) b) Situations when indemnity insurance might be suitable e.g. breach of covenant, building regulations - *Cottingham v Attey Bower & Jones [2002]* c) Statutory declaration / statement of truth • Requirement for a statutory declaration / statement of truth

	• Drafting a straightforward statutory declaration / statement of truth • Attaching an agreed form of draft statutory declaration / statement of truth to a contract for sale
6. Capacity to sell	An effective residential conveyancer must be able to identify and deal with more complex situations relating to a seller and their entitlement to sell the property. Therefore, you will need to know the following: a) Sale by personal representatives b) Sale by a mortgagee in possession c) Sale by co-owners
7. Deducing and investigating title – registered land	An effective residential conveyancer must be able to deduce and investigate a registered title. Therefore, you will need to know the following: • Process of reviewing the contract and confirming that it accurately reflects the extent of the land to be sold • Process of investigating a registered title to identify more complex title issues and how to resolve them, including: ▪ Inconsistency with names shown in the register ▪ Second or subsequent charge ▪ Home rights notice ▪ Estate contract ▪ Removal of notices and restrictions ▪ Avoidable titles • Applications to HMLR to remedy defects; use of correct forms (e.g. Form AP1); HMLR identification requirements
8. Deducing and investigating title – unregistered land	Although unregistered title is now encountered much less frequently in practice, an effective residential conveyancer must nevertheless be able to deduce or investigate an unregistered title. Therefore, you will need to know the following: a) Unregistered land – preliminary issues • Checking whether the title is unregistered and whether it is subject to any caution against first registration • Obtaining the unregistered title deeds

	b) Deducing an unregistered title; preparing an epitome of title c) Investigating an unregistered title d) Conveyancing practice issues relating to unregistered land • Impact of the Protocol: requirement for a search of the index map (Form SIM) and land charges searches • Where the land cannot be identified from the unregistered title deeds; possibility of voluntary application for first registration • Application to HMLR for first registration: Forms FR1 and DL; accompanying documents required; HMLR identification requirements • Where the title deeds have been lost; need for statutory declaration / statement of truth (including drafting); Form ST3; HMLR PG 2, HMLR PG 73
9. Devolution of title on death	Whilst it is not encountered frequently in a conveyancing transaction, an effective residential conveyancer must know what steps to take to perfect the title when a co-owner has died. Therefore, you will need to know the following: a) Sale by a sole surviving beneficial joint tenant • Survivorship – devolution of legal estate and beneficial interest • Application to HMLR; Form DJP b) Sale by a sole surviving beneficial tenant in common • Survivorship - devolution of legal estate and beneficial interest • Application to HMLR for removal of a Form A restriction (where applicable); Form ST5; Form RX3 • Appointment of a second co-trustee (where applicable)
10. Title plans and property extent	An effective residential conveyancer must be able to identify when a HMLR-complaint plan is required in a conveyancing transaction and understand HMLR's requirements in this regard. Therefore, you will need to know the following: • Importance of the title plan • HMLR PG 41

	• Colour conventions • General boundaries rule • Determined boundary procedure
11. Planning, Building Regulations and Building Safety	An effective residential conveyancer must be able to understand the implications of planning and building regulations in relation to a sale or a purchase, evaluate the impact on the transaction and advise the client on how to deal with any problems. Therefore, you will need to know the following: a) Planning • Town and Country Planning Act 1990 requirements (in outline); meaning of "development"; building works and change of use • Town and Country Planning (General Permitted Development) Order 2015 (in England); permitted development; Article 4 direction; Town and Country Planning (General Permitted Development) Order 1995 (in Wales) • Outline planning permission; full planning permission; reserved matters • Planning conditions • Planning enforcement • Planning (Wales) Act 2015 (in outline) b) Related matters • Conservation areas • Listed buildings (in outline) • Community Infrastructure Levy (in outline) • Importance of the local search (Forms LLC1 and CON29) c) Building Regulations • Building Regulations 2010 requirements (in outline); protection of health and safety in and around buildings • Approved inspector scheme • Link to Property Information Form (TA6) • Relevance to residential property transactions; common examples of work requiring building regulations: most building works, installation of boiler, septic tank, electrical works

	• Certificate of compliance; Self-certification (e.g. FENSA) • Building Regulations enforcement d) Building Safety • Building Safety Act 2022 (in outline)
12. The contract for sale	An effective residential conveyancer must be able to draft more complex contracts which accord with their client's instructions and protect their clients' interests. Therefore, you will need to know the following: a) Detailed content of the Standard Conditions of Sale (Fifth edition – 2018 Revision) (SCS) b) Content and purpose of key special conditions c) Drafting of further special conditions and common situations where this might be required: • An allowance is being made off the purchase price • Seller agrees to: ▪ carry out specified works between exchange and completion ▪ provide a statutory declaration / statement of truth on completion ▪ include specified fittings and contents in the purchase price or sell additional items at a specified price ▪ provide specified indemnity insurance on completion • The parties have agreed to a retention being made out of the purchase price
13. Purchase – pre-contract searches and enquiries	An effective residential conveyancer must be able to analyse search results to identify when further enquiries should be raised. The conveyancer must be able to identify an acceptable solution to the problem that has been identified and be able to draft additional enquiries. Therefore, you will need to know the following: a) Pre-contract searches – standard • Local authority search and local land charges search (local search); Forms LLC1, Con 29 – purpose and key information revealed • Drainage and water search – purpose and key information revealed

	• Environmental search – purpose and key information revealed • Physical inspection of the property by the buyer • Methods of carrying out these searches b) Pre-contract searches – non-standard • Chancel repair liability search • Company search • Bankruptcy-only search (and the need to repeat this before completion) • Location specific searches (e.g. commons registration, coal mining, HS2, flood risk, extent of highways) • Methods of carrying out these searches c) Pre-contract enquiries • Importance of reviewing the Property Information Form (TA6) • Process of raising additional pre-contract enquiries and considering the responses received from the seller's conveyancer • Advising the client; limitations on conveyancer's advice
14. Advice to clients on specific issues involving risk	There are various situations, often at a critical point in a conveyancing transaction, when important advice must be given, preferably in writing. Therefore, you will need to know the following: a) Risk of proceeding on a sale independently of a purchase, rather than these being synchronised b) Risk of accepting a reduced deposit on a sale c) Risks when advising a party in circumstances where their spouse wishes to mortgage the home for business purposes – the *Etridge* situation

15. Reporting to client and exchange of contracts	An effective residential conveyancer must understand the importance of reporting to a buyer client on a purchase and the necessity of reviewing a file prior to exchange of contracts. The conveyancer must also understand the purpose and significance of an exchange of contracts. Therefore, you will need to know the following: a) Report to client on purchase • Purpose of reporting to the client on a purchase • Content of a typical report • Drafting a report b) Preparing to exchange – sale and purchase • Pre- exchange file review
16. HMLR restrictions	There are many types of restriction which may appear in a registered title and can mean that a client's application for registration cannot be completed until the restriction is complied with or removed. It is therefore essential for an effective residential conveyancer to recognise different types of restriction, and to be able to raise an appropriate enquiry to be able to deal with any problems prior to exchange of contracts. Therefore, you will need to know the following: a) Key features of restriction (recap on material in AS Module Specification) b) Common forms of restriction and how to deal with them • Forms A, B, C, J, K, L, N, AA, LL, JJ, LL (or its equivalent for companies)
17. Death between exchange and completion	Whilst it is not encountered frequently in a conveyancing transaction, an effective residential conveyancer must know what steps to take to perfect the title when a party to a contract dies between exchange and completion. Therefore, you will need to know the following: a) Death of a seller b) Death of a buyer
18. Insolvency between exchange and completion	Whilst it is not encountered frequently in a conveyancing transaction, an effective residential conveyancer must know what steps to take to perfect the title when a party to a contract becomes insolvent between exchange and completion. Therefore, you need to know the following:

	a) Insolvency of a seller b) Insolvency of a buyer
19. Residential conveyancing transactions – acting on a sale of part	An effective residential conveyancer must be able to deal with more complex conveyancing matters, including a sale of part of a registered title. The conveyancer must be able to draft the contract in accordance with their client's instructions and know what a Form TP1 should contain in a straightforward sale of part (e.g. the sale of garden land for a building plot). Therefore, you will need to know the following: a) Preliminary issues • Taking instructions; identifying the part to be sold • Drafting the contract using the SCS • Importance of a HMLR-compliant transfer plan b) Content of a transfer of part (Form TP1) • Definitions • Rights granted • Rights reserved • Covenants • Exclusions – right to light, *Wheeldon v Burrows (1869)*, s 62 Law of Property Act 1925 • Drafting a Form TP1 c) HMLR • Official search of part (Form OS2) • HMLR application; creation of a new register and title plan for part transferred; entries made in seller's title to retained land • Discharge of seller's mortgage (if any) on part transferred
20. Residential conveyancing transactions – acting on a purchase of a new build property	An effective residential conveyancer must be able to deal with more complex residential conveyancing matters, including a purchase of a new build property, which may often form part of a residential development. Therefore, you will need to know the following: a) Preliminary issues • Taking instructions; identifying the plot to be purchased • Consumer Code for Home Builders

- New Homes Quality Code
- Importance of HMLR-compliant estate/transfer plan; HMLR estate plan approval and approval of draft form of plot transfer
- Mortgage lender requirements, if applicable

b) Key documents

- Contents of typical contract for sale
- Contents of typical Form TP1

c) Pre-contract searches, enquiries, planning and agreements

- Planning and building regulations considerations; pre commencement conditions
- Additional searches and enquiries: search of the index map (Form SIM); commons registration search; environmental matters; former use of the land; company search against a corporate developer; Form TA8
- Section 106 planning agreements; Community Infrastructure Levy
- Sustainable Urban Drainage systems
- Road and drainage agreements and bonds
- Replies to pre-contract enquiries; non-Protocol approach used by developers' conveyancers

d) Insurance

- New build warranty
- Insurance of new homes; Flood Re scheme

e) Exchange of contracts and completion

- Exchange: deposit held as agent (including risk); long-stop completion date
- Official search with priority (Form OS2); company search (if applicable)
- Completion on notice from developer; issues with arranging finance and regarding any related sale
- HMLR application for registration; creation of a new register and title plan for the plot transferred; entries made in developer's title to retained land

f) Management companies (in outline)

	• Memorandum and Articles of Association • Buyer - acquiring a share in the management company • Company limited by guarantee • Company search
21. Residential conveyancing transactions – acting on a probate sale and purchase	An effective residential conveyancer must be able to deal with more complex conveyancing matters, including a sale or purchase of a property in a probate matter. Therefore, you will need to know the following: a) Types of Grant of Representation (recap only) • Grant of Probate • Grant of Letters of Administration • Grant of Letters of Administration with Will annexed • Significance of obtaining the correct type of Grant when dealing with the sale of a property in a probate matter b) Contract issues and pre-contract enquiries • Drafting the contract using the SCS; limited title guarantee • Limiting seller's liability for replies to enquiries • Insurance issues • Allowing the buyer into occupation before completion (SCS Standard Condition 5.2) • Allowing the buyer access to the property between exchange and completion to carry out work; undertaking in respect of keys
22. Residential conveyancing transactions – acting on a purchase of a buy to let property	An effective residential conveyancer must be able to deal with more complex conveyancing matters, including acting for a buyer who is purchasing a buy to let property. Therefore, you will need to know the following: a) When the buyer client is a company • Enhanced due diligence requirements regarding identification and money laundering • Registration of any new charge on the property with Companies House within 21 days of completion and before registration at HMLR b) Properties sold subject to existing tenancy agreement

	• Contents of a tenancy agreement (including impact of Renters' Rights Act 2025 re assured shorthold tenancies in England) and an occupation contract in Wales (both in outline) • Obtaining a copy of the tenancy agreement and any notices • Tenancy deposit scheme • Rent arrears • Rent authority letter c) Buy to let mortgage offer (if applicable) • Key terms of the offer • Company directors acting as guarantors; potential conflicts of interest d) Houses in Multiple Occupation (HMO) (in outline) • Housing Act 2004: criteria for HMO; licensing scheme e) SDLT (in England) and LTT (in Wales) implications (in outline
23. Residential conveyancing transactions – acting on a deed of easement	An effective residential conveyancer must be able to recognise when a deed of easement is required in relation to a residential property and be able to identify the key issues in relation to the deed and its terms. Therefore, you will need to know the following: • Identifying the dominant and servient tenements • HMLR-compliant deed plan • Extent of rights to be granted and reserved • Required covenants (e.g. maintenance) • Contents of a straightforward, two-party deed of easement • Obtaining the lender's consent, if applicable • Making the application for registration to HMLR
24. Securing a positive obligation	The difficulty with the enforceability of positive covenants in a freehold transaction was covered in the Advanced Module. An effective residential conveyancer must be able to identify what solutions are available to ensure that a positive covenant can be enforced. Therefore, you will need to know the following: • Indemnity covenant: ▪ Chain of indemnity ▪ Entry made in proprietorship register

	▪ SCS Standard condition 4.6.4 ▪ Need for buyer to sign the transfer ▪ Position where there is a broken chain • Deed of covenant secured by entry of a restriction: ▪ Drafting of deed of covenant ▪ Form of restriction • Rentcharge: ▪ Imposition of rentcharge; Rentcharges Act 1977 ▪ Distinguish 'historic' forms of rentcharge from an 'estate' rentcharge ▪ Pitfalls of Law of Property Act 1925 s 121 and impact of the Leasehold and Freehold Reform Act 2024 ▪ *Roberts v Lawton [2016]* ▪ Potential for problems with a mortgage lender ▪ Possible solutions to issues regarding rentcharges
25. Dealing with HMLR requisitions	HMLR will raise a requisition if it cannot proceed with an application for registration. This presents a risk to conveyancers. Therefore, you will need to know the following: • Notification by email only – risks involved • Common types of requisition and acceptable solutions: missing plans, missing deeds, deed incorrectly witnessed, failure to indicate the co-ownership situation, missing identity information, further evidence of identity that may be required • Potential consequences of failing to comply with a requisition
26. Looking ahead to proposed reform	Conveyancing is regularly the subject of potential reform. An effective residential conveyancer should therefore have an awareness of current proposals for reform. Therefore, you will need to know the following: • Law Commission report "Leasehold home ownership: buying your freehold or extending your lease" (Law Com No. 392) • Leasehold and Freehold Reform Act 2024 • Law Commission report "Reinvigorating commonhold: the alternative to leasehold ownership" (Law Com No. 394) • Reservation agreements

	• Electronic signatures of mortgage deeds and awareness of further technological developments • Law Commission report on Electronic Execution of Documents (Law Com No. 386) • Law Commission report “Making Land Work: Easements, Covenants and Profits à Prendre” (Law Com No. 327) • Law Commission report “Updating the Land Registration Act 2002” (Law Com No. 380)

P5 – Commercial Conveyancing

Professional Stage

2026 - 2027

P5: Commercial Conveyancing

The aim of this module is to give you the essential knowledge and understanding of the law and procedure relating to commercial conveyancing issues and transactions. The module covers taxation advice and issues involving risk (for example, money laundering and fraud). There is a focus on analysis of situations and documents to enable you to select the most appropriate next steps or advice to a client in order to advance the transaction or protect the client's interests.

This module will cover the following five scenarios and the associated documentation, procedures, requirements, and statutory controls:

(i) Grant of a new commercial property lease
(ii) Grant of a commercial property underlease
(iii) Assignment of an existing commercial property lease
(iv) Sale of a freehold commercial property subject to tenancies
(v) Tenant applications for landlord's consent (Asset management)

In addition, the module will cover the contents of a typical commercial property lease and security of tenure for business tenants under the Landlord and Tenant Act 1954 (LTA 1954).

The module covers:

1. Organisations and statutory regimes
2. Underpinning landlord and tenant law
3. Key documents – commercial conveyancing
4. Co-ownership and conflicts – relevance to commercial conveyancing
5. Regulatory matters in commercial conveyancing
6. Dealings and parties in commercial conveyancing
7. Commercial property leases – preliminary issues
8. Commercial property leases – key statutory provisions
9. Commercial property leases – contents of an FRI lease
10. Commercial property leases – landlord's consent
11. Taxation in commercial property matters
12. Commercial property leases – security of tenure for business tenants
13. Commercial property agreements – overage agreements; pre-emption agreements; development agreements; land promotion agreements; option agreements
14. Overview of a conveyancing transaction – commercial context
15. Taking instructions and initial steps
16. Deducing and investigating title
17. Drafting the contract and preparing the pre-contract package
18. Pre-contract searches and enquiries
19. Planning considerations in a commercial property transaction
20. Financing a purchase
21. Reporting to client and exchange of contracts
22. Preparing for completion
23. Completion
24. Post-completion
25. Looking ahead – proposed reform

Learning Outcomes

By the end of this module, you will be able to:

1. Identify appropriate steps and advise the client accordingly in relation to a commercial conveyancing transaction.
2. Analyse a typical commercial property full repairing and insuring (FRI) lease and amend this to take account of a client's instructions.
3. Identify whether a commercial property lease is protected under the LTA 1954, advise on the key steps to take in relation to contracting out of the LTA 1954 on commencement of the tenancy, and describe the key steps to be taken at the end of the lease by (i) a landlord who wants to end the tenancy and (ii) a tenant who wants to retain security of tenure.
4. Draft or amend (i) asset management licences, (ii) a contract using the Standard Commercial Property Conditions (Third Edition – 2018 Revision) (SCPC), (iii) a rent deposit deed and (iv) a statutory declaration to contract out of the LTA 1954. Amend the key clauses of a commercial property FRI lease to reflect a client's instructions. Complete HM Land Registry documentation to give effect to a commercial property transaction.
5. Explain (in outline) other types of document that are encountered in a commercial conveyancing context.
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct.

Linked online assessment: P5
TQT: 300 hours
Prerequisite knowledge: Foundation Stage Introduction to Property and Private Client and Advanced Stage Property and Conveyancing

Module Resources

In addition to the coursebook, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026- 2027 Module Specification

- 9b: addition of ', 'Repair (including schedule of condition and inherent defects)'

1. Organisations and statutory regimes	An effective commercial conveyancer must know the relevant organisations with which they will regularly come into contact and have an overview of the key statutory regimes. Therefore, you will need to know the following: a) Organisations • CILEX • Law Society • Solicitors Regulation Authority • Royal Institution of Chartered Surveyors (RICS) ▪ Code for Leasing Business Premises (1st edition); ▪ Service Charges in Commercial Property (1st edition) • HM Land Registry (HMLR) • Commercial lenders • HM Revenue & Customs (HMRC) and Welsh Revenue Authority (WRA) – how to deal with HMRC/WRA; payment of tax b) Relevant statutory regimes • Construction (Design and Management) Regulations 2015 • Control of Asbestos Regulations 2012 • Party Wall etc. Act 1996 • Regulatory Reform (Fire Safety) Order 2005 (as amended) • Contracts (Rights of Third Parties) Act 1999 • Town and Country Planning (Use Classes) Order 1987; Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 • Energy Performance of Buildings Regulations (England and Wales) 2012 (and associated guidance) • Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 • Building Safety Act 2022 and higher-risk buildings regime (in outline)
2. Underpinning landlord and tenant law	An effective commercial conveyancer must be able to recognise when there is privity of contract and/or privity of estate between the parties to a commercial property lease and whether the covenants in a lease will bind the successors of the original parties. The conveyancer must also have an awareness of the remedies available for breach of a covenant in such a lease. Therefore, you will need to know the following:

	a) Landlord and Tenant (Covenants) Act 1995 • Authorised Guarantee Agreement (AGA): purpose, content, drafting a straightforward AGA • Overriding leases; s.17 notices; right to request an overriding lease b) Types of commercial occupancy arrangement • Leases; licences; tenancies at will c) Remedies for breach of covenant by tenant • Non-payment of rent / breach of other covenants – debt action, forfeiture, Commercial Rent Arrears Recovery (CRAR), pursue guarantors and / or rent deposit, specific performance, injunction, damages, self-help (*Jervis v Harris [1996]*), service of statutory demand d) Remedies for breach of covenant by landlord • Damages; breach of statutory obligation • Injunction • Specific performance • Self-help, deduction and set-off
3. Key documents – commercial conveyancing	An effective commercial conveyancer must be able to identify the key documents in relation to their area of practice and understand what each of them contains. Therefore, you will need to know about the following common commercial conveyancing documents: • Heads of Terms • Standard Commercial Property Enquiries (CPSEs) • Contract of sale incorporating Standard Commercial Property Condition (Third Edition – 2018 Revision) (SCPC) • Transfer of whole or part of commercial property • Agreement for lease of commercial property • Lease of commercial property • Underlease of commercial property • Licence to assign and other asset management licences • Wayleave • Agreement to surrender a lease • Deed of surrender of a lease • AGA • Rent deposit deed • Rent review memorandum • Deed of variation of a lease • Assignment of an unregistered lease/transfer of a registered lease

4. Co-ownership and conflicts – relevance to commercial conveyancing	An effective commercial conveyancer must be able to advise on co-ownership in a business context and recognise when a conflict of interest could arise. Therefore, you will need to know the following: • Relevance of co-ownership issues to commercial transactions • Relevant case law • Client circumstances relevant to the co-ownership advice to be given in a commercial conveyancing transaction • Recognising and resolving conflicts of interest in relation to commercial co-ownership advice • Importance of a declaration of trust and a Will in relation to commercial co-ownership advice • Advising a party where their spouse or civil partner wishes to mortgage the family home for business purposes
5. Regulatory matters in commercial conveyancing	An effective commercial conveyancer must be able to advise on costs, comply with due diligence requirements, draft an undertaking for costs and appreciate the risks relating to money laundering. Therefore, you will need to know the following: a) Client care and client identification • Identifying a business client • Identifying a company client; beneficial owners; Companies Act 2006 - Memorandum of Association (including power to enter into a lease); Articles of Association; enhanced due diligence in accordance with 5th Money Laundering Directive; Register of overseas entities • Letter of engagement • Terms of business • Legal fees, VAT and disbursements • Risks of client identification - fraud in commercial conveyancing • Dealing with a party who is unrepresented b) Undertakings • Purpose of an undertaking • Remedies and sanctions for breach of an undertaking • Undertaking for landlord's legal fees; risks - obtaining money on account from client c) Money – relevance to commercial property • Money laundering and other security checks • Application of the client account rules • Cybercrime risks d) Other fraud risks in commercial conveyancing

6. Dealings and parties	An effective commercial conveyancer must be able to identify accurately the parties to a transaction and the nature of the interest being created or transferred. Therefore, you will need to know the following: a) Parties • Sale of freehold: seller/developer; buyer • Grant of headlease: seller/developer landlord; original tenant • Grant of underlease: head tenant; original undertenant; head landlord • Subsequent assignment of leasehold interest: seller/current tenant; incoming buyer/new tenant • Other occupiers/relevant parties (e.g. mortgagee) • Guarantor in a lease: liability (original guarantor and former tenant); s.17 Landlord and Tenant (Covenants) Act 1995; potential for conflict of interest b) Interest created or transferred/assigned • Freehold: transfer of part; registration; new register entries in seller's existing title and buyer's new title • Headlease: registration; new register entries in landlord's title; tenant's new title • Underlease: registration; new register entries in head tenant's title; undertenant's new title • Guarantee under a lease: AGA; nature and effect
7. Commercial property leases – preliminary issues	An effective commercial conveyancer must be able to identify and deal with preliminary issues prior to dealing with a commercial property leasehold transaction. Therefore, you will need to know the following: • Tenant references • Arranging suitable guarantees and indemnities • Arranging rent deposits (including need for a rent deposit deed); drafting a rent deposit deed
8. Commercial property leases – key statutory provisions	An effective commercial conveyancer must understand the statutory framework regarding absolute, qualified and fully-qualified covenants and recognise how these impact on the different types of clause in a commercial property lease. Therefore, you will need to know the following: a) Distinction between an absolute, qualified and fully-qualified covenant

	b) Alienation (assignment, underletting, etc) • Nature of the various types of dealing (including distinction between possession and occupation) • Landlord and Tenant Act 1927 ss.19(1) and 19(1A); • Landlord and Tenant Act 1988 s.1 c) Alterations and improvements • Distinction between alterations and improvements • Landlord and Tenant Act 1927 s.19(2) • Compensation for improvements; Part 1 Landlord and Tenant Act 1927 d) Repairs • Notice by landlord requiring repair; Law of Property Act 1925 s.146; Leasehold Property (Repairs) Act 1938 s.1 e) Use • Landlord and Tenant Act 1927 s.19(3)
9. Commercial property leases – contents of an FRI lease	An effective commercial conveyancer must know the contents of a typical commercial FRI lease and must be able to amend clauses in a draft lease to reflect their client's instructions. Therefore, you will need to know the following: a) HMLR prescribed clauses: requirement for use; purpose; format b) Key clauses of a lease: • Description of demised premises; significance of extent of demise • Rent and rent review/other payments • Grant or reservation of easements and other rights • Service charge; provisions as to common parts • Insurance (including uninsured damage) • Contracting out of LTA 1954 • Guarantees and indemnities; provision for AGA • Break clause • Option to renew • Service of notices • Alterations and improvements • Alienation • Use • Repair (including schedule of condition and inherent defects) • Insolvency of landlord or tenant • Forfeiture • Liability for breach of covenant • Contracts (Rights of Third Parties) Act 1999

	• Obligations on tenant to register the lease (on grant) and to close the title (on determination) • Dispute resolution • Landlord's covenant for quiet enjoyment • Provision for enforcement of covenants against other tenants by landlord • Landlord's release from liability • Time limits; limitation periods • "Lift and shift" clauses c) Identifying the need for, and drafting of, straightforward amendments to lease clauses d) Identifying, and dealing with, specific issues arising out of a lease/underlease of part
10. Commercial property leases – landlord's consent	It will invariably be necessary to apply for the landlord's consent to any dealing relating to a lease of commercial property. Therefore, you will need to know the following: a) Paying Landlord's costs • Provision in lease for costs to be paid by tenant • Undertaking for costs: drafting or amending an undertaking • Best practice; obtaining money on account from client b) Landlord's consent to assignment • Applying for licence to assign; compliance with terms of lease • Landlord's obligations; Landlord and Tenant Act 1927 and Landlord and Tenant Act 1988 • Grounds for refusing consent; circumstances and conditions which do not have to satisfy the requirement of reasonableness • Contents of licence to assign; drafting or amending c) Landlord's consent for other matters • Licence to underlet; compliance with terms of lease; Landlord and Tenant Act 1988, ss.1 & 2; grounds for refusing consent • Licence for alterations or improvements/fitting out; grounds for refusing consent • Licence for change of use • Application for consent; compliance with terms of lease • Effect of Landlord and Tenant Act 1927 (alterations and use)

11. Taxation in commercial property matters	An effective commercial conveyancer must be able to explain to clients the key taxation implications of a commercial property transaction, whilst understanding the limitations and qualifications to be placed on the advice given. Therefore, you will need to know the following: a) Value added tax (VAT) • Option to tax and when it would be exercised • VAT on sale of freehold; VAT on grant or assignment of a commercial lease; transfer of a business as a going concern (TOGC) (in outline) • SCPC provisions relating to VAT b) Stamp duty land tax (SDLT) or Land transaction tax (LTT) • SDLT (in England))/LTT (in Wales) on grant or assignment of a commercial lease; charge on net present value (NPV) of rent on grant of a new commercial lease • SDLT/LTT on purchase of a freehold commercial • SDLT/LTT on purchase of a mixed-use building • SDLT/LTT on linked transactions • Reliefs; exemptions NB: you will not be required to undertake any SDLT/LTT calculations c) Capital gains tax (CGT) • CGT and how it relates to a commercial conveyancing transaction • Capital gains of UK companies – application of corporation tax rather than CGT (in outline) d) Other taxation issues • Capital allowances (in outline) • Business (non-domestic) rates (in outline) e) Limiting or qualifying any taxation advice given to clients
12. Commercial property leases – security of tenure for business tenants	An effective commercial conveyancer must understand how the LTA 1954 operates in practice in relation to a commercial property lease. Therefore, you will need to know the following: a) LTA 1954 – relevant provisions • Security of tenure provisions; tenancies falling outside LTA 1954 • Contracting out of LTA 1954; effect; statutory requirements; drafting of statutory declaration • Notices under s.25, s.26 and s.27 LTA 1954 • Notices under s.40 LTA 1954 • Competent landlord • Grounds for refusing new lease • Compensation provisions

13. Commercial property agreements: overage agreements; pre-emption agreements; development agreements; land promotion agreements; option agreements	Use of a particular type of commercial property agreement (such as an overage agreement) may sometimes be necessary to meet the client's objectives. Therefore, you will need to know the following: a) Overage agreements b) Pre-emption agreements c) Development agreements d) Land promotion agreements e) Option agreements *NB: This topic will be covered in outline only - you will not be required to draft an agreement.*
14. Overview of the conveyancing transaction - commercial context	An effective commercial conveyancer must appreciate how the various types of commercial transaction progress and ensure that they can identify the stage reached in a particular transaction. Therefore, you will need to know the following: a) Key stages; sale of a freehold commercial property; grant of a new lease or underlease of commercial property; assignment of an existing lease of commercial property b) Key steps to take on behalf of the client
15. Taking instructions, initial steps and advice	An effective commercial conveyancer must be able to take instructions accurately and in sufficient detail. Therefore, you will need to know the following: a) Preliminary matters • Checklists to take instructions; software solutions • Energy Performance Certificate (EPC) for a commercial property • Minimum Energy Efficiency Standard (MEES) and related regulations • Content of commercial letting agent's Heads of Terms • Asbestos reports • HMLR-compliant lease or transfer plan • Consent of landlord's mortgage lender and/or any superior landlord to the grant of a lease or underlease (if applicable) b) Confidentiality duties and concerns (including confidentiality in land registration matters)

16. Deducing and investigating title	An effective commercial conveyancer must be able to identify how to deduce or investigate title in a commercial property transaction. Therefore, you will need to know the following: a) Key elements of deducing or investigating title (registered and unregistered) in relation to the: • Grant of a new lease of a commercial property • Grant of a new underlease of a commercial property • Assignment of an existing lease of a commercial property • Sale of a freehold commercial property (subject to tenancies)
17. Sale – drafting the contract and preparing the pre-contract package	An effective commercial conveyancer must understand how the terms of the SCPC differ from those in a residential contract for sale and be able to draft or amend a straightforward contract incorporating the SCPC. Therefore, you will need to know the following: a) Form of contract • SCPC • Key provisions: particulars of sale, SCPC standard conditions; special conditions • Content of the contract package b) Conditional contracts (in outline) • Purpose • Condition precedent • Condition subsequent • Examples of when a conditional contract might be used
18. Purchase – pre-contract searches and enquiries	In addition to the standard searches carried out in any conveyancing transaction, there are additional considerations in relation to a commercial matter. Therefore, you will need to know the following: a) Pre-contract searches • Importance of a survey; physical inspection; importance of a schedule of condition • Pre-contract searches - standard searches in a commercial context: local authority search and local land charges search (local search); drainage search; environmental search; highways search • Environmental matters; environmental legislation – Environmental Protection Act 1990 and Environment Act 1995; identifying the 'appropriate person' and potential liability for remediation/clean up

	• Pre-contract searches – non-standard searches in a commercial context ○ Chancel search ○ Company search ○ Land charges search ○ Bankruptcy-only search (and the need to repeat before completion) ○ Location-specific searches (e.g. commons registration, coal mining) b) Pre-contract enquiries • Seller's duty of disclosure – latent/patent defects • Commercial Property Standard Enquiries (CPSEs) ○ format; purpose ○ CPSE.1 - General pre-contract enquiries for all commercial property transactions; main headings; contrast with CPSE.7 – General short form pre-contract enquiries for all property transactions ○ CPSE.2 - Supplemental pre-contract enquiries for property subject to tenancies for commercial use ○ CPSE.3 – Supplemental pre-contract enquiries for commercial property on the grant of a new lease ○ CPSE.4 - Supplemental pre-contract enquiries for commercial property on the assignment of the lease ○ CPSE.6 - Supplemental pre-contract enquiries for property subject to residential tenancies
19. Planning considerations in a commercial property transaction	An effective commercial conveyancer must have an understanding (in outline) of planning matters and appreciate how these may impact on their client's proposed use of the property. Therefore, you will need to know the following: a) Planning • Town and Country Planning Act 1990 requirements (in outline); meaning of "development"; building works and change of use • Town and Country Planning (General Permitted Development) Order 2015 (in England); permitted development; Article 4 direction; Town and Country Planning (General Permitted Development) Order 1995 (in Wales) • Outline planning permission; full planning permission; reserved matters • Planning conditions • Use classes; Town and Country Planning (Use Classes) Order 1987 (as amended) • Compulsory purchase and compensation • Planning enforcement • Planning (Wales) Act 2015 (in outline)

	b) Building Regulations • Building Regulations 2010 requirements (in outline); protection of health and safety in and around buildings • Approved inspector scheme • Building Regulations enforcement • Relevance to commercial property transactions • Certificate of compliance c) Community Infrastructure Levy (CIL) • Purpose of CIL; Planning Act 2008 • Procedure (in outline) • Assumption of liability • Link to local search
20. Financing a purchase	An effective commercial conveyancer must understand how their client intends to fund the acquisition of the property and must have an understanding (in outline) of the elements of mortgage financing relevant to a commercial property transaction. Therefore, you need to know the following: a) Mortgage financing – relevance to commercial transactions • Commercial mortgage offer; common terms • Guarantors: significant risk of a conflict of interest; best practice b) Foreign companies – need for a foreign lawyer "opinion" letter; overseas entity regime
21. Reporting to client and exchange of contracts	An effective commercial conveyancer must be able to review their file, identify any outstanding issues and report to their client before exchange of contracts in a clear and concise manner that highlights any issues or concerns. A conveyancer must also understand the purpose and significance of an exchange of contracts. Therefore, you will need to know the following: a) Report to client on purchase • Purpose of reporting to the client on a purchase • Content of a typical report • Drafting a report b) Preparing to exchange • Pre-exchange file review c) Exchange of contracts • Methods of exchange (telephone, post, in person) • Law Society's formulae for exchange; purpose; requirements for a memorandum of exchange; implied undertakings

	• Process of exchange of contracts; immediate steps to be taken upon exchange • Registration of estate contract; purpose; application to HMLR
22. Preparing for completion	It is necessary for an effective commercial conveyancer to know the particular steps to take in order to prepare for completion of a commercial property transaction. Therefore, you will need to know the following: a) Preparing to complete on a sale/assignment/grant • Preparation of engrossments of documents • Signature of documents; use of e-signatures; HMLR requirements • Mortgages; mortgagee requirements (dependant on type of transaction) • Completion statement; apportionments; rent authority letters • Compliance with/removal of any HMLR restrictions in the register b) Preparing to complete on a purchase/assignment/grant • Carry out pre-completion searches (including official search with priority (Form OS1 or OS2); company search) • Completion statement; apportionments • Obtain funding to complete
23. Completion	Completion is one of the most important stages in a commercial property transaction and must be carried out in a timely manner. Therefore, you need to know the following: a) Time for completion • Time specified in contract using SCPC; SCPC standard condition 9.1; special condition b) Process of completion
24. Post-completion	An effective commercial conveyancer must be able to carry out the post completion work in a timely fashion, in accordance with any relevant deadlines and priority periods. Therefore, you will need to know the following: a) Post-completion process – sale/assignment/grant • Insert date in Form TR1 and other relevant documents • Redeem any mortgages on the day of completion out of the sale proceeds in accordance with undertaking given (if applicable) • Send evidence of discharge of/compliance with any mortgages to buyer's conveyancer and seek release from undertaking (if applicable)

	• Pay commercial letting agent's fee; account to client for any net transaction proceeds; check file balances • Close file b) Post-completion process – purchase/assignment/grant • Understand significance of the "registration gap" in a commercial transaction • Satisfy any SDLT (in England) or LTT (in Wales) requirements • Register any new charge at Companies House before registration at HMLR • Apply to HMLR for substantive registration (use of Form AP1 and HMLR Portal) • Apply to HMLR for registration of easements and restrictive covenants in unregistrable leases and/or for noting of an unregistrable lease in landlord's registered title • Make Exempt Information Document application to HMLR, where necessary • Serve any necessary notices in relation to a leasehold commercial transaction: notice of assignment; notice of grant of an underlease; notice of mortgage • Deal with any management company issues (e.g. transfer of a share to tenant/buyer) • Check file balances • Close file
25. Looking ahead – proposed reform	Conveyancing is regularly the subject of potential reform and an effective commercial conveyancer should therefore have an awareness of current proposals for reform. Therefore, you will need to know the following: • Law Commission report "Leasehold home ownership: buying your freehold or extending your lease" (Law Com No. 392) • Leasehold and Freehold Reform Act 2024 • Law Commission report "Reinvigoration of commonhold: the alternative to leasehold ownership" (Law Com No. 394) • Reservation agreements • Electronic signatures of mortgage deeds and awareness of further technological developments • Law Commission report on Electronic Execution of Documents (Law Com No 386) • Law Commission report "Making Land Work: Easements, Covenants and Profits à Prendre" (Law Com No. 327) • Law Commission report "Updating the Land Registration Act 2002" (Law Com No. 380)

P6 – Wills, Probate and Private Client

Professional Stage

2026 - 2027

P6: Wills, Probate and Private Client

The aim of this module is to give you an in-depth knowledge and understanding of the law and procedure relating to wills and probate, with a particular focus on administering estates. In addition, the module develops your knowledge and skills in relation to contentious probate, powers of attorney, applications to the Court of Protection and Inheritance (Provision for Family and Dependants) Act claims. On completion of the module, you will be able to draft wills, powers of attorney and applications for a grant of representation, make an application to the Court of Protection, apply the provisions of a will/rules of intestacy, and administer both simple and taxable estates and understand the risks and how to minimise them.

The module covers:

1. Powers of Attorney and Deputies
2. Introduction to the Court of Protection
3. Tax - inheritance tax, capital gains tax and income tax
4. Grants of representation
5. Administration of Estates - liability and protection of personal representatives
6. Administration of the Estate - IHT forms
7. Stages of estate administration
8. Inheritance (Provision for Family and Dependants) Act 1975
9. Unmarried parties (in outline)
10. An Introduction to contentious probate
11. Profitable probate practice

Learning Outcomes

By the end of this module, you will be able to:

1. Consider a client's circumstances and advise on appropriate provisions to include in a Lasting Power of Attorney for Property and Financial Affairs and a Lasting Power of Attorney for Health and Welfare and be able to draft the documents.
2. Consider a client's circumstances and advise on the relevant application to the Court of Protection and draft the documents.
3. Explain the key provisions relating to inheritance tax (IHT), capital gains tax (CGT) and income tax and demonstrate understanding through tax calculations.
4. Draft a range of documents, including anapplication for a grant of representation and inheritance tax forms and advise a client on appropriate procedures and next steps for the administration of an estate.
5. Identify the procedures required to carry out the administration of both a simple estate and a taxable estate from taking instructions to final distribution to the beneficiaries.
6. Determine when a claim might be made under the Inheritance (Provision for Family and Dependants) Act 1975 and recognise when a matter might become contentious.
7. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Candidates are expected to know the basic differences of the law in Wales as well as the law in England where they differ.

Linked online assessment: P6
TQT: 300 hours

Prerequisite knowledge: Foundation Stage Introduction to Property and Private Client and Advanced Stage Wills, Probate and Private Client

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- General updates to syntax
- 1a) Addition- 'Living wills/advance directives- and differences
- 2a) Expansion-'Applications to the Court'
- 3b) Addition - 'Basic calculations'
- 6a) Addition - 'The different types of excepted estate'
- 6a) Removal - 'The difference between exempt excepted estates and low value estates'
- 8a) Addition – 'What the court will consider'

1. Powers of Attorney and Deputies	In the private client department, you must understand capacity and be able to take instructions and advise on Lasting Powers of Attorney (LPA) and know what steps to take if there is no Power of Attorney in place. Therefore, you will need to know the following: a) Lasting powers of attorney • Principles of the Mental Capacity Act 2005 • Capacity to make the LPA • Health and Welfare ○ Living wills/advance directives – and differences • Property and Financial Affairs • Online applications v paper applications • The role of the attorney • Lay attorneys v professional attorneys • Acting jointly v acting jointly and severally • The role of the certificate provider • The requirement for registration and the process • The role of the Office of the Public Guardian • The risk of duress and undue influence (recap) • The risk of fraud • Revocation b) Enduring Power of Attorney (EPA) (in outline) • What is an EPA? • A pre-01.10.07 EPA will be valid • Procedure for registration c) Appointment of a Deputy • Application procedure • The two types of Deputyships; entitlement to apply; introduction to the forms • Incapacity of surviving legal owner d) Capacity to make a lifetime gift • The test – Re Beaney [1978] • Gifts made by an attorney under an LPA • Section 12 Mental Capacity Act 2005 • When to make an application to the Court of Protection

2. Introduction to the Court of Protection	It is essential to have knowledge of the role of the Court of Protection and its procedures, give initial advise and be able to advise a client about it. Therefore, you will need to know the following: a) Court of Protection • The role of the Court of Protection • Statutory Wills • Deprivation of Liberty Safeguards - in summary • Applications to the Court including contentious applications
3. Tax - inheritance tax, capital gains tax and income tax	To be effective in a Private Client role, you will understand the three main taxes involved with Wills and Probate and will be able to do calculations to advise clients appropriately. This is a high-risk area with strict deadlines. Therefore, you will need to know the following: a) Inheritance Tax (IHT) • Inheritance Tax - the basic principles of the charge to IHT • Nil-rate band; transferable nil rate band; impact of lifetime gifts • 36% rate of IHT • Residence nil rate band; transferable residence nil rate band, impact of lifetime gifts; contrast the definition of 'children' in relation to Wills with that in relation to the residence nil rate band (the latter includes stepchildren and foster children) • What is within the IHT estate and what is excluded property • Foreign property - in outline • Lifetime transfers - potentially exempt transfers, chargeable transfers, gifts with reservation of benefit • Principles of valuation and the special valuation rules for certain assets including debts • Exemptions and reliefs • Taper relief • Simple and complex IHT calculations • Liability to pay IHT and where the burden falls • The timeframe for payment and the instalment option • Apportionment of the IHT bill • Key principles of IHT relating to trusts • Anti avoidance provisions: ○ Gifts with reservation of benefit ○ Pre-owned asset regime – in summary ○ Disclosure of tax avoidance schemes (DOTAS) - in summary ○ General anti abuse rule (GAAR) - in summary

	b) Capital Gains Tax (CGT) • The basic principles • CGT to the date of death ○ Exemptions and reliefs ○ Allowable losses ○ Dates for payment • Considerations for personal representatives ○ Reliefs ○ Incidental costs of disposal: SP2/04 (IRC v Richard's Executors) – in outline ○ Appropriations (recap) and s.41 Administration of Estates Act 1925 – in outline ○ Basic calculations ○ Dates for payment • Considerations for beneficiaries • Considerations for trustees c) Income tax • The basic principles • Income tax to the date of death ○ Basic calculations ○ Dates for payment • Considerations for personal representatives ○ Simple and complex estates ○ Trust Registration Service – when to register ○ Basic calculations ○ Dates for payment ○ Spouses and ISA's • Considerations for beneficiaries • Considerations for trustees
4. Grants of representation	In the private client department, you must be able to advise clients on the different types of Grants of Representation and which is relevant for their particular circumstances and be able to draft an application for a Grant of Representation. Therefore, you will need to know the following: a) Grants of representation • When a Grant might not be needed; mutual recognition; s36 Law of Property Act 1925 no severance of the legal estate allows a surviving co-owner who may have no right to the sale proceeds can obtain unregistered title deeds from a bank; banks releasing funds to non-Personal Representatives • Resealing existing Grants • The three main grants of representation – probate, letters of administration with Will annexed and letters of administration • How the chain of representation works • Order of entitlement to the Grant

	• Limited and special Grants • Capacity to be a Personal Representative; R35 NCPR; s116 Supreme Court Act 1981; s 50 Administration of Justice Act 1985 • Maximum and minimum numbers of Personal Representatives • When additional affidavit evidence is required • Renunciation and power reserved b) The process of making the application for the Grant • Excepted v non-excepted estates (see section 7) • Professional v personal applications • Postal applications ○ Forms PA1A and PA1P ○ Preparation of affidavits/evidence ○ Grants in Welsh and bilingual grants • Online applications; the firms My HMCTS account; documents required
5. Administration of Estates - Liability and protection of Personal Representatives	You must be able to advise clients on their liabilities on taking up the role of personal representative and the options available to protect them and mitigate risk. Therefore, you will need to know the following: a) Duties and protection of personal representatives • The duty of personal representatives to collect in assets and administer the estate according to the law • The statutory powers given to personal representatives and common modifications to those powers • Administrative actions that can be taken by beneficiaries against personal representatives • Raising funds to pay inheritance tax • Protecting personal representatives from creditors and other claimants
6. Administration of the Estate - IHT Forms	To work in a private client department, you must be able to identify and complete the relevant IHT forms. Therefore, you need to know the following: a) Excepted estates • The different types of excepted estate • Pre-31 December 2021 – use of forms IHT205 and IHT217 – in outline • Current procedure – record estate value on the grant application b) Non-excepted estates • When must an IHT400 be used • The schedules and the level of information required • Complete an IHT400 • Complete a corrective account (form C4) • Agricultural relief • Business relief • Clearance certificate (form IHT30)

7. Stages of Estate Administration	It is important to understand the different stages of administering an estate. Therefore, you will need to know the following: a) Initial instructions • Who is the client? • The terms of the retainer • Anti-money laundering requirements for personal representatives, trustees and beneficiaries • Data Protection requirements affecting personal representatives and trustees • Funeral instructions; who can make funeral decisions • Interpret and apply the provisions of a Will; tax consequences of the provisions • Applying the order of beneficial entitlement under s.46 Administration of Estates Act 1925 • Identifying the beneficiaries; the risks of relying on family members to identify beneficiaries (particularly when there is an acy or class gift); the use of tracing agents b) Assets and liabilities • Establishing assets and liabilities • Digital assets (identifying, valuing and managing) – in outline • Foreign property • Interim finance whilst Grant application being prepared; raising finance to pay IHT • Assets that can be dealt with before the Grant • Dealing with assets including considerations when selling assets • Transferring assets • Assents c) Administration • Payment of legacies • Finalising all taxes • Timescales and payment • Preparing estate accounts • Dealing with an insolvent estate; the strict order of distribution; protecting the personal representative d) Changing the distribution of an estate • Deeds of variation • Why make a deed of variation • Timeframe: within 2 years of death; before exchange of contracts on the sale of any land within the estate • Required parties • Disclaimers • Tax consequences • Tax declaration • Drafting points

8. Inheritance (Provision for Family and Dependants) Act 1975	You need to be able to recognise a potential Inheritance Act claim during the administration of an estate and during the Will making process, be able to give initial advice and highlight the risk of delay on an actual claim. Therefore, you will need to know the following: a) Inheritance (Provision for Family and Dependants) Act 1975 • Preliminary requirements • Domicile • Basis of claim • Time limits • Position of Personal Representative • Categories of Applicants • The standard of provision • Guidelines for the court for all applicants • Additional guidelines for certain applicants • What the court will consider • Different orders open to the court • Anti-avoidance measures
9. Unmarried parties (in outline)	It may be necessary to deal with the estate of a party who was in a couple at the date of death but was unmarried. You must recognise the particular risks and issues which may commonly arise. Therefore, you will need to know the following: a) Unmarried couples • Jointly held property; joint tenants; tenants in common • Children from earlier relationships • Intestacy implications • Potential claim against the estate under Inheritance (Provision for Family and Dependants) Act 1975 • Residence nil rate band where estate in excess of £325,000; tax implications
10. An Introduction to Contentious Probate	You must be able to recognise a potentially contentious matter, be able to give initial advice and highlight the risk of delays. Therefore, you will need to know the following: a) Contentious probate • Caveats; when to use; how to enter them; how to deal with a caveat if acting for the Personal Representative • Citations; the three types; subsequent procedure • Standing searches; when to use; procedure to apply • Recognising the risks and when to refer the matter to a contentious probate specialist

	b) Awareness of the types of issues which might arise • Claims about fraud • Duress • Lack of testamentary capacity c) Awareness of CPR (CPR 57 entitled Probate, Inheritance, Presumption of Death and Guardianship of Missing Persons)
11. Profitable Probate Practice	To maximise fee earning opportunities in a potentially less profitable area. Therefore, you will need to know the following: a) Profitable probate practice • How to carry out profitable private client work • Estimating probate costs • Providing costs updates • Converting opportunities into successful new profitable work • Cross selling work • Managing work efficiently • Dealing with emotional clients in a sympathetic, timely manner • Transparency Rules (in outline)

P7 – Family Law and Litigation

Professional Stage

2025-2026 v1.1

P7: Family Practice and Litigation

The aim of this module is to equip you with a detailed knowledge and understanding of the law and procedure regulating family law cases. The module covers the full range of family law areas that you would encounter in practice, including the formation of adult relationships, matters relating to children, and the breakdown of adult relationships. The module incorporates discussion of the complex and specialised areas of parentage and the alternative routes to parenthood, including through surrogacy and adoption. Reflecting the increasing internationalisation of family life, the module also draws on the key challenges faced by families with ties to multiple jurisdictions, notably around child abduction, forced marriage and the validity of marriage ceremonies conducted overseas. The module addresses areas of family law and practice which have undergone significant reform in recent years.

On completion of this module, you will be able to provide competent practical advice to clients about their legal options, as well as the potential risks and benefits of taking a particular course of action. Through the development of drafting and tactical awareness skills, you will be able to prepare your client's case and take steps to resolve disputes whether through an appropriate form of alternative dispute resolution (ADR) or through court proceedings. You will develop your advocacy skills to present clear and compelling arguments. You will be able to work with confidence with current and emerging technologies. You will be capable of explaining funding options to clients and assessing eligibility for legal aid.

This module covers:

1. Preparing cases for court and representing clients
2. Case analysis
3. The Family Court
4. Marriage – Divorce, Dissolution, Judicial Separation, Void and Voidable
5. Financial remedies
6. Cohabitants: cohabitation agreements and division of assets on breakdown
7. Domestic abuse
8. Private law children cases
9. Public law cases
10. Communication skills and people management
11. Drafting

Learning Outcomes

By the end of this module you will be able to:

1. Understand the law and procedure relating to all aspects of family practice
2. Analyse and synthesise a range of materials with appropriate application to a family law case to develop solutions which are in your client's best interests
3. Formulate a case strategy and evolve as necessary to manage a complex case through the family law process
4. Report procedural steps to be taken in a family law case to achieve outcomes and comply with procedural requirements
5. Draft a range of documents for family proceedings
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics or other issues under the applicable Codes of Conduct

Linked online assessment: P7
TQT: 300 hours
Prerequisite knowledge: Advanced Stage Family Law and Practice

Module Resources

In addition to the VitalSource manual, there is a reading list to accompany the module which is located in the 'Study Guide and Content Updates – Professional Stage 1st Editions' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2025-2026 Module Specification

Module resources- reference to CRL Education Standards
4f: change to wording: Procedure for obtaining a nullity order

- Disputed
- Non-disputed

5f: addition of 'Severing the joint tenancy' and 'Home rights'
8c: addition of 'Victims and Prisoners Act 2024 (Jade's Law)'

1. Preparing cases for court and representing clients	At the centre of family law and practice is the ability to take instructions from clients, advise, and represent at a variety of hearings including applications for a financial remedy, children proceedings and domestic abuse proceedings. This will involve preparing the case for hearing. Often, in advance of pursuing an application, a client will be required to have first attended a Mediation Information and Assessment Meeting (MIAM) to assess whether it is possible for the parties to resolve or narrow issues before going to court. Therefore, you will need to know the following: a) Taking instructions - consideration of funding in family cases and costs • Legal Aid, Sentencing and Punishment of Offenders Act 2012 • Legal Aid Franchise • Entitlement and eligibility • Access to funding in domestic abuse and forced marriage cases • Access to funding in public law child cases • Appeals upon first refusal of funding • Cost implications and recovery, including the statutory charge • Privately paying clients b) Preparing for, and attending, hearings/meetings in family cases to include: • FHDRA of s.8 Children Act application for an order (child arrangements, specific issue and prohibited steps) • Applications for without notice/on notice non-molestation and occupation orders • Applications relating to divorce, dissolution, judicial separation, annulment • Financial remedy applications, first appointment and financial dispute resolution hearing (FDR) • Undertaking mediation • Attending a child protection conference • Attending hearings relating to public law children cases
2. Case analysis	You will be required to process large amounts of documentation and undertake close analysis of a range of materials. Thereafter you will be required to decide upon your course of action on behalf of, and on the basis of, the client's instructions. You will need to know the following: a) Taking instructions • Factual (witnesses) • Expert evidence • Other agencies involved with the family • Funding options with the client

	b) Analysing the case • Court documentation • Documentary evidence e.g. inter-party communications, photographs and records • Witness evidence • Strengths and weaknesses of the client's case • Identifying and acting upon weaknesses in the opponent's case c) Challenging suspected false information/failure to disclose • Professional obligations • Sanctions d) Requirement to attend a Mediation, Information and Assessment Meeting (MIAM) • Preparing for the MIAM • Exclusions from the requirement to attend a MIAM e) Mediation process • Venue for the mediation • Type of mediation (face to face, telephone) • Instruction of the mediator • Role of the mediator • During the mediation process • After the mediation process • Recording an agreement • No settlement – consideration of issuing court proceedings
3. The Family Court	The single family court is the focal point for all family proceedings from divorce, finances, children and domestic abuse cases. You will need to be aware of the structure of the court, the hierarchy of the judiciary and the processes involved in this institution. Therefore, you will need to know the following: a) The Single Family Court • Judiciary and hierarchy • Allocation of cases • Managing gatekeeping • Appeals process and hierarchy • Court bundles • Transparency Reporting pilot b) Using online processes • Digital divorce; online application process • Remote and hybrid hearings • E-mediation process

4. Marriage – Divorce, dissolution, judicial separation, void and voidable	You may be instructed to dissolve a relationship. You may also be asked to advise on the validity of a marriage. You will be required to process information, advise the client, and prepare the necessary applications and documentation for proceedings. To do this you will need to understand the key statutes and provisions relating to marriage, civil partnerships and forced marriage: a) Application of the law and procedure in relation to: • Marriage (Matrimonial Causes Act 1973) • Civil Partnership Act 2004 • Marriage (Same Sex Couples) Act 2013 • Divorce, Dissolution and Separation Act 2020 • The Marriage and Civil Partnership (Minimum Age) Act 2022 b) Consent to marriage; the impact of duress (forced marriage) and mental disorder • Protection – civil law - Family Law Act 1996 ○ Forced Marriage Protection Orders • Protection - criminal law - Anti-social Behaviour, Crime and Policing Act 2014 ○ Offences and penalties • Capacity under the Mental Health Act 2007 ○ Awareness and protection of the vulnerable client ○ Safeguarding duties c) Consortium in marriage: differentiation between marriage and civil partnership d) Marriages with foreign elements • Issues relating to jurisdiction • Validity issues (marriages contracted abroad) e) Advising a client following instructions on validity of marriage, annulment, judicial separation and divorce • Funding • Time scales • Process and procedure • Costs position f) Procedure for obtaining a nullity order • Disputed • Non-disputed g) Alternative options to divorce or dissolution • Judicial separation; difference between divorce/dissolution and judicial separation; process for applying for the judicial separation order • Deed of Separation/separation agreement as an alternative to proceedings

	h) Procedure for divorce • The divorce application (sole and joint applications) • Pre-issue and post issue procedure • Service and methods of service • Limited grounds to dispute an application for divorce/dissolution • Application for the conditional order • The effect of s.10 Divorce (Religious Marriages) Act 2002 • Consideration of parties' finances • Reaching a settlement (finances) • Application for a final order • Objecting to the divorce or dissolution based on grave financial or other hardship • Expedited wait periods in exceptional circumstances
5. Financial remedies	You are likely to be asked to act on the financial side of the divorce/dissolution. In high net worth cases this may involve a pre-nuptial agreement so it is important to be able to advise on a client's status and how this may impact on financial remedy decisions. Further, as part of instructions in financial remedy cases you will need to understand how to protect the client's interests in relation to assets from the outset. a) The financial implications of relationship breakdown b) Analysis of the client's financial position • Dealing with suspicion of the dissipation of assets; making appropriate applications; instructing relevant experts • Signposting tax and accountancy advice • Access to welfare benefits c) The law relating to financial remedies/financial orders • Income orders • Property orders • Pension orders d) Application of the section 25 factors - Matrimonial Causes Act 1973 • The implications of pre-nuptial agreements • The principles of the "yard stick of equality" (White, 2000) e) Preparing for and attending hearings in relation to financial remedies - the procedure for financial remedies on divorce/dissolution: • Making the application within the divorce proceedings or making the application as a stand-alone application • The Financial Remedies Court • Fact gathering - the law post Imerman • Drafting Form A (issue) • Gatekeeping: allocation/complexity questionnaire • Chapter 4 'standard track'; chapter 5 'fast track' • Schedule of assets/debts • Case summaries – what attempts have been made by the parties to resolve the issues themselves? • First appointment • Disclosure – Form E and Form D81

	• Financial Dispute Resolution Hearing (FDR) • Costs estimates Form H • Final hearing • Drafting and reviewing consent orders • Enforcement • Managing expectations f) Giving advice and making referrals - Wills, Severance and Intestacy • The effect of divorce • The need for a Will • Awareness of Insurances/trustee of pensions providers and death in service policies • Severing the joint tenancy • Home rights • Land Registry and applications • Awareness of the rules of intestacy and the implications to the client g) Drafting settlement proposals • Calculating the package for the client
6. Cohabitants: Cohabitation Agreements and division of assets on breakdown	You must have a knowledge and understanding of alternative forms of relationships, such as cohabitants, which may be dealt with by family practitioners but which are regulated by wider areas of law including equity, trusts and property law. You may receive instructions to draft a cohabitation agreement and advise on the effects. Alternatively, you may receive instructions to act when a cohabiting couple are separating, and the assets need to be divided. Therefore, you will need to know the following: a) Drafting cohabitation contracts/agreements including separation agreements b) Drafting statements of case • Property ownership: joint names or sole name of one party? • Resulting trust • Constructive trust • Proprietary estoppel • Establishing the size of the interest • The Trusts of Land and Appointment of Trustees Act 1996
7. Domestic abuse	You must have a detailed knowledge and understanding of the key areas including the provisions relating to non-molestation orders and occupation orders that are available for the victims of domestic abuse, irrespective of their marital status. You may receive instructions to act on such matters, that are the basis of both without notice and on notice applications, and you must act quickly. Therefore, you will need to know the following: a) How to make an application under Part IV of the Family Law Act 1996 • Non-molestation orders • Occupation orders b) Advising on the procedure for Domestic Abuse Proceedings: • Possible exemption from requirement to attend a MIAM • Without notice versus on notice applications

	• Documents (Witness Statement, Application Notice FL401, Form C8, draft order) • Special measures following the Domestic Abuse Act 2021 • Prohibition on cross examination between victim and alleged perpetrator following the Domestic Abuse Act 2021 c) Preparing and representing on application for enforcement • Automatic powers of arrest ○ Non-molestation order ○ Occupation order d) Drafting witness statements in support of domestic abuse applications e) Practical steps • Notification requirements: police, mortgage company, landlord • Service in protection order proceedings • Emergency housing entitlement f) Upcoming reform: Domestic Abuse Protection Notices and Domestic Abuse Protection Orders (currently in pilot)
8. Private law children cases	Private law children cases refer to disputes relating to the living and contact arrangement for children of separated parents (whether married or not). You may also be instructed in a case where the parents cannot agree what should happen in relation to an aspect of their child's upbringing. You will need to know the following: • Definition of parent pursuant to Human Fertilisation and Embryology Act 2008 • Application pursuant to s.20(1) Family Law Reform Act 1969 • Declarations of parentage • Children's rights to know a) Assisted Reproduction Cases: • Defining the types of assisted reproduction • Parental orders and surrogacy • Enforceability of surrogacy arrangements b) Advising clients on Adoption and Special Guardianship options • The Adoption and Children Act 2002 • The Children and Families Act 2014 • Differentiation between Adoption and Special Guardianships • Adoption by a step-parent c) Recap of Parental Responsibility – Children Act 1989 • Limitations on the exercise of parental responsibility • Wardship • Victims and Prisoners Act 2024 (Jade's Law)

d) Preparing S.8 Children Act 1989 applications:

- Child arrangements
- Shared parenting
- Specific issue orders
- Prohibited steps orders
- General principles and the welfare checklist
- Relocation cases
- Change of surname cases
- The involvement of CAFCASS
- Case strategy and managing client expectations

e) Procedure for s.8 Private Law Children Proceedings:

- MIAM (Mediation Information and Assessment Meeting)
- Application (Form C100)
- Allegations of harm (Form C1A)
- Service on Respondent
- Service on CAFCASS
- Respondent's acknowledgment
- First Hearing Dispute Resolution Appointment (FHDRA)
- Dispute Resolution Appointment (DRA)
- Finding of fact hearings
- Final hearings
- High Court applications (child abduction)
- Online applications

f) Best practice when dealing with child proceedings

- Confidentiality
- Diplomacy in drafting and communication
- Upholding the paramountcy and no delay principles

g) Permanent Removal – Child Abduction Cases

- Port alert system
- Tipstaff orders
- s.8 prohibited steps order
- Wardship
- The 1980 Hague Convention on the Civil Aspects of International Child Abduction (habitual residence, wrongful removal/retention, right of custody, defences)

h) Child maintenance

- Making the application
- Applying for variation
- Dealing with non-payment and appeals
- Orders under MCA 1973 and CPA 2004 on divorce and dissolution e.g. lump sum, property
- Applications under Schedule 1 Children Act 1989
- The Child Support Collection (Domestic Abuse) Act 2023

9. Public law cases	Public law cases encompass disputes between parents and the State, and intervention in the family, thus breaching Article 8 European Convention on Human Rights (right to respect for private and family life). You may be instructed by a parent to act in care proceedings (and pre action stages), or alternatively you could act as the children's solicitor. Equally, you could work in a local authority children's services department, and be acting on behalf of the local authority. Therefore, you will need to know the following: a) Recap of interventions (low level, short and long term) b) Importance of Inter-agency working • Referral to Children's Services ○ Timescale for response ○ Multi-agency assessment • Dealing with s.43 Child assessment orders ○ Alternative to an emergency protection order ○ Assessment of risk and impact on parties e.g. child and parent • Dealing with an application – understanding harm and significant harm • Investigations and assessments carried out – s.47 Children Act 1989 - Child Protection Plan c) Using emergency measures to protect children: • Police Protection Order • Emergency Protection Orders • Effect on parental responsibility • Applying for a Recovery Order d) Long term measures to protect children: • Care and Supervision Orders • Threshold criteria • Finding of fact hearing • Creating and understanding care plans • Effect on parental responsibility • Advice and representation in applications for contact with a child in care. e) Procedure and preparation for Public Law Children Proceedings - compliance with Public Law Outline 2014 • No MIAM • Child protection conference • Legal planning meeting • Letter before proceedings • Stage 1 – issue and allocation (C110A, annex documents) • Stage 2 – case management hearing • Split hearing, 'finding of fact stage' • Stage 3 – issues resolution hearing • Final hearing • Judicial review/preventative injunctions

10. Communication skills and people management	Effective communication is a key skill for a successful family practitioner as the work requires skilled people management, the use of both empathetic and sympathetic communication, and compliance with regulatory requirements to achieve the best possible outcome. Building on the skills introduced at the Advanced Stage, you will need to develop the following skills: a) Communication skills • Recognising when an interpreter is required • Eliciting information from other side, relevant witnesses and experts where appropriate • Actively considering whether mediation is appropriate to meet the client's objectives, and inform about requirement to usually attend a MIAM • Giving advice which is negative to the client's case • Enabling clients to understand and to agree to the necessary steps to be taken in the preparation of the client's case • Persuasive communication towards resolution of issues b) Giving advice and managing challenges in family law with emotional intelligence and empathy – sensitivity in language choice • Clients • Witnesses • Persons with a disability or vulnerability, including elderly clients and minors • Opposing side particularly with public law children cases and inter-agency working/local authority c) Interviewing and advising skills for clients and witnesses d) Awareness of advocacy skills • Awareness of the rights of audience and conduct rules as they apply in family proceedings • Demonstrate understanding of relevant ethical rules, etiquette, and conventions • Identify good practice when dealing with vulnerable clients and witnesses • Examine, cross-examine and re-examine appropriately • Know when it is appropriate to adduce expert evidence • Understand how to manage uncooperative witnesses • Recognise appropriate body language, pace and language • Present coherent and persuasive case • Demonstrate practical understanding of substantive and procedural law • Correctly apply relevant law to facts of case • Maintain standards when working under pressure

11. Drafting	Within the practice of family law there are numerous forms, applications and documents to draft depending on the nature of the case. The objective is to condense material and present it clearly and concisely to achieve its purpose. Therefore, you will need to know the following: a) The nature and purpose of legal documents b) Adapting precedents and pro-formas c) FPR 2010 rules relating to drafting, structure and content: • Drafting applications, orders and case documents (skeleton arguments, chronologies, statements of issues) • Drafting offers to settle and dealing with without prejudice correspondence • Drafting instructions to counsel

P8 – Employment Law and Practice

Professional Stage

2026 - 2027

P8: Employment Law and Practice

The aim of this module is to give you, the trainee, detailed and practical understanding of key aspects of employment law and practice, providing a solid basis on which to develop specialist expertise in this area and the ability to handle a varied caseload of employment matters.
The focus of this module is on employment rights and how they affect employees and employers throughout the employment relationship (through recruitment, during employment, and on termination). You should be able to provide suitable, practical advice to employees and employers on a case-by-case basis, considering relevant facts, options and risks. You will learn practical skills to enable you to manage common employment procedures as well as developing drafting skills to support your clients effectively.

The module covers:

1. Determining employment status
2. Overview of key Employment Rights
3. Discrimination
4. Recruitment
5. Family Friendly Rights and Flexible Working
6. General principles of Unfair Dismissal and the role of policies and procedures during employment
7. Termination of employment
8. Transfers of Undertakings
9. ACAS Early Conciliation and Employment Tribunal Claims
10. Settlement Agreements
11. The future of employment law in England and Wales

Learning Outcomes

By the end of this module, you will be able to:

1. Take instructions from a client and identify relevant facts in relation to client matters through appropriate detailed analysis
2. Identify the applicable legal issues in relation to client matters
3. Apply the relevant law and appropriate procedures to the facts to progress client matters
4. Advise clients of their appropriate options, risks and potential outcomes associated with a range of employment matters and be able to react to a change in brief
5. Draft and provide suitable advice on documents in relation to commonly arising employment matters and employment litigation
6. Understand the ACAS Early Conciliation and Employment Tribunal process and the importance of following correct procedures
7. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: P8
TQT: 300 hours

Prerequisite knowledge: Advanced Stage Business and Employment Law and Practice

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

Section 2 — Overview of Key Employment Rights

- 2a: new subsection — Particulars of Employment; s.1 ERA 1996 (employees and workers); note s.58 ERA 2025 — added note on ERA 2025 duty to include Trade Union statement within s.1 statement expected October 2026; subsequent subsections renumbered throughout
- 2b: added cross-reference to Fair Work Agency — see section 9c
- 2c: added note on ERA 2025 SSP changes, expected from 6 April 2026
- 2d: added bullet on holiday records retention obligation under ERA 2025; commencement date to be confirmed
- 2e: new subsection — Statutory Pay Protections; includes protection from unlawful deduction from wages (moved from previous 2d) and new bullet on workers' tips and gratuities — Employment (Allocation of Tips) Act 2023 and statutory Code of Practice (in force October 2024); note s.14 ERA 2025 duty to consult workers on tipping policy and three-yearly review requirement, expected October 2026
- 2f: new subsection — Health and Safety at Work; Health and Safety at Work Act 1974 duties (moved from previous 2d)
- 2g: new subsection — Right to be accompanied at disciplinary and grievance hearings (s.10 Employment Relations Act 1999) (moved from previous 2d)
- 2h: subheading retained as Employees at work; particulars of employment, unlawful deduction and health and safety removed following restructure
- 2i: added note on ERA 2025 reduction of unfair dismissal qualifying period, expected from January 2027; removed reference to Workers (Predictable Terms and Conditions) Act 2023 — repealed; added note on ERA 2025 extension of whistleblowing protection expected from 6 April 2026
- 2j: added note on Data (Use and Access) Act 2025

Section 3 — Discrimination

- 3: new section inserted on menopause and protected characteristics; subsequent sections renumbered
- 3b: added note on ERA 2025 voluntary (expected from April 2026) and mandatory (expected from 2027) gender equality and menopause action plan
- 3e: added note on ERA 2025 strengthening harassment duty and third party harassment liability, expected October 2026
- 3e: corrected typo — EA 2020 amended to EA 2010
- 3g: added note on ERA 2025 extension of Employment Tribunal timelimits, expected no earlier than October 2026

Section 4 — Recruitment

- 4b- added note on change of reduction in qualifying service to six months under ERA 2025, expected from January 2027
- 4c: added note changes to rights for zero hours and agency workers, expected 2027.
- 4d: updated termination and re-engagement bullet; replaced BEIS reference with statutory Code of Practice on Dismissal and Re-engagement; noted qualifying period change from January 2027; added ERA 2025 fire and rehire provisions
- Section 4d: added note on ERA 2025 impact on variation clauses, expected January 2027

Section 5 — Family Friendly Rights and Flexible Working

- 5a: updated legislation bullet to reflect ERA 2025 amendment, expected 2027
- 5a: added note on ERA 2025 prescribed consultation process for flexible working requests, expected 2027
- 5a: added note on ERA 2025 changes to grounds for refusal, expected 2027
- 5b: removed "likely effect from April 2025" from Neonatal Care (Leave and Pay) Act 2023 — now in force
- 5c: added note on ERA 2025 enhanced dismissal protections for pregnant women and maternity returners, expected 2027
- 5e: added note on ERA 2025 paternity leave changes, expected from 6 April 2026
- 5g: split from previous 5g; added note on unpaid parental leave as day one right under ERA 2025 expected from 6 April 2026
- 5h: split from previous 5g; amended to reflect ERA 2025 parental bereavement leave changes
- 5i: new section added on Bereaved Partners' Paternity Leave expected from 6 April 2026 and extended bereavement leave under ERA 2025 expected 2027

Section 6 — General Principles of Unfair Dismissal

- 6f: added note on ERA 2025 changes to confidentiality provisions
- 6f: added new bullet on employer duty to prevent harassment under ERA 2025, expected October 2026

Section 7 — Termination of Employment

- 7c: added note on ERA 2025 reduction of unfair dismissal qualifying period, expected from January 2027
- 7c: added note on ERA 2025 reduction of qualifying period for written reasons, expected from January 2027
- 7d: added note on ERA 2025 removal of cap on compensatory award
- 7g: amended ACAS Code bullet to refer to "up to" in relation to the 25% uplift
- 7g: added note on ERA 2025 additional collective consultation threshold, expected 2027
- 7g: added note on ERA 2025 doubling maximum protective award from 6 April 2026
- 7g: added cross-reference to sections 4d for ERA 2025 fire and rehire/replace provisions
- 7h: added new bullet on ERA 2025 enhanced dismissal protections for pregnant women and maternity returners, expected 2027
- 7i: added note on ERA 2025 industrial action dismissal protection and fire and rehire as new AUD ground (latter expected from January 2027)
- 7j: updated heading; added note on ERA 2025 reduction of qualifying period to six months expected from 1 January 2027
- 7k: added note on ERA 2025 removal of cap on compensatory award expected from 1 January 2027

Section 9 — ACAS Early Conciliation and Employment Tribunal Claims

- Introductory paragraph – updated to reference the Fair Work Agency
- 9a: removed outdated note on Government Equalities Office proposal; added note on ERA 2025 extension of ET time limits to six months for most claims, no earlier than October 2026
- 9b: added note on extension of maximum EC period under the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2025
- 9c: new section inserted on the Fair Work (FWA) Agency — ERA 2025 establishes the FWA expected from 7 April 2026 as a single enforcement body; existing sections 9c-9j renumbered to 9d-9k
- 9d: updated from Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 to Employment Tribunal Procedure Rules 2024 (SI 2024/1155)
- 9e: updated rule references throughout to 2024 Rules
- 9f: updated rule references to 2024 Rules
- 9g: updated rule references to 2024 Rules
- 9j: updated rule references to 2024 Rules
- 9k: updated Practice Direction reference 2024 Practice Direction

Section 10 — Settlement Agreements

- 10d: added note on ERA 2025 provisions voiding confidentiality terms preventing disclosure of harassment or discrimination; commencement date to be confirmed

Section 11 — The Future of Employment Law

- 11a: rewritten to reflect ERA 2025 Royal Assent and phased implementation
- 11b: updated from Employment Rights Bill to ERA 2025; added note on outstanding single worker status consultation
- 11c: updated NDA Bill reference; added note that ERA 2025 separately introduces NDA provisions
- 11c: added AI in recruitment and HR decision-making as new bullet
- 11e: added managing flexible and casual workforces bullet
- 11g: added workplace culture and bullying bullet

Other legislative updates

- Equality (Race and Disability) Bill — retained in section 11c
- Bullying and Respect at Work Bill —retained in section 11c
- Non-Disclosure Agreements Bill — retained in section 11, note ERA 2025 separately introduced NDA provisions

1. Determining employment status	An ability to differentiate and distinguish between employees, workers and contractors is essential for any employment lawyer as different rules and rights apply to the different relationships. Therefore, you will need to know the following: a) Employees • s.230(1) and (2) Employment Rights Act 1996 (ERA 1996) • The multiple factor test • Other Considerations e.g. payment and National Insurance, who provides tools/equipment, holiday/sick pay entitlement, subject to company policies, risk b) Workers • Definition in s.230(3) ERA 1996 - the four requirements under s.230(3)(b) • The 'gig economy' and caselaw developments c) Different statutory definitions of employment • Public Interest Disclosure Act 1998 (PIDA 1998) • s.83(2) Equality Act 2010 (EA 2010) d) Self Employed Contractors • Rights granted by contract • Claims for breach are under the law of contract • Typical indicators of self-employment • Contractors becoming employees/workers over time and the importance of maintaining the intended relationship e) Atypical workers, apprentices and directors
2. Overview of key Employment Rights	Employment lawyers need to understand a wide range of rights granted to employees and workers. These rights form the basis of employment law claims. You need to have a good knowledge of different employment rights, an ability to apply these rights in practice and be able to identify the consequences of a breach. Therefore, you will need to know the following: a) Particulars of Employment • S.1 ERA 1996 (note: s.58 ERA 2025 — new duty to include explicit statement of worker's right to join a trade union at same time as s.1 statement, expected October 2026) • Consequences of breach b) Minimum Wage • National Minimum Wage Act 1998 (note: enforcement transfers to the Fair Work Agency from 7 April 2026 under the ERA 2025 — see section 9c)

c) Statutory sick pay
- Eligibility (note: ERA 2025 ss.10-11 changes — removal of lower earnings limit and waiting days period, 80% rate applies for lower earners; expected from 6 April 2026)
- The relationship with contractual sick pay

d) Working Time Regulations (WTR) 1998
- Defining working time
- Daily and weekly rest, rest breaks, maximum weekly working
- Holiday pay: including calculation - Art 7 of the Directive, ss221-224 ERA 1996 and recent case law. Post 1st January 2024, the impact of the Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023
- Holiday pay: Commission/overtime, carrying over holiday pay into subsequent holiday years
- Compelling employees to take holiday leave
- Refusal of holiday requests
- Holiday records: s.35 ERA 2025 amending WTR 1998 - six year retention obligation; criminal offence for non-compliance; Fair Work Agency enforcement powers apply (see section 9c); commencement date to be confirmed

e) Statutory Pay Protections
- Protection from unlawful deduction from wages (s.13 ERA 1996/breach of contract considerations). Tribunal claim for unlawful deduction.
- Employment (Allocation of Tips) Act 2023 and statutory Code of Practice; note s.14 ERA 2025 duty to consult workers on tipping policy and three yearly review requirements, expected October 2026.

f) Health and Safety at Work
- Health and Safety at Work Act 1974 duties.

g) Right to be accompanied at disciplinary and grievance hearings (s.10 Employment Relations Act 1999)

h) Employees at work
- Protection from unfair dismissal (s.94 ERA 1996) - in outline (note s.25 the ERA 2025 provides that the qualifying period is reduced from two years to six months - expected from 1 January 2027)
- Maternity and Family Friendly Rights - in outline
- Protection from discrimination- protected characteristics under the EA 2010 in outline
- Fixed term employees (Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002)
- Information and Consultation of Employees Regulations 2004
- Part time employees (Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

	• Protected disclosures (Public Interest Disclosure Act 1998 and ERA 1996) - s.23 ERA 2025 extends whistleblowing protection to cover sexual harassment disclosures, expected from 6 April 2026) • Transfer of undertakings – in outline • Trade union related rights – Employment Relations Act 2004. • Statutory minimum notice periods (s.86 ERA 1996) i) Employees and insolvency • The impact of different forms of insolvency of the employer on employees • Rights of employees on insolvency; s.386 Insolvency Act 1986, ss.166-70 ERA 1996, and impact on SSP/Maternity Pay • Insolvency and its relationship with TUPE j) Data protection rights of employees • General Data Protection Regulation (Regulation (EU) 2016/679) • Data Protection Act 2018 (Data (Use and Access) Act 2025 introduces amendments to UK GDPR and the Data Protection Act 2018 in force from February 2026, including changes to subject access requests and legitimate interests) • Controlling, using and processing employee personal data and employee rights
3. Discrimination	Protection from discrimination is a key right which extends beyond the field of employment law. You need to be able to identify and advise on potential/actual instances of discrimination. Therefore, you will need to know the following: a) The protected characteristics under the EA 2010 (statutory definitions and consideration of relevant case law as well as the EHRC Code of Practice on Employment) b) Menopause and the protected characteristics: identify how menopause claims are brought under sex, age and/or disability under EA 2010, note the ECHR guidance on menopause in the workplace. S.33 ERA 2025 sets out voluntary action plans on gender equality and menopause support for employers with 250+ employees expected from 6 April 2026, with mandatory plans expected from 2027. c) Introduction to equal pay • s.64, 66-70 EA 2010 • Defences • Enforcement • Employer requirements: equal pay audit/gender pay gap reporting

	d) Protected parties (e.g. ss. 39, 40, 41, 50, 57, 108 EA 2010); before, during or after employment e) Different categories of discrimination: s.13, s.19, s.26, s.27 and s.15, s.20/21, s.18 EA 2010 and how they apply to different protected characteristics • Direct • s.13 EA 2010 • Association/perception-based discrimination • Indirect Discrimination • s.19 EA 2010 • Harassment and Victimisation • Harassment: s.26 EA 2010 • Victimisation: s.27 EA 2010 • Burden of proof for Harassment and for Victimisation (s.136 EA 2010) • Worker Protection (Amendment of Equality Act 2010) Act 2023 (note: s.20 ERA 2025 - expected from October 2026 to require employers to take 'all reasonable steps', s.21 introduces third party harassment liability for all types of harassment, and enables regulations to specify 'reasonable steps') • Disability Discrimination: additional claims: • Reasonable Adjustments (ss. 20 and 21 EA 2010 and schedule 8 guidance/explanatory notes in EA 2010 and consideration of appropriate caselaw) • Discrimination arising from disability (s.15 EA 2010 and appropriate caselaw) f) Remedies in the employment tribunal • s.124 EA 2010: declaration, recommendation, compensation g) Determining limitation periods for discrimination claims to the Employment Tribunal (Schedule 12 ERA 2025 extends ET time limits to six months for most claims from no earlier than October 2026)
4. Recruitment	Managing the employee/employer relationship properly from the outset is essential. You should understand the potential risks arising through recruitment and provide suitable advice to employers to manage an effective process while minimising their risk. You should also be able to advise potential employees and newly engaged employees of their obligations and rights. Therefore, you will need to know the following: a) Sourcing and recruiting • Sourcing employees and advertising • Discrimination issues arising through recruitment • Balancing valid job requirements and potentially discriminatory practices

- Pre employment checks (e.g. obtaining references/DBS checks/right to work checks)
- Appointment: (s.1 ERA 1996 statement of terms, the contract of employment, automatic enrolment pension obligations). Also consider the implied duties and responsibilities of employees and employers

b) Drafting the contract of employment
- Continuity of employment
- Term (fixed term or rolling)
- Implied duties: trust and mutual confidence/fidelity
- Hours and Pay (including overtime/bonuses)
- Contractual Holiday entitlement and pay
- Contractual Sick entitlement and pay
- Place of work/mobility clauses
- Confidentiality/trade secrets
- Restrictive Covenants: non-dealing/non-compete/non-solicitation/non-poaching; drafting considerations to maximise enforceability
- Notice and Termination
- PILON clauses and Gardening Leave: including the potential impact of failing to have a payment in lieu of notice re: restrictive covenants
- Share schemes (Micklefield clauses)
- Contractual Disciplinary/Grievance Procedures; benefits of making any procedures non-contractual for employees under two years' service (note change from two years' service to 6 months expected from January 2027)

c) Other considerations when employing staff
- Zero hours contracts/workers contracts (s.1-3 ERA 2025 sets out guaranteed hours rights, reasonable notice of shifts, and compensation for cancelled or curtailed shifts for qualifying zero-hours and low-hours workers, s.4 ERA 2025 extends these rights to agency workers - expected 2027)
- Directors Service Contracts (disclosure – s.228-230 CA 2006, additional duties, share schemes, removal as director under both company law and employment law)
- Service Occupancies
- Use of online template contracts

d) Subsequent variation of contracts of employment
- Contract cannot be unilaterally varied
- Seeking employee consent: consultation with employees and best practice
- Termination and re-engagement; impact of length of service on options and risks; termination for Some Other Substantial Reason (SOSR) - currently requires two years' service but note qualifying period reduces to six months from January 2027 under the ERA 2025 (noting best practice –Code of Practice on Dismissal and Re-engagement) (note: s.28 ERA 2025 inclusion of fire and rehire automatically unfair for 'restricted

	variations' from January 2027; fire and replace scenarios also caught; enhanced fairness test applies to non-restricted variations; revised Code of Practice anticipated) • Variation clauses in the contract – note the impact of ERA 2025 on drafting variation clauses (expected from January 2027) • Imposition of terms without agreement; risks/employee options: (e.g. acceptance, resignation and claiming constructive unfair or wrongful dismissal, refusal to work, remain but litigate for breach of contract)
5. Family Friendly Rights and Flexible Working	An employment trainee must fully understand the range of family friendly rights available to employees and the appropriate eligibility criteria. You need to be able to identify rights appropriate to a situation and understand and advise on the correct processes in order to advise employees and employers effectively. Therefore, you will need to know the following: a) Flexible Working requests • ss.80F-80I ERA 1996 (as amended by the Employment Relations (Flexible Working) Act 2023 and further amended by the ERA 2025; Flexible Work Regulations 2014) • Qualification and process; including the prescribed consultation process introduced by s.9 ERA 2025 (detail subject to consultation, expected in force 2027) • Grounds for refusal, including the reasonableness test for refusal introduced by s.9 ERA 2025 (expected 2027) • Tribunal claim and remedies b) Time off for antenatal and neonatal care • s.55-56 ERA 1996, • unpaid time off and protection for partners/fathers under s.57ZE ERA 1996) • Neonatal Care (Leave and Pay) Act 2023 (in force from April 2025) c) Maternity leave • Notice (reg. 4(1) MPLR 1999) • Right to return to work • Protection from Redundancy (Pregnancy and Family Leave) Act 2023 (s26-s27 ERA 2025 introduced broader enhanced dismissal protections for pregnant women, those on maternity leave and maternity returners within six months, covering all types of dismissal; specific circumstances in which dismissal remains permitted to be set out in regulations; expected 2027) • Compulsory maternity leave • Right not to be dismissed or to suffer detrimental treatment • Statutory Maternity Pay and contractual pay • Ordinary Maternity Leave (s.71 ERA 1996) • Additional Maternity Leave (s.73 ERA 1996 as amended) • Working during maternity leave (in touch days reg 12A MPLR 1999)

- Suspension during maternity under s.66 ERA 1996 and full pay
- Risk assessments as good practice and implications for failing to do so (s18 and s.26 EA 2010)

d) Adoption leave and pay
   - ss.75A-75D ERA 1996
   - Paternity and Adoption Leave Regulations 2002 (PALR 2002)
   - ordinary and additional adoption leave
   - protection from detriment/automatic unfair dismissals
   - redundancy rights
   - Statutory Adoption Pay; SPPSAP (General) Regulations 2002 and SSCBE 1992

e) Statutory Paternity Leave and Statutory Paternity Pay; PALR 2002 and amendments under the Paternity Leave (Amendment) Regulations 2024. (note: s15-17 ERA 2025 changes to eligibility for paternity leave expected from 6 April 2026; employees newly eligible may give notice from 18 February 2026; the restriction on taking paternity leave after shared parental leave is also removed expected from 6 April 2026)

f) Shared Parental Leave, Shared Parental Pay (qualification and refusal of SPL or ShPP)

g) Parental Leave- Unpaid leave (note eligibility and extent of right) - unpaid parental leave is to be a day one right expected from 6 April 2026 under ERA 2025; employees newly eligible may give notice from 18 February 2026.

h) Parental bereavement leave: note right and eligibility (Parental Bereavement (Leave and Pay) Act 2018 as amended by s.18 ERA 2025)

i) Bereaved Partners' Paternity Leave (Paternity Leave (Bereavement) Act 2024; Bereaved Partner's Paternity Leave Regulations 2026) from 6 April 2026.

- Extended bereavement leave s18 ERA 2025 extends entitlement to death of a qualifying person and pregnancy loss before 24 weeks; detail subject to regulations; expected 2027

j) Carer's Leave under the Carer's Leave Act 2023

k) Time off to care for dependants
   - s.57A ERA 1996 and protection from detriment

6. General principles of Unfair Dismissal and the role of policies and procedures during employment	An employment trainee must be able to guide clients through a range of common processes arising during the employment relationship and understand the importance of following appropriate procedures to avoid claims (particularly relating to Unfair Dismissals). You need identify the appropriate process/procedure for the circumstances and advise on how to best implement it in the client's circumstances. Therefore, you will need to know the following: a) Dismissal (s.95 ERA 1996) • Unfair dismissal (s.94 ERA 1996) • The potentially fair reasons for dismissal; conduct, capability, redundancy, illegality/statutory, some other substantial reason; each subject to following a fair process • Determining an effective date of termination and limitation periods b) Grievances • Informal and formal grievance processes • ACAS Code of Practice on Disciplinary and Grievance procedures and an employer's internal grievance procedure • Drafting a grievance and outcome • Advising an employer on receipt of a grievance; identifying key facts/issues in an employee's grievance, how to conduct a grievance meeting (right to be accompanied under s.10 Employment Relations Act 1999 - extent of the right), approach to grievance meetings, adjournment for investigation • Rights of appeal c) Disciplinary Meetings - Misconduct • Determining difference between misconduct and capability/misconduct and gross misconduct • Suspension - when is suspension a neutral act? • Managing an investigation fairly, determining if there is a case to answer, weighing up relevant evidence, dealing with anonymous informants, handling sickness absence during disciplinary processes • Conducting formal disciplinary meetings: ACAS Code, right to be accompanied; providing an appropriate outcome • Disciplinary warnings: tiered process, justifying missing staged warnings • Reviewing evidence, determining an appropriate sanction and drafting the disciplinary outcome • Appeals • Use of online tools to conduct disciplinary processes d) Capability • Managing persistent Intermittent Absence: discrimination considerations, Bradford points/traffic light systems, managing a fair process/warning • Long term ill health; managing long term absence, meetings with the employee/consultation, obtaining medical information (Occupational

	Health referrals/Access to Medical Reports Act 1988), disability discrimination, reasonable adjustments, considering alternatives to dismissal, conducting dismissal hearings) • Managing poor performance; distinguished from conduct, informal management of performance issues, formal processes; full process - identify issues and set reasonable goals/standards to be met within reasonable timeframes, appropriate staged warnings, discrimination considerations • Applicability of the ACAS Code e) Other common policies • Sickness • Equality and Diversity • Bullying and Harassment • Health and Safety • Whistleblowing • Social media • IT/BYOD f) Vicarious liability during the employment relationship • Overview of vicarious liability in tort • Liability for acts of directors • Breaches of confidentiality and data protection (note s.24 ERA 2025 changes to contractual provisions preventing workers from disclosing or alleging harassment or discrimination expected October 2026). • Statutory provision: e.g. Enterprise and Regulatory Reform Act 2013 re. whistleblowing • Employer duty to prevent harassment: s.40A EA 2010 as amended by s.20 ERA 2025 (all reasonable steps to prevent sexual harassment) and s.40 EA 2010 as amended by s.21 ERA 2025 (duty not to permit third party harassment) expected October 2026.
7. Termination of employment	You need to be able to identify appropriate processes applicable to termination and the associated employee rights and advise employers and employees accordingly. Therefore, you will need to know the following: a) Wrongful dismissal • Key principles • Calculating compensation/damages b) Notice by employee or employer • How it is given, when it is binding, when it can be revoked c) Background to unfair dismissal • Eligibility criteria (s25 ERA 2025 reduces the qualifying period from 2 years to six months – expected from 1 January 2027);determining continuity of employment

- Certain exclusions/considerations e.g. share fishermen, armed forces, police
- Onus on employer to show a potentially fair reason for dismissal
- Employees entitlement to written reason for dismissal (s.92 ERA 1996, as amended by Schedule 3 para 1(2) ERA 2025 — qualifying period reduces to six months expected from 1 January 2027)

d) Constructive dismissal
- What amounts to a constructive dismissal; s.95(1)(c) ERA 1996/s.136(1)(c), significant breaches of express or implied terms amounting to constructive dismissal/repudiatory breach
- Examples of potentially dismissal; unilaterally reducing pay/altering duties/changing work hours; requiring an employee to change place of work without adequate notice; imposing a disproportionate disciplinary sanction
- Last straw vs series of events leading to resignation
- Breaches of trust and confidence
- Right to claim Constructive Unfair Dismissal and calculation of compensation/awards (note: s25(3) ERA 2025 removes the cap on the compensatory award expected from 1 January 2027 — see also section 7j)
- Link with grievances and impact on tribunal awards for employee's failure to raise a grievance
- Effective resignation in response to the breach and the impact of timing on resignation
- Practical considerations of constructive dismissal: advising employees of options and legal/practical risks associated with resignation

e) Potentially fair reasons for dismissal: s.98(2) ERA 1996 and the burden of proof

f) Substantive fairness
- s.98(4) ERA 1996
- The band of reasonable responses

g) Procedural Fairness
- ACAS Code; up to 25% uplift discretionary power of the ET
- s.10 ERA 1999 right to be accompanied
- Following appropriate, fair procedures
- Capability e.g. using appropriate processes to terminate employment fairly depending on the capability circumstances
- Conduct: processes
  - The Burchell test
  - The role of warnings/stages
  - Dismissing employees for misconduct building on a final written warning
  - Overview of gross misconduct; when it may be appropriate to dismiss an employee without prior warnings e.g. theft, violence,

unauthorised absence, gross negligence, subject to surrounding circumstances

- Redundancy
  - Definition of redundancy: s.139 ERA 1996
  - Redundancy principles
  - Redundancy processes: warning and consultation; individual and collective consultation; representatives under s.188 TULR(C)A 1992/Information and Consultation Regulations 2004/HR1 notification of Secretary of State (note s.29 ERA 2025 introduction of an additional organisation-wide threshold for collective consultation obligations, in addition to the existing 20 or more redundancies at one establishment trigger, expected 2027)
  - Fair basis for selection; appropriate selection processes/criteria
  - Bumping
  - Consideration of alternative employment
  - Appeals
  - Time off to seek alternative employment
  - Renewal of contract, re-engagement and trial periods
  - Redundancy Pay calculation and claims (note ERA 2025 doubles the maximum protective award from 90 to 180 days expected from 6 April 2026)
- Illegality
  - Dealing with common examples
  - Where an employee needs to drive for their role or a substantial part of it and is disqualified
  - Immigration status
  - Failure to achieve a national statutory qualification
  - Requirement to follow a fair procedure
- SOSR: Substantial requirement and fair processes
  - When SOSR may be a fair and reason to dismiss
  - Cases concerning variation of contracts/refusal of re-engagement (see section 4d and 7i for ERA 2025 fire and rehire/replace provisions)
  - Imprisonment of employee
  - Employer required to dismiss by a third-party
  - customer
  - Expiry of a fixed term contract

h) Enhanced Dismissal Protections: note the circumstances of enhanced dismissal protections for pregnant women and maternity returners under ERA 2025, expected 2027 (see section 5c)

i) Automatic Unfair Dismissals (AUD): an overview of common AUD grounds and their impact on unfair dismissal eligibility/reasonableness test (s.28 ERA 2025 introduces new automatic unfair dismissal grounds for fire and rehire (restricted variations) and fire and replace, plus an enhanced fairness test for non-restricted variations; expected from January 2027)

	j) Dismissing employees under two years' service (note: qualifying period reduces to six months expected from 1 January 2027 s25(2) ERA 2025) • Obtaining facts in respect of the termination • Applying potential claims/considerations e.g. breach of contract, discrimination, AUD k) Calculating compensation for unfair dismissal/automatic unfair dismissal s25(3) ERA 2025 removes the cap on the compensatory award expected from 1 January 2027
8. Transfers of undertakings	The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) apply to a large number of different commercial transactions. You need to be able to identify when TUPE applies, how it impacts both transferor and transferee, the necessary steps required of the transferor and transferee and the rights of transferred employees. Therefore, you will need to know the following: a) Application of TUPE • Relevant transfers under reg 3 b) Business transfers • Reg 3(1)(a); test • Is there an economic entity? (3(2) TUPE) • Has that entity transferred? c) Service provision changes • Reg 3(1)(b) d) Effect of a TUPE transfer • Reg 4(1) TUPE • Transfer of contractual terms under reg 4(2) TUPE • Eligibility (reg 4(3) TUPE) • Right of employee to object under reg 4(7) and 4(8). • Transfer of liability under reg 7(1) e) Unfair dismissal and Automatic Unfair Dismissal relating to TUPE f) Process of a TUPE transfer • duties imposed by regs 11-16 TUPE - including duty to inform and consult (reg 13 TUPE) and remedies. • The amendments to TUPE under the Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023. g) Variation of terms post transfer: • Regulations 4(4), 4(5) and 7(1) TUPE • When variations may be lawful

9. ACAS Early Conciliation and Employment Tribunal Claims	Employment disputes can result in action being taken in the Employment Tribunal (ET). You must have an outline understanding of employment litigation starting with ACAS Early Conciliation. You will need to understand the Early Conciliation process as well as the key elements and procedure of handling an ET claim. Students should also be aware of the Fair Work Agency introduced by the ERA 2025 (expected from April 2026) which has powers to enforce certain employment rights. Therefore, you will need to know the following: a) Limitation periods • Time limits for commonly occurring claims (note: Schedule 12 ERA 2025 extends ET time limits to six months for most claims no earlier than October 2026) • How they are calculated and the ET's power to extend. b) The role of ACAS • ACAS Early Conciliation (EC) • Purpose of EC and claims to which EC applies; relevant proceedings under s.18(1) Employment Tribunals Act 1996 (ETA 1996) and exemptions • Impact of EC on limitation periods for claims • Submitting prescribed information, process under s.18A ETA 1996 and the Early Conciliation Rules, • Extension of EC period (Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2025 extended the maximum EC period from six to twelve weeks from 1 December 2025; review scheduled October 2026) • Conclusion of EC if there is agreement between parties • Conclusion of EC without agreement between parties and issue of EC certificate • The impact of failure to comply with the EC requirement c) Introduction to the Fair Work Agency: - The ERA 2025 establishes the Fair Work Agency expected from April 2026 as a single enforcement body, consolidating existing enforcement functions including minimum wage, agency worker standards, holiday pay and SSP; note powers include workplace inspection, issuing underpayment notices and bringing ET proceedings on workers' behalf. d) Introduction to the Employment Tribunal Procedure Rules 2024 (SI 2024/1155), which came into force on 6 January 2025, replacing the procedural rules in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. e) Issuing employment proceedings • Preparing an ET1; preparation of an ET1 form in respect of claims such as unlawful treatment, unfair dismissal and discrimination with a particular focus on drafting the details of claim • Rules 10 and 12(1)

	• Overlapping claims • Preparing a response; preparing the ET3, Rule 17 • Initial consideration of the claim (Rule 27/28) and case management (Rule 30) • Disclosure and evidence in ET claims (e.g. Rule 33/Rule 49) f) Preliminary hearings • Rules 52-54 and including strike out (Rule 38) • Deposit orders (Rule 40), • Withdrawal of claim (Rule 50/51) g) Conduct of final hearings (Rules 55-57) and general hearing rules (rules 41 – 49) h) Awards and Costs • Calculating compensation/awards for common claims (including overlapping claims) • recoupment of benefits • Calculation of interest • Tax treatment of awards i) Enforcement of ET decisions j) Reconsideration (Rules 68-71) k) Appeals • Grounds of appeal • Practice Direction (Practice Direction of the Employment Appeal Tribunal 2024, in force from 1 February 2025)
10. Settlement Agreements	Settlement agreements can be used to resolve an employment dispute without the need for a tribunal claim saving both claimants and respondents significant legal costs, time and stress. You need to understand how to negotiate and draft an appropriate, legally binding settlement agreement. Therefore, you will need to know the following: a) Binding settlements: • s.203 ERA 1996 • COT3 and settlement agreements • Settlement agreement criteria: in writing, independent advice, relate to the actual complaint and compliance with statutory provisions • ACAS 2013 Statutory Code of Practice on Settlement Agreements b) Breaches of settlement agreements • Implications of a breach

	c) Negotiation/protected conversations • Without Prejudice negotiations/ s.111A ERA 1996; identifying appropriate settlement terms and negotiation • Tax treatment of termination payments d) Drafting a settlement agreement • Appropriate clauses (s24 ERA 2025 voids contractual terms preventing workers from alleging or disclosing harassment or discrimination; exceptions to be defined in regulations; commencement date to be confirmed) • Potential issues: tax indemnity clauses, pensions, restrictive covenants such as non-disclosure terms e) Certifying a settlement agreement f) COT3 • The role of COT3 agreements • The COT3 process

11. The future of employment law in England and Wales	As an ever-evolving area of law, you should not only keep up to date with current developments, but also consider and be mindful of the future direction of employment law and policy. a) The Employment Rights Bill received Royal Assent on 18 December 2025, becoming the Employment Rights Act 2025 — the most significant overhaul of employment law in a generation. Implementation is phased across 2026 and 2027. Key changes are noted throughout this module spec where relevant. Students should keep up to date with the phased implementation timetable, noting that several provisions remain subject to further consultation on the detail and secondary legislation b) Additional measures not included in the Employment Rights Act 2025 but aspirations of the Government include: • Ethnic and disability pay gap reporting (consultation closed June 2025; mandatory requirements anticipated but detail and commencement outstanding) • Moving to a simpler two-part framework for employment status (consultation promised but outstanding as of March 2026; no confirmed timeline) c) Other legislation proposed including: • Equality (Race and Disability) Bill • Skills England Bill • Bullying and Respect at Work Bill • Non-Disclosure Agreements Bill (note however that ERA 2025 separately introduces NDA provisions commencement date to be confirmed — see section 10d) d) Challenges and benefits of technological advancements • Automation and AI, and their impact on the workforce • AI in recruitment and HR decision-making • Cross-jurisdiction outsourcing • Increased use of remote/digital resources • Privacy concerns if employers monitor employees remotely • Automated decision making - awareness of use and risks associated with algorithms e) Increasing flexibility in the workplace • Locations • Flexible hours • Technology which can accommodate flexibility • Fair processes • Managing flexible and casual workforces: balancing business flexibility with increasing statutory protections for zero-hours and agency workers, including guaranteed hours provisions under ERA 2025 (see section 4c). f) Employers' responsibility for employees

	• Health and Safety law for home working • Mental health in the workplace g) Employee engagement • Collective contribution and corporate responsibility • Addressing negative business cultures • Workplace culture and bullying: the growing focus on employer responsibility for workplace culture • Encouraging inclusivity and diversity

P9 – Business and Commercial Law and Practice

Professional Stage

2026 - 2027

P9: Business and Commercial Law and Practice

The overall aim of this module is to give you the essential knowledge and understanding of specialist business-related topics. With detailed reference to the Companies Act 2006 (CA 2006) and other legislation and case law where relevant, this module will focus on company transactions including company financing and dealings with directors. It also provides an introduction to typical commercial contracts and buying and selling businesses. The module will also introduce common shareholder considerations, relevant taxation and insolvency issues (building on the knowledge of business accounts acquired from the Advanced Stage Skills module).

The module covers:

1. Companies and their directors
2. Removal of directors
3. Financing the company
4. Key shareholder issues
5. Partnerships
6. Further taxation
7. Introduction to buying and selling businesses and companies
8. Commercial contracts
9. Insolvency issues

Learning Outcomes

By the end of this module, you will be able to:

1. Explain and advise on some of the key corporate transactions that are regulated by the Companies Act 2006 and the law and practice in relation to partnerships
2. Advise on procedure to be adopted by a company when entering into a transaction
3. Evaluate the most appropriate method to finance a company based on their instructions and advise the client accordingly and understand in outline taxation matters including loss reliefs, capital allowances and CGT reliefs and exemptions
4. Identify and advise on key issues concerning shareholders including maintenance of capital, minority protection and shareholder agreements
5. Identify and explain key commercial contracts and insolvency issues
6. Review, comment on and draft some key documents including a partnership agreement, shareholder agreement, LLP agreement and acquisition agreement
7. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Linked online assessment: P9
TQT: 300 hours

Prerequisite knowledge: Advanced Stage Business and Employment Law

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- 4a) Addition- '…or proceeds of a fresh issue of shares, or of capital'

1. Companies and their directors	You must understand the detailed regulation of companies' dealings with their directors and be able to advise corporate clients on the key transactions as regulated by the Companies Act 2006. Therefore, you will need to know the following: a) Service contracts • Approval requirements and procedure: contracts awarded by the board; model arts 3 and 19, guaranteed term contracts, s188 CA 2006 • Shareholder right of inspection; s228/229 CA 2006 b) Substantial property transactions • s190 CA 2006 • Requirements: substantial non-cash asset; sale to or purchase from a director • Meaning of substantial" • Shareholder approval procedure • Exceptions from shareholder approval c) Loans to directors • Restrictions on provision • s197 CA 2006 • Requirements for shareholder approval • Exemptions from shareholder approval (e.g. 204 CA 2006)
2. Removal of directors	Advising on how directors may be removed and the consequential implications is another important element of advising corporate clients or individual shareholders or directors. Therefore, you will need to know the following: a) Statutory removal procedure (including special notice requirements) – s168 and s312 CA 2006 b) Restrictions in articles: Bushell v Faith [1970] clause c) Implications of service contract • Employment law rights and financial considerations, e.g. fixed term contracts without a break clause d) Compensation • Contractual • s215 CA 2006 e) Company Directors Disqualification Act 1986 (CDDA): implications

3. Financing the company	Knowing and understanding the legal regulation on how a company can raise finance through issuing shares or taking a loan are essential for advising companies. You must also be able to draft relevant documents including shareholder resolutions, and complete relevant forms. Therefore, you will need to know the following: a) Shares • Types of shares ○ Ordinary ○ Preference • Issuing new shares; s549 etc CA 2006 • Procedural requirements and filing issues ○ Shareholder approval ○ Appropriate resolutions ○ Compliance with articles and shareholder agreement provisions • Pre-emption rights; s561 CA 2006 • Public companies b) Loans • Types ○ Overdraft ○ Term loan ○ Revolving credit facility • Borrowing restrictions • Articles of association/shareholders' agreement c) Secured debt • Charges: fixed and floating • Case law • Key terms: Security/Representations and warranties/Covenants/Enforcement and powers. • Validity and registration ○ Relevant CA 2006 provisions ○ Completing MR01 including impact of failing to register d) Comparison of debt and equity finance, including shareholder dilution and impact on balance sheet e) Crowdfunding in outline • Methods • Benefits

4. Key shareholder issues	Corporate clients or individual shareholders must be advised on the practical implications of the maintenance of capital principle. You must understand and be able to advise on the rights associated with holding shares in a company, especially where there is apparent prejudice to the rights of shareholders. Therefore, you will need to know the following: a) Capital maintenance principle • Capital and reserves in a company's balance sheet • Payment of dividends • Restrictions on purchase of own shares • Reduction of capital • Use of distributable profits or proceeds of a fresh issue of shares, or of capital • Financial assistance b) Minority protection • Foss v Harbottle [1843] • Unfair prejudice ○ s994 CA 2006 ○ Relevant case law • Derivative claims and Part 11 CA 2006 • Just and equitable winding up ○ s122 Insolvency Act 1986 (IA 1986) c) Shareholder agreements; nature and typical drafting considerations: • Unanimous/higher % vote required for major decisions: amendment of articles/changes in capital or structure/sale of company • Restrictions on borrowing • Dispute resolution • Distribution of dividends • Restrictive covenants • Confidential information and IP rights • Departure of shareholder ○ Death ○ Illness ○ Bankruptcy ○ Retirement ○ Sale of shares ○ Considering cross options combined with life or critical illness cover ○ Good and bad leaver clauses for employee/director shareholders • Resolving deadlock • Share transfers and restrictions

	○ Rights of first refusal to shareholders/company etc. d) Restrictions on transfers of shares • Pre-emption rights • Right to refuse registration
5. Partnerships	You must have a detailed knowledge of the formalities in forming a partnership or LLP and be able to advise clients on the roles and responsibilities of partners. You must understand the form and content of a partnership agreement, be able to advise on appropriate terms and be able to draft an agreement to reflect your client's instructions. Therefore, you will need to know the following: a) Setting up a partnership and requirements • s.1 and s2 Partnership Act 1890 and statutory obligations • Regulation of choice of business name under s1192 CA 2006 • Notifying HMRC • Registering for income tax, NI, VAT b) Partnership Agreements • PA 1890 implied terms and their limitations • ss.6-8, 14, 17, 24, 28-30 PA 1890 • Impact of a partnership agreement - contractual obligations between partners • Drafting a partnership agreement: key terms and considerations • Why there should be a partnership agreement in place • Commencement and duration • Name; premises; nature of business • Financial input: initial and ongoing • Salaries, roles and responsibilities • Allocation of shares in profit • Drawings process • Assets of the partnership • Decision making and deadlock • Liability and indemnities • Retirement/bankruptcy/death/expulsion of partner • Restrictions: non-compete clauses • Dissolution c) Limited Liability Partnerships • Process of setting up an LLP ○ Companies House filing requirements ○ LL IN01

	• Authority to bind LLP ○ s.6 Limited Liability Partnerships Act 2000 • Partner responsibilities and liability generally • Designated partners additional responsibilities ○ s.444(6) ○ s.854 CA 2006; s.9(1) LLPA 2000 • Funding: debt; equity options • Advantages and disadvantages of LLPs d) LLP Agreements • LLP Regulations 2001 implied terms • No obligation to have an LLP agreement but strongly recommended • Drafting the LLP agreement: key terms and considerations • Why there should be a partnership agreement in place • Commencement and duration • Name/premises/nature of business • Financial input: initial and ongoing • Salaries, roles and responsibilities • Dividing shares in profit • Drawings process • Assets of the partnership • Decision making and deadlock • Retirement/bankruptcy/death/expulsion of partner • Restrictions: non-compete clauses • Dissolution e) Outline and nature of limited partnerships under the Limited Partnerships Act 1907
6. Further taxation	Knowing and understanding the taxation issues below will complement your work in a business law department. You must be able to outline to a client the key elements of various taxation issues. Therefore, you will need to know the following: a) Loss reliefs • Individuals: sole traders; partners • Companies • Start-up reliefs • Carry forward and back reliefs • Terminal loss reliefs b) Capital allowances • Availability • Rates • Effect on taxable profits

	c) Capital gains: business reliefs and exemptions • Individuals • Companies • Business asset disposal relief • Replacement of business assets • Incorporation of a business • Share for share exchange
7. Introduction to buying and selling businesses and companies	Many law firms advise on and assist clients with business and company sale and purchase transactions. You will need to know and understand the core elements of these transactions to advise clients appropriately and draft relevant documents. Therefore, you will need to know the following: a) Structure of the transaction • Distinguish share sale from business/asset sale b) The parties • Individual selling a business/share in a business • Company sale of a business/division • Shareholders and a company sale c) Due diligence and disclosure letters • Principles and core issues • Sample documents d) Consideration e) Effecting the transfer: implications of different assets • Assigning IP/goodwill/know how, • Transferring property; e.g. lease assignment • Employees ○ Significance of Transfer of Undertakings (Protection of Employment) Regulations • Novating contracts with suppliers and customers/clients f) Drafting a simple acquisition agreement • Key terms • Content of agreement • Conditions and warranties g) Tax implications • Deferred consideration • Relevant capital gains reliefs

8. Commercial contracts	You will need to understand a range of commercial contracts that a business may enter in to and how to advise a client. Therefore, you will need to know the following: a) Joint venture (JV) agreements • Reasons for JV's ○ Shared costs/risk ○ Access to technology/know how ○ Access to markets ○ Increase customer base • Types of JV ○ Short term collaboration ○ Limited or full function JV's ○ Full scale mergers • Structure of JV ○ Contractual/collaboration agreement ○ Corporate JV ○ Partnership • Issues ○ Management and decision making ○ Control ○ Differences in aims/culture ○ Resolving disagreements ○ Competition law b) Key issues on standard terms and conditions • Goods or services ○ Business to business or business to consumer ○ Unfair Contract Terms Act 1977 ○ Consumer Rights Act 2015 ○ Consumer Contracts Regulations 2013 ○ Implied terms • Limitation of liability ○ Jurisdiction ○ Cross jurisdiction drafting • Effect ○ Construction ○ Incorporation of standard terms ○ 'battle of the forms' ○ Course of dealing c) Agency agreements: • Sales, marketing and del credere agency • Commercial Agents Directive implications • Written and implied terms • Commission and payment terms ○ Minimum notice

- Termination payments
- Post termination restrictions

- Drafting considerations
  - Exclusivity
  - Territory
  - Control
  - IP and marketing
  - Warranties
  - Term and termination

d) Distribution agreements

- Types
  - Exclusive
  - Sole
  - Non-exclusive
  - Selective distributorship
- Drafting considerations
  - Exclusive or non-exclusive
  - Territory
  - Control: suitability of third parties/brand guidance
  - Term and duration
  - Prices and controls; competition law; Competition Act 1998/Enterprise Act 2002

e) Franchising agreements

- Principles
- Advantages and disadvantages
- Drafting considerations
  - Fees: initial; ongoing, term and renewal
  - The Manual
  - IP and branding
  - Support and training
  - Franchisor and franchisee obligations
  - Restrictions (e.g. non-compete)
  - Liability and indemnity
  - Termination/sale

f) Other considerations

- Anti-bribery
- Anti-slavery
- Force majeure
- Confidentiality
- Rights of third parties' clauses

9. Interpretation of Accounts	You need to be able to identify and understand key indicators from a set of company accounts, so as to establish when a business is at risk of not meeting its financial commitments. You therefore need to be able to: a) Calculate a liquidity ratio, including the current ratio and the quick ratio ("acid test") b) Identify and explain the early indicators of a failing business
10. Insolvency issues	You may be involved in more complex insolvency cases in a business department. Therefore, you will need to know the following: a) Application of the statutory test for insolvency under s123 IA 1986 b) Voidable transactions (companies and individuals) - core elements c) Preferences: ss239 and 340 IA1986; core elements, including desire to prefer, time limits, burden of proof and connected persons d) Transactions at undervalue: ss 238 and 339 IA 1986; core elements, including time limits, burden of proof and connected persons e) Invalidity of floating charges: companies only; s245 IA 1986 f) Extortionate transactions g) Consequences - avoidance of transactions h) Wrongful trading and fraudulent trading - core elements • Wrongful: s214 IA 1986; objective test • Fraudulent: s213 IA 1986 • Consequences: liability to contribute to company's assets • Directors' misfeasance: s212 IA 1986 • CDDA implications i) Company voluntary arrangement (CVA) • IA 1986 • Process (proposals, meetings and approvals) • Supervisor – role and powers

	j) Administration • IA 1986, Sch B1 • Purposes • Appointment of administrator • Qualifying floating charge holder • Administration procedure • Powers and duties of administrator • Wrongful trading (s246ZB IA 1986) and fraudulent trading (s246ZA IA 1986) – key elements k) Corporate Insolvency and Governance Act 2020 – core elements • Moratorium • Restructuring plan • Restrictions on termination of contracts for the supply of goods and services

P10 – Immigration Law and Practice

Professional Stage

2026 - 2027

P10: Immigration Law and Practice

The aim of this module is to equip you with the knowledge and skills you need to work in, or to start and maintain a successful practice in this complex and challenging field. You will have an overview of how the whole system works: the legislative underpinning for it, how it is administered, and what remedies there are for adverse decisions. You will consider in detail the main areas into which Immigration Law can be divided – Visits, Work & Study, Private & Family Life, Asylum, and Nationality and the practical ways in which clients can be assisted in achieving the resolution of their 'immigration matters'. Finally, the module considers the circumstances in which people can be removed or deported from the United Kingdom, and whether this can be resisted on human rights grounds.

This module covers:

1. The legal framework
2. Applying to stay in the UK
3. The appeal process
4. Judicial review
5. Immigration detention
6. Visiting the UK
7. Coming to the UK to work or to study
8. Staying in the UK due to private or family life
9. Asylum and Humanitarian Protection
10. Trafficking and modern slavery
11. Other Immigration Routes
12. EU Settlement Scheme
13. British Citizenship
14. Removal, Deportation and Human Rights
15. Communication skills and people management
16. Drafting

Learning Outcomes

By the end of this module you will be able to:

1. Understand overarching principles, such as the ECHR and the "section 55 duty".
2. Gather, analyse and synthesise a range of material with appropriate application to a case to develop solutions which are in your client's best interests.
3. Devise a strategy to manage an immigration case, achieving the best outcome for the client.
4. Draft a range of documents such as covering letters for applications, grounds of appeal and skeleton arguments.
5. Communicate effectively with clients and third parties including Home Office staff and others who may be involved in the application process.
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct.

Linked online assessment: P10
TQT: 300 hours

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in 'myCILEX'.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook.

Details of updates included in 2026-2027 Module Specification

- 1e)- Addition of 'Relevant International treaties'
- 8c)- Addition of '(Appendix Children)'
- 8d)- Addition of 'Human rights exceptions (EX.1. and GEN.3.2.)
- 8d)- Addition of 'Appendix Bereaved Partner'
- 8f)- Addition of Applications for limited leave under Appendix FM
    - Applications for indefinite leave under Part 8 (rules 297-298)
- Eligibility (Key concepts: sole responsibility, serious and compelling family or other considerations)9c)- Addition of sub-heading 'Convention Reasons'
- 9d)- Addition of The UK's domestic interpretation of the Refugee Convention (ss30-38 Nationality, Asylum and Borders Act 2022)
- 9d) Addition of ... and inadmissibility procedures.
- 9e)- Addition of 'Country Guidance caselaw'
- 9i)- Removal of 'Qualification Directive'
- 9i) -Addition of 'Immigration Rule 339C'
- 9i)- Removal of 'Article 15c'
- 11)- Change of title to 'Other Immigration Routes' to include:
    - Ukraine Permission Extension Scheme
    - Afghan Relocation Scheme
    - The Hong Kong (BNO) Settlement Scheme
    - HM Armed Forces and Returning Residents
- 12)- Addition of 'Late applications'
- 14d)- Within Deportation, addition of: Discretionary deportation -conducive to the public good (section 3(5) Immigration Act 1971) and Automatic deportation – criteria and exceptions (sections 32-33 UK Borders Act 2007)
- 14d) -Alteration of sub-headings to read 'Private Life Exception' and 'Family Life Exception'

1. The legal framework	To be able to advise clients on any immigration-related matter you must have a thorough grasp of the law relating to this area. Therefore, you should know: a) Primary legislation – the Immigration Acts b) Secondary legislation – numerous Orders and Regulations c) The Immigration Rules – d) Home Office policies and guidance e) Relevant international treaties (e.g. ECHR, UN Refugee Convention)
2. Applying to come to or stay in the UK	You will be required to work with clients who would like permission to come to the UK or who are already in the UK but wish to remain. To support these clients with their case you should know: a) Permission to come to or stay in the UK ● Entry Clearance ● Leave to Enter – granted to non-visa nationals at seaports and airports ● Limited Leave to Remain – granted to people who are already here with temporary permission and want to extend their stay ● Indefinite Leave to Remain – settlement in the UK, available on particular routes after a certain period of lawful residence, e.g. five years ● eVisas and Electronic Travel Authorisation b) How to apply ● Complete online application form ● Pay application fee plus Immigration Health Surcharge ● Attend "biometric appointment" at TLS Contact Centre in UK or VFS abroad ● Scan and upload supporting documents c) Reasons for refusal ● 'Suitability' failings – Part Suitability grounds for refusal, e.g. criminal convictions ● Not meeting requirements of immigration rules, e.g. minimum income d) Remedies for refusal ● Appeal to the Immigration and Asylum Chamber of the First-tier Tribunal (if there is a right of appeal) ● Onward appeal to the Upper Tribunal ● Further appeal to the Court of Appeal ● Alternatively, Administrative Review ● Alternatively, Reconsideration Request ● As a last resort, Judicial Review ● National security cases are handled by the Special Immigration Appeals Commission

3. The appeal process	You may often be helping clients to prepare for their appeals and may also be able to represent them at the appeal hearings. Below is a checklist of the main features which you should know. a) How to Appeal ● Most cases lodge the appeal online using MyHMCTS ● Appeal on paper if client in detention b) Notice of Appeal ● Check by 'duty judge' that appeal is valid c) Preparing documentation ● Respondent's Bundle ● Appellant's Bundle ● Appellant's Skeleton Argument ● Respondent's Review d) Hearings ● Video link and face-to-face hearings ● Appeals can also be determined by a judge 'on the papers' e) Written witness statements and oral evidence ● Appellant/sponsor and other witnesses will adopt their witness statements ● Cross-examined by a Home Office Presenting Officer' ● May be re-examined by their own representative f) Representation ● Appellant's representative must be professionally accredited ● Home Office representative may be a civil servant g) Closing submissions ● Each representative addresses the judge and urges that the appeal be allowed or dismissed h) Costs ● Appeal fee may be reimbursed by Home Office if Appellant succeeds ● Wasted costs may be awarded against a party if conduct of appeal unreasonable i) Permission to appeal further ● Must be on basis that the FTT made an "error of law" ● Permission must first be sought from another FTT judge ● If refused, renew application directly to Upper Tribunal ● If granted, UT must first decide if there has been an error ● If so, UT may "re-make" the decision on the appeal, or remit to FTT j) Preparing for effective advocacy ● Comply with the rights of audience and conduct rules as they apply in immigration and asylum proceedings

	• Know how to establish suitable rapport with the court • Demonstrate understanding of relevant ethical rules, etiquette, and conventions • Recognise appropriate body language, pace and language • Present coherent and persuasive case, consistent with client's instructions taking diversity into account • Demonstrate practical understanding of substantive and procedural law • Correctly apply relevant law to facts of case • Maintain these standards when working under pressure
4. Judicial Review	Judicial review is chiefly used when there is no right of appeal against a Home Office decision, or appeal rights have been exhausted. The 'division of labour' between the Upper Tribunal and the Administrative Court must be observed. You may be involved in the preparation for judicial review and therefore, you should know: a) Judicial review principles: Pre-action protocol, remedy, restrictions and procedure in the UT and Administrative Court b) Grounds for judicial review c) Funding a judicial review case d) Preparing the judicial review bundle e) Settlement and costs f) Protective costs orders g) Third party interventions
5. Immigration detention	Migrants who are in the UK without leave, or who have been convicted of crimes, are liable to detention for a variety of reasons, and practitioners are often asked to try to get them released, usually by applying for "immigration bail", therefore you should know: a) Who can be detained? b) Reasons for detention c) Removal centres or prison d) Bail e) Damages for false imprisonment
6. Visiting the UK	By far the largest category of people who come to the UK each year (and do not have a right of abode) are classed as 'visitors'. You will need to be able to advise on the activities permitted for visitors and how long visitors may remain. Therefore, you should know: a) Categories of visitor • Standard • Marriage • Permitted Paid Engagements • Transit • Business

	b) Rules ● Permitted Activities ● Permit Free Festival List ● Visa national list ● Transit Without Visa Scheme c) Applying for a visit visa ● Online application form ● Maintenance and accommodation ● Incentive to return home ● "Genuine" visit ● The possibility of appeal
7. Coming to the UK to work or to study	Several different routes are set out in the Immigration Rules, whereby people can come to the UK to take up employment or self-employment, or to gain educational qualifications. In order to advise on the most appropriate route, you need to know: a) General requirements ● Sponsorship' by an employer or an educational establishment ● Sponsor licence from the Home Office ● Endorsement of a regulatory or representative body b) Applying for work and study routes ● Online applications and fees, including health surcharge and skills surcharge ● Supporting documents ● Financial, educational and English language requirements ● Minimum salary requirement ● Certificate of Sponsorship or Confirmation of Acceptance for Studies ● Points Based System ● Temporary work (for up to two years) ● Skilled Work' leading to settlement ● Dependants and restrictions c) Applying for a sponsor licence ● Fees ● Responsibilities ● Code of conduct ● Business and educators' helpdesks ● Operating the Sponsorship Management System ● Responsibility and ownership ○ Authorising officer ○ Key contact ○ Level 1 and level 2 users d) Unsponsored routes ● Overseas workers in private households ● UK Ancestry ● Graduate

8. Staying in the UK based on private or family life	These aspects of Immigration Law have been heavily influenced by Article 8 of the European Convention on Human Rights, which asserts: "*Everyone has the right to respect for his private and family life, his home and his correspondence*." There can be no interference with this right by a public body except for reasons of the public good. The tension between these two, often opposing, interests lies at the heart of much of the case law in this field. To advise clients in this area, you should know: a) Article 8 European Convention on Human Rights ● Article 8 (1) and 8(2) ● Proportionality b) Rules for remaining based on private life ● Appendix Private Life ● 20 years Long Residence Rule ● Under the age of 18 and having lived in the UK for at least 7 years ● Aged at least 18 but below 25, and having lived in the UK at least half one's life ● Adults with less than 20 years' residence, but very significant obstacles to one's integration in one's own country c) Rules for coming to or remaining in the UK based on family life ● Appendix FM ● Applications – documents and Appendix FM-SE ● Requirements for applications by children (Appendix Children) d) Rules relating to partners ● Five-year route to settlement ○ Suitability – criminality and other bad behaviour can disbar applicants ○ Eligibility criteria ● Ten-year route to settlement ○ Eligibility criteria ○ Human rights exceptions (EX.1. and GEN.3.2.) ● Appendix Bereaved Partner e) Rules relating to partners and domestic violence ● Immigration Rules Appendix Victim of Domestic Abuse ● Migrant Victims of Domestic Abuse Concession ● Home Office Policy for Migrant Victims of Domestic Abuse f) Rules relating to children ● Applications for limited leave under Appendix FM ● Applications for indefinite leave under Part 8 (rules 297-298) ● Eligibility (Key concepts: sole responsibility, serious and compelling reasons to grant the applicant settlement) ● Meeting further conditions ○ maintenance and accommodation ○ special provision for children adopted abroad, or coming to the UK for adoption ○ must not be married or otherwise leading an independent life.

	● Recognition of Overseas Adoptions Order 2013 ● Children born in the UK to parents on the private life route g) Routes for the settlement of a parent who has a child living in the UK h) Adult dependent relatives ● A need for personal care because of age, illness or infirmity ● Care unavailable or unaffordable in home country ● Applications for indefinite leave, made from abroad
9. Asylum and Humanitarian Protection	The United Kingdom is a signatory to the Refugee Convention 1951 and its 1967 Protocol. States parties to the Convention are forbidden from sending people who arrive in their jurisdiction seeking asylum to countries where they have a well-founded fear of persecution. As an immigration practitioner you will be required to advise those seeking asylum and therefore, you should know: a) Prohibition of "*refoulement*" b) Persecution c) Convention Reasons ● Race ● Religion ● Nationality ● Political opinion ● Membership of a particular social group d) Issues – problems in establishing a claim to refugee status ● The UK's domestic interpretation of the Refugee Convention (ss30-38 Nationality, Asylum and Borders Act 2022) ● Burden and Standard of Proof ● Credibility ● Internal Flight Alternative ● Sufficiency of Protection ● Exclusion ● Safe Third Countries and inadmissibility procedures. e) Process and procedures ● Asylum Intake Unit – ○ asylum screening interview application registration card ('ARC') ● Legal Aid – Preliminary Information Questionnaire ('PIQ') ● Asylum Support – ○ Accommodation ○ Appeal to the First-tier Tribunal (Asylum Support) ● Asylum Interview – ○ other evidence, including Country Policy and Information Notes ('CPINs'), Country Guidance caselaw ● Further submissions/fresh claims

	f) Decision • Positive, (grant of 30 months' leave or five-years' leave for unaccompanied children or for claims made before 1 March 2026) • Negative, reasons for refusing asylum • Right of appeal to the First-tier Tribunal g) Detention • With a view to removal • Weak claims and high risk of absconding • Bail hearing h) Appeals • First-tier Tribunal • Background reports • Medical reports i) Humanitarian Protection • Subsidiary protection (Immigration Rule 339C) • Wider protection – Article 3 ECHR
10. Trafficking and modern slavery	Human Trafficking • Modern Slavery Act 2015 • 'Reasonable' and 'conclusive grounds' decision • National Referral Mechanism • Temporary Permission to Stay for victims of human trafficking
11. Other Immigration Routes	• Ukraine Permission Extension Scheme • Afghan Relocation Scheme • The Hong Kong (BNO) Settlement Scheme • HM Armed Forces • Returning Residents
12. EU Settlement Scheme	EU Settlement Scheme • Eligibility • Settled status and pre settled status • Family members • Retained rights • Automatic extensions • Late applications
13. British Citizenship	Immigration practitioners need to be able to advise clients on how to become British citizens, or even on whether they already are British citizens. There are four ways in which British citizenship is acquired, either automatically or by making an application and you should know the following: a) Birth in the UK • Eligibility • Registration (parents become settled; 10 years' residence)

	b) Descent from a British citizen ● Eligibility for children born overseas ● Registration c) Naturalisation ● Eligibility ● Fee ● English language test at level B1 and exemptions ● The Knowledge of Life in the UK Test and exemptions ● Good character d) Further reasons for registration ● Registration of a child at discretion ● Would have been British by descent from their mothers, only they were born at a time when citizenship by descent could only pass through fathers ● Born illegitimately to British fathers, who would have been British automatically had not illegitimacy been a barrier at that time ● Lesser forms of British nationality, such as British overseas citizens, provided they have no other citizenship and did not deliberately lose another citizenship e) Deprivation ● Conducive to the public good ● Avoidance of statelessness ● Naturalisation or registration obtained by ○ fraud, ○ false representation, or ○ concealment of a material fact ● Right of appeal to the First-tier Tribunal under s.40A BNA 1981.
14. Removal, deportation and human rights	Article 8 of the ECHR has a part to play in applications for entry clearance in a route leading to settlement with a family member, but the European Convention is most heavily relied on when people who are overstayers or illegal entrants, or whose leave has been cancelled, are facing removal or deportation. You may be required to advise on these areas and therefore you should know: a) Article 3 – alternative to asylum ● Eligibility ○ Non-Convention reason ○ Health cases b) Private Life ● The application of Article 8 ● Appendix Private Life based on length of residence ● section 117B of the Nationality, Immigration and Asylum Act 2002 – 'unlawful' and 'precarious' status. c) Family Life ● The application of Article 8 ● section EX.1 of Appendix FM ● section 117B NIAA 2002

	d) Deportation ● Discretionary deportation -conducive to the public good (section 3(5) Immigration Act 1971) ● Automatic deportation – criteria and exceptions (sections 32-33 UK Borders Act 2007) ● Private Life Exception ○ Article 8 as interpreted in para 399A ○ Statutory guidance at s.117C NIAA 2002 ● Family Life Exception ○ Article 8 as interpreted in the Immigration rules (para 399(a) – 399(b)) ○ Statutory guidance (s.117C)
15. Communication skills and people management	Building a relationship with your client and adhering to ethical standards are essential to the role of the immigration lawyer. You may be representing clients at court. Building on the skills introduced at Advanced stage, you will need to know the following: a) Application of communication skills for an immigration lawyer ● Use of appropriate language ● Clear and assertive expression ● Communicating with vulnerable and diverse clients ● Communicating when under pressure ● Make appropriate written record ● Take appropriate action to gain trust and confidence of client including taking into account diversity ● Recognise when an interpreter is required ● Be able to understand and explain role of the relationship between client and solicitor/counsel/Tribunal caseworker where appropriate during the conduct of the case ● Allow client to explain their position through the skill of active listening ● Elicit other relevant information from appellant's witnesses, and professionals where appropriate, e.g. doctors, probation officers ● Formulate appropriate advice through correct identification of legal/non-legal issues ● Have the capacity (but where necessary to refer to Counsel) to give appropriate advice to assist client in making decisions including giving advice which is negative to the client's case and which is based on the evidence ● Enable client to understand and to agree to the necessary steps to be taken in the preparation of the client's case b) Explaining and advising skills for client and witnesses at Tribunal hearings c) Recognise and deal appropriately with ethical issues arising ● Maintain standards when under pressure

16. Drafting	Drafting is an extension of communication skills. The objective is to condense material and present it clearly and concisely to achieve its purpose. Therefore, you will need to know the following: a) The nature and purpose of legal documents b) Adapting precedents c) Use of online court forms (HMCTS service, Pre Action-Protocol Proforma) d) Rules of drafting e) The structure, content, and requirements of: ● Drafting supporting letters to back up applications to Home Office ● Drafting witness statements ● Drafting grounds of appeal ● Drafting skeleton arguments ● Drafting statements of case ● Drafting requests for expert evidence ● Drafting instructions to counsel