

MODERN APPRENTICESHIP IN PARALEGAL PRACTICE



Conveyancing (Option 1)

- * Purchaser's obligations.
- * Seller's obligations: clear searches; advance notices, entry, disposition; good and marketable title.
- * Home reports.
- * Title sheet; heritable/ moveable; real burdens; servitudes; and warrandice.
- * Matrimonial rights; midcouples; and special destinations.
- * Common ownership; tenements; and notices of potential liability.
- * Requirements of writing: writing, self-proving and signing formalities.
- * Contract: offer and acceptance; and consensus.
- * Missives; and Scottish Standard Clauses offer (5th ed) and summary of each of the 35 clauses, including those relating to: alterations, breach, property enquiry certificates, supersession etc.
- * Issues covered when taking instructions from purchasers and sellers.
- * Forms of survey; fees and outlays; and accounts rules.
- * Initial stages of a conveyancing transaction.
- * Issues covered in notes on title; disposition clauses explained; standard securities and discharges explained; and digital discharge service.
- * Transaction steps and checklists.
- * Application for registration and Application for a Legal Report: Registered Land.
- * Letters of undertaking and matrimonial homes documentation.
- * Land and Buildings Transaction Tax: rates etc.
- * Settlement; registering deeds and accounting to client.
- * Completed examples and detailed instructions how to note registered title, draft/complete a disposition and Application for Registration.

Civil Litigation (Reparation) (Option 2)

- * Decision whether to litigate; & advantages and disadvantages of going to court.
- * Precognition; attending court and taking narrative of evidence.
- * Evidence: role of witnesses, crucial facts, single source, hearsay and best evidence.
- * Credibility & reliability and balance of probabilities; and onus on pursuer.
- * Civil jurisdiction; contributory negligence; joint & several liability; vicarious liability; & insurance law.
- * Prescription and limitation; provisional damages, damages, interest thereon, damaged property, solatium and patrimonial loss.
- * Claims by injured party, by executor & relatives of deceased: loss of support, distress & services, inconvenience, funeral expenses and heads of claim.
- * Forms of summary cause action.
- * Personal injury protocol: stages 1-9, where not applicable and its consequences.
- * Completing a form 1 summons.
- * Form 10 personal injuries statement of claim; form 10h claim provisional damages; & copy forms.
- * Warranting, service and response.
- * Defended cause: defence legal statements, third part notice, calling date & incidental applications.
- * Witnesses, productions; skilled witness reports; disclosure; witness lists; and summary cause proof.
- * Personal injury procedure: form 10a response, inspection & recovery of documents and timetable.
- * Summary cause appeals; and further appeal to Court of Session.
- * Civil styles; diary and deadlines; and failure to comply.
- * Experts; instructing an expert; expenses; agreement of evidence; and settling.
- * Completed examples and detailed instructions how to complete a witness precognition, statements of claim and form 1 summary cause personal injury form.

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Criminal Litigation (Option 3)

- * Arrest; detention for 12 hours continuously and additional 12 hours; rights of accused including right to have solicitor present during interview.
- * Officially accused & rights; investigative liberation; post-charge questioning with sheriff's approval.
- * Reasons for fiscal's decision to serve complaint; and time limits on proceeding.
- * Direct measures including fiscal's fine and conditional/ compensation offer.
- * Complaint, citation and summary of evidence.
- * Role of defence agent.
- * Steps occurring at custody appearance, bail undertaking and cited diet; matters arising including preliminary pleas, accused not person charged and special capacity.
- * Bail, breach of bail and appeals.
- * Accused interview checklist.
- * Disclosure by fiscal after not guilty plea; Advice & Assistance & summary legal aid.
- * Steps taken by defence and fiscal preparing for a summary trial: witnesses, productions, defences, including defence notices; witness citation; and medical evidence;
- * Statements of uncontroversial evidence; section 275 notices; minutes of admission & agreement.
- * Intermediate diet and preparing therefor.
- * Crown certificates; vulnerable witnesses; desertion and abandonment.
- * Steps at summary trial.
- * Sentencing discounts, fines, compensation orders, restrictions of liberation orders.
- * Precognitions; keeping a court diary and deadlines.
- * Completed examples and detailed instructions how to complete a witness precognition, statement of uncontroversial evidence, vulnerable witness application and witness citation.

Wills & Executries (Option 4)

- * Wills, intention to test and requirements of writing.
- * Legacies explained; and estate which cannot be bequeathed.
- * Will style with all clauses fully explained; and codicils.
- * Taking instructions for a will: information to be obtained and actions taken.
- * Liability to creditors: ranking and insolvent estates.
- * Intestacy and order of payments from estate.
- * Prior rights: housing right, furniture, plenishings & money right: & legal rights: jus relictae and legitim.
- * Children defined; and per stirpes representation; and cohabitant succession claims.
- * Distribution of dead's part and free estate; and order of succession.
- * Registration of deaths and other steps after death.
- * Matters covered when taking instructions from executor and actions thereafter.
- * Determining extent of estate; valuation of stocks; valuing household goods and heritable property.
- * Preparations for C1 inventory.
- * Jurisdiction of sheriff court over intestate estates.
- * Those who may petition to be executor dative; how to draft a petition; and executor dative's powers.
- * Bond of caution; and confirmation dues.
- * Eik to confirmation procedure; and C4(S) eik form.
- * Applying for confirmation.
- * Ingathering estate; distributing estate; and accounting to residual beneficiaries.
- * Completed examples and detailed instructions how to draft/complete a will, C1 inventory, petition for executor dative and account of intromissions.

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