



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 9 – Land Law**

**Question paper**

**January 2024**

**Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone’s Statutes on Property Law 2022-2023 31st edition, Meryl Thomas, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

**Turn over**

## SECTION A

Answer at least one question from this section.

1. Critically evaluate the continuing relevance of the doctrine of adverse possession in the 21st century.

**(25 marks)**
  
2. Critically assess the law relating to how freehold covenants may:
  - (a) bind or benefit third-party purchasers;

**(17 marks)**
  - (b) be extinguished or modified.

**(8 marks)**

**(Total: 25 marks)**
  
3. Critically analyse the doctrines of:
  - (a) overriding interests/interests which override;

**(17 marks)**
  - (b) overreaching.

**(8 marks)**

**(Total: 25 marks)**
  
4. Critically evaluate how the law relating to mortgages balances the rights and interests of mortgagors and mortgagees.

**(25 marks)**

## SECTION B

**Answer at least one question from this section.**

### Question 1

Angharad has owned the registered freehold of Autumn Farm since 2012. In 2016, Angharad agreed with her neighbour, Blair, that Blair could store her tractor in a barn on Angharad's land. This agreement was recorded in a deed drawn up by Angharad's lawyer.

In 2018, Angharad agreed with Cerys, the owner of a country house hotel half a mile away, that Cerys would have the right to use the South Field on Autumn Farm for clay-pigeon shooting, a popular activity with the hotel's guests. The agreement was made orally.

In 2021, Angharad sold part of her land, the Old Marsh, to Donal, who wanted to build a house on the land. In order to access the Old Marsh from the main road, it is necessary to drive across a 100-yard strip of land, the Spinney, which still belongs to Angharad. It is possible to access the Old Marsh from the opposite direction but this is pedestrian access only via a footpath. While Angharad owned the Old Marsh, she always used the Spinney to drive her large 4x4 car onto the land.

Angharad recently sold her remaining land to Eager Eagle Electricity (EEE), a power company that wishes to build a new power station on the land.

Advise EEE as to whether it is bound by a valid easement for:

(a) Blair to store her tractor on the land;

**(11 marks)**

(b) Cerys to use the South Field for clay-pigeon shooting;

**(6 marks)**

(c) a right of way across the Spinney for the benefit of the Old Marsh.

**(8 marks)**

**(Total: 25 marks)**

**Turn over**

## Question 2

In 2007, Flora inherited *Acorn House*, a registered property comprising the main house itself, a vineyard that produces wine and The Barn. The property is valued at £8 million. Next door is *The Gatehouse*, a house registered under a separate title but also owned by Flora. It is valued at £250,000. Flora and her husband went to live in the main house at the property. They established a wine business using the attached vineyard.

In 2009, Flora's husband died. Struggling to run the business alone, Flora asked her five children if any of them would come to live with her to help run the business. Four declined but Graeme, Flora's son, said he was interested but did not want to uproot his family. Flora told Graeme "I'll make sure you aren't out of pocket" so Graeme, his wife and their children agreed to move. Graeme's wife was forced to leave her specialist job as a museum curator and since 2009 has worked part time in retail at a considerably lower wage.

Graeme agreed with his mother, Flora, that he would take 50% of the profits of the winery. At first, Graeme, his wife and their children stayed in rented accommodation. The winery was not very successful and in 2012, Graeme told his mother that he wanted to leave to work and live elsewhere. Flora told Graeme that if he agreed to stay, "I will make sure you will always have a home here."

Soon after this conversation, Flora began converting The Barn into a modern four-bedroom house. When the work was finished, she presented Graeme with the front-door key at a special dinner. Graeme and his family moved into The Barn immediately and have lived there rent free ever since.

Since 2016, Flora has employed Harpreet for ten hours a week, helping Flora with preparing meals and cleaning. Over the years, Harpreet has, in practice, taken on many more responsibilities, effectively becoming a full-time carer for Flora, although her wage and job description have not changed. In 2017, Flora suggested that Harpreet move into The Gatehouse so that she was always close by. In 2018, Flora told Harpreet "Acorn House is enough for my children. I'll leave you The Gatehouse on my death as long as you stay and care for me until then."

Last month, Flora died suddenly. Under her Will, both Acorn House and The Gatehouse are left in equal shares to Flora's five children.

Advise Graeme and Harpreet as to any claims in proprietary estoppel.

**(25 marks)**

### Question 3

Ian is the freehold owner of Terrace Towers, a registered property that was formerly a large townhouse, but which Ian has converted into three self-contained flats.

Flat 1 is currently occupied by Jagdish. In 2022, Jagdish's ten-year lease expired. Ian told Jagdish: "You can renew on basically the same terms, but I've made a few minor changes to the agreement." The new agreement, which is made by deed, states that Jagdish has a three-year licence to occupy the property, and instead of £700 per month "rent", he must pay £700 per month as a "licence fee". The agreement also states that Jagdish must be absent from the property for an hour each day so that Ian can provide cleaning services. Ian has never provided these services, before or since the new agreement was signed.

Flat 2 is currently occupied by Katy. Katy met Ian when she began working for Ian's marketing company in 2021. Katy had told Ian that she wanted to live nearer the office to shorten her commute and Ian told her Flat 2 was currently vacant. They made an oral agreement that Katy would pay £600 per month in rent, although they did not specify how long the arrangement would last.

Flat 3 became vacant in July 2023. In August 2023, Ian agreed to lease Flat 3 to Liu. The lease was contained in a contract that was signed by Liu and Ian. The term of the lease is five years.

Last week, Ian found out that her business is in serious financial trouble and she is considering selling Terrace Towers to provide funds. She would like to sell the property with vacant possession. None of the agreements has been registered against the property at HM Land Registry.

Advise Ian as to whether the occupants of Flats 1, 2 and 3 have valid leases and, if so, how much notice she must give to terminate the lease.

**(25 marks)**

**Turn over**

#### Question 4

Pearl, Ryan, Sameerah, Tasha and Ugo are friends from university, where they all studied IT.

In 2020, the five friends decided to start a tech business together. They decided that they would set up the business in Kempston and that they would buy two properties, one to act as the business premises and the other as a place for the five to live.

The five friends each contributed £50,000 toward the purchase of Violet Manor, a five-bedroom house on the outskirts of Kempston. The conveyance specified that the property would be held on trust for the five friends as equitable joint tenants.

Pearl and Ryan, who had recently sold a previous successful business, each contributed £100,000 to the purchase of Yellow House, a small office building in the town centre. Sameerah and Ugo each contributed £25,000. Tasha did not contribute to this purchase.

In 2021, Sameerah contracted a serious contagious disease. After a short illness, Sameerah died. Under the terms of her Will, Sameerah left her share in both properties to Ryan.

Later that same year, Ugo contracted the same disease. Worried that he might also die, Ugo went to see a solicitor about his affairs, who advised Ugo to make his intentions known in writing. Ugo sent a letter to Pearl, Ryan and Tasha stating "I hereby want to take my own share of both properties and do what I want with it!". In the end, Ugo recovered from the illness.

After Sameerah's death and Ugo's illness, the tech business run by the friends began to struggle. In 2022, Ryan put extra money into the business in a last attempt to keep it running but the business continued to struggle. Last month, in December 2023, the business was placed into administration and Ryan was declared bankrupt.

Ryan's creditors want both properties to be sold immediately. Pearl and Ryan have taken new jobs at other companies in the local area and would like to continue living at Violet Manor. Ugo is starting a new business with other investors and is interested in purchasing Yellow House. He would also like to stay at Violet Manor.

Advise Ugo as to:

(a) who owns Yellow House and in what shares;

**(Total: 7 marks)**

(b) who owns Violet Manor and in what shares;

**(Total: 11 marks)**

(c) whether Ryan's creditors will be able to force the sale of Violet Manor.

**(Total: 7 marks)**

**(Total: 25 marks)**

**End of the examination**