

## 2023 UNIT SPECIFICATION

<b>Title:</b>	(Unit 4) Land Law
<b>Level:</b>	3
<b>Credit Value:</b>	7

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
<b>1. Understand what is meant by 'Land'</b>	<b>1.1</b> Distinguish between 'real property' and 'personal property'  <b>1.2</b> Explain what is meant by Land          <b>1.3</b> Apply an understanding of the meaning of Land to a given situation	<b>1.1</b> Special characteristics of real property and how it differs from other forms of ownership.  <b>1.2</b> The meaning of Land and extent of ownership as defined by Parliament: <ul style="list-style-type: none"> <li>• s.205(1)(ix) Law of Property Act 1925, Civil Aviation Act 1982.</li> </ul> and by the courts: <ul style="list-style-type: none"> <li>• <u>Bernstein v Skyviews</u> (1978), <u>Anchor Brewhouse Developments v Berkley House (Docklands) Developments</u> (1987).</li> </ul> <b>1.3</b> Application to a scenario with remedies for trespass to land.

This specification is for 2023 examinations.

<p><b>2. Understand what will be purchased in a Land transaction</b></p>	<p><b>2.1</b> Identify the elements that make up a Land transaction</p> <p><b>2.2</b> Explain the legal requirements for land purchase</p> <p><b>2.3</b> Explain the distinction between Freehold, Commonhold and Leasehold property</p> <p><b>2.4</b> Explain what is meant by 'legal interests' and 'equitable rights'</p> <p><b>2.5</b> Apply an understanding of what is purchased in a land transaction to a given situation</p>	<p><b>2.1</b> Tangible and intangible rights;</p> <ul style="list-style-type: none"> <li>• 'Fixtures' and 'Chattels' (Fittings) and tests for distinction through cases:</li> <li>• <u>Holland v Hodgson</u> (1872), <u>Leigh v Taylor</u> (1902), <u>D'Eyncourt v Gregory</u> (1866), <u>Botham v TSB Bank plc</u> (1996).</li> </ul> <p><b>2.2</b> S1 &amp; s.2 Law of Property (Miscellaneous Provisions) Act 1989:</p> <ul style="list-style-type: none"> <li>• statutory formalities required for a deed (necessary to transfer legal ownership of land);</li> <li>• statutory formalities required for a valid contract for the disposition of land.</li> </ul> <p><b>2.3</b> Legal estates under s.1(1) Law of Property Act 1925 and the distinction between them;</p> <ul style="list-style-type: none"> <li>• meaning of 'fee simple absolute in possession' and 'term of years absolute';</li> <li>• meaning of land held as commonhold under Commonhold and Leasehold Reform Act 2002.</li> </ul> <p><b>2.4</b> The five legal interests under s.1(2) Law of Property Act 1925 and equitable rights under s.1(3) Law of Property Act 1925.</p> <p><b>2.5</b> Application to a scenario.</p>
--	---	--

This specification is for 2023 examinations.

<p><b>3. Understand the distinction between registered and unregistered land</b></p>	<p><b>3.1</b> Distinguish between registered and unregistered land</p> <p><b>3.2</b> Explain the advantages of the Registered system of land</p> <p><b>3.3</b> Explain what is meant by Compulsory Land Registration</p> <p><b>3.4</b> Apply an understanding of this distinction to a given situation</p>	<p><b>3.1</b> Unregistered system:</p> <ul style="list-style-type: none"> <li>• establishing ownership through title deeds starting with a good root of title;</li> <li>• protection of legal and equitable third party rights;</li> <li>• Land Charges Register under the Land Charges Act 1972;</li> <li>• reasons for creating system of registered land to replace unregistered system.</li> </ul> <p><b>3.2</b> Simplification of establishing ownership through central system;</p> <ul style="list-style-type: none"> <li>• protection under Land Registration Act 2002 of interests of: legal owners, third party rights and any equitable interests that may be applicable.</li> </ul> <p><b>3.3</b> Compulsory requirements for land registration from 1990 as extended from 1998 and now under Land Registration Act 2002.</p> <p><b>3.4</b> Application to a scenario.</p>
<p><b>4. Understand the way in which the registered land system works</b></p>	<p><b>4.1</b> Explain the contents of the Register and the practical advantages the system offers</p>	<p><b>4.1</b> The system of Registered land;</p> <ul style="list-style-type: none"> <li>• the mirror, curtain and insurance principles and their practical effect;</li> <li>• the contents of the Official Copy and its three registers;</li> <li>• the advantages of the system, for example, in proving title.</li> </ul>

This specification is for 2023 examinations.

	<p><b>4.2</b> Explain the meaning of ‘Title’ and the types of interests that can be protected</p> <p><b>4.3</b> Apply an understanding of the registered land system to a given situation</p>	<p><b>4.2</b> Freehold title:</p> <ul style="list-style-type: none"> <li>• Absolute, qualified, possessory;</li> </ul> <p>Leasehold title:</p> <ul style="list-style-type: none"> <li>• Absolute, good, qualified, possessory;</li> <li>• the types of interest in registered land shown on the Register;</li> <li>• overriding interests. <u>Williams &amp; Glyn’s Bank v Boland</u> (1980), <u>Chhokar v Chhokar</u> (1984).</li> </ul> <p><b>4.3</b> Application to a scenario.</p>
<p><b>5. Understand how land can be held by more than one person</b></p>	<p><b>5.1</b> Distinguish between a joint tenancy and a tenancy in common</p> <p><b>5.2</b> Apply an understanding of the two types of co-ownership to a given situation</p> <p><b>5.3</b> Explain the equitable doctrines of resulting and constructive trusts</p>	<p><b>5.1</b> The distinction between a joint tenancy and a tenancy in common;</p> <ul style="list-style-type: none"> <li>• joint tenancy;</li> <li>• the four unities, right of survivorship, severance. Joint tenancy may exist in law and equity, legal title must be held as joint tenants;</li> <li>• tenancy in common with separate shares exists in equity only, advantages and disadvantages of the two types of co-ownership.</li> </ul> <p><b>5.2</b> Choices between the two types of co-ownership appropriate to clients given their individual circumstances.</p> <p><b>5.3</b> How resulting and constructive trusts arise and the difference between them, including factors to assess the value of beneficial shares under such trusts;</p>

This specification is for 2023 examinations.

	<p><b>5.4</b> Explain the rights and duties of trustees and equitable owners under a trust</p> <p><b>5.5</b> Apply an understanding of trusts to a given situation</p>	<ul style="list-style-type: none"> <li>• case law in relation to resulting and constructive trusts, <u>Bull v Bull</u> (1955), <u>Williams &amp; Glyn's Bank v Boland</u> (1980), <u>City of London Building Society v Flegg</u> (1988), <u>Grant v Edwards</u> (1986), <u>Lloyds Bank v Rosset</u> (1991), <u>Drake v Whipp</u> (1995), <u>Stack v Dowden</u> (2007), <u>Jones v Kernott</u> (2011).</li> </ul> <p><b>5.4</b> Explain who, under a trust, are the trustees and equitable owners (beneficiaries under a trust);</p> <ul style="list-style-type: none"> <li>• their respective rights and duties;</li> <li>• Trusts of Land and Appointment of Trustees Act 1996 especially ss 11, 12, 14 and 15;</li> <li>• overreaching under s.2 Law of Property Act 1925.</li> </ul> <p><b>5.5</b> Application to a scenario.</p>
<p><b>6. Understand the nature and effect of an easement</b></p>	<p><b>6.1</b> Identify the characteristics of an easement</p> <p><b>6.2</b> Explain how easements are created</p>	<p><b>6.1</b> The characteristics of an easement;</p> <ul style="list-style-type: none"> <li>• the rules in <u>Re Ellenborough Park</u> (1956);</li> <li>• case law:</li> <li>• <u>Hill v Tupper</u> (1863), <u>Moody v Steggles</u> (1879), <u>Re Aldred's Case</u> (1610), <u>Copeland v Greenhalf</u> (1952), <u>London &amp; Blenheim Estates v Ladbroke Retail Parks Ltd</u> (1992).</li> </ul> <p><b>6.2</b> Legal and equitable easements;</p> <ul style="list-style-type: none"> <li>• distinction between grant and reservation;</li> <li>• methods of creation:</li> <li>• express grant and reservation by deed;</li> <li>• implied grant and reservation by necessity;</li> </ul>

This specification is for 2023 examinations.

	<p><b>6.3</b> Explain how easements are discharged</p> <p><b>6.4</b> Apply an understanding of easements to a given situation</p>	<ul style="list-style-type: none"> <li>• common intention;</li> <li>• implied grant by:</li> <li>• the rule in <u>Wheeldon v Burrows</u> (1879);</li> <li>• s.62 Law of Property Act 1925;</li> <li>• grant by prescription.</li> <li>• Easements as an overriding interest in registered land.</li> <li>• Profits and acquisition of profits.</li> </ul> <p><b>6.3</b> Statute, unity of ownership and possession:</p> <ul style="list-style-type: none"> <li>• release:</li> <li>• express by deed or implied eg by intentional abandonment.</li> </ul> <p><b>6.4</b> Application to a scenario.</p>
<p><b>7. Understand the restrictions and obligations imposed on land ownership by covenants</b></p>	<p><b>7.1</b> Explain the common law rules on the creation of covenants</p> <p><b>7.2</b> Distinguish between restrictive and positive covenants</p> <p><b>7.3</b> Explain rules on enforcement of covenants</p>	<p><b>7.1</b> Explain how a covenant is expressly created by deed to be a legally binding obligation between freehold landowners forming an interest in land.</p> <p><b>7.2</b> Look to substance and to form.</p> <p><b>7.3</b></p> <ul style="list-style-type: none"> <li>• benefit and burden at common law;</li> <li>• benefit and burden in equity;</li> <li>• enforcement by and against subsequent owners:</li> <li>• <u>Smith &amp; Snipes Hall Farm Ltd v River Douglas Catchment Board</u> (1949), <u>Austerberry v Oldham Corporation</u> (1885), <u>Rogers v Hosegood</u> (1900), <u>Tulk v Moxhay</u> (1848), <u>Halsall v Brizell</u> (1957).</li> </ul>

This specification is for 2023 examinations.

	<p><b>7.4</b> Describe how restrictive covenants can be modified or discharged</p> <p><b>7.5</b> Apply an understanding of covenants to a given situation</p>	<p><b>7.4</b></p> <ul style="list-style-type: none"> <li>• Order of Upper Tribunal (Lands Chamber); to include change in neighbourhood (<u>Chatsworth Estates v Fewell (1931)</u>) or acquiescence in breach (<u>Shaw v Applegate (1977)</u>);</li> <li>• or deed of release or variation</li> <li>• or merger.</li> </ul> <p><b>7.5</b> Application to a scenario.</p>
<b>8. Understand the nature and effect of a mortgage</b>	<p><b>8.1</b> Explain the main types of mortgage available</p> <p><b>8.2</b> Describe how to create a mortgage</p> <p><b>8.3</b> Explain how a mortgage can be discharged with remedies in default</p> <p><b>8.4</b> Apply an understanding of mortgages to a given situation</p>	<p><b>8.1</b> Repayment, endowment, pension.</p> <p><b>8.2</b> Legal and equitable mortgages;</p> <ul style="list-style-type: none"> <li>• charge by way of legal mortgage and mortgage by demise;</li> <li>• equity of redemption;</li> <li>• invalid fetters (clogs) on the equity of redemption ie: undue postponement of redemption.</li> </ul> <p><b>8.3</b> Remedies of the mortgagee:</p> <ul style="list-style-type: none"> <li>• possession, sale and duties on sale, appointment of receiver, action in debt, and, in outline only, foreclosure.</li> </ul> <p><b>8.4</b> Application to a scenario;</p> <ul style="list-style-type: none"> <li>• advising clients on type of mortgage;</li> <li>• consequences of non-payment of mortgage;</li> </ul>

This specification is for 2023 examinations.

		<ul style="list-style-type: none"><li>• liability of others resulting from default by mortgagor eg, guarantor of mortgage.</li></ul>
--	--	--



Additional information about the unit	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Land Law
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards
Details of the relationship between the unit and other standards or curricula (if appropriate)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, Improving own learning and performance, Problem solving and Working with others
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for delivery	1 September 2008

This specification is for 2023 examinations.