



CHIEF EXAMINER REPORT

JANUARY 2026

LEVEL 6 UNIT 9 – LAND LAW

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the January 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

Overall, candidate performance was at the level witnessed in previous sessions. Candidates are reminded that they must have familiarity with all potential topic areas to be examined. In general, the questions on constructive trusts, fixtures and fittings, adverse possession and estoppel performed better. Weaker responses related to questions on freehold covenants and on the lease/licence distinction.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1	25 marks
This question on was attempted by a third of candidates and the performance was good.	
Suggested Points for Response:	
• Explanation of trust as method of co-ownership in land • Distinction between express trust and those implied/created by operation of law • Explanation of basic principles of creating resulting trust • Explanation of quantification of shares in resulting trust • Explanation of basic principles of creating constructive trust • Distinction between 'joint names' and 'sole name' cases • In sole name cases, distinction between express common intention and implied common intention • Discussion of approach to quantification of shares in constructive trust • Argument/ conclusion as to whether statement is accurate • Relevant case law	

Question 2	25 marks
This was the least popular question on the paper therefore data is limited. Some candidates did not really get beyond basic definitions of lease/licence and did not discuss key topics like exclusive possession.	
Suggested Points for Response:	
• Recognition of leasehold as an estate in land • Recognition of licence as a contractual right over land of another • Characteristics of a lease • Discussion of requirement for exclusive possession • Sham clauses and modern approach • Exceptions to usual rule of exclusive possession • Requirement for certainty of term • Discussion of requirement for certain term • Effect of distinction between lease and licence • Relevant case law	

Question 3	25 marks
Data is limited for this question.	
Suggested Points for Response:	
• Charge as an interest in land • Identification of the roles of mortgagee and mortgagor • Identification of the key principle of the equity of redemption • Relevant discussion (breadth and/or depth) of any of the following: ○ Right to redeem ○ Principle of no clogs or fetters on this right ○ Collateral advantages/ restraint of trade ○ Prohibition of oppressive/unconscionable terms ○ Statutory protection of mortgagor ○ Doctrine of undue influence ○ Relief against possession at common law ○ Relief against possession under statute (s36 AJA 1970) • Recognition of mortgage as a contract allowing personal remedy • Recognition of right to take possession before ink is dry • Relevant discussion (breadth and/or depth) of any of the following: ○ Personal remedy and its limitations ○ Exercising right to possession ○ Right to sale and when exercisable ○ Law relating to sale and duties of mortgagee ○ Relief against possession under statute (s36 AJA 1970) ○ Appointment of receiver ○ Foreclosure • Relevant statute/ case law • Reasoned conclusion answering the question asked	

Question 4	25 Marks
This question was attempted than more than two thirds of candidates. Candidates showed a solid knowledge of the areas being tested and performed marginally better on part (a) than part (b).	
Suggested Points for Response Question 4a:	13 marks
• Categorisation of items as either fixtures or fittings/chattels • Effect of this distinction – realty or personalty • Traditional test: degree of annexation • Traditional test: purpose of annexation • Modern approaches: permanence • Modern approaches: ‘common-sense approach’ • Relevant case law	
Suggested Points for Response Question 4b	12 marks
• Understanding that title will govern possession • Recognition that English law recognises relative title • Recognition that strongest claim is that of true owner • Distinction between objects found on the ground and in the ground • Discussion of law ‘on the ground’ - finder likely to have strongest claim...unless occupier of land exercises ‘control’ over it • Discussion of law ‘in the ground’ - superior rights of landowner • Relevant case law	

Section B

Question 1	25 marks
Less than half of candidates attempted this question.	
The topic area was 'Easements' and some candidates could have improved their responses by understanding that both knowledge (characteristics and creation of easements), and application was required.	
Suggested Points for Response:	
• Definition of an easement • Discussion of characteristics of an easement • Discussion of methods of creating easement • Application of above points to facts, in particular the following • Application re: Beryl: ○ Rights of storage and ouster principle ○ Creation of easement by prescription • Application re: Chikuk/Daria ○ Must benefit the dominant tenement (not personal) ○ Would easement extend to visitors of a business? ○ Formalities to grant easement ○ Creation of easement by necessity ○ Creation of easement by rule in Wheeldon v Burrows ○ Creation of easement by operation of S62 LPA 1925 • Relevant case law	

Question 2	25 marks
This question on proprietary estoppel was attempted by just under two thirds of candidates and was generally answered quite well.	
Suggested Points for Response:	
• Recognition of doctrine of proprietary estoppel as a method of enforcing promises not recognised by law • Need for clear assurance relating to rights in land • Application: vagueness of assurance vs "farm and family" approach • Need for reliance upon the assurance • Application: Evidence of reliance over time, distinction between 'general' reliance and reliance in 2019 • To the detriment of the claimant • Application: Discussion of potential benefit vs detriment based on life choices • Overarching requirement of unconscionability • Application to facts of question, with reference to relevant case law • Potential remedies	

Question 3	25 marks
This question on 'adverse possession' was the most popular and candidates performed well.	
Suggested Points for Response:	
• Identification of relevant doctrine of adverse possession • Discussion of need to show factual possession • Application: reasoned argument as to when Sadia took factual possession of land • Discussion of need to show intent to possess • Application: reasoned argument as to when Sadia had intent to possess the land • Discussion of requirement that possession is adverse • Application: reasoned argument as to whether Sadia has at any point acknowledged title • Relevant case law to support the above • Law relating to registered land, particularly Land Registration Act 2002 Sch 6 • 10 year time limit for claim to be brought • Recognition that claim would fail on counter-notice unless an exception applies • Discussion/application of possible exception, particularly "honest belief" and 10 year time period • Application of law to facts • Reasoned conclusion	

Question 4	25 marks
Data for this question is limited.	
Suggested Points for Response Question 4a	9 marks
• Identification of nature and purpose of freehold covenants • Explanation that covenants remain binding between original purchasers • Identification of how both benefit and burden of covenants must pass to successors, either in law or in equity. • Application to facts, including: ○ Identification of covenant as negative ○ Recognition burden will not pass in law ○ Discussion of passing benefit in equity ○ Specific discussion of passing benefit by way of building scheme ○ Discussion of passing burden in equity ○ Conclusion that covenant likely enforceable	
Suggested Points for Response Question 4b	9 marks
• Identification of how both benefit and burden of covenants must pass to successors, either in law or in equity. • Application to facts, including: ○ Identification of covenant as positive ○ Recognition burden will not pass in equity ○ Discussion of passing benefit in law ○ Discussion of passing burden in law ○ Exceptions to usual rule that burden does not pass, especially doctrine of 'mutual benefit and burden' ○ Conclusion that covenant likely enforceable	

Suggested Points for Response Question 4c	7 marks
• Identification of how both benefit and burden of covenants must pass to successors, either in law or in equity. • Application to facts, including: ○ Identification of covenant as positive ○ Recognition that benefit does not need to pass as Ugo is party to original covenant ○ Recognition burden will not pass in equity to Yasmin because positive and/or does not touch and concern land ○ Recognition burden will not pass in law to Yasmin ○ Recognition that benefit does not need to pass to Zimran as party to original covenant ○ Conclusion that covenant likely enforceable against Zimran but not Yasmin	