



CHIEF EXAMINER REPORT

JUNE 2025

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 June 2025 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 very much in line with recent sessions, although there were a small number of exceptional candidates who performed extremely well and, in one instance, obtained a truly outstanding mark well above the distinction threshold.

Candidates generally did better in applying the law (i.e. the Section B questions) as opposed to discussing and analysing it (i.e. in Section A). Knowledge was generally strong on proprietary estoppel, easements and remedies in mortgages, as well as (as always) adverse possession. Candidates were notably weaker in relation to constructive trusts, protection of mortgagors, and protecting interests in land (especially registered land).

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 has not been included.

Section A

This question was attempted by exactly half the cohort. Knowledge of mortgages was quite limited overall, but candidates were generally able to pass this question.

Question 1a	14 marks
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- Credit relevant discussion (breadth and/or depth of any of the following:
 - Right to redeem
 - Principle of no clogs or fetters on this right
 - Prohibition of oppressive/unconscionable terms
 - Statutory protection of mortgagor
 - Doctrine of undue influence
 - Relief against possession
- Relevant statute/ case law

Question 1b	11 marks
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- Definition/ explanation of mortgage
- Personal remedy
- Right to possession and when exercisable
- Right to sale and when exercisable
- Appointment of receiver
- Foreclosure
- Relevant statute/ case law

Question 2a	13 marks
<ul style="list-style-type: none"> • Explanation of constructive trust as a mechanism • Distinction between where both parties legal owner and where one sole legal owner • 'Joint names' cases: qualification presumed • 'Sole names' cases: where express agreement • 'Sole names' cases: implied agreement • Relevant case law 	
Question 2b	12 marks
<ul style="list-style-type: none"> • Distinction between where both parties legal owner and where one sole legal owner • 'Joint names' cases: starting presumption 50/50 • Where court will depart from presumption • 'Sole name' cases: express intention approach • 'Sole name' cases: implied agreement approach 	

Question 3	25 marks
<p>Interests in land is probably the hardest and most complex area, and often attracts a small number of candidates who seem to have learned "old" law.</p>	
<ul style="list-style-type: none"> • Recognition of interests falling short of an estate in land • Distinction between registered and unregistered land • Distinction between legal and equitable interests • Identification of legal interests from LPA 1925 • Principle that legal interests bind the world • Equitable interests against bona fide purchaser • Doctrine of notice • Interests covered by Land Charges Act 1972 • Interests covered by Land Registration Act 2002 • Interests that override • Relevant case law 	

Question 4	25 marks
This question was probably quite self-selecting as it was very focused on one single piece of legislation (TLATA 1996).	
<ul style="list-style-type: none"> • TLATA definition of trust of land • Absolute powers of trustees as owners • Power to insist on conveyance to beneficiaries • Exclusion of powers/ limitation of consent • Right of beneficiary to occupation • Application for sale under s14 and s15 • Prevention of sale by beneficiary • Historical background to TLATA legislation • End of doctrine of conversion • Delegation of trustee powers • Application of S335A Insolvency Act 1986 • Overreaching • Relevant case law • Further breadth/ depth on “should include” topics 	

Section B

Question 1	25 marks
Generally candidates performed better on section B and this question was no exception. Performance was relatively good here.	
<ul style="list-style-type: none"> • Explanation of doctrine of proprietary estoppel • Need for clear assurance relating to rights in land • Need for reliance upon the assurance • To the detriment of the claimant • Overarching requirement of unconscionability • Potential remedies • Application of above points to facts • Relevant case law 	

Question 2	25 marks
This question was attempted by a small handful of candidates. Data is limited.	
<ul style="list-style-type: none"> • Explanation of leasehold estate • Distinction between lease and licence • Perpetually renewable leases • Formalities required to create legal lease • Equitable leases • Application of above to H's agreement • Requirement for lease to be for certain term • Application of above to I's agreement • Requirement for exclusive possession • 'Sham clauses' distinguished from shared accommodation • Acts of generosity • Application of above to agreements for flats 	

Question 3	
This was the most popular section B question and covered adverse possession, which students like. It was answered reasonably well on the whole.	
Question 3a	15 marks
<ul style="list-style-type: none"> • Identification of relevant doctrine of adverse possession • Discussion of need to show factual possession • Discussion of need to show intent to possess • Law relating to unregistered land, particularly Limitation Act 1980 • Relevant case law to support the above • Application of law to facts • Reasoned conclusion 	
Question 3b	10 marks
<ul style="list-style-type: none"> • (Credit explanation of general principles if not provided in (a)) • Law relating to registered land, particularly Land Registration Act 2002 Sch 6 • Relevant case law to support the above • Application of law to facts • Reasoned conclusion 	

Question 4	25 marks
On this question, performance was reflective of a cohort generally able to apply the law at pass level.	
<ul style="list-style-type: none"> • Definition of an easement • Discussion of characteristics of an easement • Rights capable of being easement • Ouster principle • Discussion of methods of creating easement • Application of above points to facts • Formalities required for express creation • Requirement for registration/ protection of interest • Possibility of overriding interest • Relevant case law 	