CILEX

CHIEF EXAMINER REPORT

JUNE 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 June 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. In general, the questions on co-ownership, fixtures/fittings, adverse possession and mortgages performed better. Weaker responses related to questions on interests in land and registration/land charges, estoppel and implied easements. Answers could have been generally improved in Section B by using the IRAC structure throughout (i.e. applying the law issue by issue, not all at once at the end).

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 was attempted by half of candidates and the performance was weak. There was a lack of knowledge of the area (interest in land) and in particular across registered and unregistered land.	
Suggested Points for Response Question 1a:	14 marks

• Recognition that area largely governed by Land Registration Act 2002
• Identification of key principle that (most) interests must be registered in order to be protected
• Protection by notice and by restriction
• Overriding interests, potentially including:
  ○ Discussion of short leases as OR interest
  ○ Discussion of actual occupation as OR interest (detail on this point in particular would be expected in stronger answers)
  ○ Discussion of easements as OR interest	

Suggested Points for Response Question 1b:	11 marks
• Distinction between legal and equitable interests • Recognition of which interests can be legal • Principle legal interests bind the world • Principle that equitable interests do not bind *bona fide* purchaser for value without notice ("equity's darling") • Protecting equitable interests under Land Charges Act 1972 • Overriding interests/ actual occupation • Overreaching	

Question 2	25 Marks
This question was attempted by just over half of candidates and the performance was mixed.	
Suggested Points for Response Question 2a:	18 marks

- Explanation of place of proprietary estoppel within land law
- Identification of equitable nature of the doctrine
- Outline of usual formalities required for disposition of an interest in land, especially s2 LP(MP)A 1989
- Identification of requirements for promissory estoppel to arise, and discussion on each point, e.g.:
    - Promise: especially lack of single clear express promise in some such cases
    - Reliance/detriment: especially willingness of court to consider wide range of behaviour/decisions
    - Unconscionability and remedies: balance between doing justice to claimant and protecting e.g. other family members

Suggested Points for Response Question 2b:	7 marks

- Further focus on formalities required for disposition of an interest in land, especially s2 LP(MP)A 1989 (if not in (a))
- Recognition that formalities are expected in commercial transactions (c.f. 'farm and family' cases)
- Identification of requirements for promissory estoppel to arise, and discussion on each point, e.g.:
    - Promise: stricter requirements for certainty in commercial cases, need for a certain interest not a mere expectation of future negotiations
    - Reliance/detriment: discussion of how this might be demonstrated in commercial cases
    - Unconscionability and remedies: a much stricter approach, given parties should comply with formalities. Possibility of *quantum meruit* as alternative remedy

Question 3	25 marks
This question was attempted by just under two thirds of candidates and the most popular on Section A. The average performance was better than that of questions 1 & 2.	
Suggested Points for Response:	

- Definition of easement
- Distinction between grant and reservation
- Easements implied by necessity
- Easements implied by common intention
- Easements implied by the rule in Wheeldon v Burrows
- Easements implied by s62 Law of Property Act 1925
- Relevant case law

Question 4	25 marks
This question was attempted by about a third of candidates and the performance was good.	
Suggested Points for Response:	
• Overview of doctrine of adverse possession • Explanation of basic common law requirements for claim in adverse possession • Claims in unregistered land under Limitation Act 1980 • Discussion of reasons behind reform of adverse possession as part of Land Registration Act 2002 • Claims in registered land under Sch 6 Land Registration Act 2002 • Recognition of policy considerations relating to adverse possession • Case law subsequent to 2002 Act • Reasoned conclusion answering the question asked	

Section B

Question 1	25 Marks
This question was attempted by two thirds of candidates and the performance was good overall, but stronger on 1a than 1b.	
Suggested Points for Response Question 1a:	17 marks

• Distinction between fixtures and fittings/chattels
• Test of degree of annexation
• Test of purpose of annexation
• Test of permanency
• "Common sense" approach
• Application of above law to facts, including:
  ○ Annexation/ ease of removing graffiti art
  ○ Purpose of art/ "scheme of decoration"
  ○ Degree of annexation of TV/ sound system
  ○ Purpose of TV mounting vs sound system throughout house
  ○ Approach to 'white goods' and electronics – permanency
  ○ Chalet and 'common sense' approach given destruction
• Reasoned conclusion	

Suggested Points for Response Question 1b:	8 marks
• Definition of land in statute • Discussion of 3 dimensions of land i.e. airspace, below ground • Recognition of traditional approach *cuius est solum...* • Case law on trespass below ground • Reasoned conclusion (likely that will be trespass)	

Question 2	25 Marks
This question was attempted by under half of candidates and the performance was good overall, but stronger on 2a than 2b.	
Suggested Points for Response Question 2a:	13 marks
• Discussion of mechanisms for co-ownership of equitable title • Distinction between joint tenancy and tenancy in common • Presumptions as to type of co-ownership • Application: unequal shares, not a familial relationship • Reasoned conclusion: (likely to be TiC but also credit if JT is argued with reasoned argument) • Effect of sale of share in TiC (or JT if that decided above) • Effect of death of co-owner in TiC (or JT if that decided above) • Identification of size of each co-owners share • Relevant case law to support discussion	
Suggested Points for Response Question 2b:	12 marks

• Identification of TLATA 1996 as key legislation
• Explanation of effect of s14 TLATA 1996
• Explanation of effect of s15 TLATA 1996
• Application of sections to facts:
  ○ Gok has right to apply under s14
  ○ Intentions in creating trust (protecting land)	

- Purposes for which land held (for some purpose continues but for others it does not, e.g. Gok)
- No minor in occupation
- Interests of creditors (in relation to Harley in particular)

- Reasoned conclusion as to likelihood of order for sale

Question 3	25 marks

This question was attempted by a quarter of candidates and the performance was average.

Suggested Points for Response:

- Explanation of leasehold estate
- Distinction between lease and licence
- Formalities required to create legal lease
- Requirement for lease to be for certain term
- Application of above to Magdalena's agreement
    - Lack of certain term prevents lease being found
    - Possibility of periodic tenancy based on monthly rent
    - Effect of s54(2) LPA 1925 – no need for writing
    - Effect of Sch 3 LRA 2002 – no need for registration
- Requirement for exclusive possession
- 'Sham clauses' distinguished from shared accommodation
- Application of above to Nita and Oran
    - Labels of parties not determinative
    - Agreements are same text
    - PITT test looks to be met, so can be JTs
    - Married couple, not sharing between strangers
    - Reasoned conclusion (more likely sham clause and thus lease)
    - If lease, discussion of formalities: made by contract not deed (LP(MP)A 1989)
    - Likely equitable but not legal
    - Walsh v Lonsdale principle
    - Fixed term so cannot be brought to an end before 2029
    - Discussion of 7 year time period for registration of lease – exactly 7 years does mean interest which overrides, so if legal protection against 3P purchaser for Nita and Oran
    - OR discussion of para 2 and actual occupation if lease is equitable in nature
- Perpetually renewable leases
- Application to Pauline's agreement
    - Uncertain term
    - Could be interpreted as term for life under pre-1925 law
    - Term for life also uncertain but...
    - ...can be treated as 90 year term under s149(6) LPA 1925
    - Counter-argument that not what parties intended given age of Pauline

Question 4	25 marks
This question was attempted by just over a third of candidates and the performance was good.	
Suggested Points for Response:	

- Definition of a mortgage/ modern use of charge
- Explanation of common law power to strike down oppressive or unconscionable terms
- Application to KBS mortgage
    - Lack of credit history
    - 2% over usual rate
    - Unlikely to be seen as unconscionable
- Distinction between legal and equitable mortgages
- Formalities required to create/ protect a charge
- Application
    - Registered interests rank in order of registration
    - Where both registered, irrelevant that one is equitable
    - BBL mortgage has first priority
- Principle of no clogs and fetters on right to redeem
- *Solus* agreements and restraint of trade
- Application to AAC mortgage, with reasoned conclusion either way
- Remedies of mortgagee:
    - Explanation of immediate right to possession
    - Discussion of how right should be exercised in practice
    - Discussion of s36 Administration of Justice Act 1970
    - Application to the scenario
    - Outline of remedies beyond possession e.g. power of sale, appointing receiver to restaurant etc.
- Relevant law to support discussion