

Tech Level Unit 6 From 6 January 2020 - this qualification is no longer available to new learner registrations



Title:	LAND AND PROPERTY LAW
Level:	Level 3
Credit Value:	10
Guided Learning Hours	60

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1. Understand the concepts of property and land	1.1 Explain the concept of property 1.2 Explain what is meant by land	1.1 The characteristics of real property and personal property: s205(1)(xx) Law of Property Act 1925 1.2 The meaning of Land and extent of ownership as defined by Parliament
2. Understand how land may be held	2.1 Explain how land may be held 2.2 Explain legal interests and equitable rights 2.3 Explain how land can be held by more than one person 2.4 Explain the role of trusts in land transactions	2.1 Freehold - Leasehold 2.2 Legal Interest - Equitable rights 2.3 Joint tenancy - Tenancy in common 2.4 The Trusts of Land and Appointment of Trustees Act 1996. Law of Property act 1925 <i>Using relevant cases and statutes</i>

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	<p>2.5 Explain what is meant by conveyancing</p> <p>2.6 Outline the stages of a conveyance</p> <p>2.7 Identify the elements covered by a land transaction</p> <p>2.8 Explain the legal requirements for a land transaction</p>	<p>2.5 Sale and purchase of land, freehold and leasehold, residential, mortgages</p> <p>2.6 The agreement between seller and purchaser is Subject to contract - Pre-exchange - Exchange of contracts - Before completion - Post completion</p> <p>2.7. Tangible and intangible rights; 'Fixtures' and 'Chattels' (Fittings) and tests for distinction through cases.</p> <p>2.8 Law of Property (Miscellaneous Provisions) Act 1989; transfer deed</p> <p><i>Using relevant cases and statutes</i></p>
<p>3. Understand the difference between registered and unregistered land transactions and how the registered land system operates</p>	<p>3.1 Explain what is meant by Registered and Unregistered land</p> <p>3.2 Explain the advantages of land registration</p> <p>3.3 Explain the contents of the Land Register and its practical advantages</p> <p>3.4 Explain the meaning of 'Title'</p> <p>3.5 Explain the types of interests that can be protected</p> <p>3.6 Explain what is meant by compulsory land registration</p>	<p>3.1 Registered and unregistered land, title deeds and good root of title, creation of system of registered land</p> <p>3.2 Protection of interests of: legal owners; third party rights and any equitable interests that may be applicable; Land Registration Act 2002</p> <p>3.3 Major principles; mirror, curtain, insurance. Contents of the Official copy, the 3 registers, advantages of the system</p> <p>3.4 Types of registered title for both freehold and leasehold land</p> <p>3.5 Types of interest show on the register; notices and restrictions, interests that override registration, Schedules 1 and 3 Land Registration Act 2002</p> <p>3.6 Compulsory requirements for land registration from 1990 as extended from 1998 and now under Land Registration Act 2002</p> <p><i>Using relevant cases and statutes</i></p>

<p>4. Understand what is meant by an easement</p>	<p>4.1 Define what is meant by an easement</p> <p>4.2 Identify the main features of an easement</p> <p>4.3 Explain how easements are created</p> <p>4.4 Explain how easements are discharged</p>	<p>4.1 3rd party rights over another's land, right to do something over another's land</p> <p>4.2 Four characteristics of an easement</p> <p>4.3 Legal and equitable easements; grant and reservation; methods of creation: express grant and reservation by deed; implied grant and reservation by necessity; common intention; implied grant. Easements as an overriding interest in registered land. Profits and acquisition of profits.</p> <p>4.4 Statute, unity of ownership and possession: release: express by deed or implied e.g. by intentional abandonment.</p> <p><i>Using relevant cases and statutes</i></p>
<p>5. Understand what is meant by a covenant and its effect</p>	<p>5.1 Define what is meant by a covenant</p> <p>5.2 Explain Restrictive covenants and Positive covenants</p> <p>5.3 Explain the conditions relating to how covenants may be enforced</p> <p>5.4 Explain how restrictive covenants may be modified or discharged</p>	<p>5.1 Legally binding obligation between freehold landowners forming interest in land</p> <p>5.2 Restrictive; obligation to refrain from an action by a landowner, Positive; obligation to do some positive act or expend money by a landowner</p> <p>5.3 Enforcement in common law and equity, benefit and burden in both common law and equity,</p> <p>5.4 Order of Upper Tribunal (Lands Chamber); or deed of release or variation, or implied release by: change in neighbourhood or acquiescence in breach; or merger</p> <p><i>Using relevant cases and statutes</i></p>
<p>6. Understand what is meant by a mortgage</p>	<p>6.1 Define what is meant by a mortgage</p> <p>6.2 Explain a legal and an equitable mortgage</p> <p>6.3 Describe how to create a legal mortgage and an equitable mortgage</p>	<p>6.1 Security for money lent, right over borrowers land to enforce payment.</p> <p>6.2 Law of Property Act 1925, need for deed, lack of formalities, need for writing;</p> <p>6.3 Charge by way of legal mortgage, mortgage by demise, informal mortgage of legal estate, equitable charge.</p>

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	<p>6.4 Distinguish between the main types of mortgage available</p> <p>6.5 Explain the rights of the mortgagee and remedies on mortgagor's default</p>	<p>6.4 Repayment, endowment, outline of other types.</p> <p>6.5 Equity of redemption; invalid fetters (clogs) on the equity of redemption e.g.: undue postponement of redemption. Remedies of the mortgagee: possession, sale and duties on sale, appointment of receiver, action in debt, and, in outline only, foreclosure.</p> <p><i>Using relevant cases and statutes</i></p>
7. Understand how to apply Land and Property Law	7.1 Apply Land and Property Law to a given situation	7.1 Application of above principles to a scenario.

Additional information about the unit	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Land and Property Law
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2016