

Unit 4



Title:	Land Law
Level:	3
Credit Value:	7

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1 Understand what is meant by 'Land'	<p>1.1 Distinguish between 'real property' and 'personal property'</p> <p>1.2 Explain what is meant by Land</p> <p>1.3 Apply an understanding of the meaning of Land to a given situation</p>	<p>1.1 Special characteristics of real property and how it differs from other forms of ownership.</p> <p>1.2 The meaning of Land as defined by Parliament, eg, s205(1)(ix) Law of Property Act 1925 and by the courts; eg, <i>Bernstein v Skyviews (1978)</i>.</p> <p>1.3 Remedies for trespass to land; application to a scenario.</p>
2 Understand what will be purchased in a Land transaction	<p>2.1 Identify the elements that make up a Land transaction</p> <p>2.2 Explain the legal requirements for land purchase</p> <p>2.3 Explain the distinction between Freehold, Commonhold and Leasehold property</p>	<p>2.1 Tangible and intangible rights; 'Fixtures' and 'Chattels'.</p> <p>2.2 s1 & s2 Law of Property (Miscellaneous Provisions) Act 1989: formalities required for valid contract for disposition of land; formalities required for deed (necessary to transfer legal ownership of land).</p> <p>2.3 Legal estates and definition and application of each, ie, s1(1) LPA 1925; meaning of 'fee simple absolute in possession' and 'term of years absolute'; meaning of land held as</p>

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	<p>2.4 Explain what is meant by ‘legal interests’ and ‘equitable rights’</p> <p>2.5 Apply an understanding of what is purchased in a land transaction to a given situation</p>	<p>commonhold under Commonhold and Leasehold Reform Act 2002.</p> <p>2.4 The five legal interests under s1(2) Law of Property Act 1925; equitable rights under s1(3) Law of Property Act 1925; Overreaching, ie, LPA 1925, Trusts of Land & Appointment of Trustees Act 1996.</p> <p>2.5 Application to a scenario.</p>
3 Understand the distinction between registered and unregistered land	<p>3.1 Distinguish between registered and unregistered land</p> <p>3.2 Explain the advantages of the Registered system of land</p> <p>3.3 Explain what is meant by Compulsory Land Registration</p> <p>3.4 Apply an understanding of this distinction to a given situation</p>	<p>3.1 Historical reasons for creating the system of Registered Land; Unregistered system; Land Charges Register and requirements for establishing a good root of title.</p> <p>3.2 Protection of interests of legal owners and any equitable interests that may be applicable; Third party rights; Land Registration Act 2002.</p> <p>3.3 Compulsory requirements for land registration from 1990 as extended from 1998 and now under Land Registration Act 2002.</p> <p>3.4 Application to a scenario.</p>
4 Understand the way in which the registered land system works	<p>4.1 Explain the contents of the Register and the practical advantages the system offers</p> <p>4.2 Explain the meaning of ‘Title’ and the types of interests that can be protected</p>	<p>4.1 The system of Registered land; the mirror, curtain and insurance principles; how the system works from a theoretical basis; the contents of the Official Copy and its three registers; the advantages of the system.</p> <p>4.2 Freehold title: Absolute, qualified, possessory; Leasehold title: Absolute, good, qualified, possessory; the four types of</p>

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	4.3 Apply an understanding of the registered land system to a given situation	interest in registered land. 4.3 Application to a scenario.
5 Understand how land can be held by more than one person	<p>5.1 Distinguish between a joint tenancy and a tenancy in common</p> <p>5.2 Apply an understanding of the two types of co-ownership to a given situation</p> <p>5.3 Explain the equitable doctrines of resulting and constructive trusts</p> <p>5.4 Explain the rights and duties of trustees and equitable owners under a trust</p> <p>5.5 Apply an understanding of trusts to a given situation</p>	<p>5.1 Choices available to clients given their individual circumstances.</p> <p>5.2 Joint tenancy; advantages and disadvantages: the four unities, right of survivorship, severance; tenancy in common; advantages and disadvantages: shares can be held in equity only, legal title must be held as joint tenants; application to a scenario.</p> <p>5.3 Case law in relation to resulting and constructive trusts, eg, <i>Grant v Edwards (1986)</i>, <i>Lloyds Bank v Rossett (1991)</i>, <i>Drake v Whipp (1995)</i>, <i>Stack v Dowden (2007)</i>.</p> <p>5.4 Definition of trustees and equitable owners (beneficiaries under a trust); TLATA especially ss14 and 15.</p> <p>5.5 Application to a scenario.</p>
6 Understand the nature and effect of an easement	<p>6.1 Identify the characteristics of an easement</p> <p>6.2 Explain how easements are created</p>	<p>6.1 The creation of an easement; the rules in <i>Re Ellenborough Park</i>; case law, eg, <i>Hill v Tupper (1863)</i>, <i>Moody v Steggles (1879)</i>, <i>Re Aldred's Case (1610)</i>, <i>Copeland v Greenhalf (1952)</i>, <i>London & Blenheim Estates v Ladbroke Retail Parks Ltd (1992)</i>.</p> <p>6.2 Legal and equitable easements; types of grant: express grant and reservation, implied grant and reservation etc; the rule in <i>Wheeldon v Burrows</i>; s.62 Law of Property Act 1925; prescription; easements as an overriding interest; profits and acquisition of</p>

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	<p>6.3 Explain how easements are discharged</p> <p>6.4 Apply an understanding of easements to a given situation</p>	<p>profits.</p> <p>6.3 Statute, unity of ownership and possession, release.</p> <p>6.4 Application to a scenario.</p>
7 Understand the restrictions and obligations imposed on land ownership by covenants	<p>7.1 Explain the common law rules on the creation of covenants</p> <p>7.2 Distinguish between restrictive and positive covenants</p> <p>7.3 Explain rules on enforcement of covenants</p> <p>7.4 Describe how restrictive covenants can be modified or discharged</p> <p>7.5 Apply an understanding of covenants to a given situation</p>	<p>7.1 Definition of covenant as legally binding obligation forming interest in land.</p> <p>7.2 Look to substance and to form.</p> <p>7.3 Benefit and burden at common law; benefit and burden in equity, ie, <i>Smith & Snipes Hall Farm Ltd v River Douglas Catchment Board (1949)</i>, <i>Austerberry v Oldham Corporation (1885)</i>, <i>Rogers v Hosegood (1900)</i>, <i>Tulk v Moxhay (1848)</i>.</p> <p>7.4 Order of Upper Tribunal; or deed of release or variation, or merger etc.</p> <p>7.5 Application to a scenario.</p>
8 Understand the nature and effect of a mortgage	<p>8.1 Explain the main types of mortgage available</p> <p>8.2 Describe how to create a mortgage</p> <p>8.3 Explain how a mortgage can be discharged with remedies in default</p> <p>8.4 Apply an understanding of mortgages to a given situation</p>	<p>8.1 Repayment, endowment, pension.</p> <p>8.2 Legal and equitable mortgages; equity of redemption.</p> <p>8.3 Remedies of the mortgagee: possession, sale, appointment of receiver and, in outline only, foreclosure.</p> <p>8.4 Application to a scenario; advising clients on type of mortgage; consequences of non-payment of mortgage; liability of others</p>

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		resulting from default by mortgagor eg, guarantor of mortgage.
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Additional information about the unit	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Land Law
Unit expiry date	31 March 2015
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	ILEX (Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2008

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