



DECEMBER 2016

LAND LAW

Instructions to candidates:

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
 - b) Answer any FIVE questions
 - c) All questions carry equal marks. Marks for each question are shown in []
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1. What are the characteristics of:
 - a) the TWO legal estates in land [10]
 - b) the FOUR [formerly five] legal interests in land [10]

 2. Mr John Bull is selling his home, number 53 Acacia Avenue, Poole, Dorset BZ15 9ZP. The buyer is Mrs Victoria Jones of Flat 1, First Avenue, New York, 123470Z. Mrs Jones has agreed to pay £550,000 for the house and she will pay a 10% deposit on exchange. The house is registered at HM Land Registry with Title Number: DZ987654. The contract rate will be 4% above the Law Society's base rate. Mrs Jones is not purchasing any chattels separately. Draft documentation is being prepared.
 - a) Explain the statutory requirements for formalities in residential property transfer transactions and how they are complied with, by reference to how you would prepare the draft contract and draft transfer. [10]
 - b) Set out the instructions you would give to the clients about signing the draft documents prior to exchange and completion. [10]

 3. Evaluate the difference between a legal lease and an equitable lease. [20]

 4. In May 2014, Davinia, the registered freehold owner of a large house, decided to convert the top floor into a flat. She then granted a two-year lease to Sarah. This lease provided for access to the flat via an outside set of stairs, together with residential parking at the front of the building. When Sarah moved in, Davinia orally agreed for her to access the flat via the internal stairs. Also, although she gave no express agreement, Davinia raised no objection when Sarah set up a flower stall in the residential parking space at the front of the house.

Two years later, in May 2016, Sarah's lease expired. Davinia granted a new lease on the same terms as the last lease. Sarah continued to use the internal stairs and sell flowers.

In September 2016, Davinia sold the freehold to Robert. Robert tells Sarah she can no longer use the internal stairs or sell flowers. Advise Sarah. [20]

 5.
 - a) Explain how third party interests are able to exist in or over registered land. [7]
 - b) What are the estates and interests in respect of which it is possible to effect substantive registration in registered land? [7]
 - c) Are minor interests protected in registered land and if so how? [6]

 6. The parents of Anne, Bessie, Claire and Dora buy a property for their daughters to live in, in Bournemouth. The property is held by the four girls as beneficial joint tenants. Anne becomes engaged to Eric who moves into the property. Anne makes a will leaving everything to Eric. Bessie leaves the property to go to work in Scotland and sells her share to Claire. Dora is killed in a car accident. Set out the law on co-ownership and in whom the legal and beneficial title will now be vested. [20]

 7. Should the law regarding restrictive covenants in the context of freehold land be reformed? What are the current rules for creation of an effective restrictive covenant and will both the benefit and the burden run with the land? [20]

 8. Are the remedies of mortgagees sufficient to promote commercial lending in the residential sector? [20]