



ICM

JUNE 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 []
1. Compare and contrast leases and licences, using case law. [20]
2. John's will (made September 2008) leaves all his realty to his son James and his personalty to his daughter Jenny. In January 2012 he married Petra and he bought a freehold property in their joint names beneficially. He also made a codicil to his 2008 will confirming it in all respects. John dies and at his death he owns a leasehold investment property and the freehold property in which he lives with Petra and some stocks and shares.
- a) Explain the difference between realty and personalty. [10]
- b) Under the terms of John's will explain who will inherit which assets. [10]
3. Evaluate the current law on adverse possession. [20]
4. How do the rules under the Land Registration Acts operate to protect the various rights capable of existing in Registered Land? [20]
5. In the context of purchasing residential property, are the interests of the mortgagor sufficiently protected? [20]
6. Explain and evaluate the protection given to beneficiaries under TOLATA 1996. [20]
7. Hubert owns a farm which he bought in 1980. Shortly after Hubert moved in his neighbour Iago started to take a shortcut through the farm into the nearby village. Iago has continued to use this shortcut. At about the same time Iago started to park his car in the yard of the farm and again has continued to do this. Some years ago Hubert gave Jim (who lives 3 miles away) the right to collect apples from Hubert's orchard. Peter's house backs onto Hubert's farm. Peter plays football in his garden with his children and often goes onto Hubert's farm with Hubert's agreement to collect the children's football. Using case law, advise Hubert what third party legal interests, if any, they have over his farm.
- a) Iago [10]
- b) Jim [5]
- c) Peter [5]

continued overleaf

8. Annie, an elderly lady, owns Green Gables a large freehold house with a small cottage in large grounds. Annie employs Bessie a professional nurse, to care for her, Annie, and to be available in times of emergency because of Annie's poor health. Bessie has been given the use of the small cottage to facilitate this.

Annie also lets a self-contained flat ("The Flat") at the top of the house to Dannie for two years with a written agreement called a "licence agreement". Dannie moved in and is paying the full market value of £600 per month.

Annie agreed that the inside of the windows of The Flat would be cleaned and the rubbish removed. Further, that her agent would enter to inspect the state of repair of the property on the morning of the first Saturday of every month, although this has never happened.

Annie has now sold Green Gables to Jennifer.

Advise:

- a) Bessie what property rights, if any, she now has over the cottage
- b) Dannie what property rights, if any, he has in respect of The Flat

[20]