

EXAMINATION QUESTION PAPER:

Reassessment, 2014

Module code: LL2025C
Module title: Land Law
Module leader: Dita Gill

Date: July/August 2014
Duration: 2 Hours 30 Minutes

Exam type: Seen, Restricted
Materials supplied: Examination question paper
Answer booklet
Materials permitted: Candidate's own un-annotated copy of any statutory material
English Language dictionary
English/Foreign Language dictionary
The dictionaries must be in book not electronic form.
Law dictionaries are not permitted.
Warning: Candidates are warned that possession of unauthorised materials in an examination is a serious assessment offence.

Instructions to candidates: Candidates will be required to answer any THREE questions

DO NOT TURN PAGE OVER UNTIL INSTRUCTED

1. "The essence of a system of registration of title [to land] is that...any person will be safe in relying on the register." (Maudsley & Burn)

To what extent does the English system of registration of title to estates in land achieve this objective?

2. Last year Lata, the registered proprietor of a freehold estate, entered into an agreement with Tim to grant him a 20 year lease of the property. The property consisted of a large house. No lease was ever executed, but Lata accepted rent from Tim on a monthly basis. Tim has never lived in the house but has allowed his divorced step-daughter, Anya, to live there rent-free. In order to gain some income, Anya has granted 'exclusive possession' of five bedrooms to students for the duration of the academic year.

Last month Lata sold the house to Raymond. The sale was expressed to be subject to Tim's lease. Raymond's search of the register of title of the freehold revealed that Tim has not registered his lease. Raymond wants all the occupiers of the house to leave immediately.

Advise Raymond as to his legal position.

3. In 2000, Luka granted Toni a 99 year lease of a flat, taking from Toni a number of covenants, including:
 - (a) To use the property as a dwelling only;
 - (b) To pay rent;
 - (c) Not to assign or sublet without Luka's consent.

Toni observed all these covenants.

In 2010, Toni assigned the lease to Andres, with Luka's consent. Toni signed an authorised guarantee agreement to guarantee Andres's performance of the tenant covenants.

In 2012, Luka sold the reversion to Ronaldo.

Earlier this year, Andres got into financial difficulties and failed to pay the rent for six months. Andres sublet the premises to Suarez. Suarez is now running his aromatherapy business from the premises.

Advise Ronaldo as to his remedies, if any, for breach of the tenant covenants.

4. Explain the circumstances in which a mortgagee becomes entitled to seek possession of the mortgaged property, or to sell it, and outline the protection available to the mortgagor, if any.

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5. Fiona was the owner of a large freehold property, title to which was registered. In 2009, Fiona divided the land into two plots, A and B, which she sold to Yusuf and Zainab respectively.

The only access to plot A was along a shared driveway across plot B. The water and sewer pipes for plot A ran underground across plot B. The transfers to Yusuf and Zainab made no mention of the access road or the water and sewer pipes, but Yusuf and Zainab were good neighbours and there was never any dispute between them regarding use of the pipes or access road.

Recently Zainab sold plot B to Didier. Didier has now told Yusuf that he may not use the shared driveway or the water and sewer pipes unless he enters into a formal agreement and pays a premium to acquire these rights.

To add to Yusuf's problems Bhatti, the owner of a property adjoining plot A, claims that she has the right to store her gardening tools in Yusuf's garden shed. Bhatti says that Fiona had allowed her to use the shed in this way for several years before Fiona sold her estate in the property.

Advise Yusuf about his rights (if any) in relation to Didier's property, and Bhatti's right (if any) to use his garden shed.

6. Explain the deficiencies in the law governing the enforceability of freehold covenants. What changes (if any) would you recommend?

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