

GDL 007 LAND LAW

Module Number: GDL 007

Module Title: Land Law

Number of Aston Credits: 20

Total Number of ECTS Credits: 10

(European Credit Transfer)

Staff Member Responsible for the Module:

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Pre-Requisite(s) for the Module: None

Module Learning Outcomes:

At the end of this module, students will:

(a) Understand the Historical background to English Land Law and understand the manner in which land is owned and the ways in which third party rights arise.



- (b) Be able to identify differences between legal and equitable interests, estates and titles in land.
- (c) Understand the difference between Unregistered and Registered conveyancing and the nature and significance of Land Registration.
- (d) Be able to evaluate critically the operation of the rules governing the ownership of Land and the operation of third party rights in Land.
- (e) Be able to identify and analyse the various 'third party property rights' which can affect Land titles, *viz*: Easements, Leases, Freehold Covenants, Mortgages, Adverse Possession Claims, Licences and estoppel-based rights.
- (f) Understand the Law relating to the Co-ownership of Land
- (g) Be able, to use lectures and seminars as a starting point from which further independent research can be carried out
- (h) Be able to tackle Land Law problem questions by using the course knowledge and independent research to: (i) identify salient Land Law legal issues and (ii) apply the law so as to try and solve such problem questions.
- (i) Engage in doctrinal discourse; providing their own responses to unresolved land law problems and providing imaginative solutions to difficult issues.

Module content:

The organisation, content and teaching methods for this GDL module reflect QAA Benchmark standards for Law and are designed to meet the learning outcomes specified above. The module is designed to ensure that outcomes meet the professional standards (Joint Announcement) required for this foundation subject at the academic stage.









- (a) General principles. Definition of land. Doctrine of tenures and estates. Fee simple estates. Legal and equitable rights.
 Principles of the 1925 legislation. 2002 Land Registration Act.
- (b) Law and equity
- (c) Unregistered and registered conveyancing. Land Charges Act 1972. Doctrine of notice. Land Registration Acts. Concept of overreaching.
- (e) Co-Ownership: Consecutive and concurrent interests in land; Co-ownership: Trusts of Land And Appointment of Trustees Act 1996
- (g) Nature of Leasehold Interests: Leases: Content, Enforceability of Covenants and Termination
- (i) Mortgages; Nature and creation. Position and rights of the mortgagor. Rights and remedies of the mortgagee.
- (j) Adverse Possession
- (k) Easements; Characteristics, creation, extinguishment and extent.
- (I) Covenants between Freeholders; The common law and equitable rules relating to the running of the burden and benefit of covenants.
- (m) Licences: Bare licences, contractual licences, their revocability and enforceability against third parties. Proprietary estoppel, the nature of the doctrine, remedies and enforceability against third parties.
- (n) The Doctrine of Proprietary Estoppel

International dimensions:

This module is concerned with English law, but comparisons with other legal jurisdictions are made where relevant.









Corporate connections:

Actual case examples and practical illustrations are used throughout. Questions are based on hypothetical evidential documents and statements. Workshops rely heavily on the case law technique to ensure understanding of legal principle through a process of self-learning of principle.

Dr James Brown is a barrister of Grey's Inn.

Links to Research

Dr James Brown is a well-known author in the field of property law and has written extensively about all aspects of the material covered by this module. Dr James Brown is an experienced examiner in the subject and has delivered invited lectures to a wide audiences.

Method of Learning and Teaching:

Lectures are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

Workshops have two aims: (i) To direct students to their own identification of the applicable legal principles through analysis of primary source materials and (ii) To develop understanding of the application and operation of legal principles in particular contexts. Workshops can take a variety of forms with a range of both individual and group tasks being undertaken.

Seminars are designed to focus on application and analysis of specific legal principles already identified in lectures and workshops. The focus is on student contributions and on detailed, tight, analysis and discussion in order to prepare students for the examination assessment and the development of skills required for workshop assessments. Students will be required to apply their knowledge to practical case studies, identify relevant issues, sources and legal principles and present the results of their research and study either independently or









in groups. In addition, seminars will assist students to develop skills of critical evaluation of a selection of secondary sources of land law and to consider comparative solutions to particular legal problems.

Self-test questions and **multiple choice questions** for each topic are made available on the VLE, together with guidance on answering problem questions in land law and some worked answers (with reasoning processes).

Online/Class Discussion Activities At various points in the course, students will be introduced to areas where further reading and independent research will be necessary. The VLE will provide students with the opportunity to raise questions, discuss subject areas and approaches to set questions. This area of study is challenging, dynamic and diverse, and students will be encouraged and supported to take responsibility for their own learning experience.

Contact and directed learning:

Contact

Lectures 30 hours Workshops, Seminars 18 hours Examination 3 hours

Directed learning

Private study: workshop

tasks 125 hours

Workshop assessments

writing up 24 hours

Total 200 hours









Programme Outcomes:

The table below shows how this module contributes towards the achievement of the overall programme outcomes

Module Code	Module Name	A1	A2	А3	Α4	В1	B2	В3	C1	C2	C3	D1	D2	D3	D4	D5	D6
GDL007	Land Law [foundation]	V		V	V	V	V	V	V	V	V	V	V	V			V

Method of Assessment:

The module is assessed by means of an examination (70%) and a summative coursework exercise (30%).

The examination is closed book (except for the ability of students to use their own copy of an **unannotated** approved statute book). The examination is of three hours' duration and will comprise a selection of hypothetical problems and essay questions. Students are required to answer at least one problem question but may choose to answer up to three from the available selection.

The summative coursework exercise (30%) involves a case study and application tasks which will require evidence of fact analysis, identification of legal principle, research and analysis of legal principle, and application of accurate principles to factual scenarios. It will also evaluate the correct use of citation and legal writing style.

Feedback will be provided orally in workshops and seminars as responses to student answers to tasks set for these classes and any questions raised. Individual, detailed, written feedback for summative assessment is provided with follow-up online or face-to-face appointments to discuss progression and performance. Common errors identified in generic feedback on each exercise are posted on the VLE.









Generic examination feedback is posted on the VLE.

Indicative Reading List:

Introductory/Background Reading

Either:

- Gardner, S., *An Introduction to Land Law*, Hart Publishing, 2009, 2nd edition.
- Cooke E. Land Law, Clarendon Law Series, Oxford University Press, 2006

Essential Reading:

Either:

- Gray and Gray: Elements of Land Law, 5th Edition, Oxford University Press
- Megarry and Wade: The Law of Real Property, 7th Edition, Thomson, Sweet and Maxwell
- Thompson: *Modern Land Law* Fourth Edition, Oxford University Press, 2009.
- Dixon: Modern Land Law, 7th Edition, Routledge Cavendish, 2010.
- Cheshire and Burn's: Modern Law of Real Property, 17th Edition, and Oxford University Press, 2006.

Casebook

 Maudsley & Burn's Land Law Cases and Materials, 8th Edition E.H. Burn, Oxford University Press









Statutes

 Blackstone's 'Statutes on *Property Law*', Thomas, 20010/11 Oxford University Press

Journals

The generalist law and commercial journals often contain articles concerned Land law and Property law. See, e.g., *The Modern Law Review*, *The Cambridge Law Journal*, *The Oxford Journal of Legal Studies*, *The Law Quarterly Review* and *The Journal of Business Law*.

The main journal in the field of Land Law and Property is *The Conveyancer and Property Lawyer*. Additionally, articles and casenotes on Leasehold law/Landlord and Tenant Law and Property Law generally, can be found in the *L and T Review* and *Property Law Review* both published by Sweet and Maxwell.

Useful online resources:

- Westlaw UK
 Lexis-Nexis Professional
 Lawtel
 Username and password required.
 See the LIS database pages for
 further information
- The British and Irish Legal Information Institute: http://www.bailii.org/
- Cardiff Index of Legal Abbreviations: http://www.legalabbrevs.cardiff.ac.uk/
- Statute Law Database: http://www.statutelaw.gov.uk
- Office of Public Sector Information: http://www.opsi.gov.uk
- See also for Law Commission reports in the field of Land Law and Property Law generally, http://www.lawcom.gov.uk/





