

Unit 14: Property Law

Learning hours: 60 hours

Unit level: H2 (H1 or H2 for BTEC Higher Nationals only)

Unit description

This unit provides the learner with an understanding of the distinction between real and personal property, and explains the two legal estates in land and the difference between legal and equitable interests.

Also included in the unit is coverage of aspects of leases, mortgages, covenants and easements, together with mention of recent developments on registration and commonhold.

Summary of learning outcomes

To achieve this unit a learner must:

- 1 Examine the meaning of **real and personal property, land**, and the classification of estates
- 2 Explore the law on **mortgages and leases**
- 3 Examine the meaning and effect of **easements and covenants** on land
- 4 Investigate **recent developments** in relation to **commonhold and registration**.

Content

1 Real and personal property and land

Real property: freehold, corporeal heritaments, incorporeal heritaments, chattels; leases

Personal property: chattels, choses in action, choses in possession

Land: fixtures, fittings, annexation, exceptions

Estates: freehold, eg feesimple, term of years absolute

Interests: legal, equitable

Registration of Land Charges: principles, mechanics, classes

Registered and Unregistered Land: distinction, categories of registration, the register

Co-ownership of Land: joint tenants and tenants in common

2 Mortgages and leases

Definition of leases: types

Essentials: exclusive possession, certainty of duration

Formalities: deeds, writing

Rights and duties: quiet enjoyment, not to derogate, repair and fitness, covenants

Termination: forfeiture, breach

Definition of mortgages: mortgagor, mortgagee

Creation: legal, equitable

Rights: mortgagor, mortgagee

3 Easements and covenants

Definition: easements, profits, examples

Essentials for existence of easements

Creation: statute, express grant, implied grant, presumed grant

Covenants on freehold land: running, benefit, burden, equitable rules, transfer, enforcement

Covenants on leasehold land: Landlord and Tenant (Covenants) Act 1995

4 Recent developments in commonhold and registration

Commonhold: meaning, Commonhold and Leasehold Reform Act 2002

Registration: Land Registration Act 2002

Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria for pass To achieve each outcome a learner must demonstrate the ability to:
1 Examine the meaning of real and personal property, land , and the classification of estates	<ul style="list-style-type: none"> • explain the difference between real and personal property and chattels • apply knowledge of land, estates, interests and ownership in a given scenario
2 Explore the law on mortgages and leases	<ul style="list-style-type: none"> • demonstrate knowledge of the formalities needed to create a lease • apply and evaluate the rights and duties of a tenant and landlord in a given scenario • demonstrate knowledge of the ways in which a mortgage can be created • apply and evaluate the rights and duties of a mortgagor and mortgagee in a given scenario
3 Examine the meaning and effect of easements and covenants on land	<ul style="list-style-type: none"> • define easements and profits • demonstrate knowledge of the creation of easements • define covenants • apply knowledge of transfer, enforcement and discharge of covenants
4 Investigate recent developments in relation to commonhold and registration	<ul style="list-style-type: none"> • evaluate recent developments relating to commonhold • evaluate recent developments relating to registration

Guidance on delivery and assessment

Delivery

This unit can be delivered in a variety of ways. It will be usual to start with outcome 1, but then the outcomes could be covered in any order, as personal preference dictates.

Group work and other active methods of learning can be employed to enhance learners' experience and promote the required understanding. The use of case studies and specimen documentation is to be particularly encouraged, both as a means of assessment and as part of the normal learning process.

Assessment

A number of methods of assessment could be used in order to provide appropriate evidence of the achievement of the required outcomes and assessment criteria. These methods could include:

- group work to examine case study material
- case study material requiring learners to analyse and apply property law
- an observed individual presentation on selected issues.

In terms of grouping outcomes for assessment, it is suggested that each outcome might need to be addressed by a separate assignment, or it may be possible to combine one or two of the outcomes for assessment purposes

Links

This unit has links with *Unit 25: English Legal System*, *Unit 26: Business Law* and *Unit 47: Company Law*.

Support materials

Textbooks

Sufficient library resources should be available to enable learners to achieve this unit. Particularly relevant texts are:

Gravells — *Land Law* (Sweet & Maxwell, 1999) ISBN: 0421620102

Howarth N — *Land Law* (Sweet & Maxwell, 2000) ISBN: 0421683201

Maudesley and Burn — *Land Law* (Butterworths Law, 1998) ISBN: 0406896372

Thomas M — *Cases and Materials on Land Law* (Blackstone, 2002) ISBN: 1841741876

BTEC Standard unit- 62