

**Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway**

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 3BL1, 3BL2, 3CW1, 4BL2.
Exams(s)	2 nd 3 rd & 4 th LL.B. 3 rd Bachelor of Civil Law
Module Codes(s)	LW398
Module(s)	English Land Law
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Robert Pearce
Internal Examiner(s)	Dr. Padraic Kenna
<u>Instructions</u>	Answer THREE questions. All questions carry equal marks.
Duration	TWO Hours
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	LAW

1. Describe the impact on English Land Law of **any one** of the following:
 - (a) Law of Property Act 1925.
 - (b) Trusts of Land and Appointment of Trustees Act 1996.
2. The distinction between fixtures and chattels has important consequences in key areas of English land law. Discuss with reference to legal authorities.
3. In October 1987 Mr Tom Blair was granted a licence to graze his sheep on 100 acres of land owned by Mr Joe Prescott, who was waiting for planning permission for a new golf course and leisure club. He told Blair that he could continue using the land until the building works began, expected to be in 1991. However, there were many objections and the Japanese golfers who were about to join the club pulled out. Eventually, the project was abandoned. Unfortunately, in 1996 Mr Blair died and his nephew Willie Blair continued grazing the land until 2003, having written to Mr Prescott a number of times seeking a written agreement about the land and offering money for rent. He never received a reply.

Advise Willie on his position. What difference would the Land Registration Act 2002 make to his position?

4. *"The concept of actual occupation has replaced the equitable doctrine of notice in relation to registered land."* Discuss with particular reference to the changes made by the Land Registration Act 2002.
5. *"An easement is either a right to do something or a right to prevent something".* (Megarry & Wade, p. 1078.) Critically examine the mechanisms and formal requirements for the creation of easements with reference to appropriate legal principles in English land law.
6. Paul from Newcastle was a student at University of London in the 1980s, where he met John Joe, a law student, whose mother had bought him a house to stay in while he was studying. Paul and John Joe became good friends and at the end of the degree John Joe asked Paul if he wanted to stay in London, and that he could stay with him in his house.

John Joe gave Paul a document which stated "licence" on the top, and included terms about the rent and the names of both parties, as well as a description of areas of the house. He said to Paul *"don't worry about this, my mother told me to give it to you."*

Since the 1990s Paul has become something of a recluse and seldom goes out. He plays his music every day and talks about a future golden age of common property. However, he now pays a rent of £1,000 per month, and has taken a section of the house as his own, with almost exclusive use of a bedroom, kitchen, bathroom and toilet. Paul comes and goes as he wishes, as he has his own key. However, John Joe, who has been going back and forth to Ireland, still keeps a room upstairs, and continues to provide clean sheets and towels every week, although Paul does not understand this, but nevertheless he is glad of the free laundry. John Joe sometimes comes down to the kitchen Paul uses, and makes hot whiskies for them both. He has always kept a key to Paul's room, but has never used it in 20 years.

Paul has heard that John Joe is planning to sell the house for £2m. and is very worried he will be homeless as he could not afford the high rents in Notting Hill, although he loves the area.

Advise Paul.

END