

GX 1709

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

**SEMESTER 2 Examinations, 2003/2004**

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

PTO

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. What criteria do the courts use to distinguish between land and chattels? Why is the distinction so important?
3. *"This appeal is, therefore, of considerable importance not only to conveyancers, but to anyone proposing to lend upon the security of property in respect of which there is any possibility of the existence of beneficial interests which have not been disclosed by the apparent absolute owner."* (Lord Oliver of Aylmerton. *City of London Building Society v. Flegg*. [1988] 1 AC 54 at 76).

Discuss the statement of Lord Oliver in relation to the law on overreaching, with reference to appropriate legal authority.

4. *"The Land Registration Act 2002 revolutionised land law in England and Wales, but yet there are still some old and new pitfalls for the unwary conveyancer."* Discuss the merits of this statement with reference to appropriate authority.
5. In October 1987 Mr Johnny Blair was granted a licence to graze his sheep on 100 acres of land owned by Mr Jerry 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 did the Land Registration Act 2002 make to this type of situation?

END