

Land Law Assignment Brief

General Guidance

Where a question is in several parts and a words total is indicated, that is the total for the whole question, not for each part of it. Where a word limit is per part of a question, this will be clearly stated. You will not incur penalty for exceeding the word limit by up to 10% but excessively lengthy and prolix scripts will be penalised.

Whilst it is acceptable to use the internet for legal research, this means proper legal research on sites such as Westlaw, Lexis, Baili, legislation.gov.uk etc; citing Google or Wikipedia and such as authority for any legal proposition is unacceptable.

Paper-based resources will include the materials given to you for this module but you are expected to read more widely and to locate relevant materials beyond the course materials.

Module Guidance

Module Title:	Land Law
Module Code:	Module 1(e)
Assignment Number:	1
Assignment Type:	Internal Memorandum
Date Set:	26 May 2020
Date Due:	14 June 2020

Module Learning Outcomes

1. Distinguish between real and personal property and demonstrate knowledge of legal and equitable interests in property
2. Identify the methods of creating interests in land and the ways those interests may be protected in both registered and unregistered land
3. Analyse the principles of trust and co-ownership and understand how land can be held by more than one person
4. Understand the nature of easements and profits and critically evaluate the principles that govern them
5. Identify and evaluate the rules and principles that govern the transfer of ownership and covenants that can be imposed
6. Understand the nature and effect of a mortgage and assess the rules that govern the area

Required Task

Prepare a memo to your supervising partner detailing the advice you would give the clients who have recently provided the firm with instructions. Use the required subheadings. Your response should not exceed 1,500 words in total.

You must ensure you meet ALL requirements to achieve a pass on the assessment.

Please Note: All submissions must be made no later than midnight on 14 June 2020. Work MUST be submitted via the online learning environment.

Brief

You work as a trainee solicitor in a small firm of solicitors in the Lake District: Lakes Solicitors, 1 Lake Street, Keswick CA12 1CA. You have recently started working in the department dealing with conveyancing and land law. Your supervising partner, Mr Richard Grey, has asked you to consider the instructions received on two matters and prepare him a memo outlining the advice you would give to each client.

Client 1: Hussain Asif

Hussain Asif recently bought a house in Keswick with registered freehold title, 1 Willow Close, from Yvonne Green. It is one of three houses built on land which had once been part of the grounds of a very large mansion house, Willow Towers. This is still owned by Lord Pimpernell, who sold the land for building the three houses.

When selling the land, Lord Pimpernell wanted to preserve the value of Willow Towers. Therefore, in the sale document transferring ownership of 1 Willow Close to Yvonne, which she signed, the following clause was included:

'For the benefit and protection of Willow Towers, I (Yvonne) agree to use 1 Willow Close as a private residence only.'

Yvonne told Hussain about the clause but said that it would not affect him as the agreement was only between herself and Lord Pimpernell. Hussain was reassured by this, as he had plans to start a part-time garden design business and to build a shed in the garden of 1 Willow Close to use in the business.

When Hussain had first gone to see the house, he had seen some large paving stones set into the ground in the garden. He had thought that these would make a suitable flat base area for the shed. There were some other paving stones forming a path to the house. However, after moving into the house, Hussain was surprised to find that all the paving stones had been removed by Yvonne. She had said nothing to him about their removal before the sale.

Hussain started advertising his garden design business, but then Lord Pimpernell found out. He told Hussain that the agreement with Yvonne was also binding on all future owners of 1 Willow Close and that Hussain must stop his business activities immediately.

Advise Hussain.

Client 2: Francis Franks

Since 1977, Francis Franks had owned a house and the field behind it in Keswick. Both have registered freehold title. There is no room to park a car at the front of the house so Francis had always parked his car on the corner of the field on the far side next to the main road. Francis would use a footpath as a short cut; he would walk along the footpath from his house across the field to reach the corner where he parked.

Francis needed money, so decided to sell the field, except for the corner used for parking so that he could continue to use it. He found a buyer for the field, Roberta Roberts. At first,

she did not want to agree to Francis' continued use of the footpath and parking. Eventually she agreed, provided that the whole field was sold to her. Francis reluctantly agreed to this.

Francis gave instructions to his lawyer (not at your firm) for the sale on this basis. His lawyer said that it would be necessary to ensure that:

- Francis had a legal right after the sale to use the footpath and to park on the corner of the field as before; and
- the right would be binding on any future owners after Roberta.

The sale went ahead on this basis. Afterwards, Francis used the footpath and parked his car without any problems. Then one day he found that the footpath had been blocked. Paul Peters appeared and told Francis to stop using the parking corner. Paul said, 'I bought the whole of this field from Roberta last week. I am the owner now and no-one else can come into it. You must take your car out of the field and park it somewhere else in future. You could always sell your house to me and go elsewhere.'

After meeting Paul, Francis was very upset and approached your firm for advice on possible courses of action.

Advise Francis.

Requirements
You MUST complete all of the following requirements:
Requirement 1: Presentation
<ul style="list-style-type: none"><input checked="" type="checkbox"/> Produce a memo of no more than 1,500 words. The word count must be included on your submission.<input checked="" type="checkbox"/> You must include a bibliography (this does not form part of the word count).<input checked="" type="checkbox"/> Your memo must be headed "Memorandum" and include completed fields of "To:", "From:", "Date:" and "Re:" (these do not form part of the word count).<input checked="" type="checkbox"/> You must include subheadings of "Advice to" and "Advice to" . You may include further sub-headings. (None of the sub-headings form part of the word count).<input checked="" type="checkbox"/> Include references to specific sections of Legislation, Delegated Legislation and other authority.<input checked="" type="checkbox"/> Present in a logical order in paragraphs using appropriate language for a memo to a senior colleague.<input checked="" type="checkbox"/> You must include your student number on your submission.<input checked="" type="checkbox"/> You must not include your name on your submission.<input checked="" type="checkbox"/> Your final submissions must be in word format and be incorporated within one document.<input checked="" type="checkbox"/> Failure to comply with the general presentation requirements will impact upon the presentation mark.

Requirement 2: Subheading of Advice to Hussain

Your memo **must** include advice you would give to Hussain on his position in respect of the following:

- the removal of the paving stones;
- Lord Pimpernell's insistence that he stop his business activities immediately.

Requirement 3: Subheading of Advice to Francis

Your memo **must** include advice you would give to Francis on his possible courses of action in respect of the following:

- the blocked footpath;
- Paul telling him to stop using the parking corner.

Your work will be marked against the following criteria:

Depth of Knowledge (30%): How well do you show that you know the subject and in what depth and detail.

Application of Theory (30%): How well you can apply the content you have learnt during the course to the brief given.

Critical Analysis (30%): How well you show you have weighed up options, why you have come to the conclusions you have.

Presentation (10%): Your grammar, spelling, punctuation, referencing and following of academic writing criteria at undergraduate level (level 6) and professional level to reflect the standard that is expected by the court, government agencies and your client / office.

Full Marking Scheme: Land Law Assignment 2020

	Requirement 2: Depth Of Knowledge (30 marks or 30% of overall grade)	Requirement 1: Application Of Theory (30 marks or 30% of overall grade)	Requirement 2: Critical Analysis (30 marks or 30% of overall grade)	Requirement 3: Presentation (10 marks or 10% of overall grade)
Fail	Rq 2 and Rq 3 Very superficial knowledge of subject matter shown. Fails to adequately demonstrate knowledge of the Learning Outcomes.	Rq2 Very little evidence of application of theory to the question e.g. unable to explain the law in respect of the purchase of and rights of ownership of a freehold property. Rq3 Very little evidence of application of theory to the question e.g. unable to explain the law in respect of covenants and rights by way of easements.	Rq2 and Rq3 Little real analysis of any value.	Some sense but difficult to follow
Borderline Fail 12+ Marks	Rq2 and Rq 3 Largely superficial, but with some areas of depth. Attempts to adequately demonstrate knowledge of the subject matter.	Rq2 and Rq3 Small amount of evidence of application. Attempts to demonstrate an ability to provide a written response incorporating the required advice.	Rq2 and Rq3 Some analysis with reasonable depth of understanding. Tries to identify the basic information that needs to be provided within the advice.	Poor use of grammar and English leads to poor coherence. There will be spelling and grammatical mistakes and/or inappropriate use of verbs. Some attempt at structure of writing a response to a problem question.
Pass 15+ Marks	Rq2 Good knowledge demonstrated of most of the main areas. Able to show a good understanding of the law in respect of the purchase of and rights of ownership of a freehold property.	Rq2 Several good examples of evidence of application provided. Demonstrates an ability to explain how the law would impact upon this scenario. Was able to demonstrate knowledge of a wider	Rq2 Some solid and well-founded analysis. e.g. grasped some elements of the deficiency in current law. Able to identify potential problems for the client.	Good grammar and memo structure. Some good paragraphs and sentence structure. There will be spelling and grammatical mistakes without detracting from overall meaning. Must

	<p>Rq3 Good knowledge demonstrated of most of the main areas. Able to show a good understanding of the law in respect of covenants and rights by way of easements.</p> <p>Rq2 and Rq3 Adequately demonstrates knowledge of the advice to be given, albeit somewhat superficially.</p>	<p>understanding of the law in respect of the purchase of and rights of ownership of a freehold property. Was able to demonstrate an ability to respond to the questions, albeit somewhat superficially.</p> <p>Rq3 Several good examples of evidence of application provided. Demonstrates an ability to explain how the law would impact upon this scenario. Was able to demonstrate knowledge of a wider understanding of the law in respect of the law in respect of covenants and rights by way of easements. Consideration given to both common law and statutory provisions, although somewhat superficially. Was able to demonstrate an ability to provide advice, albeit somewhat superficially.</p>	<p>Rq3 Some solid and well-founded analysis. e.g. grasped some elements of the deficiency in the information provided. Able to identify potential problems for the client.</p>	<p>include the required sub-headings.</p>
<p>Merit 18+ Marks</p>	<p>Rq2 Good analysis of knowledge gained to date viewed from some different perspectives. Demonstrates very good knowledge of the law in respect of the purchase of and rights of ownership of a freehold property.</p>	<p>Rq2 Range of opinions /authority appropriately included and applied well. Ability to apply the law governing the purchase of and rights of ownership of a freehold property. Evidence of reflection upon the facts provided.</p>	<p>Rq2 + synthesis of ideas and either learning or critical evaluation Able to analyse, for example, the impact of the application of the different tests. Considers the relevance of the information provided.</p>	<p>Good grammar and problem question writing skills. Good use of paragraphs, good sentence structure, grammar and spelling, but some mistakes without detracting from overall understanding. Good writing skills and good use of language.</p>

	<p>Rq3 Good analysis of knowledge gained to date viewed from some different perspectives. Demonstrates very good knowledge of the law in respect of the law in respect of covenants and rights by way of easements.</p> <p>Rq2 and Rq3 Cited any conflicting sources. Identified more than just the basic information.</p>	<p>Rq3 Range of opinions /authority appropriately included and applied well. Ability to apply the law (both common law and statutory provisions) governing covenants and rights by way of easements.</p> <p>Evidence of reflection upon the facts provided.</p>	<p>Rq3 + synthesis of ideas and either learning or critical evaluation</p> <p>Able to analyse, for example, the impact of different approaches which may be taken by the courts.</p>	
<p>Distinction 21+ Marks</p>	<p>Rq2 and Rq3 + Awareness and areas of deep knowledge demonstrated.</p> <p>++ Cited the relevant authority in support. This type of deep knowledge may be demonstrated by the observation certain areas of the law are unsettled; may also take the form of commentary on the sources included in the submission. Was able to demonstrate very good knowledge of each of the required points.</p>	<p>Rq2 ++ Very good range of authority considered with some evaluation/ justification for the advice given.</p> <p>Ability to apply the law governing the purchase of and rights of ownership of a freehold property with some evidence of analysis in the advice provided.</p> <p>Rq3 ++ Very good range of authority considered with some evaluation/ justification for the advice given.</p> <p>Ability to apply the law governing covenants and rights by way of easements with some evidence of analysis in the advice provided.</p>	<p>Rq2 and Rq3 + relevant reflections showing synthesis, learning AND critical evaluation</p>	<p>Coherent and fluent throughout, but may have a few very minor grammatical or spelling mistakes which do not detract from the flow of the submission at all. Excellent structure, weakness in one area only.</p>
<p>Distinction (Higher) 24+ Marks</p>	<p>Rq2 and Rq3 + Knowledge gained is critically evaluated. Sources cited are considered.</p>	<p>Rq2 and Rq3 Excellent range of sources and authority considered with full evaluation</p>	<p>Rq2 and Rq3 +Inspired development of highly original idea(s) and / or</p>	<p>Coherent throughout and excellent problem question writing skills. No spelling or grammatical mistakes.</p>

		/ justification for the advice given.	plans for reform to the current land law.	Excellent use of paragraphs and sentence structure. Excellent structure for the answer.
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