

MODULE SPECIFICATION

Code: UJXU59-20-3 **Title:** Property Law **Version:** 2
Level: 3 **UWE credit rating:** 20 **ECTS credit rating:** 10

Subject type: Non MAR subject (but standard module equivalent)

Owning Faculty: FBL

Faculty Committee approval: QSC **Date:** 01/10/2008

Valid from: September 2009 (revised 2012)

Pre-requisites: None

Co-requisites: all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System

Excluded combinations: None

Learning Outcomes

By the end of the subject, a student will be able to demonstrate:

Knowledge and Understanding

1. a knowledge and understanding of the concept of a property right
2. an understanding of the practical distinction between legal and equitable rights in land
3. an appreciation of how the law attempts to balance the needs of purchasers and third parties
4. a sound knowledge and understanding of the framework of the systems of registered and unregistered land
5. an appreciation of the importance of the trust in its various guises in the law of property
6. an understanding of the variety of estates and interests held in land and how they interrelate
7. an appreciation of the different methods by which interests in land may be enforced
8. an appreciation of the practical application of the principles of property law

These skills are developed through lectures, seminars and workshop activities and are assessed in any coursework which is part of the assessment schedule in any given academic year, and the examination.

Intellectual Skills

1. skills of analysis and synthesis
2. an ability to critically evaluate existing principles of property law
3. an ability to relate legal principles to a range of practical situations
4. an ability to critically evaluate the development of property law and make reasoned proposals for reform

These skills are developed through seminar preparation and discussions, group work and discussions in workshops and are assessed in any coursework which is part of the assessment schedule in any given academic year, and the examination.

Subject specific skills

1. the ability to carry out effective legal research using hard copy
2. the ability to carry out effective legal research using electronic sources
3. the ability to find and evaluate primary and secondary legal materials
4. the ability to present reasoned legal argument, both orally and in writing

- the ability to solve problems by identifying and analysing relevant facts and applying legal principles

These skills are developed through preparation for weekly seminars and workshops and also through the completion of any coursework which involves independent research on a topic not necessarily within the taught syllabus.

Transferable Skills

1. communication skills
2. team working
3. use of information technology
4. study management skills

Oral communication is developed through and evidenced by the many and varied interactive tasks involved in weekly seminars and workshops; high quality written communication skills are particularly required for and developed through any coursework task (where a coursework is part of the assessment schedule in any given academic year).

Time management skills – these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact and preparation for classes and assessments

Use of IT is developed both as a research tool and for the presentation of coursework and evidenced by a requirement that all coursework be word-processed. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases

Team-working is developed most obviously through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.

Syllabus outline:

1. INTRODUCTION: Property rights; ownership of land; doctrine of tenure; doctrine of estates; formalities in land.
2. PROTECTION OF PROPERTY RIGHTS
The bona fide purchaser
Registration of land charges
Registration of title
3. METHODS OF HOLDING LAND
Trusts of land
Co-ownership
4. THE LEASEHOLD ESTATE
Requirements, creation and termination of leases
Leasehold covenants – enforceability and remedies
5. INCUMBRANCES OVER LAND
Easements
Mortgages
Covenants in freehold land

Teaching and learning methods:

The aim of the subject is to give the student a thorough knowledge of the methods by which a most important commodity, land, may be held: the rights and interests a person may hold over a particular parcel of realty and those incumbrances which others may have over the land. It will aim to show how

persons not party to the original agreement may be bound by property rights and give a practical introduction to the transfer of title to land and rights over land.

The subject will require the student not merely to obtain a thorough understanding of modern practical problems but will also aim to enhance that understanding by viewing these problems in a historical and social context.

Class Contact

Full Time CPE

The class contact pattern for Property Law is as follows:

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|-----------------------|---|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per fortnight | workshop session (ie 3 seminar groups combined for purposes of interactive consideration of practical tasks and discussion of current syllabus topic) |

In any given academic year, there will normally be

- 11 lectures, including one lecture and one revision lecture;
- 12 hours workshops(6 x 2 hours), including a revision workshop; and
- 11 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 34 hours of contact time for each student. In addition, students will have been given directed study to complete in the week between the end of TB1 examinations and the start of the TB2 teaching schedule.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction tuition session:

- 2 hours introductory lecture (whole cohort)
- 1 hour 30 minutes seminar session

At each of the following tuition sessions a block of 3 ½ hours comprising:

- 1 ½ hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student. In addition, students will have been given directed study to complete during the summer between the end of Year 1 examinations and the start of Year 2 tuition sessions.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
 - (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and

- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2011 / 2012 academic year, the texts provided to students will be:

MacKenzie & Phillips, Textbook on Land Law, 13th ed OUP
"Maudsley & Burn's, Land Law Cases & Materials" 9th ed OUP
Blackstone's Statutes on Property Law

Assessment

Property is taught and examined at the same stage of the Diploma as Equity & Trusts and European Union Law. In any given academic year, there will be a coursework in two of these three subjects. Consequently, in two of each three year cycle, there will be assessed coursework in Property. In every academic year, there will be an unseen examination in each of the three subjects. (The fourth subject for TB2 and Year 2 is the Independent Research Project)

Weighting between components A and B

In an academic year in which there is an assessed coursework **A: 75%** **B: 25%**

In an academic year in which there is no assessed coursework **A: 100%**

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination