

## Unit 58: Property Law in Construction

Unit code: H/600/0442

QCF Level: 3

Credit value: 10

Guided learning hours: 60

### Unit aim

This unit enables learners to develop an understanding of how property law has developed, the rights of freeholders, the conveyance of property and how the law is used to resolve disputes between neighbours.

### Learning outcomes and assessment criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning outcomes	Assessment criteria
1 Understand the development of land law and the current system of land ownership	1.1 Explain the historical development of land law
	1.2 Explain the current legal system concerning property and ownership
2 Understand the rights of freeholders and their interests in landed property	2.1 Explain the freeholder's rights and interests in land
3 Know the functions of Her Majesty's Land Registry (HMLR) and local authorities in property ownership	3.1 Describe the contents of HMLR land certificates
	3.2 Describe the type of data obtained through the local authority searches
4 Understand the system of conveyance of property in England and Wales	4.1 Explain the sequence required to complete a conveyance
5 Understand the legal positions of landlords, tenants and neighbours	5.1 Explain the rights and obligations of landlords and tenants
	5.2 Explain the procedures used to resolve disputes between

	neighbours
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THIS IS AN ACCREDITED SPECIFICATION AND CAN BE USED FOR TEACHING AND ASSESSMENT

## Unit content

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### **1 Understand the development of land law and the current system of land ownership**

*Land law:* property; ownership; possession; occupation

*Development of land law:* the feudal system; common law; Law of Property Acts; land registration

*Land ownership:* fee simple absolute in possession; term of years; equitable interests; fee tails; the crown estates; licences

### **2 Understand the rights of freeholders and their interests in landed property**

*Rights of freeholders:* forms of freehold; restrictions on ownership; servitudes; occupier liability

*Forms of freehold:* title deeds; fee simple absolute in possession; Commonhold and Leasehold Reform Act

*Restrictions on ownership:* Town and Country Planning Acts; Civil Aviation Acts; mineral and coal deposits; treasure trove; wild animals and endangered species; third party rights; overriding interests; mortgages; chancel repair liabilities

*Servitudes:* Profits a Prendre; Easements; Dominant and Servient; rights of light; rights of way; wayleaves

*Occupier liability:* negligence; nuisance

### **3 Know the functions of Her Majesty's Land Registry (HMLR) and local authorities in property ownership**

*Functions of HMLR:* process of land registration; the Land Certificate; property description; proprietor; charges register; map; offices eg contact details, structure; progress of registration of all UK properties; how to register, open register in terms of advantages, computerisation, how to obtain information from the register and costs involved

*Functions of local authorities:* Town and Country Planning Acts; Building Regulations; Offices, Shops and Railway Premises Act; Fire Precautions Act; Housing Act; health and safety legislation

### **4 Understand the system of conveyancing of property in England and Wales**

*Conveyance:* essentials of a contract; conditions of a contract; contract procedures; searches

*Essentials of a contract:* offer and acceptance; intention to create legal relations; consent must be genuine; capacity; consideration; legality; possibility; applied to buying and selling property

*Conditions of a contract:* standard conditions; express and implied conditions; small print; remedies for breach of contract

*Contract procedures:* Law Society protocol/process and TransAction forms; termination of a contract; exchanging; deposits; signing

*Searches:* local authority; Preliminary Enquiries of Vendor; Land Registry; Energy Performance Certificates (EPCs)

## **5 Understand the legal positions of landlords, tenants and neighbours**

*Legal position:* relating to leasehold; types of lease; statutory requirements of lease; obligations of landlord and tenant; boundary issues; disputes between landlords, tenants and neighbours

*Leasehold:* terms of years absolute; tenancy agreements

*Types of lease:* long lease (over 21 years); shorthold lease; periodic leases; residential leases; social housing leases; business leases

*Obligations of landlord and tenant:* contracts for leases; implied and express covenants; breach of covenant; rent, repairs and other obligations; service charges

*Statutory requirements:* Rent Acts; Landlord and Tenant Acts; Housing Acts; Tenant's Charter; Right to Buy; enfranchisement; fixtures and improvements

*Boundaries:* definitions; fixed and general cadastral systems; party walls; trees and hedges

*Disputes:* procedures; mediation; use of expert witnesses; the requirement for accurate surveys; case studies; legal requirements; litigation