

**Module** : **Land Law II**

**Theme** : **Private Law**

**Credit Points** : **7.5**

### **Aims**

The module aims to provide students with:

- Knowledge and understanding of the practical problems that arise in Land Law
- An ability to view Land Law issues in commercial terms
- The ability to consider whether certain areas of land law might be reformed and to suggest such proposals where appropriate
- An understanding of the practical operation of Land Law
- A familiarity with Land Law documents
- A detailed knowledge of Landlord and Tenant Law
- The opportunity to further improve skills in legislative interpretation.

### **Syllabus**

#### Matrimonial Property

- The equitable scheme
- The statutory scheme
- Proposals for reform: unmarried cohabiting couples

#### Incorporeal Hereditaments

- Easements
- Profits
- Natural Rights
- Local and Customary Rights
- Proposals for reform: Prescription

#### Mortgages & Securities

- The mortgage
- The judgment mortgage

#### Conveyancing

- Types of sale
- Pre-Contract Enquiries
- The contract for sale (formation and contents)
  - Law society standard contract
- Title investigation
  - Deduction of title
  - Requisition of title
- The conveyance (types of deeds)
  - Drafting documents of conveyance

- Practice and procedure
- Completion
- Covenants
- Remedies and enforcement Specific performance
- Vendor and purchaser summons

#### Landlord & Tenant

- Introduction
- The relation of landlord & tenant
- Identification of a tenancy
  - Distinction between a lease and a licence
- Requirements for the creation of a lease
  - Examination of lease documents and their interpretation
  - Contents/clauses in a lease
- Covenants
  - Restrictive covenants
- Assignment and sub-letting
- Determination of the relationship
- Statutory rights
  - The right to a new tenancy
  - The right to buy out the fee simple
  - The right to a reversionary lease
  - Compensation for improvements
  - Rights of tenants in controlled dwellings
- Rent review arbitration
- Termination of lease
- Residential Tenancies
  - Residential Tenancies Act 2004

#### **Workload**

Contact	60 hours
Directed Learning Time	50 hours
Independent Learning Time	25 hours
Assessment Time	15 hours
Total	150 hours

#### **Teaching and Learning Methods**

Formal lectures and participative lectures incorporating question and answer sessions will form the main thrust of the delivery of the module. These will be supported by seminars and tutorials reviewing previous lecture and assignment based material. Students will be set assignments for completion on an individual basis. The process of reform of land law will also be considered throughout the module, with students engaging in critical analysis of various proposals for reform, as well as being encouraged to identify problems within the law and suggest potential solutions or reforms in relation to those problems.

*Integration and Linkage*

Having studied the foundation principles of Land Law in semester two, students will use the principles learned applying them specifically to areas such as conveyancing.

## Learning Outcomes

On successful completion of the module, students will be able to:

- Identify, analyse and suggest solutions to legal problems in the landlord and tenant relationship
- Draft simple conveyances, transfers and abstracts of title
- Draft and interpret leases
- Identify the steps that have to be followed when transferring ownership of property
- Conduct investigation of title and be familiar with reading title documents
- Critically assess judicial and legislative rules on land law
- Suggest and formulate proposals for reform on land law issues, and critically assess existing proposals for the reform of land law in these areas.

## Assessment

Coursework will account for 30% of the assessment marks. A written examination will also be held on module completion accounting for 70% of the assessment marks. Students will be expected to have highly developed research, cognitive and critical skills at this stage in the law. Their knowledge of the areas in Land Law II must be precise and accurate and any reference to topics covered in Land Law I must also be accurate. Their writing style and clarity of expression will also be measured against a higher standard. As part of their coursework, students may be required to draft a lease.

## Reading List

### *Essential*

- Lyall, *Land Law in Ireland*, 2<sup>nd</sup> Edition, (2000, Dublin; Round Hall)  
Wylie, *Irish Land Law*, 3<sup>rd</sup> Edition, (1997, Dublin; Butterworths)  
Coughlan, *Property Law*, 2<sup>nd</sup> Edition, (1999, Dublin; Gill and MacMillan)  
Wylie, *Irish Conveyancing Law*, 2<sup>nd</sup> Edition, (1996, Dublin; Butterworths)  
Wylie, *Landlord and Tenant Law*, 2<sup>nd</sup> Edition, (1998, Dublin; Butterworths)

### *Recommended*

- Wylie, *Irish Conveyancing Statutes Annotated*, (1994, Dublin; Butterworths)  
Mee, *The Property Rights of Unmarried Cohabitees*, (1999, Oxford; Hart)  
Laffoy, *Irish Conveyancing Precedents*, (1992, Dublin; Butterworths)  
Casey & Brennan, *Law Society of Ireland: Conveyancing Manual*, 2<sup>nd</sup> Edition, (2003, Oxford; OUP)  
Brennan, *Law Society of Ireland: Landlord and Tenant Law*, 2<sup>nd</sup> Edition, (2002, Oxford; OUP)  
Bland, *The Law of Easements and Profits A Préndre*, (1997, Dublin; Round Hall)  
Power, *Intangible Property Rights in Ireland*, (2004, Dublin; LexisNexis)