

1 True or false: a transferee under a will, will be bound by all prior property rights. Which section of the LRA 2002 applies to such transferee?

<https://selldocx.com/products/test-bank-modern-land-law-9e-dixon>

(A True  
)

**Answer:**  
(A) True

(B False  
)

**Feedback:** Section 28. Book location: 2.5.5

2 By what method should an option to purchase be protected in order to ensure priority against a purchaser for value?

(A Registration under a  
) separate title

**Answer:**  
(C Entry of a  
) notice

(B Options to purchase  
) will always be  
overriding interests

**Feedback:** Options cannot be registered as separate titles. Options could only be protected as overriding interests if the right-holder was in actual occupation at the time of the disposition. Book location: 2.6, 2.7

(C Entry of a notice  
)

3 Which of the following is not one of the grades of title with which a person may be registered? What characterises the other three grades of title?

**Answer:**  
(B Proper  
) title

(A) Absolute title

(B) Proper title

(C) Good leasehold title

(D Possessory title  
)

**Feedback:** Absolute title amounts to full recognition of the rights of the proprietor. Good leasehold title is the normal title for first registration of a lease where the freehold title is not registered because in such circumstances it will be hard to show that the freeholder has an ultimately valid title. This is subject only to any interests which affect the landlord's superior title. Possessory title is where the applicant cannot prove their freehold or leasehold title on first registration and is available where the applicant is in possession and there is no other title with which he can be registered. This title is subject to all adverse interests that exist at the date of registration. The final grade of title is qualified title – this is one subject to fundamental defects. Book location: 2.5

4 Which of the following circumstances will result in the claimant potentially losing his right to an indemnity following alteration of the register?

(A) He granted a charge  
prior to claiming the  
indemnity

**Answer:**  
(A He granted a charge  
) prior to claiming the  
indemnity

(B) Loss was caused by his  
own fraud

(B Loss was caused by  
) his own fraud

(C) He contributed to his  
loss through his own  
lack of care

**Feedback:** The relevant provisions are contained in Schedule 8 LRA 2002. Lack of care can prevent an indemnity being owed, but only where the loss was wholly due to the claimant's lack of care.

(D It is more than six  
) years after the  
claimant became (or  
) should have became)  
aware that he had a  
claim

Book location: 2.11

- What is the main barrier to full compliance with the mirror principle in the land registration system?**  
**Answer:**
- 5
- Feedback:** The existence of unregistered interests which override (aka overriding interests). These are rights that affect the land and bind the land without being entered on the register
- What is the only possible method of creating a legal mortgage of the freehold estate under the Land Registration Act 2002? Where is this rule laid down?**  
**Answer:**
- 6
- What is the main barrier to full compliance with the mirror principle in the land registration system?**  
**Answer:**
- 7
- What is the conclusion in Halifax v. Popeck (2008) in relation to the meaning of valuable consideration in section 29 Land Registration Act 2002?**  
**Answer:**
- 8
- Can expressly granted legal easements operate as overriding interests under paragraph 3 Schedule 3?**  
**Answer:**
- 9
- What kinds of rights are capable of being overreached?**  
**Answer:**
- 10
- What are the merits of closing the registration gap?**  
**Answer:**
- 11
- Explain the effect of the mechanism of overreaching in cases of a legal mortgage.**  
**Answer:**
- 12
- What does Richall Holdings v. Fitzwilliam suggest is the effect of section 58 on the equitable interest?**  
**Answer:**
- 13

- 14** One of the aims of the Land Registration Act 2002 is to ensure \_\_\_\_ instead of 'registration of title' – see section 58 LRA 2002. (2.5)  
**Answer:**  
 title by registration
- 15** Which of the following circumstances will not give rise to the possibility of altering the register?
- (A) Bring the register up to date
- (B) To remove entries that have become superfluous
- (C) To correct a mistake
- (D) To remove an entry that is manifestly unfair
- Answer:**  
 (D) To remove an entry that is manifestly unfair
- Feedback:** The rectification provisions are contained in Schedule 4 LRA 2002 and this is not covered. The court has no power to rectify in these circumstances. Book location: 2.10.2
- 16** Section 23 of the Land Registration Act 2002 outlines the powers of the registered proprietor of land. Which of the following is not one of these powers?
- (A) Power to sell
- (B) Power to make a mortgage by demise
- (C) Power to charge the estate at law
- (D) Power to create a lease
- Answer:**  
 (B) Power to make a mortgage by demise
- Feedback:** It is not possible to create mortgages by demise for registered land.
- 17** True or false: actual occupation is in itself an interest that can be protected under paragraph 2 Schedule 3 LRA 2002.
- (A) True
- (B) False
- Answer:**  
 (B) False
- Feedback:** Actual occupation can protect an interest following a disposition, but it is not an interest in itself. Book location: 2.6
- 18** True or false: a purchaser can be bound by the unregistered option to purchase from a third party who is not in actual occupation solely because they know about that right.

- (A) True  
(B) False
- Answer:**  
(B) False
- Feedback:** Schedule 1 and 3 explain interests which override. Notice is irrelevant to the priority provisions. The doctrine of notice has no role to play in registered land. Book location: 2.2

**19 True or false: an employee or agent can occupy a premises for the purpose of establishing 'actual occupation' under Schedule 1 and Schedule 3. Justify your answer by reference to case law.**

- (A) True  
(B) False
- Answer:**  
(A) True
- Feedback:** See Abbey National v .Cann, Lloyds Bank v. Rossett. Book location: 2.6.2.2

**20 True or false: if an 'easement' is made the subject of a notice on the register, even if it does not meet the substantive requirements for being an easement, the fact of its entry on the register will clothe the interest with validity.**

- (A) True  
(B) False
- Answer:**  
(B) False
- Feedback:** Such registration would be a mistake and the register contains no guarantee of interests. Book location: 2.7.5

**21 Which of the following factors was not relevant to the decision in Link Lending v. Bustard that Ms Bustard was in actual occupation despite being in hospital for psychiatric treatment?**

- (A) Ms Bustard had an intention to occupy the property
- (B) The fact that the property was not derelict
- (C) The reason for the absence
- (D) Regular visits to the property
- Answer:**  
(B) The fact that the property was not derelict
- Feedback:** (b) can be relevant, Malory v. Cheshire Homes, but it was not a factor in the decision in Bustard. Book location: 2.6.2.2

**22 Which case confirms that children cannot be in actual occupation in their own right?**

**Answer:**

Hypo-Mortgage  
(A) Services Ltd v.  
Robinson

(B) Williams & Glynn Bank v. Boland (A Hypo-Mortgage Services Ltd v.  
) Robinson

(C) Mortgage Corp v.  
Shairst

**Feedback:**

The children's presence is wholly explained by that of their parents. Book location: 2.6.2.2

(D) Lloyds Bank v. Rossett  
)

**23**

**Someone who has an overriding interest is able to waive the priority of that interest over a purchaser by consenting to the sale or mortgage of the land. Which case tells us that sometimes this consent can be implied?**

(A) Lloyds Bank v. Rossett

**Answer:**

(B) City of London Building Society v. Flegg (D Paddington Building Society  
) v. Mendelson

(C) Halifax v. Popeck

**Feedback:**

Consent can be implied thanks to the conduct of the interest-holder. Book location: 2.6.5

(D) Paddington Building  
) Society v. Mendelson

**24**

**Why was there no overreaching in Williams & Glynn's Bank v. Boland?**

The beneficiaries did  
(A) not know that a  
transaction would take  
place

**Answer:**

(B) The purchaser was acting in good faith (C The dealings  
) were with only  
one trustee

(C) The dealings were with only one trustee

**Feedback:**

Lord Wilberforce: 'Dispositions of the land, including mortgages, may be made under this trust and, provided that there are at least two trustees, or a trust corporation, 'overreach' the trusts.' (1981) AC 487 at 503. Book location: 2.9

(D) The beneficiary was a family member of the trustee  
)

**25**

**Which of the following estates in land does not need to be registered?**

(A) A legal freehold  
)

**Answer:**

(B) A legal lease of less than  
) seven years

(B) A legal lease of less  
) than seven years

**Feedback:**

Leases of seven years or less do not require to be registered. Book location: 2.1, 2.6.2.1

- (C A legal lease of more  
) than seven years

26

**Which section of the Land Registration Act 2002 embodies the guarantee of title ensured by the Land Registry?**

- (A) Section 23

**Answer:**  
(B Section  
) 58

- (B) Section 58

- (C) Section 1

**Feedback:**

- (D Section 116  
)

Section 58 states, '(1) If, on the entry of a person in the register as the proprietor of a legal estate, the legal estate would not otherwise be vested in him, it shall be deemed to be vested in him as a result of the registration.(2) Subsection (1) does not apply where the entry is made in pursuance of a registrable disposition in relation to which some other registration requirement remains to be met.' Book location: 2.5

27

**Which section of the Land Registration Act 2002 requires an applicant for registration to disclose those overriding interests of which he is aware?**

- (A) Section 28

- (B) Section 71

**Answer:**  
(B Section 71  
)

- (C) Section 58

**Feedback:** Book location: 2.4.4

- (D Section 2  
)

28

**Which of the following types of lease does not need to be registered in order to bind a transferee for value under the Land Registration Act 2002?**

- (A) Legal lease of five  
years over business  
premises including a  
car park

- (B) Legal lease of ten years  
of a residential  
property

**Answer:**  
(A Legal lease of five years  
) over business premises  
including a car park

- (C) Legal lease of eleven  
years of a countryside  
property

**Feedback:**

- (D) Legal lease of two  
years where the tenant  
is not going to go into  
possession for six  
months

Only the first does not require registration and operates as an overriding interest. B and C are more than seven years and in the final option the delay in going into possession means it cannot be overriding. Book location: 2.6.2.1

29

**Which of the following rights cannot bind a purchaser for value even if**

**'protected' by actual occupation?**

The right to seek  
(A) alteration of the  
register

**Answer:**

(B) Share of the equitable  
title to the land

(D) Contractual licence

(C) Mere equity

**Feedback:**

It is not a property right so cannot bind a purchaser. Book  
location: 2.6.2.2

(D) Contractual licence

**30**

**The mechanism of \_\_\_\_ is the main way that the curtain principle is upheld. The operation of this mechanism is found in sections (2) and (27) of the LPA 1925. (2.9)**

**Answer:**

overreaching