

## Example essay questions with suggestions for a good answer Chapter 10 – Covenants in freehold land

**Assess the significance of *Federated Homes Ltd v Mill Lodge Properties Ltd* (1980) for the passing of the benefit of freehold covenants.**

- Begin by outlining what a freehold covenant actually is and how it is created.
- Explain that when considering the enforceability of freehold covenants, it may be necessary to show that both the benefit and the burden of that covenant has passed.
- Explore the distinct rules at law and in equity for the passing of benefit and burden. Can these rules be mixed? Consider *Miles v Easter* (1933) and *Rogers v Hosegood* (1900).
- As the question addresses the passing of benefit specifically, explain when a claimant would need to demonstrate that the benefit has passed.
- Outline the rules for the passing of the benefit of freehold covenants: i.e. the background to *Federated Homes*.
- What did *Federated Homes* decide? What interpretation was placed on s. 78 of the LPA 1925 and why was this significant? Consider dicta of Brightman LJ. Explain how statutory annexation under s. 78 of the LPA 1925 has made express and implied annexation almost redundant.
- Explain, with reference to s. 79 of the LPA 1925 and academic commentary (Newsome; Snape), why the interpretation of s. 78 was so controversial.
- Explore case law subsequent to *Federated Homes* and how this added to the interpretation of s. 78 of the LPA 1925: *Roake v Chadha* (1984); *Crest Nicholson Residential (South) Ltd v McAllister* (2004).
- Conclude by returning to the specific question posed, i.e. the significance of *Federated Homes*. How has it changed the freehold covenants landscape?