

Example essay questions with suggestions for a good answer Chapter 2 – Principles of registered land

To what extent does Schedule 3, paragraph 2 of the Land Registration Act 2002 and the case law interpreting it ensure that a fair balance is struck between the interests of those purchasing land and those occupying it?

- Begin with an overview of the nature, importance and origins of the LRA 2002. Why is it such an important piece of legislation in contemporary land law? You might unpack the question a little – what does ‘fair balance’ mean? What would that look like?
- You will want to get into the ‘nitty gritty’ of Sch. 3, para. 2 but in order to do so, you will need to explain the fundamentals of the land registration ‘project’ and what it was trying to achieve.
- Draw on the Law Commission reports to unpack the central aims of the LRA 2002, noting Ruoff’s three foundational principles: mirror, curtain, insurance. The mirror principle will be particularly important when considering this question.
- Explain what Sch. 3, para. 2 does and how it operates – as an exception to the general requirement that interests must be registered to enjoy protection under the LRA 2002.
- Now test Sch. 3, para. 2 against the aims of the LRA 2002/Ruoff’s principles and the purchaser/occupier conundrum.
- Use your discussion of ‘fair balance’ in the introduction to consider in more detail specific aspects of the operation of Sch. 3, para. 2:
 - The meaning of qualifying interest “interest”;
 - The dual status under *Williams & Glyn’s Bank v Boland* (1981);
 - Overreached interests under *City of London Building Society v Flegg* (1988);
 - The relevant time: *Thompson v Foy* (2009) and s. 29 of the LRA 2002;
 - What amounts to ‘actual occupation’; discussion of the myriad of case law: absences, nature of the land, children etc.
 - Explore the two exceptions in Sch. 3, para. 2: obviousness + actual knowledge and inquiry: consider the case of *Thomas v Clydesdale Bank* on issues such as the nature of the property, absence at the relevant time, minors.
- Bring together your discussion, express conclusions, and return to the essay title.