

Conveyancing

Module Status: **Mandatory** **Elective**

Credit Rating: **6** **Credit Level:**

Pre-requisite Modules:	Co-requisite Modules:
Modules 1-11 or equivalent	
Total Contact Hours:	
Lecture: 24 hours	Independent Study: 96 hours
Total Student Effort: 120 hours	

Module Aims

This module aims to:

- Impart a knowledge of the nature and purpose of conveyancing.
- Develop an understanding of the role of the professional – estate agent, auctioneer, solicitor and counsel - in conveyancing.
- Identify the conveyancing procedure involved in the transfer of property both registered and unregistered; deduction and investigation of title and completion.
- Formulate an understanding of the overlap between contract law, equity and conveyancing.
- Explain the law surrounding mortgages.
- Ensure a familiarity with land law documents.

Module Learning Outcomes

On successful completion of this module, students should be able to:

- Explain the nature and purpose of conveyancing.
- Define the role of the professional – estate agent, auctioneer, solicitor and counsel – in conveyancing.
- Explain the distinction between registered and unregistered land.
- Sketch the pre-contractual-formation of contract-completion continuum.
- Discuss the law relating to mortgages.
- Identify Land Law documents.
- Demonstrate what happens after the procedure and remedies for enforcement of the contract including how to identify the distinction between remedies for the enforcement of the contract and post-completion remedies.

Indicative Module Content

TOPIC	DESCRIPTION
Introduction	The nature of conveyancing
Registered and Unregistered Land	Registered land and the Land Registry; unregistered land & the Registry of Deeds.
Contract for sale of Land	Sale by private treaty/sale by auction; caveat emptor; pre-contract enquiries; formation of the contract; conditional contracts; contents of the contract; conditions of sale; position of parties pending completion; remedies for the enforcement of the contract.
Title Deeds	Deduction of title; investigation of title and searches; requisitions on title; drafting and construction of deeds; form and contents of deeds; documents for particular transactions; completing transactions.
Easements and Incorporeal Hereditaments	Easements; Established Easements; Profits and types of Profits; The Attributes of Easements and Profits, The Rule in Wheeldon v. Burrows; Section 6 Conveyancing Act 1881 and Prescription.
Mortgages	Mortgages and other types of security; mortgages over unregistered land; mortgages over registered land; the powers of the mortgagee;

	the right to redeem; defences to the enforcement of a mortgage; priorities.
Post Completion Remedies	Merger of contract with conveyance; covenants for title - express and implied covenants; enforceability; rescission of conveyance; rectification.

Teaching / Learning Methodology

This module will be delivered through a series of lectures, tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading.

Assessment

Students will be assessed on the basis of a practical piece of coursework (100%). This substantial piece of work will determine students knowledge of conveyancing law in Ireland, in addition to assessing their ability to successfully prepare the relevant documentation for the conveyance of land and the necessary searches etc.

Required Reading

Griffith College Manual, *Conveyancing* (Dublin: Clarus Press, updated annually)

Secondary Reading

Casey, Gabriel and Nuala Brennan (2003) *Conveyancing*, Law Society of Ireland Manuals.

Coughlan, Paul (1996) *Property Law*, Gill & MacMillan.

Farrand, JT (1988) *Contract and Conveyancing*, Oyez Longman.

Laffoy, Mary and Deborah Wheeler (1992) *Irish Conveyancing Precedents*, Butterworths.

Law Reform Commission (1995) *Interests of Vendor – Purchaser in Land*.

Law Reform Commission (1999) *Gazumping Report*.

Law Reform Commission (1999) *Land Law & Conveyancing Law Reports*.

Law Statutes (1992) *Irish Conveyancing Precedents*

Law Statutes (1994) *Irish Conveyancing*

Lyall, Andrew (1994) *Land Law in Ireland*, Oak Tree Press.

Megarry, Robert and William Wade (1984) *The Law of Real Property*.

Pearce, Robert (1985) *Land Law*, Sweet & Maxwell.

Wylie, JCW (1984) *A Casebook on Irish Land Law*, Butterworths.

Wylie, JCW (1999) *Conveyancing Law*, Butterworths.