

Guide to i-Tutorials and Podcasts

W301: Law: ownership and trusteeship – rights and responsibilities

- PART A** i-Tutorials
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PART A i-TUTORIALS

1. Practical Issues
2. Guidance on how to use each individual i-Tutorial:
 - (a) How to Learn on Your Law Course
 - (b) Legal Research
 - (c) The i-Tutorials on Land
 - Acquisition & Ownership of Land
 - Ownership of Registered Titles
 - Co-ownership and TLATA
 - Introduction to leases
 - Introduction to Covenants and Easements
 - (d) The i-Tutorials on Equity and Trusts
 - Basic Concepts of Equity & Trusts
 - Gifts and Trusts
 - The Role of the Trustee
 - Fiduciary Duties

1. Practical issues

Accessing i-Tutorials and Podcasts: You can access the materials from The College of Law ELITE site at <http://elite.lawcol.com>. You can also access them through the support website for your module. Enter <http://www.open.ac.uk/law> click on the link to take you to the support sites and then select the relevant site for you, W201. You will see a further hyperlink to ELITE – Online Materials. Whichever route you use, you will need your OU Student Personal Identifier (PI) to hand, as you will need this to access these resources. The site has details about how to select ELITE as a “favourite” which means that you can access it directly, and reduce the amount of clicks required.

A note on timing: each i-Tutorial takes around an hour to view in one sitting, and many students would take about another hour to work through all the activities in each i-Tutorial. However, there is no need to work through an i-Tutorial all at once,

unless this is what you want to do. Each podcast is approximately ten to fifteen minutes long.

Tube line: At the top of the screen in each i-Tutorial there is what might be called a “Tube line”, with a series of “stops” across the top of the screen; this shows you on a continuous basis exactly where you are within the i-Tutorial, how long each section is and how close you are to completing each section.

2 Guidance on using each i-Tutorial

2.1 How to Learn on Your Law Course

This i-Tutorial summarises many of the matters dealt with in the Study Guide. We suggest that you watch this or read the Study Guide as your first activity. This will give you an overview of the resources available and what is expected. The Study Guide has more detail and you will need to refer to it throughout your studies.

The learning outcomes of this i-Tutorial are that it will help you:-

- understand some different ways of learning and hopefully determine what will work best for you
- use the range of learning resources available
- understand how to organise and manage your paperwork
- understand how to manage your time effectively
- recognise how particular defined skills will underpin your studies
- and help you get off to a good start

2.2 The Legal Research i-Tutorial

This i-Tutorial has been designed to outline the knowledge and understanding which you require as a law student to carry out practical legal research (e.g. how to find and use legal sources such as cases and statutes, and to apply them to legal questions to come up with an answer). It also looks at skills of problem-solving.

This i-Tutorial is used on all the compulsory courses and W221, W222, W223 and W224 so you may already be familiar with it. If you studied the i-Tutorial last year, and do not want to look at it again, that is fine; like all i-Tutorials, it is an optional part of your studies.

2.2.1 Where does the i-Tutorial fit into the module?

In W301, there is no single, specific part devoted to legal research. However, at various stages of your studies, you will need to use skills of problem-solving and legal research to answer the Activities which have been set. In addition, you will need to use these skills when carrying out some of your continuous module assessments (eTMAs).

You will also be offered the opportunity to attend a Research Day at one of the College’s centres to help you further develop your skills of finding and using legal information.

2.2.2 Suggestions for using the i-Tutorial: how and when

Depending on how much work you have already done on legal research and problem-solving, you might want to work through the i-Tutorial at the beginning or at an early stage of your studies. This will enable you to get a “feel” for the materials which you will be using and how they might fit into a strategy for carrying out practical legal research.

Alternatively, you might want to dip into the i-Tutorial when you want to acquaint yourself with (or refresh your memory about) the skills and techniques involved in practical legal research (for example, before you attempt the research-based eTMAs).

Whenever you are able to look at the i-Tutorial, bear in mind that there is no obligation to work through it all in one sitting. It is an equally valid approach to work through as many (or as few) stages at a time as you want to. The i-Tutorial has been designed to accommodate both approaches.

2.2.3 Points to Note

If you have studied W200 before, you will notice that there is some overlap between the i-Tutorial and the material you will have studied on finding and reading cases and statutes. We have included this material in the i-Tutorial, as it can be useful to be reminded, when studying legal research, how cases and statutes are put together. However, if you do not wish to go over this area again, please feel free to skip these stages of the i-Tutorial.

At one or two points within this i-Tutorial, and the podcast, you will come across the occasional reference to other i-Tutorials on topics related to legal research. These i-Tutorials and podcasts are not currently available as they are beyond the needs of your module.

2.3 Land i-Tutorial 1: Acquisition & Ownership of Land

2.3.1 Suggestions for using the i-Tutorial: how and when

This i-Tutorial will prove helpful when you study the part of Unit 1 that deals with the nature of land and estates in land. It will also help you when you study the parts of Units 3-5 that deal with formalities for contracts and deeds for the transfer of registered titles. The i-Tutorial uses a case study to put the topics being studied in a practical and commercial context.

- You could review stages 8 and 9 of this i-Tutorial before studying Part C of Unit 1. The i-Tutorial will give you an overview of the definition of land which you will find helpful when you look at this topic in the Manual.
- Stages 11 and 12 of this i-Tutorial look at the terms fixtures and chattels and you could view this before attempting Part D of Unit 1.
- Stage 7 of this i-Tutorial provides an overview of the formalities needed to create contracts and deeds for the transfer of land. You will find it helpful to view this section of the i-Tutorial before attempting Parts B and C of Units 3-5.

Additionally you could review this i-Tutorial before attempting the consolidation activity at the end of Units 3-5, eTMA 01 and the final examination.

2.4 Land i-Tutorial 2: Ownership of Registered Titles

2.4.1 Suggestions for using the i-Tutorial: how and when

This i-Tutorial will prove helpful when you study the parts of Units 3-5 that deal with the **registered** system of conveyancing. The i-Tutorial considers the same case study used in Land i-Tutorial 1 to provide an overview of how the owner of a registered title proves ownership when selling, and how third party rights can exist and bind a registered title.

- Stage 3 of this i-Tutorial is useful when studying Part G of Units 3-5 as it shows you a sample register of title and what is contained in each part of the register. You will find this stage useful either as an overview before attempting Part G of Units 3 – 5 or as a consolidation exercise after studying this part of the Unit.
- Before attempting Part I of Units 3-5, you will find it very helpful to view stage 5 of this i-Tutorial as it provides a synopsis of the different third party rights that can exist over a registered title.
- Stages 8-10 of the i-Tutorial contain an overview of the Land Registry and compulsory registration. You will find it beneficial to view these stages before attempting Units 3-5.

Additionally it is recommended that you review this i-Tutorial before attempting the consolidation activity at the end of Units 3-5, eTMA 01 and the final examination.

2.5 Land i-Tutorial 3: Co-ownership and TLATA

2.5.1 Suggestions for using the i-Tutorial: how and when

You could work through the i-Tutorial before starting to study Units 12 and 13. Stages 1 to 5 (including Activities 1 to 3 inclusive) will be particularly helpful in explaining what is meant by co-ownership and when this can arise in practice and so put the material to be covered in these Units into context. Stage 6 will act as consolidation of Parts E, G and I of Unit 11 in relation to the general powers of trustees, restrictions on trustees' powers and resolving disputes under TLATA.

You may find it helpful to also use parts of this i-Tutorial for consolidation and revision. For example, Stages 7 to 11 (including Activities 4 and 5) could be viewed again to consolidate Parts A and B of Units 12 and 13 on the principal features of a joint tenancy and a tenancy in common and the 4 tests to be applied to determine if co-owners own the beneficial interest as joint tenants or tenants in common. The i-Tutorial should also be reviewed before attempting Consolidation Activity (3) at the end of Units 12 and 13 and before the final examination.

2.6 Land i-Tutorial 4: Introduction to leases

2.6.1 Suggestions for using the i-Tutorial: how and when

You could work through the i-Tutorial before starting to study Units 18 to 20. It will introduce you to key issues such as leasehold terminology, essential characteristics of a lease and the differences between fixed term and periodic leases (including how they can be ended).

Additionally you could review Stage 4 (including Activity 2) as you work through Unit 17 (Licences), particularly in the context of distinguishing between a licence and a tenancy.

2.6.2 Points to Note

Parts of this i-Tutorial acts as consolidation of material covered earlier on in the course in Units 3 to 5 namely the formalities for the creation of legal and equitable leases (Stages 7-9 including Activity 4) and the enforceability of leases against third parties for both registered and unregistered titles (Stages 10-12 including Activity 5). Consequently, if you feel confident about this material having covered it previously, you may decide to skip these sections. Some students, however, may find it useful to have a reminder of the formality requirements and rules on enforceability for leases and the opportunity to work through the two activities to reinforce their understanding.

If you choose to review Stage 4 as you work through Unit 17 (Licences) please be aware that Activity 2 involves reading a short extract from *Street v Mountford* and reading an extract from this case (albeit a longer one) is also part of Activity 66.

2.7 Land i-Tutorial 5: Introduction to Covenants and Easements

2.7.1 Suggestions for using the i-Tutorial: how and when

This i-Tutorial will assist you when you study Units 14 and 15 (Easements) and Unit 16 (Covenants).

First, it introduces you to the concept of a sale of part, which is very often the situation that gives rise to the creation of new easements and covenants over land. It also uses case studies to put these topics into a practical context in both freehold and leasehold titles.

Stages 5 to 7 (including Activity 3) will give you an overview of the law of covenants and you should review these before studying Unit 16.

Stages 8 to 11 (including Activity 4) will help you gain an insight into the complex rules governing the characteristics, creation and enforceability of easements that you will study in Units 14 and 15.

Stage 12 (including Activity 5) gives you the opportunity to distinguish between easements and covenants, as they can be easily confused and will be useful to you once you have studied both topics in full and are starting to compare and contrast these third party rights.

You may also find it useful to review the i-Tutorial for consolidation and revision before attempting the Consolidation Activity on easements at the end of Units 14 and 15 and before the final examination.

2.8 Equity & Trusts i-Tutorial 1: Basic Concepts of Equity & Trusts

2.8.1 Suggestions for using the i-Tutorial: how and when

Work through this i-Tutorial before starting to study Unit 2 section G.

Alternatively, use the i-Tutorial as a review to consolidate your knowledge once you have completed Unit 2.

2.9 Equity & Trusts i-Tutorial 2: Gifts and Trusts

This i-Tutorial deals with material covered in Unit 6 Sections A, B and C. It puts the lifetime use of gifts and trusts in practical contexts, including the influence of Inheritance Tax. It also introduces the topic of leaving property to beneficiaries on death, either by will or on intestacy.

2.9.1 Suggestions for using the i-Tutorial: how and when

Work through this i-Tutorial before starting to study Unit 6. It will help put the legal requirements into context.

Alternatively, use the i-Tutorial as a review to consolidate your knowledge once you have completed Unit 6.

2.10 Equity & Trusts i-Tutorial 3: The Role of the Trustee

2.10.1 Suggestions for using the i-Tutorial: how and when

To obtain an overview of the different types of trust and the role of a trustee, work through Stages 1-4 and 8-10 of this i-Tutorial before starting to study Unit 2 section G.

Alternatively, use the above stages of the i-Tutorial as a reminder of the trust concept before you return to the subject of trusts in Units 7-8.

Stages 5-7 of the i-Tutorial consider Powers of Trustees in some detail and should be viewed before starting to study Units 25 and 26 section E or as consolidation after completing Units 25 and 26

2.11 Equity & Trusts i-Tutorial 4: Fiduciary Duties

2.11.1 Suggestions for using the i-Tutorial: how and when

Recommended suggestion: work through the i-Tutorial before starting to study Units 25-26.

Alternatively, use the i-Tutorial as a review and consolidation device after completing Units 25-26 section B.

In either case you can choose to work through the i-Tutorial at one sitting, or through a particular stage or group of stages at a time.

PART B – PODCASTS

A podcast is an audio file which you can listen to. It is stored on The College of Law ELITE site and is accessed in the same way as the i-Tutorials.

Podcasts are available for each of the i-Tutorials provided and they cover the same content as the i-Tutorial. The podcasts are stored as MP3 files. You can click on the MP3 file and listen to it on your computer. Alternatively, most people prefer to download the file on to an

MP3 player, i pod or CD. You can download the file by right-clicking on the item and then selecting “save target as...”. This means that you can listen to the podcast while travelling.

PART C – TRANSCRIPTS OF I-TUTORIALS AND PODCASTS

You may experience difficulties in accessing the i-Tutorials and podcasts satisfactorily if you do not have a broadband connection. It is important to remember that the i-Tutorials and podcasts are optional and can supplement your studies, but it is not necessary to use them in order to be successful on the course. However, we have provided transcripts although we strongly recommend, that you do not print these documents unless you have special circumstances.