This course aims to introduce students to the basic principles of common law and equity as applied to property, both immoveable and moveable including intellectual property. Beginning with an exploration of what property rights are, this course will consider how land can be dealt with at common law and in equity, before taking a look at how some of these complexities have receded, given the adoption and universal application of the Torrens registration system in Singapore. The study of the concepts and operation of the Land Titles Act is at the heart of the course. Where appropriate, the course will attempt to link up these legal concepts with modern commercial practice such as the Real Estate Investment Trust. This course will also examine selected legal issues surrounding high rise property involving the Housing and Development Act and the Land Titles Strata Act.

The question of ownership and transfer of moveable property at common law and equity will also be introduced. The course will also examine the creation of security interests over immoveable (and briefly, moveable) property and the problems relating to determining the priorities of competing security interests.

**PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)**

Contract Law 1, Contract Law 2 and Law of Torts are pre-requisites for this course.

**RECOMMENDED TEXT AND READINGS**

*Textbooks:*

Tan Sook Yee, Tang Hang Wu and Kelvin FK Low
*Tan Sook Yee’s Principles of Singapore Land Law*
3rd ed., LexisNexis, 2009

Kevin Gray and Susan Francis Gray
References to recommended readings will be provided in course outlines comprising the Course Syllabus for each section of the course taught by individual instructors and students should be astute to read all of the cases and readings set out in their instructor’s Course Syllabus. This is a course in which students will be expected to read the recommended cases and commentaries and study the relevant legislation in close detail.

Reference Texts:

Michael Bridge  
*Personal Property Law*  

Michael Spence  
*Intellectual Property*  
Oxford University Press, 2007

Peter Butt  
*Land Law*  
6th ed., Law Book Co. of Australasia, 2009

Charles Harpum, Stuart Bridge and Martin Dixon  
*Megarry & Wade: The Law of Real Property*  

Edward Burn and John Cartwright  
*Cheshire & Burn’s Modern Law of Real Property*  

WJM Ricquier  
*Land Law*  
4th ed., LexisNexis, 2010

**ASSESSMENT METHOD**

General Class Participation 10%

Each student will be assessed on his/her participation in class as well as the discussion forum. Assessment is based on your preparedness for and contributions in class. Contributions may take the form of both questions and comments. Credit will also be given for students’ ‘having a go’ even if they are unsure of themselves though this should not be taken to be a licence to show up unprepared. You are encouraged to give it a shot if you have completed your readings and exercises even if you are unsure of yourself, not simply try your luck by taking pot shots and making guesses.

Class Presentation 20%

Students will be paired up and assigned a topic to read and “digest” for the rest of the class. The class presentation will be presented from the front of the class where you will be able to make use of the white board should you choose to do so. Powerpoint presentations are not permitted to prevent the loss of time due to technical failure. **Please note that each student will be judged individually.**

Written Assignment 20%
Students will be expected to submit a 2,000 word essay based on a topic not covered in class to be set by the instructors. This component of the course is intended to assess your ability to undertake independent research on a topic that you have not received instruction on to simulate some of the work you will likely have to undertake in practice.

Final Exam 50%

The final examination will comprise hypothetical and/or essay questions. The examination is partly open book, in that students are permitted to bring limited materials into the examination hall. Only the following are permitted:

(i) any four approved books; and
(ii) up to 25mm of personal notes in A4 size.

For the purposes of (i), all books on the “Recommended text and readings” list are approved. Any students wishing to bring a book not on that list into the examination hall are to seek approval by 5 pm, Friday of week 13, after which a finalised approved book list will be distributed to all students.

Textbooks, casebooks or other academic treatises will generally be approved regardless of quality or relevance, so students should not treat approval as an endorsement as to either their quality or relevance. Books setting out sample questions and model answers will not be approved.

Both (i) and (ii) may be marked up in any way that students wish (eg highlighting, flagging, notations etc) provided of course, in the case of (i), they are not library books (which should never be marked).

No other material is permitted.

COURSE METHODS

It is intended to involve all students actively in the learning process and to conduct each teaching session as an interactive seminar. Students will be expected to read ahead of each class and be prepared to answer questions and to discuss their reading. This is a course requiring students to become familiar with some of the most important private law concepts and doctrines and it will often be most efficient, given the time constraints for the course, for these concepts to be introduced in a lecture style before class discussion. However, students are encouraged to ask relevant questions at any time.

Students are allowed to form their own groups at the outset but the instructor reserves the right to add, remove or swap members between groups.

IMPORTANT: Plagiarism is strictly forbidden and may result in a failed grade. All materials and ideas gleaned from other sources must therefore be appropriately attributed.

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student’s own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.
When in doubt, students should consult the instructor of the course. Details on the SMU Code of Academic Integrity may be accessed at [http://www.smuscd.org/resources.html](http://www.smuscd.org/resources.html)

**CLASS SCHEDULE**

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<th>Readings (tba)</th>
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<td>Fundamental Concepts (continued)</td>
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<td>Contract of Sale Introduction to Registration and Torrens Registration</td>
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<td>Co-ownership</td>
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<td>Licenses &amp; Proprietary Estoppel</td>
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<td><strong>Mid-term Break</strong></td>
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<td>Security Interests</td>
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<td>10</td>
<td>Torrens Registration System: Registration, Indefeasibility &amp; Exceptions</td>
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<td>11</td>
<td>Torrens Registration System: Unregistered Interests &amp; Caveats</td>
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