

BOOK REVIEWS

LAND LAW BY WJM RICQUIER (2nd Edition). [Singapore: Butterworths. 1995.
xxix + 206 pp (including index). Hardcover: S\$97.85]

THE author is to be congratulated for coming out with the 2nd edition of this book which is a pleasure to read, especially with its clear and concise style. The review of the 1st edition of the book by David Jackson can be found in the then *Malaya Law Review* (1985) volume 27, at 462-463. The aim of the 2nd edition remains the same as the 1st edition, namely, that the book “is not a textbook on land law”; neither is it “a practitioner’s manual”, but an “attempt to state, in straightforward terms, the basic principles of a complex subject.” It is also the author’s aim to make the book “as readable as possible, for lawyers, students and others.” With these two aims in mind, it can be said, without any doubt, that the author has succeeded, admirably, in achieving these objectives.

The 2nd edition is most timely in view of the recent substantial changes to the Registration of Deeds Act (Cap 269, 1989 Rev Ed), the Land Titles Act (Cap 157, 1994 Rev Ed), the Conveyancing and Law of Property Act (Cap 61, 1994 Rev Ed) and the Land Titles (Strata) Act (Cap 158, 1988 Rev Ed). The passing of the Application of English Law Act (Cap 7A, 1994 Rev Ed) in 1993 also has an impact on the development of Singapore land law. In addition, recent decided cases have contributed their fair share to the continued developments of the respective areas in Singapore land law.

The format of the 2nd edition follows closely that of the 1st edition. The book is divided into five parts: Part I, which gives a general introduction to land law in Singapore, discusses, among others, the basic land law concepts and looks at the significance of the leasehold as a method of land holding in Singapore; Part II deals with transfer of land, including trusts, succession and assignments of choses in action; Part III looks at the Registration of Deeds Act (Cap 269), the Torrens system as provided for under the Land Titles Act (Cap 157) and the strata title system as laid out in the Land Titles (Strata) Act (Cap 158); Parts IV and V deal with commercial interests in land, such as leases, licences, easements, profits, restrictive covenants and mortgages, and planning law respectively.

One noticeable change (which reflects the change in the law) is the deletion of the discussion on adverse possession in Part II of the book. By section 177 of the Land Titles Act 1993 (No 27 of 1993), adverse possession as a means of acquiring title to land in Singapore is now abolished. While the decision to exclude discussion on adverse possession is understandable, it is less obvious why the same fate should befall the topic of conveyancing at general law which was discussed in Part II of the 1st edition, albeit briefly. Incorporating this topic, even in the manner in which it was dealt with in the 1st edition, would have made Part II, which deals with transfer of land, more complete and self-contained and would not detract from the fact that the book is not intended to be a textbook on land law.

In the area of leases, one of the more perplexing issues relates to the question whether it is the assignee of the reversion or the original landlord who can sue the tenant for previous breaches not of a continuing character. There are differences in opinion amongst local writers as to the effect of section 10 of the Conveyancing and Law of Property Act (Cap 61) (see Tan *Principles of Singapore Land Law* (1994), at 305-306 *cf* Lye *Landlord and Tenant* (1990), at 230-231). The local case of *Syed Yassin v Euvon Industries Pte Ltd* [1991] 2 MLJ 5 does not appear to have conclusively settled the issue. The court did not undertake a detailed consideration of the effect of the section. Relevant English cases on the then section 10 of the English Conveyancing and Law of Property Act 1881 (which was *in pari materia* with section 10 of the Singapore CLPA), such as *Flight v Bentley* (1835) 7 Sim 149, were not discussed in *Syed Yassin*.

In the area of mortgages, it is now made clear by the Privy Council in *Downsview Nominees Ltd & Anor v First City Corp Ltd & Anor* [1993] 3 All ER 626 that mortgagees owe mortgagors a limited equitable duty to exercise their powers in good faith but not a general duty of care in tort. However, it may be noted that, even before *Downsview Nominees* came along, it was already made clear in the earlier English Court of Appeal case of *Parker-Tweedale v Dunbar Bank plc & Ors (No 1)* [1990] 2 All ER 577 that such was the nature of the duty owed by mortgagees to mortgagors, with the effect that the mortgagee in *Parker-Tweedale* owed no duty of care to the third party-beneficiary in regard to the sale of the mortgaged property.

All in all, the 2nd edition incorporates the latest on Singapore land law and deals with the vexed areas of the law in clear and simple language. There is no doubt that it will be as well received as the 1st edition, if not better. In fact, the author's view on the true basis of the lost modern grant in relation to the acquisition of an easement has found judicial favour in the local case of *Lim Hong Seng v East Coast Medicare Centre Pte Ltd* [1995] 2 SLR 685 at 697, where it was cited with approval by Prakash JC (as she then was). The 2nd edition will, undoubtedly, serve as a useful "introductory text" for lawyers and others who are interested in this area of the law and particularly so for law students who will find it a refreshing and useful change from the complex English texts.