

LAW OF REAL PROPERTY AND CONVEYANCING BY N KHUBLALL (3rd Edition).
[Singapore: FT Law & Tax Asia Pacific. 1996. xc + 995 pp (including index).
Hardcover: S\$175 (excluding GST)]

BEGINNING with twenty-four chapters in its first edition in 1986, this book, now in its third edition, consists of twenty-eight chapters. A student edition is also available. Needless to say, the book has been substantially revised and, where appropriate, expanded in the third edition not only to provide greater coverage of existing as well as new cases but also to take account of the recent substantial legislative 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.

While the title of the book would seem to suggest that the coverage is only on real property law and conveyancing, a reading of the text reveals that coverage is also generously given to other aspects of the law relating to property management. The text is divided into four parts. The first part, consisting of thirteen chapters, deals with real property law. Amongst the areas discussed are estates and interest

in land, future interests and remoteness of vesting, settlements, co-ownership and matrimonial property, leases, licences, mortgages, easements, covenants affecting land, rent control and the position of the doctrine of adverse possession in Singapore. Major developments in case law have, in most instances, been highlighted and discussed by the author. In Chapter 6 dealing with co-ownership, on the issue of severance of a joint tenancy, it is stated at page 127 that Lord Denning's view that a declaration of intention to sever is enough to effect severance, finds support in the local case of *Sivakolunthu Kumarasamy v Shanmugam Nagaiah & Anor* [1988] 1 MLJ 341. A reading of the judgment in *Sivakolunthu* at page 343, however, suggests otherwise. In Chapter 10 dealing with leases, it is inaccurately stated at page 313 that the possibility that a lease might be extended under an option to renew is not to be taken into account in calculating the length of the lease for the purpose of registration under the Land Titles Act (Cap 157). In fact, section 87(3)(a) of the Act states to the contrary. As for relief against forfeiture available to a tenant under section 18(2) of the Conveyancing and Law of Property Act (Cap 61), the decision in *Billson v Residential Apartments Ltd* [1992] 1 AC 494 should have been highlighted as the House of Lords did much to clarify the law in this area. In regard to the running of covenants in leases *vis-à-vis* the tenant's assignee, there is no discussion of the position in equity either in Chapter 7 (dealing with covenants affecting land) or Chapter 10 (dealing with landlord and tenant law). The position in equity becomes most relevant where there is no compliance with formalities for either the lease or assignment or both. This would necessitate the application of the doctrine of fusion of law and equity as enunciated in *Boyer v Warbey* [1953] 1 QB 234. There also appears to be no discussion on the perplexing issue of 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 pages 305-306; cf *Lye Landlord and Tenant* (1990), at pages 230-231). The local case of *Syed Yassin v Euvon Industries Pte Ltd* [1991] 2 MLJ 5, unfortunately, does not appear to have conclusively settled the issue.

Just two other minor points to note in relation to the first part of the book. There appears to be a typographical error in the citation of the Controlled Premises (Special Provisions) Act (Cap 60) in footnote 79 on page 341 of the book. The year of the revised edition of the Act should read 1996 and not 1995. The same error also appears in the Table of Statutes on page lxi. The other point to note is that the reference in footnote 55 on page 13 to Ricquier's *Land Law* book should have been to his latest second edition (which was published in July 1995) instead of to the first edition.

The second part of the book deals with trust and succession in two chapters. The inclusion of trust is justified on the basis that it is an invaluable means of managing wealth, in particular, in regard to real property, and, accordingly, there is a place for it in a book of this nature.

The third part of the book, dealing with contract and conveyance, consists of six chapters. The chapters on sale and purchase of land, conveyance of unregistered land, priorities under general law, registration of titles and conveyancing under the Torrens system, machinery of caveats under the Land Titles Act and control of developers in relation to sale and purchase agreements are generally well discussed. In addition, the flow charts provided are not only instructive but also facilitate a better understanding of the principles involved.

Part four of the book, which is the final part, would be of particular interest to valuers, surveyors and property managers, amongst others. It consists of seven

chapters which deal with property management and public control. A whole chapter is devoted to repairing obligations under leases and tenancies as well as liability for defective premises. The chapter on statutory bodies in relation to real property looks at the Housing and Development Board, the Urban Redevelopment Authority and the Jurong Town Corporation, all of which have contributed substantially, in their own ways, to real estate development in Singapore. There are also chapters on the relevant statutes relating to the maintenance and management of buildings (such as the Building Control Act (Cap 29) and the Building and Common Property (Maintenance and Management) Act (Cap 30)), strata titles and compulsory acquisition of land. A new chapter looks at the general framework and enforcement of planning and development control which is particularly important for Singapore in view of the scarcity of land which has to be properly and efficiently managed.

The practical approach taken in most of the chapters, such as sale and purchase of land, conveyance of unregistered land, control of developers in relation to sale and purchase agreements and strata titles, brings forth the salient principles without bogging the reader down with technicalities. The generous use of flow charts and diagrams also assists the reader to understand the principles as well as provisions in the various statutes better. There is also a glossary of technical terms provided in the earlier part of the book which will help to explain the meaning of a number of technical terms used in the text. The various chapters are, generally, written in a manner accessible to the average reader. Apart from local and English cases, the author has also made reference to cases from other jurisdictions (such as Malaysia, Australia and New Zealand) where relevant.

All in, the book provides a good overview of, as well as a good starting point for further research on, this area of the law.

TEO KEANG SOOD