

#### **4.5.2.1 Interests of persons in actual occupation**

In *Bank of Scotland v Hussain* [2008] EWHC 1669 (Ch) it was held that the bank had to discover whether any persons were in actual occupation and then go on to make inquiries of that person as to their interest. If they did not go on to complete the second step, they were not protected from the person with the overriding interest. The case was decided under the old LRA 1925 s.70(1)(g).