

Land Law

1 Week 1 – Foundations of land law

1.1 Some basic principles

- “Common sense” conceptions of property
- Unique qualities of land
- Multiplicity of rights and interests

1.2 Definition of land

- “land” includes land of any tenure, any mines and minerals, whether or not held apart from the surface, buildings or parts of buildings... and other corporeal hereditaments; also... rent, and other incorporeal hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land”. Section 205 (ix) LPA 1925

1.3 Tenure of Estates and Interests in Land

- Section 1(1)(a) LPA 1925
- Freehold estates
 - Fee simple absolute in possession
- Leasehold estates
 - Term of years absolute

1.4 Legal and equitable interests

- Legal interests/charges (s.1(2) LPA 1925):
 - Easements
 - Rent charge
 - Charge by way of legal mortgage
 - Land tax/tithe rent charge
 - Right of re-entry in respect of a lease/rent charge
- Section 1(3):
 - All other estates, interests and charges in or over land take effect as equitable interests

1.5 Historical Development of Law

- Law and equity
 - Formality/fairness; form/substance
- Equitable maxims
 - Equity looks on as done that which ought to be done
- The concept of trust
- Equitable remedies
- The primary property legislation
 - Law of property act 1925

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