

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

Land Law Lecture Notes

Jianjun Gao



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Table of Contents Land Law Lecture Notes

1. Understanding the eBook Land Law Lecture Notes
 - The Rise of Digital Reading Land Law Lecture Notes
 - Advantages of eBooks Over Traditional Books
2. Identifying Land Law Lecture Notes
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Land Law Lecture Notes
 - User-Friendly Interface
4. Exploring eBook Recommendations from Land Law Lecture Notes
 - Personalized Recommendations
 - Land Law Lecture Notes User Reviews and Ratings
 - Land Law Lecture Notes and Bestseller Lists
5. Accessing Land Law Lecture Notes Free and Paid eBooks
 - Land Law Lecture Notes Public Domain eBooks
 - Land Law Lecture Notes eBook Subscription Services
 - Land Law Lecture Notes Budget-Friendly Options

6. Navigating Land Law Lecture Notes eBook Formats
 - ePub, PDF, MOBI, and More
 - Land Law Lecture Notes Compatibility with Devices
 - Land Law Lecture Notes Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Land Law Lecture Notes
 - Highlighting and Note-Taking Land Law Lecture Notes
 - Interactive Elements Land Law Lecture Notes
8. Staying Engaged with Land Law Lecture Notes
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Land Law Lecture Notes
9. Balancing eBooks and Physical Books Land Law Lecture Notes
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Land Law Lecture Notes
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Land Law Lecture Notes
 - Setting Reading Goals Land Law Lecture Notes
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Land Law Lecture Notes
 - Fact-Checking eBook Content of Land Law Lecture Notes
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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