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Land Law

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CORE TEXT SERIES

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Land Law

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Guide to Using the Book

There are a number of features throughout the textbook designed to help you in your studies.

SUMMARY

This chapter considers leases. Leases can count as an ownership of land for a period. They are very important for their homes, and most businesses have leases. The content, acquisition, and defences questions there are often both contractual and proprietary. This chapter will also consider leasehold covenants. A covenant is an implied promise made by a landlord to a tenant.

Chapter summaries highlight what will be addressed in each chapter, so you are aware of the key learning outcomes for each topic.

FURTHER READING

Bright, S, 'Of Estates and Interests: A Tale of Own and Another', in Dewar (eds), *Land Law: Themes and Perspectives* (2013).
Lochery, E, 'Pushing the Boundaries of *Dutton*' [2013] 1 *ELJ* 1.
McFarlane, B, 'Keppell v Bailey (1834) and *Hill v Parry* (1867): The Common Law' in N Gravells (ed), *Land Law* (2013). Publishing, 2013).

At the end of each chapter is a list of recommended **further reading**.

These suggestions include book and journal articles, and will help to supplement your knowledge, and develop your understanding of the key topics.

SELF-TEST QUESTIONS

- 1 Is there a continuing role for land covenants?
- 2 Are restrictive covenants genuine property rights?
- 3 Restrictive covenants and easements share similarities and differences?
- 4 What is meant by annexation? Do you think it is necessary?

Each chapter concludes with a selection of **self-test questions**.

These allow you to check your understanding of the topics covered and help you engage fully with the material in preparation for further study, writing essays, and answering exam questions.

Preface

In the preface to our first edition of *Land Law: Text, Cases, and Materials* we wrote that it was 'somewhat daunting' to add to OUP's well-regarded texts, cases, and materials series. This time, we have also aspired to the extremely high standards of Kevin Gray and Susan Francis Gray, to whom this book is dedicated. We all used and greatly admired their book *Land Law* in OUP's Core Text series, which so ably met its aims to challenge and to inform, and to serve as a companion to their more detailed *Elements of Land Law*. We certainly have not tried to produce a new edition of the Grays' text, as no one could hope to match their distinctive and insightful style. Rather, this book is a wholly new one, and takes its own path in aiming for the same end of challenging and informing the reader.

Our book contains within its own covers full coverage of the core rules, principles, and debates in land law. So, whilst it can be used as a companion to our more detailed *Land Law: Text, Cases, and Materials*, it is also a stand-alone resource. Each chapter of this Core Text is designed to be read straight through as an introduction to the material, or, perhaps, as a recap: the flow of the text is not interrupted by extracts from primary and secondary sources or footnotes, and further details on specific points are always available in our *Text, Cases, and Materials* book. Those familiar with that longer book will need no introduction to the structure used here, based on the content, acquisition, and defences/priority questions. They will also recognize, in Chapter 2, our continued belief that the topic of human rights is important in land law, not least in raising directly some of the fundamental tensions (eg between occupiers, landowners, and creditors) that are often hidden behind the technicalities of the subject. In this shorter book, we have focused on the law of registered land, as now of course the vast majority of titles to land are registered. In seeking to challenge as well as to inform, we have also included a final chapter, Chapter 12, which considers some of the wider issues raised by the current land law rules and which we hope will assist, and even inspire, students writing essays or dissertations on land law topics.

Whilst cooperating closely, we have capitalized on our own research interests in the division of labour: Ben is responsible for Chapters 1, 3, 5.83–5.138, 7.1–7.86, and 12; Nick for Chapters 4, 5.1–5.82, 6, and 11; Sarah for Chapters 2, 7.87–7.137, and 8–10. In addition to a bibliography of sources, each chapter contains suggestions for further reading and self-test questions.

We are very grateful for the feedback provided by anonymous reviewers, and also for those (such as Professor John Mee) who have read and commented on specific chapters.

We are also indebted to OUP in general and Felicity Boughton in particular for their help in bringing the book into being.

Ben McFarlane, Nicholas Hopkins, Sarah Nield

Nick Hopkins is the Property, Family and Trusts Law Commissioner for England and Wales, but nothing in this work should be taken as representing the views of the Law Commission.

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