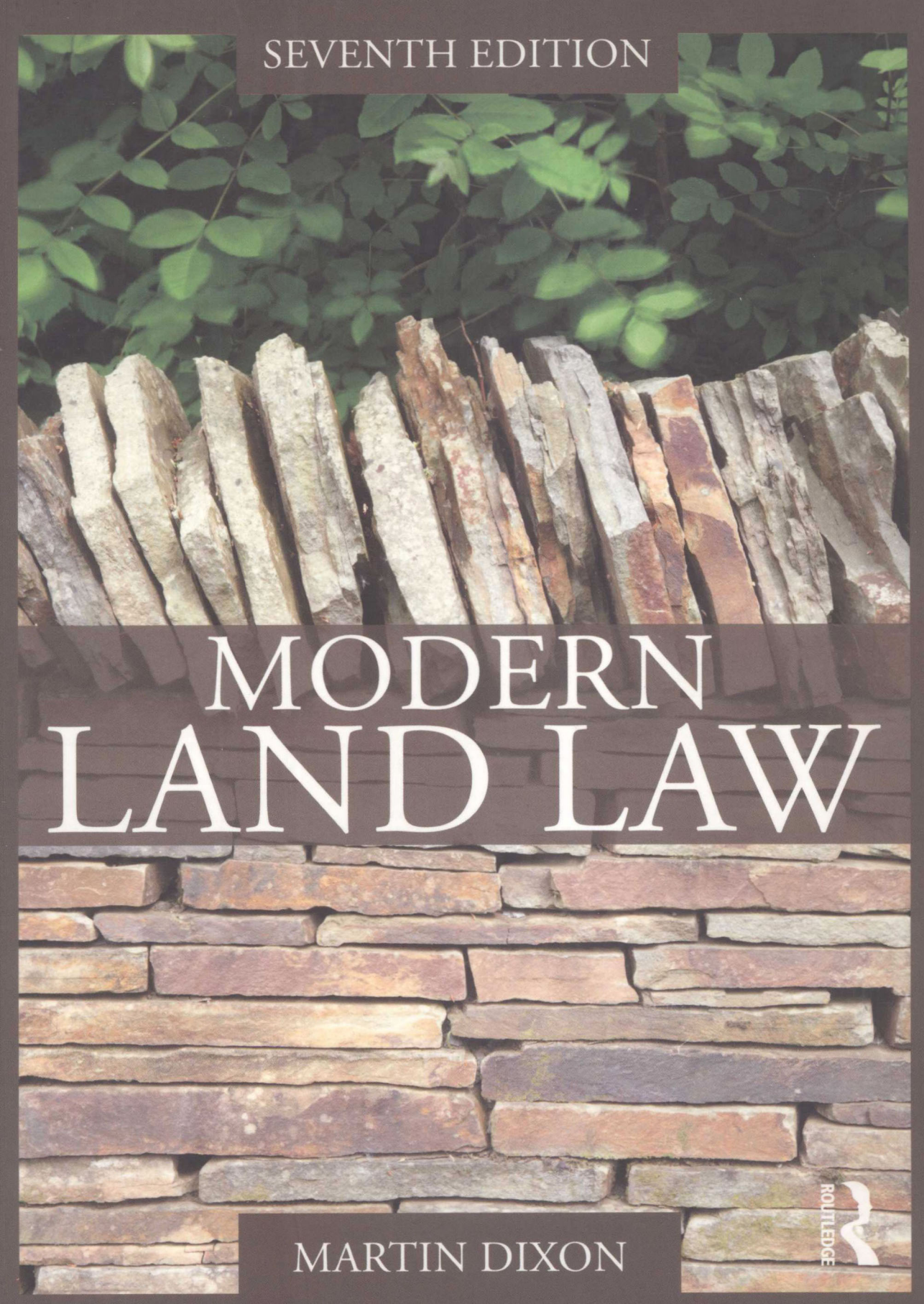


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SEVENTH EDITION

# MODERN LAND LAW

MARTIN DIXON

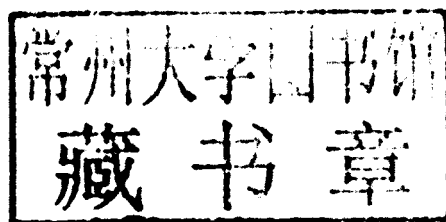
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**Martin Dixon**



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**To Cornflake**

# List of Abbreviations

## Terms

|      |                                  |
|------|----------------------------------|
| AGA  | Authorised Guarantee Agreement   |
| CRAR | Commercial Rent Arrears Recovery |

## Legislation

|         |                                                                                 |
|---------|---------------------------------------------------------------------------------|
| AJA     | Administration of Justice Act                                                   |
| CCA     | Consumer Credit Act                                                             |
| CLRA    | Commonhold and Leasehold Reform Act                                             |
| ECHR    | European Convention for the Protection of Human Rights and Fundamental Freedoms |
| FLA     | Family Law Act                                                                  |
| FSMA    | Financial Services and Markets Act                                              |
| LA      | Limitation Act                                                                  |
| LCA     | Land Charges Act                                                                |
| LPA     | Law of Property Act                                                             |
| LP(MP)A | Law of Property (Miscellaneous Provisions) Act                                  |
| LRA     | Land Registration Act                                                           |
| LRR     | Land Registration Rules                                                         |
| LT(C)A  | Landlord and Tenants (Covenants) Act                                            |
| SLA     | Settled Land Act                                                                |
| TOLATA  | Trusts of Land and Appointment of Trustees Act                                  |

## Journals

|       |                                     |
|-------|-------------------------------------|
| CLJ   | Cambridge Law Journal               |
| Conv  | The Conveyancer and Property Lawyer |
| CLP   | Current Legal Problems              |
| LQR   | Law Quarterly Review                |
| LS    | Legal Studies                       |
| MLR   | Modern Law Review                   |
| SLR   | Student Law Review                  |
| SLRYB | Student Law Review Yearbook         |

# Preface

Approaching land law for the first time can seem a daunting prospect. A major aim of this text is to dispel fears, and to explain land law in an understandable and logical way. No attempt has been made to minimise the complexities of the subject simply to make it attractive or readable, for that benefits no one. However, the text is designed to explode the myths and mysteries of land law, and substitute instead a picture that is both detailed and comprehensible. There is no denying that land law is different from other subjects, not least because its language is at first unfamiliar. But different does not mean difficult. Similarly, there is a common belief that land law is boring, not as sexy or apparently relevant as other legal disciplines. This too is misplaced, for land law remains at the heart of the legal system and is the vehicle for so much that concerns our everyday lives, both at home and work. Seen in context, the issues raised in land law are as challenging and as topical as any that other law courses have to offer.

Land law is also a subject steeped in history. Many of the concepts and much of the language have their origin in centuries-old legal tradition. However, the historical dimension of land law – which in its own right is a fascinating topic for those with a passion for social and legal history – should not blind us to the reality that we live in the twenty-first century and that the everyday principles of land law have moved on. The great reforms of 1922–25 that gave birth to the reforming property law legislation of 1925 no longer seem radical and unfamiliar, and the entry into force of the Land Registration Act 2002 on 13 October 2003 heralded a new era. Of course, what we have now owes much to what we once had, but land law is a modern subject and our system is likely to be the first in the world that moves away from paper transactions in favour of electronic dealings. That said, I have resisted the temptation, which was never very great, to present land law as some kind of trendy, modernist social construct. The need for modern teaching of a modern subject does not mean the abandonment of a method of analysis that has stood the test of time. This is a book about law, based on our traditional understanding of the foundations of property law, albeit that concepts, principles and rules that are of purely historical interest have been omitted.

Land law is like a jigsaw, and this book aims to explain the rules and principles and how they fit together to form a coherent whole. The arrangement of the chapters is intended to facilitate the growth of a steady understanding of each topic and its place within the jigsaw. Many pieces are needed before the jigsaw shows a picture, so the text aims at an accumulation of understanding, rather than dropping the reader in at the deep end. There has been important case law since the previous edition, and the Land Registration Act 2002 has continued to be interpreted in the courts. The House of Lords has been reinvented as the Supreme Court, and electronic land registration has moved closer. The impact of human rights on land law continues to be explored – if not resolved – and the impact of the credit crunch has been felt in the law of mortgages. Several sections of the text have been rewritten and of necessity there has been some expansion. My aim has remained, however, to help the reader swim with the subject, rather than watch them drown in the detail.

I remain grateful to many current and former students who continue to raise questions about land law that require thought and reflection. They have done much to sharpen my thoughts and to save me (I hope) from serious error. My wife and children have moved from active disinterest in land law to quiet submission, and now simply switch on the Wii

when I began to babble on about the latest developments in the Chancery Division. I remain convinced that land law is an elegant and sophisticated subject, and continue to believe that everyone I meet can be convinced of this. People now cross the street to avoid me. Many readers have commented on the absence of Cornflake from the last edition, but I am pleased to say that the dedication has been restored. Cornflake's absence did not reflect a change in substance, but merely my inattention when checking the proofs of the previous edition. The discovery of this was not a happy moment.

Martin Dixon  
Queens' College, Cambridge  
Candlemas, February 2010

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