

Modern Studies in

# Property Law

Volume 1: PROPERTY 2000

Edited by

**Elizabeth Cooke**

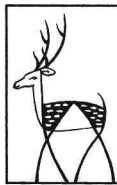
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# Modern Studies in Property Law

Volume 1

Property 2000

Edited by  
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## Preface

“PROPERTY 2000” was the third biennial conference of the Centre for Property law at the University of Reading. It drew together scholars from all parts of the United Kingdom, the European Community, and as far afield as Australia. Grateful thanks are due to the British Academy, whose generous provision of a British Research Conference Grant subsidised the travelling expenses of conference speakers from overseas.

Most of the papers given at “Property 2000” are presented here. Papers from the earlier Reading conferences were published as:

*The Reform of Property Law*, Paul Jackson and David C Wilde (eds), Ashgate Dartmouth

*Contemporary Property Law*, and *Property Law: Current Issues and Debates*, Paul Jackson and David C Wilde (eds), Ashgate Dartmouth 1999

This volume marks a new departure. We have a change of publisher, and the title of the work enables publications from future events at Reading to form a series. Moreover, the publication has been refereed by a small team of distinguished, and anonymous, scholars. The refereeing process has been very stimulating and helpful; the contributors and the editor are most grateful to the referees for their hard work.

The theme of property law in the new millennium was chosen to allow maximum flexibility to the participants; however, a number of subsidiary themes emerged, which present a snapshot of the current concerns of property lawyers, and are reflected in the arrangement of chapters here. We begin with a number of papers on issues of general interest. Charles Harpum’s paper on the proposed changes to the Land Registration system formed something of a keynote to the conference, and provoked much excited debate. The chapters that follow—by Jonathan Hill on possession, David Wright on the equitable lien, Peter Luxton on the duties of trustees and Sarah Nield on estoppel—all demonstrate the continuing relevance of topics and concepts that have been the subject of many decades, or even centuries, of development. Chapters 6 to 9 represent a session devoted to the Human Rights Act 1998, an issue which recurred throughout the conference. Chris Wilmott’s paper looks at the issue of deprivation of property, Gary Watt looks at forfeiture in a variety of contexts. Rod Edmunds and Teresa Sutton examine the use of restrictive covenants in attempts to restrict the development of group homes or community care facilities. Finally Jean Howell tackles the crucial issue of the “Horizontal Effect” of the Act. The section on mortgages begins with John Houghton and Lynne Livesey’s paper prompted by consideration of the needs of today’s borrowers, and continues with Martin

Dixon's examination of the difficult concept of an occupier consenting to the postponement of his rights to those of a mortgagee; finally Caroline Sawyer demonstrates that the *scintilla temporis* will not rest easy in its grave. The 1998 conference included a number of papers on commonhold; the subject does not appear this time, consigned to the back burner to await developments (which have in fact taken place since the conference); that breathing space formed a good opportunity for Peter Sparkes' proposal for a new structure for the law of landlord and tenant; the startling case of *Bruton v. London & Quadrant Housing Trust* [1999] 3 WLR 150 provides a backdrop for Warren Barr's examination of the legal difficulties for charitable landlords. Papers by Sheena Grattan and Ross Macdonald examine aspects of succession law. The final section collects together contributions with an overseas flavour; David Carey Miller examines Scots and South African property law, Andrea Fusaro takes a fresh look at *numerus clausus*; Lars van Vliet's paper is a comparative study of the law of accession moveables. Matti Niemi's description of the electronic Land Registers in the Nordic countries is especially topical in this jurisdiction at the moment. Finally, Andrew Cartwright and Piotr Stec examine—from their respective positions as visitor and national—the difficult process of re-privatising property in the former communist countries of Eastern Europe.

In all the contributions to the conference we have seen the vitality of property law, both in the continuing influence of old cases and in the capacity of the law—and the ingenuity of lawyers—to adapt to new challenges. The challenges continue, and the members of the Centre for Property Law at Reading look forward to fresh inspiration at future events, and in particular at the fourth biennial conference in March 2002.

LIZZIE COOKE  
Reading, September 2000

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