



An Introduction To
Land Law

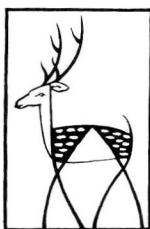
Second Edition

Simon Gardner

An Introduction to Land Law

Second Edition

Simon Gardner



• H A R T •
PUBLISHING

OXFORD AND PORTLAND, OREGON
2009

Published in North America (US and Canada) by
Hart Publishing
c/o International Specialized Book Services
920 NE 58th Avenue, Suite 300
Portland, OR 97213-3786
USA

Tel: +1-503-287-3093 or toll-free: +1-800-944-6190

Fax: +1-503-280-8832

Email: orders@isbs.com

Website: www.isbs.com

© Simon Gardner 2009

Simon Gardner has asserted his right under the Copyright, Designs and Patents Act 1988, to be identified as the author of this work.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any mean, without the prior permission of Hart Publishing, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Hart Publishing at the address below.

Hart Publishing, 16C Worcester Place, OX1 2JW
Telephone: +44 (0)1865 517530 Fax: +44 (0)1865 510710
E-mail: mail@hartpub.co.uk
Website: <http://www.hartpub.co.uk>

British Library Cataloguing in Publication Data
Data Available

ISBN-13: 978-1-84113-980-7

Typeset by Forewords, Oxford
Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall

AN INTRODUCTION TO LAND LAW

The rules of land law are numerous, complex, and in some cases baffling to students and the study of land law is also often portrayed as dull. Too frequently those who find success in working out how the law operates in other areas of law find themselves defeated by land law. Even the great jurist Blackstone apparently succumbed to the depressing conclusion that the study of land law 'afforded the student less amusement and pleasure in the pursuit' than the study of crime and tort.

This book tries to make a difference. It aims to tell the rules' story: to talk about them in terms of the work they do, in a way that will allow readers to understand and engage with them. And through the example it offers, it aims also to give students the confidence, spur and tools to go on to develop such perspectives for themselves.

The book covers the main points of land law found in the syllabuses of law schools in England and Wales. While it is not intended as a comprehensive textbook on the topic, it offers sufficient detail for anyone reading it to gain an overview of the subject, and for those seeking more the footnotes offer plenty of pointers.

As one reader of the first edition commented, 'it shone light where none had shone before, and lit a clear path to understanding'.

Preface

The rules of land law are numerous, complex, and in some cases substantively baffling. The story that together they tell does not jump out from the page. Students who quickly see what is going on in other areas of law often find themselves beaten by land law. This is a worry. Land law is not, after all, some arcane optional extra: it is the set of rules governing, literally, the foundation of terrestrial life. We ought to be able to get a grip on it.

This book aims to help. It tries to offer students a perspective on the subject; and also to provide an example of how it is possible to develop such a perspective for oneself. For the account given here cannot conceivably be the only way of viewing the material. The most valuable thing it can do is give those reading it the confidence, spur and apparatus to do something similar—but better!—for themselves.

By way of content, this book covers most of the main rules of land law as that subject is captured by most university syllabuses. Given its aim, however, it does not set out to be exactly a textbook on the subject. In the effort to present a vision of what the rules are doing, it sometimes focuses on some details more than others. And throughout, it necessarily contains a large element of opinion. It ought, therefore, to be used alongside—most certainly—the primary sources themselves, and probably also some other secondary sources. There are many textbooks available, of various sizes and (like this book) with different strengths and weaknesses. There are also other books with aspirations not dissimilar to this one, each with its own set of viewpoints and insights. And there are some valuable books of essays, particularly perhaps the biennial volumes of *Modern Studies in Property Law*, presenting the excellent papers delivered to the conferences organised by the Centre for Property Law at the University of Reading. Use this book for ideas, support and reassurance that the material not only should but can add up to something—then see what you can do with it for yourself.

This second edition, two years after the first, was needed above all so as to take account of new decisions of the House of Lords in the areas of proprietary estoppel and family property, *Cobbe v Yeoman's Row Management Ltd*, *Thorner v Majors* and *Stack v Dowden*. The relevant parts of the book have been fully rewritten. Other changes in the law, and developments in the literature, have been incorporated too.

Simon Gardner
1 April 2009

Table of Cases

United Kingdom

Abbey National Building Society v Cann [1991] 1 AC 56 (HL)	
Abbott v Abbott [2008] 1 FLR 1451 (PC)	37, 38, 40, 45, 272, 309, 312
AG Securities v Vaughan [1990] 1 AC 417 (CA and HL)	135, 136, 139, 271
A-G for Hong Kong v Humphreys Estate (Queen's Gardens) Ltd [1987] AC 114 (PC)	203, 208, 211, 215, 266
Albany Home Loans Ltd v Massey [1997] 2 All ER 609 (CA)	102
Aldrington Garages Ltd v Fielder (1978) 37 P & CR 461	249
Alec Lobb (Garages) Ltd v Total Oil (Great Britain) Ltd [1983] 1 WLR 87 (Ch D)	208
Amalgamated Investment & Property Co Ltd (in liquidation) v Texas Commerce International Bank Ltd [1982] QB 84 (QBD and CA)	258
Antoniades v Villiers [1990] 1 AC 417 (CA and HL)	109
Armitage v Nurse [1998] Ch 241 (CA)	201, 206, 207, 208, 215
Ashburn Anstalt v WJ Arnold & Co [1989] Ch 1 (CA)	284
Aslan v Murphy [1990] 1 WLR 766 (CA)	128, 129, 130, 131, 211, 212, 271, 323, 325, 326
Austerberry v Corporation of Oldham (1885) 29 Ch D 750 (CA)	201, 204, 207
Bainbrigg v Brown (1881) 18 Ch D 188 (Ch D)	181
Baker v Baker [1993] 2 FLR 247 (CA)	54
Bank of Credit and Commerce International SA v Aboody [1990] 1 QB 923 (CA)	111, 116
Bank of Ireland Home Mortgages Ltd v Bell [2001] 2 FLR 809 (CA)	54
Bank of Scotland v Grimes [1985] QB 1179 (CA)	290, 311
Bankway Properties Ltd v Pensfold-Dunsford [2001] 1 WLR 1369 (CA)	248
Bannister v Bannister [1948] 2 All ER 133 (CA)	209
Barca v Mears [2004] EWHC 2170 (Ch D)	127, 271
Barclays Bank Ltd v WJ Simms Son & Cooke (Southern) Ltd [1980] QB 677 (QBD)	290
Barclays Bank plc v O'Brien [1994] 1 AC 180 (HL)	52
	55, 258, 313

xviii TABLE OF CASES

Barclays Mercantile Business Finance Ltd v Mawson [2005] 1 AC 684 (HL)	216
Barrett v Morgan [2000] 2 AC 264 (HL).	213
Re Basham [1986] 1 WLR 1498 (Ch D).	102, 104, 111
Batchelor v Marlow [2003] 1 WLR 764 (CA)	155, 156
Baxter v Four Oaks Properties Ltd [1965] Ch 816 (Ch D).	179, 186
Beaulane Properties Ltd v Palmer [2006] Ch 79 (Ch D)	95
Bedson v Bedson [1965] 2 QB 666 (CA)	270
Bell v Lever Bros Ltd [1932] AC 161 (HL)	52
Belvedere Court Management Ltd v Frogmore Developments Ltd [1997] QB 858 (CA).	209
Bernard v Josephs [1982] Ch 391 (CA).	294
BHP Petroleum Great Britain Ltd v Chesterfield Properties Ltd [2002] Ch 194 (CA)	223
BICC plc v Burndy Corp [1985] Ch 232 (CA).	220
Biggs v Hoddinott [1898] 2 Ch 307 (CA)	253
Billson v Residential Apartments Ltd [1992] 1 AC 494 (HL).	219
Binions v Evans [1972] Ch 359 (CA)	128, 130, 271, 323, 326
Bird v Syme-Thomson [1979] 1 WLR 440 (Ch D)	38
Birmingham Citizens Permanent Building Society v Caunt [1962] Ch 883 (Ch D)	246, 248
Birmingham, Dudley and District Banking Co v Ross (1888) 38 Ch D 295 (CA)	168
Birmingham Midshires Mortgage Services Ltd v Sabherwal (2000) 80 P & CR 256 (CA).	121
Blackwell v Blackwell [1929] AC 318 (HL)	127
Blue Haven Enterprises Ltd v Tully [2006] UKPC 17 (PC)	111
Booker Settled Estates Ltd v Ayers [1987] 1 EGLR 50 (CA)	204
Boosey v Davis (1988) 55 P & CR 83 (CA)	91
Borman v Griffith [1930] 1 Ch 493 (Ch D).	79, 165, 172
Boustany v Piggott (1995) 69 P & CR 298 (PC).	258
Boyer v Warbey [1953] 1 QB 234 (CA)	81
BP Properties Ltd v Buckler (1987) 55 P & CR 337 (CA)	91
Bradley v Carritt [1903] AC 253 (HL)	252, 254
Bridgman v Green (1757) Wilm 58 (Lords Commissioners)	54
Brightlingsea Haven Ltd v Morris [2008] EWHC 1928 (QB)	115
Bristol & West Building Society v Ellis (1997) 73 P & CR 158 (CA)	248
Bristol and West Building Society v Henning [1985] 1 WLR 778 (CA)	49, 50, 53, 308, 311
Brunner v Greenslade [1971] Ch 993 (Ch D)	179
Bruton v London and Quadrant Housing Trust [2000] 1 AC 406 (HL)	202
Buckinghamshire County Council v Moran [1990] Ch 623 (CA)	91, 96
Bull v Bull [1955] 1 QB 234 (CA)	272
Burdis v Livsey [2003] QB 36 (CA)	210

Burgess v Rawnsley [1975] Ch 429 (CA)	268, 269
Burrows and Burrows v Sharp (1989) 23 HLR 82 (CA)	110, 111, 116
Butler v Rice [1910] 2 Ch 277 (CA)	56
Byford v Butler [2003] EWHC 1267 (Ch D)	294
Campbell v Griffin [2001] EWCA Civ 990 (CA)	105, 107, 112, 118, 119, 123
Canadian Pacific Railway Co v R [1931] AC 414 (PC)	318
Caparo Industries plc v Dickman [1990] 2 AC 605 (HL)	244
Cargill v Gotts [1981] 1 WLR 441 (CA)	98
Castle Phillips Finance v Piddington [1995] 1 FLR 783 (CA)	55, 57, 258
Catt v Tourle (1869) 4 Ch App 654 (CA in Ch)	130, 181
Celsteel Ltd v Alton House Holdings [1985] 1 WLR 204 (Ch D)	174
Centrax Trustee Ltd v Ross [1979] 2 All ER 952 (Ch D)	248
Chambers v Goldwin (1802, 1803, 1804) 9 Ves Jun 254 (Ch)	256
Chambers v Randall [1923] 1 Ch 149 (Ch D)	189
Chattey v Farndale Holdings Inc (1998) 75 P & CR 298 (CA)	129
Cheltenham & Gloucester Building Society v Krausz [1997] 1 WLR 1558 (CA)	243, 248, 251
Cheltenham & Gloucester Building Society v Norgan [1996] 1 WLR 343 (CA)	240, 248, 251
Chhokar v Chhokar [1984] FLR 313 (CA)	36, 38
China and South Seas Bank Ltd v Tan Soon Gin [1990] 1 AC 536 (PC)	242
Cholmondeley (Marquis) v Clinton (Lord) (1817) 2 Mer 171 (Ch)	246
Re Citro [1991] Ch 142 (CA)	290, 311
City of London Building Society v Flegg [1988] AC 54 (HL)	272, 273, 303
City Permanent Building Society v Miller [1952] Ch 840 (CA)	79
Cityland and Property (Holdings) Ltd v Dabrah [1968] Ch 166 (Ch D)	238
Claughton v Charalamabous [1999] 1 FLR 740 (Ch D)	290
Clore v Theatrical Properties Ltd [1936] 3 All ER 483 (CA)	323, 326
Co-operative Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1998] AC 1 (HL)	218
Coatsworth v Johnson (1886) 54 LT 520 (CA)	80, 81
Cobbe v Yeoman's Row Management Ltd [2008] 1 WLR 1752 (HL) Preface, 102, 103, 104, 106, 108, 109, 115, 116, 117, 122, 123	
Cobbett v Brock (1855) 20 Beav 524 (Rolls)	54
Coles v Sims (1854) 5 De G M & G 1 (LJJ)	176
Coombes v Smith [1986] 1 WLR 808 (Ch D)	107
Copeland v Greenhalf [1952] Ch 488 (Ch D)	156
Corporation of London v Riggs (1880) 13 Ch D 798 (Ch D)	162, 171
Cowan v Scargill [1985] Ch 270 (Ch D)	283, 301
Crabb v Arun District Council [1976] Ch 179 (CA) 103, 106, 109, 111, 116, 121, 122, 161	
Cresswell v Potter [1978] 1 WLR 255n (Ch D)	258
Crest Nicholson Residential (South) Ltd v McAllister [2004] 1 WLR 2409 (CA)	188

xx TABLE OF CASES

Crow v Wood [1971] 1 QB 77 (CA)	152
Cuckmere Brick Co Ltd v Mutual Finance Ltd [1971] Ch 949 (CA)	242, 243
Dalton v Angus & Co (1881) 6 App Cas 740 (HL)	98, 172
De Mattos v Gibson (1858–1859) 4 De G & J 276 (Ch and LJJ)	28, 130
Dennis v McDonald [1982] Fam 63 (Fam D and CA)	294
Dent v Dent [1996] 1 WLR 683 (Ch D)	324
DHN Food Distributors Ltd v Tower Hamlets London Borough Council [1976] 1 WLR 852 (CA)	129, 323, 324, 326
Dillwyn v Llewelyn (1862) De GF & J 517 (Ch)	106, 111
Dodsworth v Dodsworth (1973) 228 EG 1115 (CA)	111, 116, 124
Doe d Hanley v Wood (1819) 2 B & Ald 724 (KB)	329
Doherty v Birmingham City Council [2008] 3 WLR 636 (HL)	221, 290
Re Dolphin's Conveyance [1970] Ch 654 (Ch D)	179, 186
Donoghue v Stevenson [1932] AC 562 (HL)	117, 243
Downsview Nominees Ltd v First City Corporation Ltd [1993] AC 295 (PC)	242, 243
Re Draper's Conveyance [1969] 1 Ch 486 (Ch D)	268, 269, 271
Dyce v Lady Hay (1852) 1 Macq 305 (HL)	156
Re Ellenborough Park [1956] Ch 131 (CA)	147, 148, 149, 150, 151, 152, 156
Elliston v Reacher [1908] 2 Ch 374 (Ch D)	178
Emile Elias & Co Ltd v Pine Groves Ltd [1993] 1 WLR 305 (PC)	179
Epps v Esso Petroleum Co Ltd [1973] 1 WLR 1071 (Ch D)	37, 39
Equity and Law Home Loans v Prestidge [1992] 1 WLR 137 (CA)	56, 57, 311
Errington v Errington [1952] 1 KB 290 (CA)	323, 326
Eves v Eves [1975] 1 WLR 1338 (CA)	135
Expert Clothing Service and Sales Ltd v Hillgate House Ltd [1986] Ch 340 (CA)	219
Fairclough v Swan Brewery Co Ltd [1912] AC 565 (PC)	236
Federated Homes Ltd v Mill Lodge Properties Ltd [1980] 1 WLR 594 (CA)	188, 190, 192
First National Bank plc v Achampong [2004] 1 FCR 18; [2003] EWCA Civ 487 (CA)	287
Formby v Barker [1903] 2 Ch 539 (CA)	131, 176, 177
Four-Maids Ltd v Dudley Marshall (Properties) Ltd [1957] Ch 317 (Ch D)	246
Fowler v Barron [2008] 2 FCR 1 (CA)	140
French v Barcham [2008] EWHC 1505 (Ch D)	294
Frogley v Earl of Lovelace (1859) John 333 (Ch)	328, 329
Fry v Lane (1888) 40 Ch D 312 (Ch D)	258
Gandy v Jubber (1865) 5 B & S 15 (Ex Ch)	212
Gillett v Holt [2001] Ch 210 (CA)	102, 105, 107, 108, 110, 119
Gisborne v Burton [1989] QB 390 (CA)	208, 209
Gissing v Gissing [1971] AC 889 (HL)	134, 136, 271

Goldberg v Edwards [1950] Ch 247 (CA)	165
Gore and Snell v Carpenter (1990) 60 P & CR 456 (Ch D)	269, 270
Grant v Edwards [1986] Ch 638 (CA)	134, 135
Greasley v Cooke [1980] 1 WLR 1306 (CA)	107, 111, 119
Great Peace Shipping Ltd v Tsavlis Salvage (International) Ltd, The Great Peace [2003] QB 679 (CA)	52, 54
Green v Ashco Horticulturist Ltd [1966] 1 WLR 889 (Ch D)	169
Griffiths v Williams (1978) 248 EG 947 (CA)	111
Habib Bank Ltd v Tailor [1982] 1 WLR 1218 (CA)	248
Hadjiloucas v Crean [1988] 1 WLR 1006 (CA)	206, 208
Hall v Ewin (1887) 37 Ch D 74 (CA)	181, 226
Hammersmith and Fulham London Borough Council v Monk [1992] 1 AC 478 (HL)	213, 218
Hammond v Mitchell [1991] 1 WLR 1127 (Fam D).	135
Hanbury v Jenkins [1901] 2 Ch 401 (Ch D)	330
Hansford v Jago [1921] 1 Ch 322 (Ch D)	164, 165
Harris v Goddard [1983] 1 WLR 1203 (CA).	268, 269, 270, 271
Hayim v Citibank NA [1987] AC 730 (PC).	283, 301
Haywood v Brunswick Permanent Benefit Building Society (1881) 8 QBD 403 (CA)	181, 182
Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] AC 465 (HL)	116, 244
Henrietta Barnett School Governing Body v Hampstead Garden Suburb Institute (1995) 93 LGR 470 (Ch D)	318
Hill v Tupper (1863) 2 H & C 121 (Ex)	150, 159
Hilton v Plustitle Ltd [1989] 1 WLR 149 (CA)	209
Holman v Howes [2007] EWCA Civ 877 (CA)	141
Horrocks v Forray [1976] 1 WLR 230 (CA)	319
Horsham Properties Group Ltd v Clark [2008] EWHC 2327 (Ch D)	249, 250
Hounslow London Borough Council v Twickenham Garden Developments Ltd [1971] Ch 233 (Ch D).	320, 322, 328
Hua Chiao Commercial Bank Ltd v Chiaphua Industries Ltd [1987] AC 99 (PC)	223
Hunter v Canary Wharf Ltd [1997] AC 655 (HL).	99, 153
Hurst v Picture Theatres Ltd [1915] 1 KB 1 (CA)	320, 321, 322, 328, 329
Hurst v Supperstone [2005] EWHC 1309 (Ch D)	272
Hussein v Mehlman [1992] 2 EGLR 87 (County Court)	218
Hypo-Mortgage Services Ltd v Robinson [1997] 2 FLR 71 (CA)	38
IDC Group Ltd v Clark (1992) 1 EGLR 186 (Ch D); 65 P & CR 179 (CA)	130, 156, 214
International Tea Stores Co v Hobbs [1903] 2 Ch 165 (Ch D).	167, 169
Inwards v Baker [1965] 2 QB 29 (CA)	104, 109, 111, 123, 124
James v Thomas [2007] EWCA Civ 1212 (CA)	141

xxii TABLE OF CASES

Jay v Richardson (1862) 30 Beav 563 (Rolls)	181
Jennings v Rice [2002] EWCA Civ 159 (CA) 102, 109, 110, 112, 118, 123, 124	
Jennings v Ward (1705) 2 Vern 520 (Rolls)	252
Jones (James) & Sons Ltd v Earl of Tankerville [1909] 2 Ch 440 (Ch D)	
.	328, 329
Jones v Morgan [2001] EWCA Civ 995 (CA)	255
Jones v Price [1965] 2 QB 618 (CA)	152
Judd v Brown [1998] 2 FLR 360 (Ch D)	290
Re K [1985] Ch 85 (Ch D)	267
Kali and Burlay v Chawla [2007] EWHC 2357 (Ch D)	141
Kay v Lambeth London Borough Council; Leeds City Council v Price	
[2006] 2 AC 465 (HL)	221, 290
Kaye v Massbetter (1990) 62 P & CR 558 (CA)	209
Kempson v Ashbee (1874) LR 10 Ch App 15 (CA in Ch)	54
Kennedy v De Trafford [1897] AC 180 (HL)	243
Kent v Kavanagh [2006] 2 All ER 645 (CA)	163, 164, 166, 167, 171
Keppell v Bailey (1834) 2 My & K 517 (Ch)	10, 181
Kinane v Mackie-Conteh [2005] EWCA Civ 45 (CA)	115
King v David Allen & Sons Billposting Ltd [1916] 2 AC 54 (HL)	323, 326
Kling v Keston Properties Ltd (1984) 49 P & CR 212 (Ch D)	37, 39
Knightsbridge Estates Trust Ltd v Byrne [1939] Ch 441 (CA)	236, 238, 258
Kreglinger v New Patagonia Meat and Cold Storage Co Ltd [1914] AC 25	
(HL)	252, 253, 254, 255, 256
Lace v Chantler [1944] KB 368 (CA)	212
Laskar v Laskar [2008] EWCA Civ 347 (CA)	140
Law v Jones [1974] Ch 112 (CA)	76
Le Foe v Le Foe [2001] FLR 970 (County Court)	135
Lee v Leeds City Council [2002] 1 WLR 1488 (CA)	217, 218
Leeds City Council v Price <i>see</i> Kay v Lambeth London Borough Council	
Leicester (Earl of) v Wells-next-the-Sea Urban District Council [1973] Ch	
110 (Ch D)	178
Lewis v Frank Love Ltd [1961] 1 WLR 261 (Ch D)	253, 255
Liverpool City Council v Irwin [1977] AC 239 (HL)	217
Lloyd v Dugdale [2001] EWCA Civ 1754 (CA)	123, 130
Lloyds Bank Ltd v Bundy [1975] QB 326 (CA)	258
Lloyds Bank plc v Carrick [1996] 4 All ER 630 (CA)	123
Lloyds Bank plc v Rosset [1989] 1 Ch 350 (CA); [1991] 1 AC 107 (HL)	
.	37, 134, 136, 137, 143, 271
London & Blenheim Estates Ltd v Ladbroke Retail Parks Ltd [1992]	
1 WLR 1278 (Ch D)	155
London & South Western Railway Co v Gomm (1882) 20 Ch D 562	
(CA)	176, 181, 192
London County Council v Allen [1914] 3 KB 642 (CA)	131, 177, 181
Long v Gowlett [1923] 2 Ch 177 (Ch D)	167

Lord Strathcona Steamship Co Ltd v Dominion Coal Co Ltd [1926 AC 108 (PC)	28
Luker v Dennis (1877) 7 Ch D 227 (Ch D)	130, 181
Lund v Taylor (1975) 31 P & CR 167 (CA)	179
Lysaght v Edwards (1876) 2 Ch D 499 (Ch D)	79
Lyus v Prowsa Developments Ltd [1982] 1 WLR 1044 (Ch D)	128, 271
McFarlane v McFarlane <i>see</i> Miller v Miller, McFarlane v McFarlane	
McManus v Cooke (1887) 35 Ch D 681 (Ch D)	82
Macniven v Westmoreland Investments Ltd [2003] 1 AC 311 (HL)	216
McPhail v Persons (Names Unknown) [1973] Ch 447 (CA)	323
Malayan Credit Ltd v Jack Chia-MPH Ltd [1986] AC 549 (PC)	267
Manchester Brewery Co v Coombs [1901] 2 Ch 608 (Ch D)	81
Manjang v Drammeh (1991) 61 P & CR 194 (PC)	162
Mann v Stephens (1846) 15 Sim 377 (Ch)	176, 179
Marten v Flight Refuelling Ltd [1962] Ch 115 (Ch D)	178
Mason v Clarke [1955] AC 778 (HL)	82
Meretz Investments NV v ACP Ltd [2006] 3 All ER 1029 (Ch D)	242
Midland Bank Ltd v Farmpride Hatcheries Ltd (1980) 260 EG 493 (CA).	323, 326
Midland Bank plc v Cooke [1995] 4 All ER 562 (CA)	136
Midland Bank Trust Co Ltd v Green [1981] AC 513 (HL)	131
Re Midland Railway Co's Agreement [1971] Ch 725 (CA)	212
Mikeover Ltd v Brady [1989] 3 All ER 618 (CA)	203, 208, 266
Miles v Easter <i>see</i> Re Union of London and Smith's Bank Ltd's Conveyance	
Miller v Miller, McFarlane v McFarlane [2006] 2 AC 618 (HL).	86, 118, 142
Moncrieff v Jamieson [2007] 1 WLR 2620 (HL)	153, 155, 160, 161
Moody v Steggles (1879) 12 Ch D 261 (Ch D)	150
Morris v Morris [2008] EWCA Civ 257 (CA)	141
Mortgage Corporation v Shaire [2001] Ch 743 (Ch D)	288, 289, 295, 311
MRA Engineering Ltd v Trimster Co Ltd (1988) 56 P & CR 1 (CA)	162
Multiservice Bookbinding Ltd v Marden [1979] Ch 84 (Ch D)	238, 258
Murphy v Brentwood District Council [1991] 1 AC 398 (HL)	244
Muskett v Hill (1839) 5 Bing NC 694 (CP)	329
National Carriers Ltd v Panalpina (Northern) Ltd [1981] AC 675 (HL).	218
National Provincial Bank Ltd v Ainsworth [1965] AC 1175 (HL).	323, 325
National Westminster Bank plc v Morgan [1985] AC 686 (HL)	258
Nestle v National Westminster Bank plc [1993] 1 WLR 1260 (CA)	284, 293
Newton Abbott Co-operative Society Ltd v Williamson & Treadgold Ltd [1952] Ch 286 (Ch D).	181, 189
Nicholls v Lan [2006] EWHC 1255 (Ch D)	290
Nickerson v Barraclough [1980] Ch 325 (CA).	162
Nielson-Jones v Fedden [1975] Ch 222 (Ch D).	269, 270
Re Nisbet and Potts' Contract [1905] 1 Ch 391 (Ch D), <i>affirmed</i> [1906] 1 Ch 386 (CA)	176, 190

xxiv TABLE OF CASES

Noakes & Co Ltd v Rice [1902] AC 24 (HL)	252
Norwich and Peterborough Building Society v Steed (No 2) [1993] Ch 116 (CA)	24
Nottingham Patent Brick and Tile Co v Butler (1885) 15 QBD 261; (1886) 16 QBD 778 (CA)	178, 186
Oakley v Boston [1976] QB 270 (CA)	99, 172
Oates v Stimson [2006] EWCA Civ 548 (CA)	115
Ofulue v Bossert [2008] EWCA Civ 7 (CA) (<i>affirmed, without argument on this point</i> [2009] UKHL 16 (HL))	95
Ottey v Grundy [2003] EWCA Civ 1176 (CA)	104, 107, 112, 118, 119
Oxford's (Earl of) Case, The (1615) 1 Ch Rep 1 (Ch)	29
Oxley v Hiscock [2005] Fam 211 (CA)	136
P & A Swift Investments v Combined English Stores Group Plc [1989] AC 632 (HL)	223
P & S Platt Ltd v Crouch [2004] 1 P & CR 18 (CA)	167
Paddington Building Society v Mendelsohn (1985) 50 P & CR 244 (CA)	49, 53, 308, 311
Palk v Mortgage Services Funding plc [1993] Ch 330 (CA)	242, 243, 251
Parker v Taswell (1858) 2 De G & J 559 (Ch)	82
Parker-Tweedale v Dunbar Bank plc [1991] Ch 12 (CA)	244
Pascoe v Turner [1979] 1 WLR 431 (CA)	109, 112, 118
Pavledes v Ryesbridge Properties Ltd (1989) 58 P & CR 459 (Ch D)	91
Peffer v Rigg [1977] 1 WLR 285 (Ch D)	35, 45, 130, 132
Phipps v Pears [1965] 1 QB 76 (CA)	99, 153, 154, 184
Re Pinewood Estate, Farnborough [1958] Ch 280 (Ch D)	188
Plimmer v Mayor & c of Wellington (1884) 9 App Cas 699 (PC)	103, 104, 109, 111
Re Polly Peck International plc (in administration) (No 2) [1998] 3 All ER 812 (CA)	122
Port Line Ltd v Ben Line Steamers Ltd [1958] 2 QB 146 (QBD)	28
Powell v McFarlane (1977) 38 P & CR 452 (Ch D)	90, 91
Prudential Assurance Co Ltd v London Residuary Body [1992] 2 AC 386 (HL)	211, 212, 213, 215, 216, 218
Purchase v Lichfield Brewery Co [1915] 1 KB 184 (KBD)	81
Pwllbach Colliery Co Ltd v Woodman [1915] AC 634 (HL)	162, 163, 171
Pye, JA (Oxford) Ltd v Graham [2003] 1 AC 347 (HL)	90, 91, 95, 96
Quennell v Maltby [1979] 1 WLR 318 (CA)	236, 247, 249, 250
R v Jones and Smith [1976] 1 WLR 672 (CA)	317
R v Oxfordshire County Council <i>ex parte</i> Sunningwell Parish Council [2000] 1 AC 335 (HL)	98
Raby v Ridehalgh (1855) 7 De GM & G 104 (CA in Ch)	284
Rains v Buxton (1880) 14 Ch D 537 (Ch D)	92
Ramnarace v Lutchman [2001] 1 WLR 1651 (PC)	205
Ramsden v Dyson (1866) LR 1 HL 129 (HL)	102, 103, 106, 115

Rance v Elvin (1985) 50 P & CR 9 (CA)	153
Re Rave [1998] 2 FLR 718 (Ch D)	290
Reeve v Lisle [1902] AC 461 (HL)	255
Reid v Bickerstaff [1909] 2 Ch 305 (CA)	188
Renals v Cowlshaw (1878) 9 Ch D 125 (Ch D), <i>affirmed</i> (1879) 11 Ch D 866 (CA)	178, 188, 191
Rhone v Stephens [1994] 2 AC 310 (HL)	181, 182
Robertson v Fraser (1871) LR 6 Ch App 696 (CA in Ch)	267
Robertson v Norris (1859) 1 Giff 428 (Ch)	248
Rochefoucauld v Boustead [1897] 1 Ch 196 (CA)	127, 271
Rogers v Hosegood [1900] 2 Ch 388 (Ch D and CA)	176, 178, 186, 188, 191
Ropaigealach v Barclays Bank plc [2000] QB 263 (CA)	249
Royal Bank of Scotland plc v Etridge (No 2) [2002] 2 AC 773 (HL)	55, 258, 313
Royal Trust Co of Canada v Markham [1975] 1 WLR 1416 (CA)	246
Rugby School (Governors) v Tannahill [1935] 1 KB 87 (CA)	219
Sainsbury, J plc v Enfield London Borough Council [1989] 1 WLR 590 (Ch D)	188
Samuel v Jarrah Timber and Wood Paving Corporation Ltd [1904] AC 323 (HL)	252, 253, 255, 256
Santley v Wilde [1899] 2 Ch 474 (CA)	252, 254
Saunders v Vautier (1841) 1 Cr & Ph 240 (Ch)	281, 282, 283, 300
Scandinavian Trading Tanker Co AB v Flota Petrolea Ecuatoriana, The Scaptrade [1983] 2 AC 694 (HL)	220
Schwann v Cotton [1916] 2 Ch 120 (Ch D)	166
Scottish Equitable Life plc v Virdee [1999] 1 FLR 863 (CA)	55, 258
Seddon v Smith (1877) 36 LT 168 (CA)	91
Re Sharpe (a bankrupt) [1980] 1 WLR 219 (Ch D)	129, 323, 324, 326
Shaw v Foster (1872) LR 5 HL 321 (HL)	79, 82
Shiloh Spinners Ltd v Harding [1975] AC 691 (HL)	220
Silven Properties Ltd v Royal Bank of Scotland plc [2004] 1 WLR 997 (CA)	242
Skipton Building Society v Clayton (1993) 66 P & CR 223 (CA)	51
Sledmore v Dalby (1996) 72 P & CR 196 (CA)	108, 109, 112, 118
Smith v Hughes (1871) LR 6 QB 597 (QB)	106
Smith v Marrable (1843) 11 M & W 5 (Ex)	217
Snook v London and West Riding Investments Ltd [1967] 2 QB 786 (CA)	206
Re Snowden [1979] Ch 528 (Ch D)	129
Soar v Ashwell [1893] 2 QB 390 (CA)	127
Somma v Hazlehurst [1978] 1 WLR 1014 (CA)	208
Southwark London Borough Council v Mills [2001] 1 AC 1 (HL)	218
Sovmots Investments Ltd v Secretary of State for the Environment [1979] AC 144 (HL)	167

xxvi TABLE OF CASES

Spartan Steel and Alloys Ltd v Martin & Co Ltd [1973] QB 27 (CA) . . .	244
Spencer's Case (1583) 5 Co Rep 16a (QB)	223
Sport International Bussum BV v Inter-Footwear Ltd [1984] 1 WLR 776 (HL)	220
Stack v Dowden [2007] 2 AC 432 (HL) Preface, 133, 135, 136, 137, 138, 139, 140, 143, 144, 271, 291, 294	
Staffordshire Area Health Authority v South Staffordshire Waterworks Co [1978] 1 WLR 1307 (CA)	320
Standard Chartered Bank Ltd v Walker [1982] 1 WLR 1410 (CA). . . .	243
State Bank of India v Sood [1997] Ch 276 (CA)	306
Stockholm Finance Ltd v Garden Holdings Inc [1995] NPC 162 (Ch D) .	37
Stokes v Anderson [1991] FLR 391 (CA)	135
Strand Securities Ltd v Caswell [1965] Ch 958 (CA)	37
Street v Mountford [1985] AC 809 (HL); (1984) 49 P & CR 324 (CA) 198, 199, 200, 204, 205, 206, 208, 210, 211, 213, 215, 216, 218, 326	
Stribling v Wickham (1989) 21 HLR 381 (CA)	203, 207
Stuart v Diplock (1889) 43 Ch D 343 (Ch D and CA)	181
Swain v Ayres (1888) 21 QBD 289 (CA)	80, 81
Sweet v Sommer [2004] 4 All ER 288n (Ch D), <i>affirmed</i> [2005] 2 All ER 64 (CA)	162
Swiss Bank Corporation v Lloyds Bank Ltd [1979] Ch 548 (Ch D) .	28, 271
Tanner v Tanner [1975] 1 WLR 1346 (CA)	319
Taylor v Waters (1817) 7 Taunt 374 (CP)	321
Taylor's Fashions Ltd v Liverpool Victoria Trustees Co Ltd [1982] QB 133n (Ch D).	105, 106, 108
Tee v Tee [1999] 2 FLR 613 (CA)	289
Tehidy Minerals Ltd v Norman [1971] 2 QB 528 (CA)	98, 172
Tempest v Lord Camoys (1882) 21 Ch D 571 (CA)	284
Thomas v Sorrell (1673) Vaugh 330 (Ex Ch)	318, 329
Thompson v Park [1944] KB 408 (CA)	320
Thorner v Majors [2009] UKHL 18 (HL) Preface, 102, 103, 104, 106, 108, 109, 111, 122, 123, 124	
Tiverton Estates Ltd v Wearwell Ltd [1975] Ch 146 (CA)	76
Tulk v Moxhay (1848) 2 Ph 774 (Ch)	132, 176, 179, 225
Turnbull v Duval [1902] AC 429 (PC).	54, 55
UCB Group Ltd v Hedworth [2003] EWCA Civ 1717 (CA)	55
Re Union of London and Smith's Bank Ltd's Conveyance, Miles v Easter [1933] Ch 611 (CA).	188, 189
Vernon v Bethell (1761) 2 Eden 110 (Ch)	256
Verrall v Great Yarmouth Borough Council [1981] QB 202 (CA)	321
Virdi v Chana [2008] EWHC 2901 (Ch D).	155
Voyce v Voyce (1991) 62 P & CR 290 (CA)	121
Wainwright v Leeds City Council [1984] 1 EGLR 67 (CA).	217

Wallis's Cayton Bay Holiday Camp Ltd v Shell-Mex & BP Ltd [1975] QB 94 (CA)	91
Walsh v Lonsdale (1882) 21 Ch D 9 (CA).	82
Ward v Kirkland [1967] Ch 194 (Ch D)	165, 166
Warnborough Ltd v Garmite Ltd [2003] EWCA Civ 1544 (CA)	255
Warner v Jacob (1882) 20 Ch D 220 (Ch D).	243
Wayling v Jones (1995) 69 P & CR 170 (CA)	107, 117, 119
Webb v Paternoster (1619) Poph 151 (KB)	327, 329
Re Webb's Lease [1951] Ch 808 (CA)	160
Western Bank Ltd v Schindler [1977] Ch 1 (CA)	248
Westminster City Council v Clarke [1992] 2 AC 288 (HL)	211
Whatman v Gibson (1838) 9 Sim 196 (Ch).	176, 179
Wheeldon v Burrows (1879) 12 Ch D 31 (CA)	160, 163, 164, 166, 167, 169, 170, 171
Wheeler v JJ Saunders Ltd [1996] Ch 19 (CA)	165, 166
White & Carter (Councils) Ltd v McGregor [1962] AC 413 (HL)	320
White v City of London Brewery Co (1889) 42 Ch D 237 (CA)	248
White v Jones [1995] 2 AC 207 (HL).	244
White v White [2001] AC 596 (HL).	86, 118, 142
White v White [2004] 2 FLR 321 (CA)	286, 287, 288
Re Whiteley (1886) 33 Ch D 347 (CA).	284
Whitgift v Stocks [2001] EWCA 1732 (CA)	179
Wilkes v Spooner [1911] 2 KB 473 (KBD and CA)	181
Williams & Glyn's Bank Ltd v Boland [1981] AC 487 (HL)	35, 38, 45, 50, 143, 272, 303, 304, 305, 306, 310, 311
Williams v Hensman (1861) 1 J & H 546 (Ch).	267
Winter Garden Theatre (London) Ltd v Millennium Productions Ltd [1946] 1 All ER 678 (CA); [1948] AC 173 (HL)	317, 318, 320, 321, 322
Wong v Beaumont Property Trust Ltd [1965] 1 QB 173 (CA)	162
Wood v Leadbitter (1845) 13 M & W 838 (Ex)	168, 321, 329, 330
Wood v Manley (1839) 11 Ad & El 34 (QB)	328, 329
Woolwich Building Society v Dickman [1996] 3 All ER 204 (CA).	51
Ex parte Wright (1812) 19 Ves 255 (Ch).	82
Wright v Macadam [1949] 2 KB 744 (CA)	167, 168, 169
Yaxley v Gotts [2000] Ch 162 (CA)	115
Yorkshire Bank plc v Tinsley [2004] 1 WLR 2380 (CA)	56

Australia

Waltons Stores (Interstate) Ltd v Maher (1988) 164 CLR 387 (High Court of Australia).	76
--	----

European Court of Human Rights

Holy Monasteries v Greece (1995) 20 EHRR 1 (ECtHR)	18
Pye, JA (Oxford) Ltd v United Kingdom (2006) 43 EHRR 3 (ECtHR) . .	95
Pye, JA (Oxford) Ltd v United Kingdom (2007) 46 EHRR 1083 (Grand Chamber of the ECtHR)	95
James v United Kingdom (1986) 8 EHRR 123 (ECtHR)	197
Sporrong and Lönnroth v Sweden (1982) 5 EHRR 35 (ECtHR)	18
Wood v UK (1997) 24 EHRR CD 69 (ECommHR)	250

United States of America

Lucas v South Carolina Coastal Council (1992) 505 US 1003 (US Supreme Court)	18
---	----