

Lecture 1 – Intro to Land Law

What is Land Law?

It is the legal framework that deals with the use and enjoyment of land.

Where to begin to understand what we mean by 'land law': P. Birks famous article, 'Before We Begin: Five Keys to Land Law' – available on Ultra – a must-read!

- Birks identifies 5 keys: duality, reality, formality, space and time operating with one pervasive theme: facilitation of people's wishes, desires in dealings with land.

See textbook for more details about the specifics of land.

Key distinction: realty vs personalty

Difference between real and personal property.

- Gray & Gray: land law is 'that part of the general law which governs the allocation of rights and responsibilities in relation to 'real' or 'immoveable' property.'

We are not concerned with personal rights but proprietary rights ... *rights in rem* ... with rights in things (land) and not rights merely personal to the people who created them.

- This distinction is ancient.

Land Law: multiple interests & priority

Land law as a discipline of law is concerned with the nature, creation, and protection of rights in land and, also the content of those rights.

One piece of land could have multiple interests at the same time: eg a lease, a mortgage, rights of way.

- Land law often called when these multiple interests conflict, provides a framework to solve the **priority question**.



Theme 1: Land's special status:

- Land is permanent – difficult to destroy.
- Land is a finite resource – in limited supply, other things can be rebuilt. This makes it valuable.
- Land is connected – relationship between land owners always.
- Land is unique – walk right of way, house, flat. More than just money.
- Land is socially and economically important – selling/ buying makes the economy work and is important for society like having a family there. Social inequalities like Grenfell tower. Tenants vs land owners.
- Land is capable of supporting multiple interests simultaneously – makes it special and valuable and explains why there are often disputes between interested parties.

... so we need distinct rules to govern it ... This is Land Law

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AW Rasmussen



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that remark nearly a half century after the death of Joseph Stalin himself Contributors to this work are Wlodzimierz Brus Katerina Clark Stephen F Cohen Alexander Erlich Leszek Kolakowski Moshe Lewin Robert H McNeal Mihailo Markovic Roy A Medvedev T H Rigby Robert Sharlet and H Gordon Skilling Robert C Tucker s principle work on Stalin has been described by George F Kennan as the most significant single contribution made to date anywhere to the history of Soviet power

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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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