

LAND LAW

WEEK 2, LECTURE 1: WHAT DO I OWN?

INTRODUCTION TO LAND

Introduction to Module

Doctrine of Tenure and Estates

Lecture Reading

Bevan, 1.1 – 1.6.2.2/ 7.3 – 7.3.3, 7.3.14 – 7.3.15



Part Two – Introduction to Land Law

Brief History and Politics of Land Law (Land law as a mixture of the feudal and the modern)

- 1066 Invasion. Crown title, feudalism, and enclosure of common land
After 1066 the king held all of the lands, people were tenants of the king in return for enjoyment of the land people had to do things for king (tenure).
- While feudalism had disappeared by the 16th century, the doctrine of tenure and estates maintain the fiction of Crown title.
- The end of doctrine of tenure, replaced by scutage.
- Market transformation of land and Industrial Revolution
- Place of women in property (and even as property at times!)

Recognising the difference between a 'property' right and a 'personal' right - Rights *in rem* mean: "a right into the matter of something." Rights *in personam* are personal rights for example to damages but not a right to property.

Land Law – primarily about rights *in rem*. But can involve a **right in personam**, which is a right to sue another person that may stem from a property right, contract or tort law.

- a) Land- any tenure, mines, minerals, buildings (in any way) etc. the same as corporeal (anything physical on the land) and incorporeal hereditaments (cannot be seen, however is the things such an enjoyment of land, etc). [by LPA 1925]

Definition of our status in relation to land and other users:

Law of Property Act 1925 (henceforth "LPA 1925") s 205(1)(ix) – provides a definition of what is included in the category "land"

LPA 1925 s 205(1)(x) – "interests and charges, in or over land (subsisting or created at law) which are by this Act authorised to subsist or to be created as legal estates; "equitable interests" mean all the other interests and charges in or over land; an equitable interest "capable of subsisting as a legal estate" means such as could validly subsist or be created as a legal estate under this Act"

ESTATE, INTEREST, LAW, EQUITY

An estate is a snapshot of every right in relation to a particular piece of land at a particular time. A tenant on land does not enjoy the land itself, but what is called an **estate in the land**. Over time this became two estates:

- Fee simple absolute *in possession* (**Freehold**) LPA 1925 s 1(1)(a) absolute ownerships
- Term of years absolute, life estate back in time (**Leasehold**) LPA 1925 s 1(1)(b) timed ownership, fe only for 2 years

Land Law Lecture Notes

B Lingard



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