

Land law

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YY04b

An Estate in land?

- An estate in land is basically the rights and interests a person has over a plot of land due to the traditional stance that all land belongs to the crown when you buy a property or land it is actually the benefits and rights of that land you actually purchase.
- Law of Property Act 1925
- Trustee Act 1925
- Settled Land Act 1925
- Land Registration Act 1925
- Land Charges Act 1925 (now 1972)
- Administration of Estates Act 1925





Legal Estates and Interests in Land

Theoretically all land belongs to the Crown . A person cannot therefore own land but owns instead a series of rights and duties in relation to that land, usually referred to as an estate in land.

Today only two estates in land are recognised at law:

- An estate in fee simple absolute in possession.
- A term of years absolute.

Interests are generally rights which a person enjoys over land owned by someone else. They can be divided into 2 sections:

1. LEGAL INTERESTS .
2. EQUITABLE INTERESTS.



Legal Interests

- An easement, right or privilege in or over land equivalent to the duration of an estate in fee simple absolute in possession or a term of years absolute;
- A rentcharge, i.e. the land is charged with the payment of an annual. Or periodic sum to a rent charge owner.
- A charge by way of legal mortgage.
- A right of entry exercisable over or in respect of a legal term of years absolute or as an extension to a legal rentcharge.



Equitable interests



These include:

- the interest of a beneficiary under a trust.
- The interest arising under a contract relating to a legal estate or legal interest e.g. an agreement to buy land.
- Restrictive covenants. A restrictive covenant is a contract contained in a deed by which one person promises not to do something on his land

Real property

This means three main things:

- **Property rights**
- **Separation of the "beneficial" ownership of property from legal title to property**
- **"real" property means land, and the things that goes with it, alone.**



