

Introduction

Proprietary Rights = Rights attach to **THE LAND;**
Not the **OWNER**



Estates

Ownership of Land

Interests

Rights enjoyed over others Land

Can be:

1. Legal
2. Equitable

* Legal Estates

- A. Freehold
- B. Leasehold

* Legal Interests

- A. Easements
- B. Mortgages
- C. Rights of Entry

Everything else

=

**EQUITABLE
INTERESTS**

Note: All the above 'MAY' be legal



Enforcement

LEGAL RIGHT

Step 01:

Does the right fall under **S.1 LPA 1925?**

Yes

Step 02:

Does the right originate in a deed?

Yes

Step 03:

Has it been registered duly?

Yes

THEN ENFORCEABLE

EQUITABLE RIGHT

Right NOT in **S.1 LPA 1925**

OR

Right not in deed

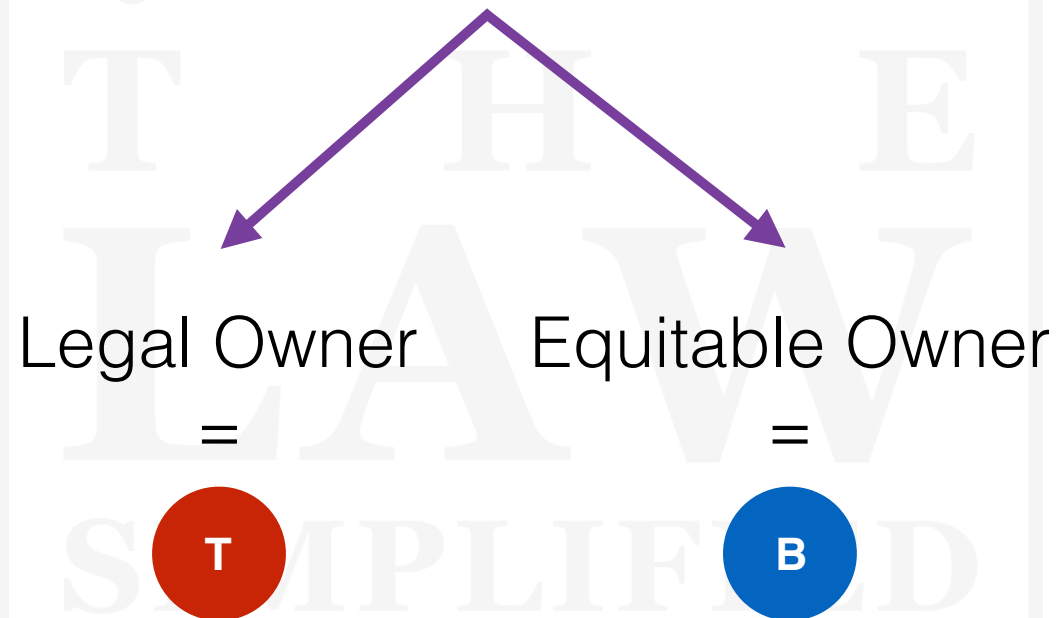
OR

Not registered at the appropriate time

Note: A Land may have both a LEGAL owner and an EQUITABLE owner

HOW?

Trust Instrument



Pre-1925

Legal Instrument

Binds everyone (if it has been created appropriately)

Equitable Instrument

Binds everyone EXCEPT:

Anyone who **DID NOT** have:-

1. Actual Notice
2. Constructive Notice
3. Imputed Notice

Statutes

Unregistered Land



- Land Charges Act 1972
(LCA 1972)
- Law of Property Act 1925
(LPA 1925)

Registered Land



- Law of Property Act 1925
(LPA 1925)
- Land Registration Act 2002
(LRA 2002)

Types of Land



★ Unregistered Land

- Title not registered
- Distinction between LEGAL and EQUITABLE rights important

★ Registered Land

- Title registered in Land Registry
- Doctrine of Notice; irrelevant

Overriding applies to both types