

## COMPARATIVE LAND LAW

In Comparative Land Law we will compare English and American approaches to issues in land law. Rather different topics tend to be considered in courses in the two countries, but the intention is to stress those topics which involve interesting difficulties in each. We will concentrate on English material (this will make reading lists slightly more manageable!) as I will be assuming that you are aware of the basic American cases and principles. The technique will, generally, be to analyse the English material and then to compare the American material in order to see what each country can learn from the other.

Land law principles are very much the same in each country - not surprising as they are long established in the common law. In the first week's work, we will be observing a phenomenon of present English law - the dominance of the 1925 legislation. We will also consider its application to concurrent interests – an area substantially changed by legislation in 1996.

For the remaining weeks of the course, one or both of following topics are normally chosen:

Licences and Proprietary estoppel - an area involving informal rights (often based on the family) to occupy land which is developing fast in England, but relatively unknown in America

Registration of land titles - a particular research interest of mine, this is an attempt to make land transfer easy cheap and state guaranteed; it was updated by legislation in 2002

That leaves us with two or three topics. Examples of topics taught in earlier years are:

Family Property (giving partners in a relationship shares in the family home – this has been developing fast in recent years)

Property and human rights (England has had human rights legislation only since 1998)

Environmental Law

Mortgages

Easements

Covenants affecting purchasers

Zoning

When we meet at the beginning of the course, we will discuss what topics will be studied, though decisions can be delayed until much later. It will be helpful if you can give some thought to what you think is most likely to interest you. For at least one topic I am happy for you to choose an area different from those listed, which can be as unusual and detailed as you wish. Remember, though, that not every topic you may think of will be suitable for comparative treatment.

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### **Note on books**

My book, *Property Law* (9<sup>th</sup> ed, 2017), is widely used by Oxford students. Megarry and Wade, *The Law of Real Property* (8<sup>th</sup> ed, 2012), was for decades the traditional leading English textbook on land law, but today it is more appropriate as a book for reference rather than for day to day use. It is particularly useful on the more historical material encountered in the first week. Gray, *Elements of Land Law* (5<sup>th</sup> ed, 2008), has a much more modern feel than Megarry and Wade, though it is out of date and also rather self indulgently lengthy.