5. Proprietary estoppel

Complete Equity and Trusts: Text, Cases, and Materials (5th edn)
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Publisher: Oxford University Press
DOI: 10.1093/he/9780198787549.003.0005

Chapter: (p. 119) 5. Proprietary estoppel

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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter on proprietary estoppel discusses the following: the principle of estoppels; the key elements of proprietary estoppel; the importance of the principle of unconscionability; the need for a clear representation or acquiescence; the different types of detriment; the flexibility of an equitable remedy; and the similarities and differences between a proprietary estoppel and a constructive trust.

Estoppel seems to offer an exception to the normal rules of legal formality—ie transactions involving land require writing—and so provides a classic example of equity moderating the harshness of the law.

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