1. What’s Special About Land?

All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter illustrates the significance of land, and hence of land law. It concentrates on the features that make land special and the distinctive legal rules produced by those features. The chapter explains that the focus of land law is on private property rights to use land. It then demonstrates some important themes of land law by examining an important land law case involving a dispute between an occupier of land and a bank. It is noted that the special features of land sharpen the court’s dilemma when deciding between competing claims to the use of land. It also considers the differing judicial philosophies that may influence a court’s approach to resolving this dilemma.
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