Land Law: Text, Cases & Materials (4th edn)

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Chapter: 7. Personal Rights: Licences

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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 presents a discussion on licences. Licences can be grouped into a number of categories, including bare licences, contractual licences, estoppel licences, statutory licences, and licences coupled with an interest. The key feature of a bare licence is that A is under no duty to B not to revoke the licence. The distinction between a bare licence and a contractual licence turns on the question of whether A is under a contractual duty to B. An estoppel licence, as well as a statutory licence, is similar to a contractual licence: the key difference is the source of A's duty to B. The concept of a ‘licence coupled with an interest’ has been applied by the courts as a way in which to develop the remedies available to B when B has a contractual licence, whilst at the same time technically respecting past decisions that limited those remedies. The chapter considers whether particular forms of licence ought to count as equitable interests in land, and also examines
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the means by which a licensee may be protected against a third party, even if the licence itself is only a personal right.

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