8. Formal Methods of Acquisition: Contracts, Deeds, and Registration

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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 describes the formality requirements that must be complied with for the creation or transfer of legal estates and interests in land. The three stages of creating and transferring legal rights are contract, creation or transfer, and registration. The Law of Property (Miscellaneous Provisions) Act 1989 increased the formality requirements for contracts and made more severe the consequences of non-compliance. Under s 2 of the 1989 Act, a contract may take the form of a single document signed by both parties or an exchange of documents, each of which has been signed by one of the parties. Non-compliance results in a document being void as a contract for sale of land, but a valid contract may be obtained through use of collateral contracts or rectification. The Law Commission had envisaged
the use of estoppel in appropriate cases in which formality requirements for a contract for sale were not complied with. The fundamental objective of the Land Registration Act 2002 (LRA 2002) is directly associated with the introduction of e-conveyancing. The goal of attaining e-conveyancing has not been deserted, but its introduction appears just as far away now as it did when the LRA 2002 passed into law.