Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter discusses easements. An easement gives either a positive or, less often, a negative right of use over land of another (the servient land), which must be seen to benefit a dominant piece of land. A right that is capable of being an easement will only become an easement where it has been acquired by one of the recognised methods of acquisition. Easements may arise through express or implied acquisition. Implied acquisition may arise by virtue of necessity, common intention, operation of s 62 Law of Property Act (LPA) 1925 or under the rule in Wheeldon v Burrows (although the latter two methods will not operate in a reservation scenario). Alternatively, an easement may have been acquired out of long use, known as prescription, of which there are three modes: common law, lost modern grant, and the Prescription Act 1832. An easement can be either legal or equitable in status, depending upon which formalities have been satisfied. The status of an easement
12. Easements and profits

will determine the relevant rules governing the enforcement of that interest against a third party.

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