4. Protection of Legal and Equitable Property Rights in Unregistered Land

Complete Land Law: Text, Cases, and Materials (6th edn)
Barbara Bogusz and Roger Sexton

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Author(s): Barbara Bogusz and Roger Sexton

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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 discusses the protection of legal and equitable rights in those titles that are still subject to the rules governing unregistered land, including the impact of the Law of Property Act 1925 on equitable interests. Regarding land which is unregistered title, the law divided the existing equitable interests into three groups: those registrable as land charges; those which are ‘overreachable’; and those which are neither registrable as land charges nor overreachable, and are therefore still subject to the doctrine of notice. It investigates the elements of the doctrine of notice and includes cases studies on legal and equitable property rights and constructive notice through failure to
investigate. Finally, the position of successors in title to a purchaser without notice is considered.

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