10. Freehold Covenants

This chapter examines the proprietary effect of covenants relating to freehold land as agreements that can be enforced against subsequent owners of the servient land by subsequent owners of the dominant land. It first considers the terminology and structure used to create freehold covenants relating to land before discussing the enforceability of the burden of freehold covenants to define who can sue for breach of covenant. It then looks at indirect enforcement of positive obligations and explains how freehold covenants relate to the acquisition and defences questions. It also analyses the entitlement to the benefit of freehold covenants to define who can sue for breach of covenant, the common remedies for breach of a freehold covenant, and the statutory jurisdiction to alter outdated covenants. Finally, it evaluates a number of proposals to reform the law governing land covenants.
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