6. Trusts of Land

This chapter examines the legal regulation of trusts of land, with a particular focus on co-ownership trusts. It begins with a discussion of the two forms of co-ownership that exist in English law, joint tenancy and tenancy in common, as well as the ‘severance’ rules that enable a joint tenant to become a tenant in common. While joint tenants can act only collectively and their acts necessarily affect the whole of the co-owned estate, tenants in common can also act individually in relation to their own undivided shares in the estate. The chapter goes on to consider the trustees' powers, beneficiaries' rights, and the role of the court in relation to co-ownership trusts as provided by the Trusts of Land and Appointment of Trustees Act 1996. Finally, it explains how the courts resolve disputes between co-owners and disputes between co-owners and creditors as to whether co-owned land should be sold.