

THE MODERN LAW REVIEW

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THE PROTECTION OF THE PURCHASER OF LAND UNDER ENGLISH LAW¹

LAND: A VALUABLE COMMODITY

THE buying of land is quite different from buying an evening paper (which is cheap and ephemeral), or a packet of tea (Ceylon tea may be as acceptable as Assam), or even a second-hand car (its colour and make may not be vital to the purchaser although he wishes to be assured that it works and is not subject to third party rights). However, a purchaser of the valuable commodity called "land" will never be satisfied with anything other than the entire plot which he has seen, together with all the benefits, known to him before he buys, necessary to its full enjoyment. He requires precise facts about the adverse rights of third parties and must be assured that no others exist and, when he comes to sell, he must be able to pass on, fully, and without hitch, what he himself acquired. If he fails to achieve these things compensation may console him and, in registered conveyancing, it is easier for him to get it than under the unregistered system.

The word "purchaser" is sometimes used of an intending purchaser who has not completed his purchase² and it embraces also mortgagees and lessees,³ so that these meanings should be attributed to it as the context requires.

BETTER PROTECTION UNDER REGISTERED THAN UNREGISTERED SYSTEM

I wish to place emphasis upon the registered system of conveyancing, first, because it affords a purchaser more effectual protection

¹ Being substantially a reprint of a Special University Lecture in Laws given at Queen Mary College, London, on March 11, 1968. I am greatly indebted to Mr. A. E. Farwell, solicitor, a legal assistant at the Croydon District Land Registry, for his efficient devilling on this subject.

² See Land Charges Act 1925, s. 17 (3); Land Registration Rules 1930, r. 1, Sched., form 94.

³ See, e.g., Settled Land Act 1925, s. 117 (1) (xxi); Law of Property Act 1925, s. 205 (1) (xxi); Land Registration Act 1925, s. 3 (xxi); Land Charges Act 1925, s. 20 (8); and Administration of Estates Act 1925, s. 65 (1) (xviii).

Protection From Power Under English Law

Thomas Griffiths



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