

Секция «Английский язык и право (на английском языке)»

Land Law Today

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The development of land law is caused by population growth, which has increased over the last four hundred years. In 1603, there were about 4 million people in Britain: by 2001 there were some 59 million on the same area. During the second part of the twentieth century there was a huge increase in the number of ordinary people who own land. The percentage of households that live in a house or a flat, has more than doubled since 1971, and is currently about 70 % of all households.

For the majority of house owners, the land they own is both a home and an investment. It is the expression of their personality and a retreat from the world. For other people (for example, those who rent their home), home ownership with its apparent psychological and financial advantages may be only a hope for the future. In the meantime, their relationship with their land may be less secure, subject to the authority of a lessor.

Many of the difficult issues in contemporary land law focus on the informal arrangements of people who unlike the landowners of previous centuries - do not see the need to transact their family business through a lawyer. Let's take the following situation as an example. Jane lets Tom share her house and, in exchange, he pays the mortgage. Later she sells the house to Chris. Chris wants to live there by himself, but Tom does not want to leave. This kind of problem, where a transaction between a buyer and a seller involves a third person's interest in land, appears in various forms. It is a kind of **eternal triangle**.

It is often said that disputes in land law centre on the conflicting requirements of the market in land. In order to maximize the value of land, ownership must be capable of being freely and safely traded, while people who have lesser interests in the land must also feel secure. The market seems to have enormous influence on the development of the law. One of the most influential factors in the attitudes of judges to difficult decisions is their view of the state of the market. When there was a slump at the end of the nineteenth century they tried to ensure that liabilities attached to land were minimized so that the land would be attractive to buyers.

Periods of booming prices, such as the 1970s, 1980s and the early 2000s tend to stimulate a greater interest in the security of 'non-owners', like Tom. A falling market, such as the end of the first decade of the twenty-first century, produces its own responses, significantly influenced by the interests of lenders, such as building societies and banks.

Источники и литература

- 1) Land law, 6th edition - Joe Cursley, Mark Davys and Kate Green