

Easements, Covenants and Profits ΓB Prendre: A Consultation Paper, 2008, 0118404512, 9780118404518, Stationery Office, 2008

Easements and covenants are of practical importance to a large number of landowners. An easement is a right enjoyed by one landowner over the land of another (including rights of way for access and access to light, air and water), both plots usually being in close proximity. Covenants are contractual in origin and bind only the party who gave the promise and are enforceable only by the party who received it. With land these can include promises to build a fence, or not to build above a certain height. Profit ΓY prendre gives the holder the right to take something from another's land. Many profits concern ancient but not necessarily obsolete practices, such as pannage; some, such as the right to fish or shoot on the land of another, can be of great commercial value. Recent Land Registry figures suggest that at least 65 per cent of freehold titles are subject to one or more easements and 79 per cent are subject to one or more restrictive covenants. The rights can be fundamental to the enjoyment of property. Their effective operation is also crucial to the successful development of land for housing. Easements and covenants remain vitally important in the twenty-first century and the Commission proposes to modernise and simplify the law, removing anomalies, inconsistencies and unnecessary complications where they exist. Private homeowners, business and organisations that own property, those who deal with and develop land and professional advisers, would benefit greatly if the law was more accessible and easier to operate. Reform would also offer net benefits to all those involved in the conveyancing process, including lay persons, solicitors, licensed conveyancers and Land Registry.

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