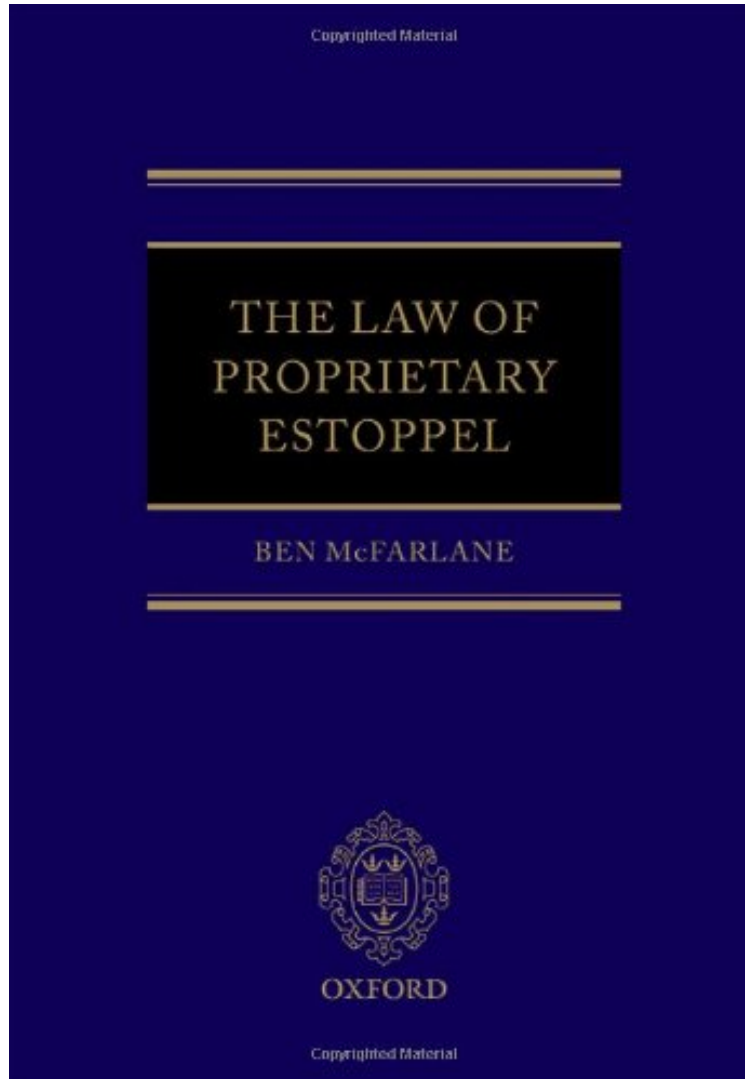


(Get free) The Law of Proprietary Estoppel

The Law of Proprietary Estoppel

Ben McFarlane

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Ben McFarlane : The Law of Proprietary Estoppel before purchasing it in order to gage whether or not it would be worth my time, and all praised The Law of Proprietary Estoppel:

1 of 1 people found the following review helpful. The renaissance of proprietary estoppel....By Phillip Taylor MBEA
TIMELY EXAMINATION AND OVERVIEW - WITH A FOREWORD BY LORD NEUBERGERAn appreciation
by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersIf even for seasoned practitioners, the term
proprietary estoppel seems betimes arcane, rest assured it isnt: at least not anymore.As Lord Neuberger's foreword
reminds us, primary estoppel has had a remarkable renaissance after having lain virtually dormant for much of the
preceding century so the book is most welcome for 2014.Proprietary estoppel, says Neuberger sprang back to life less

than 50 years ago in two decisions of the Court of Appeal in which the court was seemingly unaware, according to Neuberger, that it was indeed relying on proprietary estoppel. Since then, many cases involving this legal concept have emerged, including three in the last 10 years. Time then for this timely work of reference on the subject authored by Ben McFarlane and published recently by the Oxford University Press. It is wide-ranging, detailed and an excellent analysis of this emerging, or actually, re-emerging area of law. Practical, reassured, balanced and readable, the book will be much relied upon, says Neuberger, by practising lawyers and judges. If ever you as a practitioner have cause to feel that all too familiar frisson of fear in court when proprietary estoppel raises its head, you need fear no longer; not when you have this reassuringly erudite book to hand. As proprietary estoppel is a multi-faceted concept, the book demonstrates how and why this is so. The concept has three strands: the acquiescence-based strand the representation-based strand and the promise-based strand, any or all of which might, or can be applied to issues that frequently concern land or chattels, although not necessarily. McFarlane makes frequent reference throughout the text to *Thorner v Major* which serves a useful purpose in outlining the basic form of the doctrine. Lord Walker, in this particular case, stated the scholarly consensus that proprietary estoppel: is based on three elements a representation on assurance made to the claimant; reliance on it by the claimant; and detriment to the claimant in consequence of his (reasonable) reliance. Or, to over-simplify all this, a promise made is a debt unpaid as the Scots Canadian banker, Robert Service wrote over a century ago in his best-selling verses about the dodgy goings-on during the Klondike gold rush. Proprietary estoppel, notably the promise-based strand, would have come in pretty handy in those far-off days had it been more widely understood and applied at the time. Over a century on, the relatively swift evolution of the law of proprietary estoppel is reflected in this book, which seeks to consider, explain and contribute to the emerging commentary on proprietary estoppel. All aspects of the subject are covered, including remedies, and the wider legal context. Logically structured, with numbered paragraphs, copious footnotes and extensive tables of legislation and cases, this reliable and authoritative practitioners reference should certainly be in every practitioners library. The law has been stated as of 31 July 2013.

This book provides the first comprehensive and practically structured resource on the doctrine of proprietary estoppel. It offers answers to a number of difficult problems arising in recent litigation and guidance on managing proprietary estoppel cases. Relevant authorities are set out in an accessible and user-friendly format addressing issues that arise in practice, such as 'reasonable reliance', 'unconscionable conduct', and 'satisfying the equity'. The long-standing doctrine of proprietary estoppel has come to prominence in recent years - it is regularly discussed by courts at all levels and is frequently pleaded by litigants wishing to show that they have informally acquired an interest in land. As a result of its vigorous recent development by the courts, there is no comprehensive and uncontroversial definition of the doctrine. There is also much debate regarding the relationship between proprietary estoppel and other doctrines, such as constructive trusts and unjust enrichment. A problem faced by anyone seeking to make, or respond to, a proprietary estoppel claim is that the law is to be found almost entirely in cases. The Law of Proprietary Estoppel sets out a clear structure with which to understand the law and will thus assist practitioners, academics, and others in navigating their way through the complex case law on proprietary estoppel, and also in understanding its relationship with related doctrines. This book is essential for all practitioners and scholars who encounter problems related to the doctrine of proprietary estoppel. The clear structure of the book makes the law easier to follow and enables readers to find relevant authorities quickly. The work draws together all of the relevant scholarship on proprietary estoppel and makes reference to useful cases from outside the jurisdiction of England and Wales to aid understanding of the law and related doctrines.

... wide-ranging, detailed and an excellent analysis of this emerging, or actually, re-emerging area of law. Practical, reassured, balanced and readable ... If ever you as a practitioner have cause to feel that all too familiar frisson of fear in court when 'proprietary estoppel' raises its head, you need fear no longer; not when you have this reassuringly erudite book to hand. * Phillip Taylor MBE * The work is a much-needed, great work of scholarship and fills gap in legal literature. A worthwhile addition to the equity and family lawyers' professional library. * Acting Justice Peter W Young AO, Australian Law Journal * Ben McFarlane has produced an impressively detailed text, obviously the product of meticulous research. * Peter Webster, The Edinburgh Law * It is a formidable work of legal scholarship ... This book should have an important role in the work of the courts. * The Honourable K.R. Handley, The Cambridge Law Journal * About the Author Ben McFarlane is a Professor of Law, at University College London. He has taught in Oxford since 1999 and has published widely on proprietary estoppel, as well as addressing legal practitioners on the subject. He is the author of *The Structure of Property Law* and a co-author of *Land Law: Text, Cases and Materials*, the second edition of which will be published in 2012. He was awarded a Phillip Leverhulme Prize in 2010.