

# Rights of Light

Third Edition

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## FOREWORD

I am pleased to be invited to write a foreword to this new work on rights of light. It promises to become the standard practitioners' handbook on this important subject. As the authors point out in their preface, it is a subject which can have a profound impact on the development potential of land. They point to the fact that there may be no physical evidence of the existence of such rights other than the presence of windows in buildings which receive light over other land. Rights to light may be acquired by 20 years' user without any requirement of registration, and qualify as 'overriding interests'. Such considerations make it of the first importance that lawyers advising their clients on potential developments should be fully aware of the principles involved.

This book offers a comprehensive treatment of the subject. It covers the definition and extent of rights to light, their acquisition, their extinguishment, and their regulation by deed. There is also an extensive treatment of litigation relating to rights of light, brought fully up to date to take into account the Woolf reforms. The section on the measurement and valuation of light contains a clear exposition of the difficult technical issues. I particularly welcome the practical approach to explaining the interaction of rights to light with planning law. Finally, the conveyancing issues arising in relation to rights to light are fully examined.

In its Seventh Programme, approved in 1999, the Law Commission announced a new project for the examination of easements and analogous rights, with a view to their reform and rationalisation. This will be a major undertaking, and it is unlikely that it will yield legislative change for some years. In the meantime, the practitioner could have no better guide than this book. It will also provide a valuable starting point for our own work on this aspect of the law of easements. I strongly commend it to the legal world.

ROBERT CARNWATH  
The Law Commission  
21 January 2000