

## **CONVEYANCING FACTSHEET 3 RIGHTS AND EASEMENTS**

Many properties have the benefit of rights and easements without which they would not be able, legally, to be occupied.

Examples of rights and easements often contained within deeds are

- A right of way to get to and from the property or to get to and from a public highway over a track or path
- A right for a property to run pipes, wires and cables for water, sewage, electricity etc over a neighbouring property, or for a neighbouring property to run such pipes, wires and cables over your property.
- A right of way for another property over your property across a track or path (or other route) running over your property.
- A reservation of mines and minerals. What this means is that, at some time in the past, the right to extract any mines and minerals from the land has been separated from the ownership of the land itself.
- The right to go on to a neighbouring property to repair a boundary wall or overhanging roof or gutter, or a similar right for somebody to come onto your property to do the same.

Many properties have the benefit of rights and easements and are subject to rights and easements in favour of others. Rights and easements can be created by deed (e.g. when you buy a property from a developer on a housing estate), or can be built up over time without any documentary evidence. It is important when buying a property, or indeed selling one, that you identify rights and easements that the property needs or to which it is subject and make sure you tell us about them.

Please remember that we will not visit every property with which we deal and may not necessarily appreciate that a right or easement is a vital part of the transaction unless you tell us.

Rights and easements often bring with them certain obligations. For instance, if you have a right to use a pathway running over somebody else's land, it is likely that you will have a corresponding obligation to contribute towards the upkeep of that land. See our separate fact sheet called Covenants

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