To what extent is the definition of ‘land’ fit for purpose?

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**Subterranean Zones**

The land-dwelling subterranean regions comprise of underground or hidden zones apparent in caves, cracks, crevices, etc. It constitutes almost 4 percent of the world's rock projections (Gibert & Deharveng, 2002). The earth's subterranean region depicts the three-dimensional implication of the land where the definition of land under the act (1925) explains a simple two-dimensional approach which could not satisfy the complete meaning of land.

According to the English Law, an owner of a land is authorized to a substantial underlying soil condensed in two dimensional directs of surface boundaries of the land. Although the standard definition of land by-law includes the minerals and the inorganic elements in the ground such as stones, clay, sand, pebbles, and gravel are part of realty and considered as the property of the surface landlord (Butt, 2010). It also explains the legal possession of hidden or concealed objects within the surface of the land. However, the definition of land proposed by the law could not fit for the objects that are laid on or resting on the ground and are not embedded or hidden within the surface (Gray & Gray, 2007).

According to Stacey (2011), the proposed maxim of land, "the person who owns the land owns everything reaching up to the very heavens and down to the depths of the earth" depicts the three-dimensional image of the land but is far away from the reality. Due to this reason, the regulatory bodies were willing to redefine the maxim as a considerable indicator of three-dimensional possession of the land. Moreover, it is also against the Treasure Law (1996) and considered as a crime if a person did not report a related discovery within fourteen days of their finding (Howell, 2002). The inaccuracy of the maxim is further demonstrated as the ownership of the reserves of coal and petroleum is entrusted in the coal (“Coal Industry Act 1994,” n.d.) and petroleum authorities respectively.

**Fixtures/Chattels**

Another way the present definition can be seen as not fit for purpose is considering the elements of fixtures and chattels. Fixtures are defined as tangible property that is affixed to the original possession of land legally. It is considered as part of the original property or land. However, chattels are treated as a possession which is not attached to the real property and is not transferred to the buyer in case land is purchased by another entity (Luther, 2004).

Fixtures are of great importance in determining the ownership of the object for taxation purposes. In a normal transaction or a contract, the parties can decide the possession of fixtures which demonstrate that fixtures could not fit the general definition of land (Clarke & Greer, 2012). Yet again, an old maxim states, ‘whatever is fixed to the land becomes part of it’, which explains fixtures generically but contradicts with the definition of land proposed by the Law of Property Act (1925). It is imperative to understand the classification of fixtures and chattels.

In accordance with the law of fixtures, the old rule explains that any property either tangible or intangible that is fixed to the surface becomes the property of the landlord along with the legal implications and cannot be separated from the owner without their consent (Keach, n.d.). However, the modern rule describes the fixture property as chattels that are attached to the land or landlord (Horowitz, 1952). Moreover, some researchers rely on the decision making and differentiate them on the basis of the terms i.e. removable and non-removable fixtures. This has reduced the vagueness in their classification and applies particular case law supported by the decisions based on facts rather than following a decided standard. There are four tests proposed by the law that determines either the chattel is a fixture property or not.

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