



Law
Commission
Reforming the law

LAND REGISTRATION

by

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Commercial Real Estate Update
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The Law Commission for England and Wales

- Section 3 Law Commissions Act 1965:

It shall be the duty of each of the Commissions to take and keep under review all the law with which they are respectively concerned with a view to its systematic development and reform, including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law...

Background to Land Registration project

- Land Registration Act 2002 – outcome of a joint project between the Law Commission and Land Registry
- Law Commission proposed the project in its consultation on the 12th Programme of Law Reform and responses raised a number of issues
- Not reinventing the wheel

Some of the issues under consideration...

- What can/should be registered
- First registration
- Mistake/rectification/indemnity
- Adverse possession
- Protection of third party rights

Mistake/rectification/indemnity

- What is a “mistake” in the context of rectification of the register?
- In what circumstances will the register be rectified?
- In what circumstances will an indemnity be available?
- The impact of fraud

Adverse possession

- Can a squatter apply for registration of unregistered land before the documentary title has been extinguished?
- To what extent is a first registered proprietor affected by a squatter who has previously adversely possessed the land?
- Whether adverse possessor needs to wait two years before making another application to be registered as proprietor of registered land after rejection of first application
- Transitional provisions

Third party rights/priorities

- Who benefits from the “special” priority rules in the Act
- Who can lodge a caution against first registration
- The use of unilateral notices
- The requirement of substantive registration of easements in short leases
- Overriding interests

Project timetable

- Consultation Paper early 2016
- Report and draft Bill 2017

Update on other projects

- Easements, covenants and profits à prendre 2011
- Electronic Communications Code 2013
- Conservation Covenants 2014
- Rights to Light 2014

Further Questions / Contact

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