

Land Law and Conveyancing Law: (1) General Proposals

In June 1989, the Commission published its Report on [*Land Law and Conveyancing Law: \(1\) General Proposals \(LRC 30–1989\)*](#) following a March 1987 request by the then Attorney General.

Recommendations of the Commission have been grouped into four separate headings:

- (1) Removal of modification of archaic doctrines and the simplifying of conveyancing generally.
- (2) Rectification of anomalies arising from modern legislation.
- (3) Amendments to the Statutes of Limitation
- (4) Amendments to Landlord and Tenant Law

and include the following:

1. The statutory period for which title must be shown on an open contract of the sale of land should be reduced from 40 years to 20 years
2. Easement, options, profits a prendre and rent charges over land should be removed from the effect of the rule against perpetuities and it should also be provided that the rule never applied to such interest in land.
3. For the purpose of judgment mortgages, when a binding contract of the sale of land has been entered into, the law should treat the beneficial ownership as having passed to the purchaser from the time the contract was made, subject to the conditions subsequent that the purchaser completed the sale.
4. The *Family Home Protection Act, 1976* should be amended so as to provide that, where there has been a conveyance of a family home which has been implemented without any objection from a spouse for over six years, such conveyance should no longer be deemed to be void and that evidence of any consent by the spouse or supporting evidence for any such consent should no longer be required.
5. For the avoidance of doubt, it should be provided that, in determining whether a person has been in adverse possession of land for the purposes of the *Statute of Limitations 1957*, the court should not be bound to regard as a decisive factor the intention of the true owner when considering whether or not he has been dispossessed.
6. The *Landlord and Tenant (Ground Rents) Act, 1980* should be amended so as to provide for a minimum term of five years for a new tenancy under that Act.

Draft Legislation in Report

Draft legislative provisions are included in the Report.

Information on Implementation

Recommendations of the Commission were implemented by the *Landlord and Tenant (Amendment Act) 1994*.