

Reform and Modernisation of Land Law and Conveyancing Law

In 2005, the Commission published its [*Report on the Reform and Modernisation of Land Law and Conveyancing Law*](#) (LRC 74-2005). This included a draft Land and Conveyancing Law Bill which implemented over 90 recommendations for reform and modernisation of land law and conveyancing law and proposed the repeal, in whole or in part, of over 150 pre-1922 statutes, commencing with *De Donis Conditionalibus* of 1285. Some key features of the draft Bill include:

- recommending the abolition of feudal land tenure and its replacement with a more streamlined ownership model;
- simplifying the law of mortgages so that a mortgage will involve a simple charge as security on the land instead of a transfer of ownership to the financial institution
- recommending a new statutory scheme for trusts of land to replace the complex Settled Land Acts which were aimed principally at the large landed estates;
- making specific provisions concerning neighbouring landowners' rights and obligations in respect of party structures and rights of access for the purpose of carrying out work to buildings close to the boundary line

The Report also recommended reform of conveyancing law which, although used frequently by conveyancers in everyday property transactions, date back almost 150 years and are framed in unnecessarily archaic language. After the 2005 Report was published, the Minister for Justice, Equality and Law Reform (with the agreement of the Attorney General) requested the Commission to continue to assist in preparing a Bill to give effect to its recommendations, and the Commission was extremely happy to agree to this. This resulted in the publication in June 2006 of the *Land and Conveyancing Law Reform Bill 2006*, which was enacted as the *Land and Conveyancing Law Reform Act 2009*.