



**Northern Ireland  
Law Commission**

*promoting law reform in Northern Ireland*

## **Northern Ireland Law Commission**

### **Equality of Opportunity Screening Analysis Form**

#### **Proposals for land law reform in Northern Ireland**

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Linum Chambers, 8th Floor  
2 Bedford Square  
Bedford Street  
Belfast, BT2 7ES

## EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

### **1 Policy to be screened**

#### **1.1 Title**

Proposals for Land Law Reform in Northern Ireland.

#### **1.2 Aims of the policy to be screened**

*Aims:* To reform, modernise and clarify existing land law in Northern Ireland

*Objectives:* To make recommendations to DFP to reform, modernise and simplify existing land law, both common law principles and statutes that relate to land law.

*Context:* This policy is one of the policies/projects contained within the Northern Ireland Law Commission's (NILC) First programme of reform (2009 – 2011). The policy is being taken forward by the Land Law Project team, within the Northern Ireland Law Commission.

There are no EU obligations specifically relating to land law (see Treaty of Amsterdam 1997, Article 295 - "This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership.")

*Desired outcomes:* To create a legal framework of land law for the 21<sup>st</sup> century that is responsive to legal obligations and yet accommodates personal and commercial requirements, needs and circumstances.

#### **1.3 On whom will the policy impact? Please specify**

The policy will impact on the general population i.e. anyone who holds or deals with land and specifically on service providers (e.g. Mortgage lenders; Solicitors; Land and Property Services; other property professionals e.g. surveyors, estates agents; Academics, Barristers and the Judiciary). Property transactions occur across all the communities in Northern Ireland but are perhaps less prevalent in the lower income unemployed groups.

**1.4 Who is responsible for (a) devising and (b) delivering the policy? What is the relationship and have they considered this issue and any equality issues?**

(a) NILC is responsible for devising the policy.

(b) The Northern Ireland Executive and DFP is responsible the implementation of the policy.

DFP is a joint sponsoring body of NILC with the Northern Ireland Office (NIO). DFP will be presented with recommendations emanating from the policy and will consider taking these forward through the legislative process.

**1.5 What linkages are there to other NI Departments/NDPBs in relation to this policy?**

NIO (as sponsoring body), DFP (as sponsoring body and leading department), Land Registers (NI) within the Land and Property Services (key stakeholder involved in the registration of land and the conveyancing process)

**1.6 What data is available to facilitate the screening of this policy?**

- (i) Report of the Committee on the Registration of Title to Land (1967).
- (ii) Survey of the Land Law of Northern Ireland (1971).
- (iii) Final Report of the Land Law Working Group (1990).
- (iv) The Reform and Modernisation of Land Law and Conveyancing Law, Law Reform Commission, Republic of Ireland, Consultation Paper 34 – 2004.
- (v) Reform and Modernisation of Land Law and Conveyancing Law, Law Reform Commission, Republic of Ireland, Report 74 – 2005.
- (vi) Information and data on property transactions from the Land Registers of Northern Ireland i.e. the number of application received by Land Registry and Registry of Deeds for 2007/08 and 2008/09.
- (vii) A detailed list of all sources used in developing the land law proposals is contained in Annex A.
- (viii) Data obtained from NISRA in relation to 'overreaching' options.

**1.7 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.**

No.

(See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research)

## **2 Screening Analysis**

**2.1** Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups? (see Annex B)

- 2.1.1** Religious belief - No
- 2.1.2** Political opinion - Yes
- 2.1.3** Racial group - No
- 2.1.4** Age - No
- 2.1.5** Marital status – Yes
- 2.1.6** Sexual orientation - No
- 2.1.7** Gender - No
- 2.1.8** Disability - No
- 2.1.9** Dependants - No

*Please give details:* It is possible that one of the proposals in relation to 'feudal tenure' (abolition of feudal tenure) might be viewed negatively by members of the Unionist community. It is also possible that one of the proposals in relation to 'estates in land' ('overreaching of equitable interests') could have a negative impact on co-habitees who have not entered into a civil partnership or marriage.

**2.2** Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

- 2.2.1** Religious belief - No
- 2.2.2** Political opinion - Yes
- 2.2.3** Racial group - No
- 2.2.4** Age - No
- 2.2.5** Marital status - Yes
- 2.2.6** Sexual orientation - No
- 2.2.7** Gender - No
- 2.2.8** Disability - No
- 2.2.9** Dependants - No

*Please give details:* It is possible that one of the proposals in relation to 'feudal tenure' (abolition of feudal tenure) might be viewed negatively by members of the Unionist community. It is also possible



that one of the proposals in relation to 'estates in land' ('overreaching of equitable interests') could have a negative impact on co-habitees who have not entered into a civil partnership or marriage.

**2.3** Have consultations with the relevant groups, organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

**2.3.1** Religious belief - No

**2.3.2** Political opinion- No

**2.3.3** Racial group- No

**2.3.4** Age- No

**2.3.5** Marital status- No

**2.3.6** Sexual orientation- No

**2.3.7** Gender- No

**2.3.8** Disability- No

**2.3.9** Dependants - No

*Please give details:* Pre-publication consultation with key stakeholders has taken place. These stakeholders were not consulted on the basis of their affiliation to the s. 75 groups there was no indication that the policy would create problems specific to the s. 75 groups.

**2.4** Is there an opportunity to better promote **equality of opportunity or good relations** by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes / No

*Please give details:* Not applicable.

**2.5** It may be that a policy has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

No. The policy will apply to the general population (see 1.3 above) regardless of circumstance.

**2.6** Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Not applicable.

### 3 EQIA Recommendation

**3.1** Full EQIA procedures should be carried out on policies considered to have **significant implications** for equality of opportunity. Please fill in the following grid in relation to the policy.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need			yes
Effect on people's daily lives			yes
Effect on economic, social and human rights			yes
Significance of the policy in terms of strategic importance			yes
Significance of the policy in terms of expenditure			yes

*Please give details:* Not applicable.

**3.2** In view of the considerations in Sections 1 and 2 do you consider that this policy should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.

With the exception of two particular policy areas ('feudal tenure' and 'estates in land') we do not think that the land law reform proposals should be subject to a full EQIA. There is no evidence to suggest that one s. 75 group will be affected more than another and the policy will have a low impact on the prioritisation factors listed in section 3.

**3.3** If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 3.1.

An EQIA on the 'feudal tenure' (abolition of feudal tenure') and 'estates in land' ('overreaching of equitable interests') proposals will be carried out.

**3.4** If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

No.

#### 4 Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and an EQIA will be carried out on the 'feudal tenure' and 'estates in land' proposals mentioned at 3.3 above

Signed  CEO

Agency/Division: NILC

Date: 22 / 9 / 09.

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

THE EQUALITY OFFICER

QUERIES TO:

Ext.

Email:

#### 5 [For completion by Equality Unit

Date

Screening result recorded: \_\_\_\_\_

Placed on website: \_\_\_\_\_

Screening out completed: \_\_\_\_\_

Screening to be reconsidered: \_\_\_\_\_

Give reasons:

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Agency/Division notified date: \_\_\_\_\_]

## ANNEX A

### General Sources of Information:

1. Consultation Paper Reform and Modernisation of Land Law and Conveyancing Law, LRC CP 34-2004, Law Reform Commission, Republic of Ireland
2. Conventions and Constitutional Documents
3. Documents of the Law Society of Northern Ireland
4. Final Report of the Land Law Working Group (1990), Office of Law Reform, Department of Finance and personnel, Belfast, Her Majesty's Stationary Office
5. Internet
6. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland
7. Land Registers of Northern Ireland e.g. total number of applications received by land registry 2008/09 94,461.
8. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd.
9. Moir, Land Registration Manual (2<sup>nd</sup> ed.) 2005, Belfast, The Law Society of Northern Ireland
10. Online Legal subscription services:
  - a. Westlaw.ie. and Westlaw.co.uk online legal information service. ([www.westlaw.ie](http://www.westlaw.ie) and [www.westlaw.co.uk](http://www.westlaw.co.uk) )
  - b. LexisNexis [www.lexisnexis.com](http://www.lexisnexis.com)
  - c. Justis [www.justis.com](http://www.justis.com) and Justcite [www.justcite.com](http://www.justcite.com)
  - d. Lawtel [www.lawtel.com](http://www.lawtel.com)
11. Pearce and Mee, Land Law, 2nd Edition (2000) Round Hall Sweet and Maxwell
12. Registration of Title to land in Northern Ireland, Report of the Committee on the Registration of Title to Land (1967), Belfast, Her Majesty's Stationary Office.
13. Report on the Reform and Modernisation of Land Law and Conveyancing Law, LRC 74-2005, Law Reform Commission, Republic of Ireland
14. Statutes:
  - a. Compulsory Registration of Title (Northern Ireland) Orders 1995 – 2002
  - b. Ground Rents Act (Northern Ireland) 2001 (c. 5)
  - c. Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (No. 1452 N.I. 7)
  - d. Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7)
  - e. Property (Northern Ireland) Order 1978 (No. 459 N.I. 4)
  - f. Property (Northern Ireland) Order 1997 (No. 1179 N.I. 8)
  - g. Registration (Land and Deeds) (Northern Ireland) Order 1992 (No. 811 N.I. 7)
15. Survey of the Land Law of Northern Ireland (1971) by a working party of the Faculty of Law, QUB, a report to the Director of Law Reform for Northern Ireland, Belfast, Her Majesty's Stationary Office,



16. Wylie and Woods, Irish Conveyancing Law, 3<sup>rd</sup> ed. (2005) Tottel Publishing.
17. Wylie, Irish Land Law, 3<sup>rd</sup> ed. (1997) Butterworths.
18. Wylie, Irish Landlord and Tenant Law, 2<sup>nd</sup> ed. (1998) Butterworths.

#### **Reports and Consultations:**

1. British Columbia Law Reform Commission, Canada
2. English Law Reform Committee
3. Land Law Working Group, Northern Ireland
4. Law Commission, England and Wales
5. Law Reform Advisory Committee, Northern Ireland
6. Law Reform Commission, Australia
7. Law Reform Commission, Ireland
8. Manitoba Law Reform Commission, Canada
9. New Zealand Law Commission
10. Northern Ireland Law Commission
11. Ontario Law Reform Commission, Canada
12. Parliament of Victoria, Australia
13. Scottish Law Commission

#### **Sources of Articles:**

1. Anglo-American Law Review
2. APLJ – Australian Property Law Journal
3. CLJ – Commonwealth Law Journal
4. CLWR – Common Law World Review
5. Conv – Conveyancer and Property Lawyer
6. CPLJ – Conveyancing and Property Law Journal
7. DULJ – Dublin University Law Journal
8. EG – Estates Gazette
9. IJFL- Irish Journal of Family Law
10. LQR – Law Quarterly Review
11. LS – Legal Studies
12. MLR – Modern Law Review
13. MULR – Melbourne University Law Review
14. NILQ – Northern Ireland Legal Quarterly
15. NLJ – New Law Journal
16. OUCLJ – Oxford University Commonwealth Law Journal
17. Real Property, Probate and Trusts Journal
18. Stair Society

19. Yale LJ – Yale Law Journal

**Sources of Case Law:**

1. AC – Law Reports, Appeal Cases
2. AILR - (Malaysia)
3. All ER - All England Law Reports
4. BCC – British Company Cases
5. Beav - Beavan's Rolls Court Reports
6. CA – Commonwealth Appeals
7. Ch - Law Reports, Chancery Division (3<sup>rd</sup> Series)
8. Ch App - Law Reports, Chancery Appeal Cases
9. ChD – Chancery Division (2<sup>nd</sup> Series)
10. CLR – Commonwealth Law Reports
11. ECHR Grand Chamber – European Court of Human Right, Grand Chamber
12. EWHC (Ch) – England and Wales High Court (Chancery Division)
13. HCA – High Court of Australia
14. IEHC – High Court of Ireland
15. IR - Irish Reports
16. KB – Law Reports, Kings Bench
17. Lloyd's Rep Bank
18. LR – Law Reports (1<sup>st</sup> Series)
19. NI – Northern Ireland Law Reports
20. NICA - Northern Ireland court of Appeal
21. NICH - High Court of Justice Northern Ireland: Chancery Division
22. NIFam - High Court of Justice Northern Ireland: Family Division
23. Ph - Phillips' Chancery Reports
24. QB – Law Reports, Queen's Bench (3<sup>rd</sup> Series)
25. UKHL - United Kingdom House of Lords
26. Ves - Vesey Junior's Chancery Reports
27. WLR – Weekly Law Reports
28. Wms Saund - Saunders' King's Bench Reports

**Sources of Statute Law:**

1. Chronological Table of the Statutes for Northern Ireland (33<sup>rd</sup> ed.) Published by Authority, Belfast: The Stationary Office
2. Office of public sector information [www.opsi.gov.uk](http://www.opsi.gov.uk)
3. Statute Law Database [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk)
4. The Northern Ireland Statutes, Belfast, Her Majesty's Stationary office

5. The Statutes Revised Northern Ireland (2<sup>nd</sup> ed.) Published by Authority, Belfast, Her Majesty's Stationary office

#### **Stakeholders**

1. Academics from Queen's University, Belfast (QUB) & University of Ulster, Jordanstown (UUJ)
2. Barristers
3. Judiciary
4. Lands Tribunal, DFP
5. Lending Institutions
6. Royal Institute of Chartered Surveyors (RICS)
7. Solicitors
8. The Land Registers of Northern Ireland, DFP
9. The Law Society of Northern Ireland

#### **Beneficiaries**

1. All Stakeholders as above
2. The General public

#### **• Feudal Tenure**

#### Books

1. Buckland and McNair, *Roman Law and Common Law* (2<sup>nd</sup> ed. Cambridge University Press
2. Hinde McMorland & Sim, *Land Law in New Zealand* Volume 1, (2003) LexisNexis, para. 2.014
3. Pearce and Mee, *Land Law*, 2nd Edition (2000) Round Hall Sweet and Maxwell
4. Reid K, *The Abolition of Feudal Tenure in Scotland* (2003) Tottel Publishing
5. Wylie, *Irish Land Law*, 3rd ed. (1997) Butterworths
6. Wylie, *Irish Landlord and Tenant Law*, 2<sup>nd</sup> ed. (1998) Butterworths

#### Constitutional Documents

1. Arkansas Declaration of Rights - section 28
2. Minnesota 1857 Constitution - section 15
3. Wisconsin Constitution - Article I: section 14

#### Reports and Consultations from other jurisdictions

1. A New Property Law Act (1994) NZLC R29, Law Commission, New Zealand



2. Consultation Paper on the Reform and Modernisation of Land Law and Conveyancing Law, LRC CP 34 – 2004, Law Reform Commission, Republic of Ireland
3. Eleventh Programme of Law Reform (Law Com No. 306 para. 6.12), Law Commission, England and Wales
4. Land Registration for the Twenty-first Century, A Conveyancing Revolution (2001) Law Com No. 271 para. 11.3, Law Commission, England and Wales
5. Land Tenure in Scotland : A Plan for Reform (1969) Cmnd 4099, Law Commission, Scotland
6. Report on Abolition of the Feudal System (1999) Scot Law Com No. 168, Law Commission, Scotland
7. Report on the Reform and Modernisation of Land Law and Conveyancing Law, LRC 74-2005, Law Reform Commission, Republic of Ireland
8. Statute Law Revision: First Report (1969) Law Com No. 22 (Cmnd 4052), Law Commission, England and Wales
9. Tenure and Estates in Land (1992) NZLC PP 20, Law Commission, New Zealand
10. The Recognition of Aboriginal Customary Laws (1986) ALRC 31, Law Commission, Australia

#### Articles

1. Devereux and Dorsett "Towards a Reconsideration of the Doctrine of Estates and Tenure" (1996) 4 APLJ No 1
2. Edgworth, "Tenure, Allodialism and Indigenous Rights at Common Law: English, United States and Australian Land Law Compared after Mabo v Queensland" (1994) 23 Anglo-American Law Review 397
3. Hepburn "Disinterested Truth: Legitimation of the Doctrine of Tenure Post-Mabo" [2005] MULR 1
4. Nugee "The feudal system and the Land Registration Acts 2002" (2008) 124 LQR 586
5. Secker "The Doctrine of Tenure in Australia Post-Mabo: Replacing the Feudal Tenure Fiction with Mere Radical Title Fiction, Parts 1 & 2" (2006) 13 APLJ No 2 107 & 140
6. Vance "The Quest for Tenure in the United States" (1924) 33 Yale LJ 248

#### Case law

1. Aurelio Cal, et al. v Attorney General of Belize(Claim 121/2007) (18 October 2007) (Belize)
2. Commonwealth of Australia v Yarmirr (2001) 208 CLR 1)
3. Fejo v Northern Territory (1998) 195 CLR 96
4. Kerajaan Negeri Selango v Sagong bin Tasi [2005] AILR 71 (Malaysia)
5. Mabo v Queensland (No. 2) (1992) 175 CLR 1
6. Manu Kapua v Para Haimona [1913] AC 761
7. Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58,
8. SCMLLA Properties Limited v Gesso properties (B.V.I.) Limited [1995] BCC 793
9. Veale v Brown (1866) 1 CA 152



10. Webb v Ireland [1988] IR 353
11. Western Australia v Ward (2002) 213 CLR 1
12. Wik Peoples v Queensland (1996) 187 CLR 1

#### Statutes

1. Abolition of Feudal Tenure etc. (Scotland) Act 2000 (ASP 5)
2. Australian Courts Act 1828 (c. 33)
3. Administration of Estates Act (Northern Ireland) 1955 (c. 24)
4. Administration of Estates Act 1925 (15 & 16 Geo. 5) (c. 23)
5. Birkenhead legislation 1925
6. Companies (Northern Ireland) Order 1986 (No. 1032 N.I. 6)
7. Companies Act 1985 (c. 6)
8. Crown Lands Act 1702 (1 Ann.) (c.1)
9. Insolvency (Northern Ireland) Order 1989 (No. 2/405 N.I. 19)
10. Land Registration Act (Northern Ireland) 1970 (c. 18)
11. Land Tenure Reform (Scotland) Act 1974 (c. 38)
12. Landlord and Tenant Law Amendment (Ireland) Act 1860 (23 & 24 Vict.) (c. 154) (Deasy's Act)
13. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
14. Property Law Act 2007 (No. 91) (New Zealand)
15. State Property Act 1954 (No. 51) (New Zealand)
16. Statutes of Westminster the Third 1289-1290 (*Quia Emptores*) (18 Edw. I) (cc. 1,2,3)
17. Succession Act 1965 (No. 27) (Ireland)
18. Tenures Abolition Act (Ireland) 1662 (14 & 15 Chas. 2 sess. 4) (c. 19)
19. Tenures Abolition Act 1660 (12 Chas. 2) (c. 24)

#### • **Estates in land**

#### Books

1. Fox, Conceptualising Home: Theories, Laws and Policies (2006) Hart Publishing
2. Harvey, B, Settlements of Land (1973) London: Sweet & Maxwell Modern Legal Studies Series
3. Mee, The Property Rights of Cohabitees (1999) Hart Publishing
4. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd. para 6-014 & appendix paras A032 – A037, para. 17-075 – 17-084
5. Pearce and Mee, Land Law, 2nd Edition (2000) Round Hall Sweet and Maxwell
6. Wallace, Land Registry Practice in Northern Ireland 2<sup>nd</sup> ed. (1987) SLS Legal Publications (Northern Ireland) pp 16 – 24
7. Wylie and Woods, Irish Conveyancing Law, 3<sup>rd</sup> ed. (2005) Tottel Publishing, 16.48 – 16.59

8. Wylie, Irish Land Law, 3rd ed. (1997) Butterworths
9. Wylie, Irish Landlord and Tenant Law, 2<sup>nd</sup> ed. (1998) Butterworths, paras 4.21 & 4.39, 2.23, 4.04

#### Misc.

1. European Convention on Human Rights
2. Law Society of Northern Ireland's Vendor's Replies to Pre-Contract Enquiries (2008 edition)

#### Reports and Consultations from other jurisdictions

1. Cohabitation: the Financial Consequences of Relationship Breakdown Law Com No. 307 (Cm 7182), Law Commission of England and Wales
2. Overreaching: Beneficiaries in Occupation (1989) Law Com No. 188, Law Commission of England and Wales
3. Property Law – Rights of Reverter (1978) Law Com No. 111 (Cmnd 8410), Law Commission of England and Wales
4. Report No. 10 Matrimonial Property (LRAC No. 8, 2000), Law Reform Advisory Committee, Northern Ireland
5. Report on the Law of Landlord and Tenant (LRC 85-2007), Law Commission of England and Wales

#### Articles

1. Bright, "Leases, Exclusive Possession and Estates" (2000) 116 LQR 7
2. Bright, "Uncertainty in Leases – Is it a Vice?" (1993) LS 38
3. Dixon, "The Non-proprietary Lease: The Rise of the Feudal Phoenix" [2000] CLJ 25
4. Harpum "Overreaching Trustees' Powers and the Reform of the 1925 Legislation" [1990] CLJ 277 at 328
5. Hinojosa, "On Property Licences, Horses and Carts: Revisiting Bruton v London & Quadrant Housing Trust" [2005] Conv 114
6. Pawlowski, "Occupational Rights in Leasehold Law: Time for Rationalisation" [2002] Conv 550
7. Routle, "Tenancies and Estoppel – After Bruton v London & Quadrant Housing Trust" (2000) MLR 424
8. Sparkes, "Certainty of Leasehold Terms" (1993) 109 LQR 93
9. Wylie "An Irish Perspective on Protecting a Non-owning Spouse in the Home" in Meisel and Cook, (eds.) Property and Protection: Essays in Honour of Brian W. Harvey (2000) Hart Publishing Chapter 6

#### Case law

1. Bruton v London & Quadrant Housing Trust [2000] 1 AC 406
2. City of London Building Society v Flegg [1988] AC 54

3. Cottage Holiday Associates Ltd. v Customs and Excise Commissioners [1983] QB 735
4. J A Pye (Oxford) Ltd. v United Kingdom (Application No 44302/02), 15 November 2007, ECHR Grand Chamber
5. Kay & Anor. v (1) London Borough of Lambeth (2) Leeds City Council v Price & Others [2006] 2 AC 465)
6. London Borough of Harrow v Qazi [2003] UKHL 43
7. McCann v United Kingdom (Application No. 19009/04, 13 May 2008)
8. Prudential Assurance Co Ltd. v London Residuary Body [1992] 2 AC 386
9. Re O'Sullivan's Application (RI High Court 24 March 1983)
10. State Bank of India v Sood [1997] Ch 276
11. Ulster Bank Ltd. v Shanks [1982] NI 143
12. Walsh v Wightman [1927] NI 1
13. Williams & Glyn's Bank Ltd. v Boland [1981] AC 487

#### Statutes

1. Abolition of Feudal Tenure etc. (Scotland) Act 2000 (ASP 5)
2. Birkenhead legislation 1925
3. Conveyancing Act 1881 (44 & 45 Vict) (c. 41)
4. Conveyancing Act 1911 (1 & 2 Geo. 5) (c. 37)
5. Entail (Scotland) Act 1914 (4 & 5 Geo. 5) (c. 43)
6. Family Home Protection Act 1976 (No. 27) (Ireland)
7. Family Homes and Domestic Violence (Northern Ireland) Order 1998 (No. 1071 N.I. 6)
8. Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (No. 1984 N.I. 14)
9. Fines and Recoveries (Ireland) Act 1834 (4 & 5 Will. 4) (c. 92)
10. Ground Rents Act (Northern Ireland) 2001 (c. 5)
11. Land Registration Act (Northern Ireland) Act 1970 (c. 18)
12. Land Registration Act 1925 (15 & 16 Geo. 5) (c. 21)
13. Land Registration Act 2002 (c. 9)
14. Landlord and Tenant Law Amendment (Ireland) Act 1860 (23 & 24 Vict.) (c. 154) (Deasy's Act)
15. Law of Property (Amendment) Act 1926 (16 & 17 Geo. 5) (c. 11)
16. Law of Property Act 1925 (16 & 1 Geo. 5) (c. 20)
17. Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7)
18. Leases for Schools (Ireland) Act 1881 (44 & 45 Vict.) (c. 65)
19. Leasing Powers Amendment Act for Religious Worship (Ireland) Act 1875 (38 & 39 Vict.) (c. 11)
20. Leasing Powers for Religious Worship (Ireland) Act 1855 (18 & 19 Vict.) (c. 39)
21. Literary and Scientific Institutions Act 1854 (17 & 18 Vict.) (c. 112)
22. Perpetuities Act (Northern Ireland) 1966 (c. 2)
23. Places of Worship Sites Act 1873 (36 & 37 Vict.) (c. 50)



24. Property (Northern Ireland) Order 1978 (No. 459 N.I. 4)
25. Property (Northern Ireland) Order 1997 (No. 1179 N.I. 8)
26. Property Law Act 1952 (No. 51) (New Zealand)
27. Property Law Act 2007 (No. 91) (New Zealand)
28. Renewable Leasehold Conversion Act 1849 (12 & 13 Vict.) (c. 105)
29. Residential Tenancies Act 2004 (No. 27) (Ireland)
30. Reverter of Sites Act 1987 (c. 15)
31. School Sites (Ireland) Act 1810 (50 Geo. 3) (c. 33)
32. School Sites Act (Northern Ireland) 1928 (18 & 19 Geo. 5) (c. 8)
33. School Sites Act 1841 (4 & 5 Vict.) (c. 38)
34. Settled Land Act 1882 (c. 38)
35. Settled Land Acts 1882 - 1890
36. Statute of Uses (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 1)
37. Statute of Westminster the Second 1285 (*De Donis Conditionalibus*) (13 Edw. I) (c. 1)
38. Trusts of Land and Appointment of Trustees Act 1996 (c. 47)

- **Easements and other rights over land**

#### Books

1. Megarry and Wade, *The Law of Real Property*, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd. paras. 30-035 – 30-045
2. Pearce and Mee, *Land Law*, 2nd Edition (2000) Round Hall Sweet and Maxwell
3. Wallace, *Land Registry Practice in Northern Ireland* 2<sup>nd</sup> ed. (1987) SLS Legal Publications (Northern Ireland) pp 91 – 92
4. Wylie, *Irish Land Law*, 3rd ed. (1997) Butterworths
5. Wylie, *Irish Landlord and Tenant Law*, 2<sup>nd</sup> ed. (1998) Butterworths, paras 4.21 & 4.39, 2.23, 4.04

#### Reports and Consultations from other jurisdictions

1. Acquisition of Easements and Profits by Prescription 14<sup>th</sup> Report Cmnd 3100, 1966, English Law Reform Committee (forerunner of the Law Commission)
2. Consultation Paper on First Programme of Law Reform (August 2008), NILC
3. Consultation Paper on Multi-unit Developments (LRC CP 42-2006) Chapter 10, Law Reform Commission, Republic of Ireland
4. Easements, Covenants and Profits à Prendre 2008 No. 186, Law Commission of England and Wales
5. Land and Conveyancing Law Reform Bill 2006 (Part 8 Chapter 1), Republic of Ireland
6. Land Registration for the Twenty-first Century (1998) Law Com No. 254 paras. 10.79 – 10.94, Law Commission of England and Wales



7. Report on Limitation of Actions 1969, Ontario, Canada
8. Report on Limitations: Part I – Abolition of Prescription 1970, British Columbia, Canada
9. Report on Multi-unit Developments (LRC 90-2008), Law Reform Commission, Republic of Ireland
10. Report on Prescriptive Easements and Profits à Prendre 1982, Manitoba, Canada
11. Report on Rights of Access to Neighbouring Land 1985 (Law Com No. 151), Law Commission of England and Wales
12. Report on the Acquisition of Easements and Profits à Prendre by Prescription LRC 66-2002, Law Reform Commission, Republic of Ireland
13. Transfer of Land: Appurtenant Rights No. 36, Consultation Paper, Law Commission of England and Wales
14. Transfer of land: Law of Positive and Restrictive Covenants (1984 Law Com No. 127) para. 1.6, Consultation Paper, Law Commission of England and Wales

#### Articles

1. Clarke "The Enactment of Commonhold – Problems, Principles and Perspectives" [2002] Conv 349
2. Fetherstonhaugh "Slow on the Uptake" (2005) 35 EG 104
3. Harpum, "Easements and Centre Point: Old Problems Resolved in a Novel Setting" (1977) 41 Conv 415
4. Harpum, "Long v Gowlett: A Strong Fortress" [1979] Conv 113
5. Harvey, "Irish Rights of Residence – The Anatomy of a Hermaphrodite" (1970) 21 NILQ 389
6. Jack "Commonhold: the Fatal Flaw" (2003) NLJ 1907
7. Roberts "Two Cheers for Commonhold" (2002) NLJ 338
8. Smith, "Centre Point: Faulty Towers with Shaky Foundations" [1978] Conv 449
9. Tee "Metamorphoses and Section 62 of the Law of Property Act 1925" [1998] Conv 115
10. Wong "Potential Pitfalls in the Commonhold Community Statement and the Corporate Mechanisms of the Commonhold Association" [2006] Conv 4

#### Case law

1. Goldberg v Edwards [1950] Ch 247
2. Graham v Philcox [1984] QB 747
3. Jones v Jones [2001] NI 244
4. Listowel Livestock Mart Ltd. v William Bird & Sons Ltd. [2007] IEHC 360
5. London & Blenheim Estates Ltd. v Ladbrooke Retail Parks Ltd. [1992] 1 WLR 1278; Batchelor v Marlow [2003] 1 WLR 764; Moncrieff v Jamieson [2007] 1 WLR 2620
6. Maurice E Taylor (Merchants) Ltd. v Commissioner of Valuation [1981] NI 236
7. McCall and Keenan as Personal Representatives of Eileen McClean v HMRC [2009] NICA 12
8. National Bank v Keegan [1931] IR 344
9. Re Walker's Application for Judicial Review [1999] NI 84

10. *Sovmots Investments Ltd. v Secretary of State for the Environment* [1979] AC 144
11. *Tulk v Moxhay* (1848) 2 Ph 774
12. *Wheeldon v Burrows* (1879) 12 ChD 31
13. *Wright v Macadam* [1949] 2 KB 744

#### Statutes

1. Access to Neighbouring Land Act 1992 (c. 23)
2. Commonhold and Leasehold Reform Act 2002 (c. 15)
3. Commonhold and Leasehold Reform Act 2002 (Commencement No. 4) Order 2004 (SI/1832)
4. Conveyancing Act 1881 (44 & 45 Vict.) (c. 41)
5. Irish Church Act 1869 (32 & 33 Vict.) (c. 42)
6. Land Purchase Acts 1869 - 1935
7. Land Registration Act (Northern Ireland) 1970 (c.18)
8. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
9. Limitation (Northern Ireland) Order 1989 (No. 1339 N.I. 11)
10. London Buildings Acts (Amendment) Act 1939 (c. xcvi)
11. Party Wall etc. Act 1996 (c. 40)
12. Prescription (Ireland) Act 1858 (21 & 22 Vict.) (c. 42)
13. Prescription Act 1832 (2 & 3 Will. 4) (c. 71)
14. Property (Northern Ireland) Order 1978 (No. 459 N.I. 4)
15. Property (Northern Ireland) Order 1997 (No. 1179 N.I. 8)
16. Rights of Light Act (Northern Ireland) 1961 (c. 18)
17. Ground Rents Act (Northern Ireland) 2001 (c. 5)
18. Settled Land Acts 1882 - 1890
19. Treasure Act 1996 (c. 24)

#### • **Future Interests**

#### Books

1. Pearce and Mee, *Land Law*, 2nd Edition (2000) Round Hall Sweet and Maxwell
2. Wylie, *Irish Land Law*, 3rd ed. (1997) Butterworths

#### Reports and Consultations from other jurisdictions

1. Scrutiny of the Acts and Regulations Committee Report concerning the Maintenance Act 1965, Marriage Act 1958 and the Perpetuities and Accumulations Act 1968 (2004), Australian State of Victoria
2. Report on the Rule against Perpetuities and Cognate Rules LRC 62-2000, Law Reform Commission, Republic of Ireland

3. Report on the Rules against Accumulation and Perpetuities (1982) pp 35 – 43), Manitoba Law Reform Commission , Canada
4. Perpetuities and Accumulations Act CSSM c. P33, Manitoba , Canada
5. Perpetuities and Accumulations Bill (HL Bill 35), England and Wales
6. The Law of Trusts: The Rules against Perpetuities and Excessive Accumulations No. 133 (1993), Law Commission, England and Wales
7. The Rules against Perpetuities and Excessive Accumulations (1998) Law Com No. 251, Part X, Law Commission, England and Wales

#### Articles

1. Burgess, "Perpetuities in Scots Law" 1979 31 Stair Society 18
2. Dobris "The Death of the Rule against Perpetuities, or the RAP has No Friends – An Essay" 35 Real Property, Probate and Trusts Journal 601 (2000)
3. Mee, "From Here to Eternity? Perpetuities Reform in Ireland" (2000) 22 DULJ 91
4. Sitkoff and Schanzenbach "Jurisdictional Competition for Trust Funds : An Empirical Analysis of Perpetuities and Taxes" 115 Yale LJ 356 (2005)

#### Case law

1. Purefoy v Rogers ((1671) 2 Wms Saund 380
2. Re Dunne's Estate [1988] IR 155
3. Thelluson v Woodford ((1799) 4 Ves 227, (1805) 11 Ves 112
4. Vestey v IRC (Nos. 1 and 2) [1979] 3 WLR 915
5. Whitby v Mitchell (1890) 44 ChD 85

#### Statutes

1. Accumulations Act 1800 (39 & 40 Geo. 3) (c. 98)
2. Accumulations Act 1892 (55 & 56 Vict.) (c. 58)
3. Charities Act (Northern Ireland) 1964 (c. 33)
4. Charities Act (Northern Ireland) 2008 (c. 12)
5. Contingent Remainders Act 1877 (40 & 41 Vict.) (c. 33)
6. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland
7. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
8. Law of Property Act 1936 (South Australia)
9. Perpetuities Act (Northern Ireland) 1966 (c. 2)
10. Perpetuities and Accumulations Act 1964 (c. 55)
11. Perpetuities and Accumulations Bill 2009 (HL Bill 35)
12. Statute of Uses (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 1)
13. Statutes of Westminster the Third 1289 – 1290 (*Quia Emptores*) (18 Edw. I) (cc. 1, 2, 3)



14. Trustee Act (Northern Ireland) 1958 (c. 23)

• **Settlements and trusts**

Books

1. Pearce and Mee, Land Law, 2nd Edition (2000) Round Hall Sweet and Maxwell
2. Current Law Statutes 1996 (Sweet and Maxwell) Volume 2
3. Harvey Settlements of Land Sweet and Maxwell (1973)
4. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd
5. Wylie, Irish Land Law, 3rd ed. (1997) Butterworths

Reports and Consultations from other jurisdictions

1. Consultation Paper: *Trusts of Land* (1985) Law Commission Consultation Paper No. 94, England and Wales
2. Report: *Trusts of Land* (1989) Law Com No. 181, Law Commission, England and Wales

Statutes

1. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland
2. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
3. Settled Land Act 1925 (15 & 16 Geo. 5) (c. 18)
4. Settled Land Acts 1882 - 1890
5. Trusts of Land and Appointment of Trustees Act 1996 (c. 47)

• **Concurrent ownership of land**

Books

1. Conway, Co-ownership of Land Butterworths (2000)
2. Grattan, Succession Law in Northern Ireland (1996 SLS Legal Publication (Northern Ireland) paras. 7.36 – 7.37
3. Leitch, A Handbook on the Administration of Estates Act (Northern Ireland) 1955 (1956 ILSNI) Chapter 1
4. Mee, The Property Rights of Cohabitees Hart Publishing (1999)
5. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd.
6. Pearce and Mee, Land Law, 2nd Edition (2000) Round Hall Sweet and Maxwell



7. Wallace, Land Registry Practice in Northern Ireland (2<sup>nd</sup> edition 1987 SLS Legal Publications (Northern Ireland)) pp 16 - 24
8. Wylie, Irish Land Law, 3rd ed. (1997) Butterworths

#### Reports and Consultations from other jurisdictions

1. Consultation Paper on Reform and Modernisation of Land Law and Conveyancing Law (LRC CP 34-2004) para. 6.03, Law Reform Commission, Republic of Ireland
2. Consultation Paper on Rights and Duties of Cohabitees (LRC CP 32-2004)) Law Reform Commission, Republic of Ireland
3. Discussion Paper No. 5 Matrimonial Property (1999); and Report No. 10 Matrimonial Property (LRAC No. 8, 2000) Law Reform Advisory Committee for Northern Ireland
4. Report on Land Law and Conveyancing Law: (7) Positive Covenants over Freehold Land and other Proposals (LRC 70-2003) Chapter 5, Law Reform Commission, Republic of Ireland
5. Report on the Effects of Cohabitation in Private Law (Scot Law Com No. 86 1990), Scottish Law Commission
6. Sharing Homes: A Discussion Paper (Law Com No. 278 2002); Cohabitation: The Financial Consequences of Relationship Breakdown: A Consultation Paper (No. 179 2007), Law Commission, England and Wales

#### Articles

1. Conway, "Leaving Nothing to Chance?": Joint Tenancies, the 'Right' of Survivorship and Unilateral Severance" (2008) OJCLJ 45
2. Fox "Property Rights of Cohabitees: The Limits of Legislative Reform" (2005) IJFL 2;
3. Mee, "The Land and Conveyancing Law Reform Bill 2006: Observations on the Law Reform Process and a Critique of Selected Provisions – Part II" (2006) 11(4) CPLJ 91 at 15 – 97;
4. Palley, "Husbands, Wives and Creditors" (1969) 20 NILQ 132 at 139
5. Woods "Property Disputes between Co-owning Cohabitees – Ireland and England Compared" (2006) 35 CLWR 297
6. Woods, "Unilateral Severance of Joint Tenancies – The Case for Abolition" (2007) 12(2) CPLJ 47

#### Case law

1. *Re Rooney* [2008] NICH 22

#### Statutes

1. Administration of Estates Act (Northern Ireland) 1955 (c. 24)
2. Birkenhead legislation 1925
3. Civil Law (Miscellaneous Provisions) Act 2008 (Ireland)
4. Departments (Northern Ireland) Order 1982 (SR 1999 No. 481)

5. Irish Church Act 1869 (32 & 33 Vict.) (c. 42)
6. Irish Land Act 1903 (3 Edw. 7) (c. 37)
7. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland
8. Land Purchase (Winding-up) Act (Northern Ireland) 1935 (26 Geo. 5 & Edw. 8) (c. 21)
9. Land Registration Act (Northern Ireland) 1970 (c.18)
10. Law of Property (Joint Tenants) Act 1964 (c. 63)
11. Law of Property Act 1925 (16 &17 Geo. 5) (c. 20)
12. Law of Property Act 2007 (New Zealand)
13. Married Women's Property Act 1882 (45 & 46 Vict.) (c. 75)
14. Ministries of Northern Ireland (Transfer of Functions) Regulations 1968 (SR & O No. 88)
15. Partition Act 1868 (31 & 32 Vict.) (c. 40)
16. Partition Act 1876 (39 & 40 Vict.) (c. 17)
17. Property (Northern Ireland) Order 1997 (No. 1179 N.I. 8)
18. Succession Act 1965 (No. 27) (Ireland)
19. Trusts of Land and Appointment of Trustees Act 1996 (c. 47)
20. Wills and Administration Proceedings (Northern Ireland) Order 1994 (No. 1899 N.I. 13)

#### • Mortgages

##### Books

1. Equity, revised ed. by Brunyate Cambridge UP (1936) p 182
2. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd.
3. Pearce and Mee, Land Law, 2nd Edition (2000) Round Hall Sweet and Maxwell
4. Wylie, Irish Land Law, 3rd ed. (1997) Butterworths

##### Reports and Consultations from other jurisdictions

1. Land Mortgages (1986) Law Commission Consultation Paper No. 99, Law Commission, England and Wales
2. Transfer of Land – Land Mortgages (1991) Law Com No. 204, Law Commission, England and Wales

##### Case law

1. Four Maids Ltd. v Dudley Marshall Properties Ltd. [1957] Ch 317 at 320)
2. Horsham Properties Group Ltd. and another v Clark [2008] EWHC 2327 (Ch)
3. Jones v Morgan [2001] Lloyd's Rep Bank 323
4. Lockhart v Hardy (1846) 9 Beav 349
5. Palmer v Hendrie (1859) 27 Beav 349

6. Perry v Barker (1806) 13 Ves Jun 198
7. Royal Bank of Scotland v Etridge (No. 2) [2002] 2 AC 773
8. Rudge v Richens (1873) LR 8 CP 358

#### Statutes

1. Administration of Justice Act 1970 (c. 31)
2. Administration of Justice Act 1973 (c. 15)
3. Building Societies Act (Northern Ireland) 1967 (c. 31)
4. Building Societies Act 1986 (c. 53)
5. Consumer Credit Act 1974 (c. 39)
6. Consumer Credit Act 2006 (c. 14)
7. Conveyancing Act 1881 (44 & 45 Vict.) (c. 41)
8. Conveyancing Acts 1881 – 1911
9. European Unfair Terms Directive 1993 (93/13)
10. Financial Services and Markets Act 2000 (c. 8)
11. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland
12. Land Registration Act (Northern Ireland) 1970 (c.18)
13. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
14. Limitation (Northern Ireland) Order 1989 (No. 1339 N.I. 11)
15. Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083)
16. Vendor and Purchaser Act 1874 (37 & 38 Vict.) (c. 78)

#### • **Contracts for the sale of land**

#### Books

1. Farrell, Irish Law of Specific Performance Butterworths (1996) Chapter 3
2. Megarry and Wade, The Law of Real Property, 7<sup>th</sup> ed. by Harpum, Bridge and Dixon (2008) Sweet and Maxwell Ltd
3. Wylie and Woods, Irish Conveyancing Law, 3<sup>rd</sup> ed. (2005) Tottel Publishing.

#### Reports and Consultations from other jurisdictions

1. Report LRAC No. 12 Formalities for Contracts relating to the Sale of Land or Interests in Land 2003, Law Reform Advisory Committee for Northern Ireland
2. Consultation Paper on Reform and Modernisation of Land Law and Conveyancing Law (LRC CP 34-2004), Law Reform Commission, Republic of Ireland
3. Discussion Paper No. 8 Formalities for Contracts relating to the sale of Land or Interests in Land and the Rule in Bain v Fothergill, Law Reform Advisory Committee for Northern Ireland



4. Report of the Auctioneering/Estate Agency Review Group published in July 2005 by the Department of Justice, Equality and Law Reform, Republic of Ireland
5. Report on Gazumping (LRC 59-1999), Law Reform Commission, Republic of Ireland
6. Transfer of Land: Formalities for Contracts for Sale etc of Land (1985) Consultation Paper No. 92 and Report (1987) Law Com No. 164, Law Commission, England and Wales
7. Law Society of Northern Ireland's standard contract form General Conditions of Sale

#### Articles

1. Dixon, "Invalid Contracts, Estoppel and Constructive Trusts" [2005] Conv 207
2. McFarlane, "Proprietary Estoppel and Failed Contractual Negotiations" [2005] Conv 501
3. Swann, "Part Performance: Back from the Dead?" (1997) Conv 293
4. Wallace, "Part Performance Re-examined" (1974) 25 NILQ 453

#### Case law

1. Bain v Fothergill (1874) LR 7 HL 158
2. Commission for the New Towns v Cooper (Great Britain) Ltd. [1995] 2 All ER 929
3. Dimmock v Hallett (1866) 2 Ch App 21
4. Firstpost Homes Ltd. v Johnson [1995] 4 All ER 355
5. Lowry v Reid [1927] NI 142
6. Mackie v Wilde [1998] 2 IR 578
7. McCausland v Duncan Lawrie Ltd. [1997] 1 WLR 38
8. McDermott & Another v McDermott [2008] NICH 5
9. Murphy v Murphy & Another [2007] NICH 5
10. Omar v El-Wakil [2002] 2 P & CR 3; Aribisala v St. James Homes (Grosvenor Dock Ltd.) [2008] 3 All ER 762
11. Pitt v PHH Asset Management Ltd. [1994] 1 WLR 327
12. Re Scott and Alvarez's Contract [1895] 2 Ch 603
13. Record v Bell [1991] 1 WLR 853
14. Scott v Scott [2007] NIFam 2
15. Spiro v Glencrown Properties Ltd. [1991] Ch 537
16. Steadman v Steadman [1976] AC 536
17. United Bank of Kuwait v Sahib & Others [1997] 1 Ch 107
18. White v Spendlove [1942] IR 224 and Re Flynn and Newman's Contract [1948] IR 104
19. Yaxley v Gotts [2000] Ch 162
20. Yeoman's Row Management Ltd. & Another v Cobbe [2008] UKHL 55

#### Statutes

1. Land and Conveyancing Law Reform Bill 2006, Republic of Ireland

2. Landlord and Tenant Law Amendment (Ireland) Act 1860 (23 & 24 Vict.) (c. 154) (Deasy's Act)
3. Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)
4. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
5. Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (No. 1452 N.I. 7)
6. Sale of Land by Auctions Act 1867 (30 & 31 Vict.) (c. 48)
7. Statute of Frauds (Ireland) 1695 (7 Will. 3) (c. 12)
8. Statute of Frauds 1677 (29 Cha 2) (c. 3)
9. Vendor and Purchaser Act 1874 (37 & 38 Vict.) (c. 78)

## • Conveyances

### Books

1. Barnsley's Conveyancing Law and Practice Thompson, 4<sup>th</sup> ed. Butterworths (1996) p 274
2. Wylie and Woods, Irish Conveyancing Law, 3<sup>rd</sup> ed. (2005) Tottel Publishing
3. Wylie, Irish Land Law, 3<sup>rd</sup> ed. (1997) Butterworths

### Reports and Consultations from other jurisdictions

1. Consultation Paper on Reform and Modernisation of Land Law and Conveyancing Law (LRC CP 34-2004) para. 8.11, Law Reform Commission, Republic of Ireland
2. Deeds and Escrows LRAC No. 10 2002 Report, Law Reform Advisory Committee for Northern Ireland
3. Discussion Paper, Deeds and Escrows No. 7, Law Reform Advisory Committee for Northern Ireland
4. Report on eConveyancing: Modelling of the Irish Conveyancing System (LRC 79-2006) Law Reform Commission, Republic of Ireland
5. Report on Land Law and Conveyancing Law: (1) General Proposals (LRC 30-1989) paras. 8 – 9, Law Reform Commission, Republic of Ireland
6. Transfer of Land: Implied Covenants for Title (1991) Law Com No. 199, Law Commission, England and Wales

### Articles

1. Tee, "Metamorphoses and section 62 of the Law of Property 1925" [1998] Conv 115

### Case law

1. Goldberg v Edwards [1950] Ch 247
2. Graham v Philcox [1984] QB 747
3. Hodgson v Marks [1971] Ch 892 at 933
4. National Bank Ltd. v Behan [1913] 1 IR 512

5. Re Moore [1918] 1 IR 169
6. Patman v Harland (1881) 17 Ch D 353
7. Tinsley v Milligan [1993] 3 All ER 65 at 87
8. Wheeldon v Burrows ((1879) 12 ChD 31
9. Wright v Macadam [1949] 2 KB 744

#### Statutes

1. Conveyancing Act (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 3)
2. Conveyancing Act 1881 (44 & 45 Vict.) (c. 41)
3. Conveyancing Acts 1881 – 1911
4. Evidence Act (Northern Ireland) 1939 (2 & 3 Geo. 6) (c. 12)
5. Evidence Act 1938 (1 & 2 Geo. 6) (c. 28)
6. Insolvency (Northern Ireland) Order 1989 (No. 2405 N.I. 19)
7. Interpretation Act (Northern Ireland) 1954 (c. 33)
8. Land Registration Act (Northern Ireland) 1970 (c. 18)
9. Land Registration Rules (Northern Ireland) 1994 (No. 424)
10. Landlord and Tenant Law Amendment (Ireland) Act 1860 (23 & 24 Vict.) (c. 154) (Deasy's Act)
11. Law of Property (Miscellaneous Provisions) Act 1994 (c. 36)
12. Law of Property Act 1925 (16 & 17 Geo. 5) (c. 20)
13. Law of Property Act 1969 (c. 59)
14. Law of Property Amendment Act 1859 (22 & 23 Vict.) (c. 35)
15. Law of Property Amendment Act 1860 (23 & 24 Vict.) (c. 38)
16. Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (No. 1452 N.I. 7)
17. Property (Northern Ireland) Order 1978 (No. 459 N.I. 4)
18. Limitation (Northern Ireland) Order 1989 (No. 1339 N.I. 11)
19. Real Property Act 1845 (8 & 9 Vict.) (c. 106)
20. Registration (Land and Deeds) (Northern Ireland) Order 1992 (No. 811 N.I. 7)
21. Registration of Deeds (Amendment) Act (Northern Ireland) 1967 (c. 30)
22. Sales of Reversions Act 1867 (30 & 31 Vict.) (c. 4)
23. Statute of Uses (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 1)
24. Statute of Uses 1535 (27 Hen. 8) (c. 10)
25. Vendor and Purchaser Act 1874 (37 & 38 Vict.) (c. 78)
26. Voluntary Conveyances Act 1893 (56 & 57 Vict) (c. 21)

#### • Legislation



### Reports and Consultations from other jurisdictions

1. Consultation Paper Reform and Modernisation of Land Law and Conveyancing Law (LRC CP 34-2004) pp 2 – 3, Law Reform Commission, Republic of Ireland
2. Interim Report on Ground Rents and other Periodic Payments (1983) paras. 6.3 – 6.4, Land Law Working Group, Northern Ireland

### Statutes

1. 1925 Birkenhead Legislation
2. Accumulations Act 1800 (39 & 40 Geo. 3) (c. 98)
3. Accumulations Act 1892 (55 & 56 Vict.) (c. 58)
4. Bodies Corporate (Joint Tenancy) Act 1899 (62 & 63 Vict.) (c. 20)
5. Building Societies Act (Northern Ireland) 1967 (c. 31)
6. Clandestine Mortgages Act (Ireland) 1697 (9 Will 3) (c. 11)
7. Commission on Disposal of Lands (Northern Ireland) Order 1986 (No. 767 N.I. 5)
8. Commission on Sales of Land Act (Northern Ireland) 1972 (c. 12)
9. Contingent Remainders Act 1877 (40 & 41 Vict.) (c. 33)
10. Conveyancing Act (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 3)
11. Conveyancing Act 1881 (44 & 45 Vict.) (c. 41)
12. Conveyancing Acts 1881 – 1911
13. Fines and Recoveries (Ireland) Act 1834 (4 & 5 Will. 4) (c. 92)
14. Forfeiture Act (Ireland) 1639 (15 Chas. 1 sess. 2) (c. 3)
15. Ground Rents Act (Northern Ireland) 2001 (N.I. 5)
16. Judgments (Ireland) Act 1844 (7 & 8 Vict.) (c. 90)
17. Judicature (Northern Ireland) Order 1978 (c. 23)
18. Landed Estates Court (Ireland) 1858 (21 & 22 Vict.) (c. 72)
19. Law of Property Amendment Act 1860 (23 & 24 Vict.) (c. 38)
20. Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (No. 1452 N.I. 7)
21. Mortgagees Legal Costs Act 1895 (58 & 59 Vict.) (c. 25)
22. Partition Act 1868 (31 & 32 Vict.) (c. 40)
23. Partition Act 1876 (39 & 40 Vict.) (c. 17)
24. Perpetuities Act (Northern Ireland) 1966 (Chapter 2)
25. Prescription (Ireland) Act 1858 (21 & 22 Vict.) (c. 42)
26. Prescription Act 1832 (2 & 3 Will. 4) (c. 71)
27. Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983 (No. 766 N.I. 9)
28. Property (Northern Ireland) Orders 1978 (No. 459 N.I. 4)
29. Property (Northern Ireland) Orders 1997 (No. 1179 N.I. 8)
30. Real Property Act 1845 (8 & 9 Vict.) (c. 106)
31. Registration (Land and Deeds) (Northern Ireland) Order 1992 (No. 811 N.I. 7)

32. Registration of Deeds Act (Ireland) Act 1707 (c. 2)
33. Sales of Reversions Act 1867 (31 & 32 Vict.) (c. 4)
34. Satisfied Terms Act 1845 (8 & 9 Vict.) (c. 112)
35. Settled Estates Act 1877 (40 & 41 Vict.) (c. 18)
36. Settled Land (Ireland) Act 1847 (10 & 11 Vict.) (c. 46)
37. Settled Land Acts 1882 – 1890
38. Statute Law Revision Acts (1875 (c. 66), 1892 (c.19), 1893 (c. 54), 1953 (c.5) and 1963 (c. 30)
39. Statute of Frauds (Ireland) 1695 (7 Will. 3) (c. 12)
40. Statute of Uses (Ireland) 1634 (10 Chas. 1 sess. 2) (c. 1)
41. Statute of Westminster the Second 1285 (*De Donis Conditionalibus*) (13 Edw. I) (c. 1)
42. Statutes of Westminster the Third 1289 – 1290 (*Quia Emptores*) (18 Edw. I) (cc. 1, 2, 3)
43. Tenures Abolition Act (Ireland) 1662 (14 & 15 Chas. 2 sess. 4) (c. 19)
44. Tithe Arrears (Ireland) Act 1839 (2 & 3 Vict.) (c. 3)
45. Tithe Rentcharge (Ireland) Act 1838 (1 & 2 Vict.) (c. 109)
46. Vendor and Purchaser Act 1874 (37 & 38 Vict.) (c. 78)
47. Voluntary Conveyances Act 1893 (56 & 57 Vict) (c. 21)

### Previous Consultations/Reports

There have been three previous reports in relation to the reform of land law in Northern Ireland. They are as follows:-

1. Registration of Title to Land in Northern Ireland, Report of the Committee on the Registration of Title to Land (1967), Belfast, Her Majesty's Stationery Office ("the Lowry Report").
2. Survey of the Land Law of Northern Ireland (1971) by a working party of the Faculty of Law, QUB, a report to the Director of Law Reform for Northern Ireland, Belfast, Her Majesty's Stationery Office ("the Survey").
3. Final Report of the Land Law Working Group (1990), Office of Law Reform, Department of Finance and personnel, Belfast, Her Majesty's Stationery Office ("the Final Report")
4. The Law Reform Advisory Committee:
  - a. Discussion Paper, Deeds and Escrows No. 7
  - b. Report on Deeds and Escrows, No. 10 (2002)
  - c. Formalities for contracts relation to the sale of land or interest in land and the rule in *Bain v Fothergill*

## Annex B

### Main Groups Relevant to the Section 75 Categories

Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalist generally; members/supporters of any political party
Racial Group	White people; Chinese; Travellers; Indians; Pakistanis; Black people
Gender	Men (including boys); women (including girls), Trans-gendered people, Transsexual people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	Children under 16; people of working age (16/65); people over 65
"Persons with a disability"	Persons with a physical, sensory or learning disability as defined in sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
"Persons with dependants"	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexual people; homosexual people; bisexual people