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The Property Litigation Association (PLA) is a members' association for professionals specialising in all aspects of commercial, residential and agricultural property litigation. We are lawyers who come from a variety of firms in terms of size and location. The PLA consists of approximately 1200 members who spend a substantial amount of their time engaged in property related dispute resolution.

Para	Consultation Question	PLA Response
THE REGISTRABLE ESTATES		
3.94	We provisionally propose that there should be no change to the threshold of the length of lease which is registrable under the LRA 2002. Do consultees agree?	<p>It is agreed that the status quo should be maintained given the lack of clear benefit to individual tenants and landlords and the increased administrative and financial burden on tenants, landlords and the Land Registry were all leases longer than three years to be compulsorily registrable.</p> <p>Landlords of multi-tenanted properties often face difficulties in ensuring that leases are promptly cleared off the title following termination, due to the Land Registry's procedural and evidential requirements in connection with those applications. The volume of such applications would be increased were the threshold to be lowered.</p> <p>A lowering of the threshold would also increase costs for both landlords and tenants, due to the registration fees and the need to ensure that any plan attached to the lease met the Land Registry's requirements.</p>

Para	Consultation Question	PLA Response
THE GENERAL AND SPECIAL RULES OF PRIORITY IN SECTION 28 AND SECTION 29: THE DIFFERENCE BETWEEN REGISTRABLE DISPOSITIONS AND THE GRANT OF OTHER INTERESTS IN REGISTERED LAND		
6.30	<p>We provisionally propose that if an unregistrable interest is noted on the register, that interest should be subject only to the interests set out in section 29(2) of the LRA 2002.</p> <p>Do consultees agree?</p>	Yes.
6.36	<p>We provisionally propose that a person who takes an interest under a registrable disposition, but who fails to complete that disposition by registration, should not be able to secure priority against prior interests through the noting of that interest on the register.</p> <p>Do consultees</p>	Yes.
6.37	<p>We provisionally propose that a person who takes an interest under a disposition which is of a type which would have been registrable if all proper formalities for its creation had been observed, but who fails to observe those formalities, should not be able to secure priority against prior interests through the noting of that interest on the register.</p>	Yes.
6.49	<p>Do consultees believe that home rights should be excluded from the effects of our proposal that noting an interest (such as a sale contract) on the register should secure priority against prior unregistered rights (which would otherwise include home rights)?</p>	<p>No.</p> <p>Home rights should not be excluded in the interest of consistency.</p>
6.54	<p>We provisionally propose that the priority of unregistrable interests created pre-reform should remain unchanged.</p> <p>Do consultees agree?</p> <p>If consultees disagree, please state what period of time</p>	Yes.

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	them on the register, before the rights become vulnerable to subsequent interests.	
6.57	<p>We provisionally propose that the holder of an unregistrable interest which has been noted on the register, whose priority is adversely affected by alteration of the register to correct a mistake, should be able to apply for an indemnity from Land Registry.</p> <p>Do consultees</p>	Yes.
6.59	We invite consultees to submit examples of situations in which the holder of an unregistrable interest has suffered loss as a result of the discovery of a prior unregistrable interest with priority.	The PLA is not aware of specific examples.
6.63	We believe that our proposals on the relative priority of unregistrable interests will not lead to a material increase in the number of unregistrable interests being noted on the register, and therefore will not increase the burden on those entering into transactions for the grant of these interests, nor result in any additional resource requirements for Land Registry.	Yes.
6.71	<p>We provisionally propose that it should be possible to make an official search with priority in relation to an application to note an unregistrable interest.</p> <p>Do consultees agree?</p>	Yes.
6.49	We provisionally propose that a priority search should also protect any ancillary applications arising out of the document which effects the registrable disposition which is the subject of the priority search, provided those ancillary applications are specified on the application form for the priority search.	Yes.

Para	Consultation Question	PLA Response
PROTECTION OF THIRD PARTY RIGHTS ON THE REGISTER PART I: NOTICES		
9.116	<p>We provisionally propose that it should be possible to protect a right by one of two kinds of notice: a full notice and a summary notice. Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>It is important that a system exists whereby a third party interest can be protected quickly and easily by entry of a notice on the registered title. It is in the nature of such interests that they can be contentious and therefore the system should distinguish between potentially contentious matters and those which are accepted by the parties involved or have been judged to be binding by an appropriate arbiter. The two tier proposal is a sensible structure to adopt.</p> <p>We agree that the terms “agreed notice” and “unilateral notice” can be misleading and that the proposed change of terminology is appropriate.</p>
9.117	<p>We provisionally propose that an application for a summary notice should not need to be accompanied by any evidence to support the interest claimed.</p> <p>Do consultees agree?</p>	<p>No.</p> <p>We have difficulty with the idea that sensitive or commercial information needs to be kept off the register in this connection. The entry of a summary notice is a potentially hostile act which can be used tactically to intimidate a registered proprietor. Significant distress was caused to numerous individual property owners by the registration of bulk unilateral notices as the transitional period for certain overriding interests ceasing to be so approached.</p> <p>Further since the introduction of unilateral notices, most practitioners have dealt with scenarios where unilateral notices were registered against commercial property with a view to extracting a ransom payment for their withdrawal. Without detailed information being available it is very difficult to advise a client. Why should a registered proprietor not be told at the outset what exactly is being claimed and why? It is not unreasonable to ask those who claim to be entitled to register a unilateral / summary notice to set out the basis on which they are entitled to do so.</p>
9.118	<p>We provisionally propose that, if a registered proprietor applies to cancel a</p>	<p>This procedural stage becomes unnecessary if the approach we advocate</p>

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	<p>summary notice, the beneficiary of the summary notice will be required to make an initial response within 15 business days (subject to an extension of up to a maximum of 30 business days). The response must demonstrate a case for the retention of the notice which is not groundless. Do consultees agree?</p>	<p>in response to the question at paragraph 9.117 is adopted.</p> <p>If the Law Commission's proposal is adopted in relation to that issue then we would advocate for the objection procedure to be compressed into a single stage whereby the beneficiary must produce evidence to satisfy the registrar of the validity of the interest claimed. Where someone puts in a summary notice, the basis on which they are doing so will be known to the applicant. Therefore requiring a notice within a maximum of 10 days is not unreasonable</p>
9.119	<p>We provisionally propose that, in the event that the beneficiary submits an initial response objecting to cancellation of the notice, the beneficiary must produce evidence to satisfy the registrar of the validity of the interest claimed. Evidence must be provided within a maximum of 40 business days of the original notification of the application to cancel.</p> <p>Do consultees</p>	<p>No. See our response to the question at paragraph 9.118.</p> <p>We repeat our position that the time period is too long. Often removal of summary notices is contentious as the registered proprietor objected to the initial registration. In such cases 40 business days is excessive, particularly if you compare the time periods for filing defences under the civil procedure rules which is up to 28 days.</p>
9.121	<p>We provisionally propose that where an application is made to cancel a unilateral notice following implementation of our reforms, the beneficiary of that notice should (following an objection to cancellation) be required to produce evidence to satisfy the registrar of the validity of the interest claimed.</p> <p>Do consultees</p>	<p>Yes</p> <p>Having one single cancellation procedure for new summary notices and existing unilateral notices would be desirable if evidence is not to be required initially for new summary notices.</p>
9.141	<p>We provisionally propose that it should be clarified that an insolvency practitioner appointed in respect of an insolvent registered proprietor is able to apply to cancel a unilateral notice on behalf of the registered proprietor.</p> <p>Do consultees</p>	<p>Yes.</p> <p>We agree, provided appropriate evidence of appointment of the insolvency practitioner is lodged with the application for cancellation.</p>
9.142	<p>We provisionally propose that it should be clarified that attorneys acting under a power of attorney may apply to cancel a unilateral notice on behalf</p>	<p>We agree, provided appropriate evidence of the attorney's appointment and scope of powers is lodged with the application for cancellation.</p>

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	<p>of a registered proprietor who is the donor of the power.</p> <p>Do consultees agree?</p>	
9.144	<p>We invite consultees to share with us other situations in which they believe the persons who can make applications to Land Registry are unnecessarily limited.</p>	<p>We are not aware of any such situations.</p>
9.153	<p>We invite consultees' views on what benefits would accrue if an agreed notice could identify the beneficiary of that notice, in a similar way to the entries made in relation to a unilateral notice? Would there be any disadvantages to identifying the beneficiary of an agreed notice in this way?</p>	<p>There would be advantages in identifying the beneficiary of an agreed notice in that it would assist a registered proprietor or a person investigating title to trace the beneficiary of the notice. Consideration needs to be given to the consequences of a failure by the beneficiary to update the register. Could the benefit of the notice be lost?</p> <p>The disadvantage of the proposed change would be to complicate the</p>
9.154	<p>If consultees support identifying the beneficiary of an agreed notice on the register, should this be mandatory or optional?</p>	<p>The potential advantages would be maximised if this was mandatory, but we are conscious that this would also maximise the disadvantages.</p>
PROTECTION OF THIRD PARTY RIGHTS ON THE REGISTER PART II: RESTRICTIONS		
10.25	<p>We have provisionally formed the view that it should continue to be possible to protect contractual obligations by means of a restriction. Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>Our answer to this question might be different following reform of the law on covenants, if it is to become possible to have positive covenants binding land as proposed by the Commission in 2011 and implied in this year's Queen's Speech. The use of restrictions to facilitate the re- assumption of positive obligations by disponees of registered land is indispensable. As long as positive covenants, even those touching and concerning a particular piece of land, remain purely personal, the restriction is a useful protection.</p> <p>Restrictions protecting against breaches of loan agreements, protecting</p>

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		<p>at present and we have no strong feelings about the retention of the system but if the mechanisms of imposing and complying with restrictions cannot be made more user friendly and if positive covenants are to run with the land we would be happy to see the role of restrictions in this area come to an end</p>
10.29	<p>We invite the views of consultees as to whether there are any particular types of contractual obligation which should not be capable of protection by way of a restriction. If so, please explain why these obligations should be treated differently from other contractual obligations.</p>	<p>The registrar's discretion under section 42(1) of the LRA 2002 to enter a restriction to prevent an unlawful dealing with a lease should be circumscribed in some way. The parties to the lease should consent to such a restriction: it should not be for the registrar to determine the parties'</p>
10.41	<p>We provisionally propose:</p> <p>(1) that it should continue to be possible to enter restrictions in Form K in relation to charging orders over beneficial interests; but</p> <p>(2) that the ability to enter restrictions should not be extended to holders of other derivative interests under trusts.</p>	<p>Yes.</p> <p>We see no reason for a change in this respect.</p>
10.52	<p>We provisionally propose that it should be made clear that a court may order the entry of a restriction to protect a charging order relating to an interest under a trust, but that such a restriction must be in Form K.</p> <p>Do consultees agree?</p>	<p>Yes.</p>
ALTERATION AND RECTIFICATION OF THE REGISTER		
13.87	<p>We provisionally propose that the ability of a person to seek alteration or rectification of the register to correct a mistake should not be capable of being an overriding interest pursuant to paragraph 2 of schedule 3 to the LRA 2002.</p>	<p>Yes</p> <p>We agree that a successful claim that a mistake is an overriding interest has the result that the "losing" party cannot claim an indemnity from the Land Registry. Therefore, in the interests of fairness, it makes</p>

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	Do consultees agree?	party can claim an indemnity.
13.95	<p>We provisionally propose that a chargee who has been registered by mistake, or the chargee of a registered proprietor who has been registered by mistake, should not be able to oppose rectification of the register so as to correct that mistake by removing its charge.</p> <p>Do consultees</p>	<p>Yes</p> <p>.</p> <p>We agree that a chargee's interest is purely financial. Accordingly, they should not be able to prevent the rectification of the register and their remedy should lie in seeking an indemnity.</p>
13.109	<p>We provisionally propose that where the proprietor of a registered estate has been removed or omitted from the register by mistake, the proprietor should be restored to the register if he or she is in possession of the land, save in exceptional circumstances.</p> <p>Do consultees</p>	<p>Yes.</p> <p>If the proprietor is in possession of the land – particularly if they are occupying it – the right result is to restore them to the register.</p>
13.110	<p>We provisionally propose that a successor in title to that proprietor should be restored to the register if he or she took over possession of the land, save where there are exceptional circumstances.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>We understand that the successors in title to which the Law Commission refers are executors or personal representatives of a deceased proprietor's estate. Accordingly, we agree with the proposal. The position should be no different to the proprietor's position had they still</p>
13.114	<p>We provisionally propose that:</p> <p>(1) The protection afforded to the proprietor of a registered estate who has been removed or omitted from the register by mistake should not be confined to when he or she is personally in possession, but should apply where a proprietor would be considered a proprietor in possession within section 131 of the LRA 2002.</p> <p>(2) The protection afforded to the proprietor of a registered estate who has been removed or omitted from the register by mistake should not be confined to situations where his or her possession of the land has been continuous, as long as he or</p>	<p>Yes</p> <p>.</p> <p>We agree to this proposal. A registered proprietor is permitted to deal with their property as they wish, which includes creating derivative interests from which they receive a rent. That arrangement should not therefore prejudice their right to be restored to the register.</p> <p>As regards 2), we cannot foresee many situations where the registered proprietor will not be in continuous possession – assuming the person who has acquired the title by mistake has not taken up occupation. If the registered proprietor is not receiving rents continuously or is not in occupation continuously, that does not mean that they are not in</p>

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	<p>possession when schedule 4 is applied.</p> <p>Do consultees agree?</p>	<p>are not let out on a continuous basis or the registered proprietor is not in occupation continuously, then we agree with the proposal.</p>
13.12 0	<p>We provisionally propose that the register should not be rectified to correct a mistake so as to prejudice the registered proprietor who is in possession of the land without that proprietor's consent, except where:</p> <p>(1) the registered proprietor caused or contributed to the mistake by fraud or lack of proper care; or</p> <p>(2) less than ten years have passed since the original mistake and it would be unjust not to rectify the register.</p> <p>Do consultees agree?</p>	<p>Yes.</p> <p>We agree with this proposal. If the new owner is in possession, the balance of convenience changes.</p>
13.12 3	<p>We provisionally propose that after ten years from the mistaken removal of the former registered proprietor from the register, the register should not be rectified to correct the mistake so as to prejudice the new registered proprietor even where that proprietor is not in possession of the land. Exceptions should be provided only for where the new registered proprietor consents to the rectification or where he or she caused or contributed to the mistake by fraud or lack of proper care.</p> <p>Do consultees</p>	<p>If neither the former proprietor nor the new proprietor is in possession of the premises, we can understand the need for certainty. However, we do not see why the same considerations should be made as for where the new proprietor is in possession of the premises. Perhaps a longer long stop date ought to be applied in this scenario.</p>
13.12 6	<p>We provisionally propose that the period of time after which the register becomes final should be ten years. Do consultees agree?</p>	<p>Unless the registered proprietor who has been removed from the register remains in possession of the premises. We understood from the Law Commission's paper that there would be no long stop date for such registered proprietor to apply for rectification.</p>
13.15 1	<p>We provisionally propose the following:</p> <p>(1) Cases of double registration should be resolved through the application of our proposals in respect of indefeasibility. Therefore, in a case of double registration, a claim to adverse</p>	<p>Yes</p> <p>.</p> <p>This proposal follows the current case law, albeit there are detractors of the decision in question. In the same way that the argument for</p>

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	<p>should not be possible.</p> <p>(2) Where as a result of the operation of the long stop a double registration remains on the register, the party who does not benefit from the long stop should have their title amended accordingly to remove the double registration. The party whose title is amended in such circumstances should be entitled to an indemnity.</p> <p>Do consultees agree?</p>	<p>possession must also be prevented. This creates fairness to the “losing” party.</p>
13.169	<p>We provisionally propose that section 29 should be subject to schedule 4.</p> <p>This means that where, through a mistake, a derivative interest has been omitted or removed from the register, the holder of the interest should be able to apply for alteration or rectification of the register to have the priority of the interest over the registered proprietor restored. The outcome of the application should be determined by the same principles that apply when the application for alteration or rectification relates to the title to the estate, including the operation of the long stop.</p> <p>Do consultees</p>	<p>Yes.</p> <p>It makes sense for the same principles to apply to all applications to rectify the register for mistake.</p>
13.170	<p>We provisionally propose that, where the application for alteration or rectification relates to a derivative interest, the ten year long stop on alteration of the register should run from the time that, as a result of the mistake, the holder of the derivative interest lost priority, not from the time of the mistake.</p>	<p>Yes.</p> <p>As the loss arises from a loss of priority, it makes sense that time should run from that point.</p>
13.180	<p>We provisionally propose that section 11 should be subject to schedule 4.</p> <p>This means that where, through a mistake, a derivative interest has been omitted from the register, the holder of the interest should be able to apply for alteration or rectification of the register to have the priority of the interest over the registered proprietor restored. The outcome of the</p>	<p>Yes.</p> <p>For consistency, we agree that all applications for rectification of the register should be treated in the same way.</p>

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	<p>the application for alteration or rectification relates to the title to the estate, including the operation of the long stop.</p> <p>Do consultees agree?</p>	
13.18 1	<p>We provisionally propose that where a first registered proprietor was bound by an interest through the operation of priority rules in unregistered land, but obtains priority over the interest on registration as a result of section 11, no indemnity should be payable on rectification of the register to include the interest at a time when the estate is still vested in the first registered proprietor.</p> <p>Do consultees</p>	<p>Yes.</p> <p>We agree with this proposal as otherwise the first registered proprietor could receive a windfall which they should not be entitled to.</p>
13.18 8	<p>We provisionally propose that alteration or rectification of the register should not be possible in respect of an interest that ceased to be overriding on 13 October 2013, where first registration or a registered disposition of the affected estate takes place on or after that date. An exception should be made, however, where on first registration Land Registry omitted a notice in relation to that interest that should have been entered under rule 35 of the LRR 2003, or overlooked a caution against registration.</p> <p>Do consultees</p>	<p>Yes.</p>
13.19 6	<p>We provisionally propose that in the case of competing derivative interests, rectification should operate retrospectively. Do consultees agree?</p>	<p>Yes.</p> <p>For the reasons set out in the Law Commission's paper, we agree with this proposal.</p>
13.19 7	<p>We invite consultees to share with us any practical difficulties that consultees have experienced following the decision in <i>Gold Harp</i>.</p>	<p>The PLA is not aware of specific examples of the practical difficulties raised by this case.</p>
ADVERSE POSSESSION		

Para	Consultation Question	PLA Response
17.24	<p>We provisionally propose that a claimant to title to land through adverse possession should be prevented from making a second application for registration when an application for registration has been rejected under schedule 6, paragraph 6, unless the conditions in that paragraph under which a second application is currently permitted are fulfilled.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>If the application is accepted by the Land Registry and notice is served on the registered proprietor, then we agree the claimant should be prevented from making a second application once a counter-notice has been served, unless the registered proprietor does not vindicate his or her title despite the claimant remaining in adverse possession.</p>
17.33	<p>We invite consultees to provide evidence relating to the use of the first two conditions in paragraph 5 of schedule 6.</p>	<p>Whilst we cannot speak for every one of our members, we are not aware of any specific examples of concluded applications using the first 2 conditions to claim entitlement to land either for proprietary estoppel or other reasons. We are aware of one application that is awaiting</p>
17.34	<p>We invite consultees' views as to whether the first two conditions in paragraph 5 of schedule 6 should be removed.</p>	<p>We are not able to offer an informed view on this in light of having no such examples of concluded applications. It is however clearly important that people are able to claim entitlement of land through proprietary estoppel or other reasons as envisaged and to have such claims determined properly.</p> <p>Although its use may be limited, there seems no reason why the right</p>
17.47	<p>We provisionally propose that where an applicant relies on the condition in schedule 6, paragraph 5(4), his or her reasonable belief that the land belonged to him or her must not have ended more than six months from the date of the application.</p> <p>Do consultees</p>	<p>Yes</p> <p>.</p> <p>It appears to us to be in the interests of all parties in such a case to have the situation resolved promptly and to remedy the uncertainty in terms of the timing of such an application which is currently the case. A specific deadline will enable us to advise our clients with certainty.</p>
17.62	<p>We provisionally propose that where a person becomes the first registered proprietor of title to land which has in fact been extinguished by an adverse possessor, where (i) the registered proprietor did not have notice of the adverse possessor's claim and (ii) the adverse possessor is not in actual occupation of the land at the time of registration, an application for alteration of the register should be classed as a</p>	<p>Yes</p> <p>.</p> <p>We agree in light of the fact (1) this appears to be the case on the wording of the LRA 2002, and (2) it is difficult to distinguish registration of an extinguished title from any other instances of the operation of section 58 and (3) on the basis that it appears that such circumstances will be</p>

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	Do consultees agree?	that we consider in most cases of adverse possession, the adverse possessor remains in occupation and/or the registered proprietor will have notice of occupation
17.70	<p>We provisionally propose that an adverse possessor of unregistered land should not be able to apply for registration with possessory title until title has been extinguished under the Limitation Act 1980.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>We agree that there should be no difference as to whether the land in question is registered or unregistered in terms of being able to apply for registration of possessory title and agree with leading commentators that an adverse possessor does not meet the terms of section 9(5).</p>
17.71	<p>We provisionally propose that an adverse possessor of registered land should not be able to apply for registration except through the procedure in schedule 6.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>We are persuaded by the arguments against enabling registration of possessory title under section 9(5) of the LRA 2002. Schedule 6 provides a route to registration which should not be avoided by Section 9(5). In our view Section 9(5) was not intended to provide a means of overcoming the procedure set out in Schedule 6.</p> <p>If the Law Commission is proposing that an application to the Land Registry is the only way to make a claim, we can foresee jurisdictional difficulties. The PLA is aware of a number of cases in which adverse possession has been one of a number of reliefs claimed by the claimant. The courts should not be prevented from hearing such claims.</p>
17.79	<p>We provisionally propose that where an adverse possessor in unregistered land is registered with possessory title in the reasonable (but incorrect) belief that the prior title has been extinguished, the period of adverse possession should continue to run while the possessory title is open.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>.</p> <p>On balance we agree, although can see there are good reasons to the contrary based on the previous case law which is consistent with the position that a person cannot be in adverse possession of land in respect of which he or she is registered proprietor. However in circumstances where the adverse possessor has a reasonable belief that the prior title has been extinguished, they should not be disadvantaged by the fact they have sought to regularise their ownership,</p>

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		adverse possessor to be tested, it does not provide certainty which a clear exclusion of the period of time for which the land was registered with possessory title would do
17.86	<p>We provisionally propose that where a tenant is in adverse possession of land (other than land belonging to the landlord) and the presumption that the tenant is acting on behalf of his or her landlord is not rebutted, the landlord should be able to make an application under schedule 6 based on the tenant's adverse possession.</p> <p>Do consultees</p>	<p>Yes.</p> <p>We agree that this change is necessary in order to reflect the fact the LRA 2002 does not affect the operation of the presumption of tenants acting on behalf of their landlords in the case of adverse possession.</p>
THE JURISDICTION OF THE LAND REGISTRATION DIVISION OF THE FIRST-TIER TRIBUNAL (PROPERTY CHAMBER)		
21.24	<p>We provisionally propose that the Land Registration Division of the First-tier Tribunal (Property Chamber) should be given an express statutory power to determine where a boundary lies when an application is referred to it under section 60(3) of the LRA 2002.</p> <p>Do consultees agree?</p>	<p>The PLA has long considered that boundary disputes can mean the parties incurring disproportionate costs on time consuming litigation between neighbours and that alternative dispute mechanisms such as mediation should be preferred where possible. The PLA considers that the Tribunal has the relevant expertise to determine where a boundary lies and the members of the Tribunal have both legal and surveying expertise. The PLA considers that rather than the matter being referred to Court for a declaration, the Tribunal should be given an express statutory power to make such a determination. This will provide for a more streamlined</p>
21.28	<p>We invite the views of consultees as to whether the jurisdiction of the Land Registration Division of the First-tier Tribunal (Property Chamber) should be expanded to include an express statutory jurisdiction in cases that come before it to allow it to:</p> <p>(1) determine how an equity by estoppel should be satisfied; and</p>	<p>(1) The Tribunal already has statutory jurisdiction to determine whether a proprietary estoppel exists and if so, whether it is sufficient to support a claim for adverse possession. As set out above, the PLA is unaware of any specific examples of proprietary estoppel being relied upon as a ground for adverse possession and is not aware to what extent the Tribunal</p>

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		<p>The PLA considers that in cases where the Tribunal is required to determine the existence of an interest by estoppel (whether under schedule 6 or otherwise), the jurisdiction of the Tribunal should be expanded to enable the Tribunal to determine how such equity by estoppel should be satisfied. This would avoid the need for the Tribunal and the Court to consider the same evidence and will provide for quicker and cheaper resolution.</p> <p>However, the PLA recognises that this would represent a shift which may not fit neatly within the LRA 2002 which is concerned with legal (rather than beneficial) ownership. For this reason it may be that such a shift is better dealt with as part of the wider reform being considered by the working party set up by the Civil Justice Council in relation to Property Disputes.</p> <p>(2) The Tribunal already has power to determine the existence of a beneficial interest and again the PLA is not aware how often the Tribunal is required to do so. However, in cases where the Tribunal does determine whether a beneficial interest exists, it cannot go further and make a declaration to determine the extent of that interest.</p> <p>In practice where the parties ask the Tribunal to consider the respective shares of the parties in the affected property, the Tribunal will already be making a finding of fact which for all practical purposes disposes of the matter. Accordingly, the PLA considers that it would be sensible for the jurisdiction of the Tribunal to be expanded to enable the Tribunal to determine the extent of a beneficial interest. This would avoid the need for the Tribunal and the Court to consider the same evidence and will provide for a more streamlined process which will be quicker and cheaper. Again, the PLA is aware that this is being considered by the working party set up by the Civil Justice Council in relation to</p>

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