

**DRAFT LAND AND  
CONVEYANCING  
BILL 2005 -  
ADVERSE  
POSSESSION**

**R**eaders may recall from the December issue [of the Gazette] that the Conveyancing Committee proposed lodging a submission on the above topic with the Minister for Justice Equality and Law Reform. The committee's first submission, arguing against the proposed changes in the law on adverse possession contained in the draft Bill, was duly lodged on 21st December 2005 and was followed by a supplemental submission on 31st January 2006. (Both submissions can be accessed on [www.lawsociety.ie](http://www.lawsociety.ie) by logging in to the Members' area and clicking in turn on Society Committees, Conveyancing Committee and Submissions.)

The committee has received a letter dated 21st February, 2006 from the Private Secretary to the Minister for Justice Equality and Law Reform replying on behalf of the Minister to the committee's submissions. The reply confirms

*“The position is that the provisions relating to adverse possession of land in the draft Land and Conveyancing Bill published by the Law Reform Commission sought to take account of the European Court of Human Rights judgment in the case of JA Pye (Oxford) Ltd v UK. The UK authorities have now sought to appeal this judgment to the ECHR's Grand Chamber and if this request is successful, a new judgment will follow in due course. In the meantime, it is not intended to proceed with changes in existing statutory provisions relating to adverse possession. However, the points set out in your submissions will be taken into account in the context of any such future changes.*

*Yours sincerely”*

The committee is pleased to note that the proposed changes will not now proceed and if a review becomes necessary at any stage the committee's submissions will be taken into account. The committee will continue to monitor the situation. Thanks to all practitioners who wrote to the committee and to the Department on this topic and it was noted that the vast majority of you supported the committee's views on the matter.