



Private and confidential

Mr John Martin
President, Galway Bar Association
info@jfm.ie

31 May 2021

Submission to Government on the urgent need to reform the law on easements

Dear President

As you will no doubt be aware, the registration of easements has been on the profession's agenda since the Land and Conveyancing Law Reform Act 2009 introduced changes to the law on prescriptive easements. The Conveyancing Committee made submissions to Government in 2010 which resulted in the deadline for registration being extended by 9 years from 31 December 2012 meaning that prescriptive easements could thereafter continue to be registered under the old law up to 30 November 2021.

Other issues have arisen since 2011 both in relation to interpretation of the law and difficulties in practice in relation to registration. The Conveyancing Committee has recently issued a number of practice notes by way of guidance to the profession which deal with some of the practical concerns. However, it is the view of the committee that further reform of the law is necessary in order to resolve the outstanding issues. The committee made a submission to Government in this regard earlier this month and I attach a copy of same for your information and that of your members.

The Conveyancing Committee would greatly appreciate the support of the Bar Association for its submission on this topic. Your association should feel free to refer to it if making its own submission to Government or to public representatives in your area. The usual procedure is to send a submission to the executives in the department dealing with the matter – Marie Minihan MXMinihan@justice.ie and Derek Flanagan DVFlanagan@justice.ie. The committee also sent its submission to Minister Heather Humphreys and to the Minister of State Mr James Browne.

Your members may also wish to note that the Conveyancing Committee in partnership with Law Society Professional Training will be running an online webinar 'Registration of Easements – a ticking clock' from 3 to 5pm on Thursday 8 July 2021. They can register by following the link - <https://www.lawsociety.ie/productdetails?pid=2347>

The committee hopes this will be of assistance to your members.

Yours sincerely

Orla Coyne

Orla Coyne
Chair
Conveyancing Committee