18. Reform of the Land Registration Act 2002

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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter assesses the impact of the Land Registration Act 2002 (LRA 2002) and looks at recent Law Commission proposals to reform the LRA 2002. The Act principally affects the acquisition and defences questions. It considers whether the Act has achieved its aim of providing a comprehensive and accurate register, and also examines if such an aim is a worthwhile one. The effect of the Act depends on whether C’s registration can be said to be a ‘mistake’; but that term is not defined in the Act, and so there is room for disagreement amongst judges and commentators as to how the crucial notion of ‘mistake’ should be interpreted. The Act also concentrates on the different question of whether B can assert a pre-existing legal or equitable property right against C. The chapter considers the detail of some of the Law Commission’s recent proposals to update the LRA 2002, and notes how those proposals are based on a more nuanced approach,
which balances the need of a registered party against other policy concerns.