

Workshop Property Law

Ius Commune Conference 2014

Thursday, 27 November (14.00 – 18.00)

Building: John McIntyre Centre

Room: Pentland East

Participants

Chairs: Kenneth Reid and George Gretton (Edinburgh)

Theme Land registration and property law

Systems of land registration have an inner logic which (or so it may be argued) is different and distinct from the logic which operates in 'ordinary' property law. They also have a series of compelling practical requirements, concerning matters such as administrative discretion, mapping, publicity, computerisation, and so on. And of course different *types* of registration system (systems of registration of deeds, registration of title, and so on) are likely to have a different logic and different practical requirements. This year's workshop seeks to explore the relationship between land registration and property law. Has property law had to be adapted – perhaps even sacrificed – to suit the needs of land registration? Or, instead, has the existence of a registration system allowed the development – the flourishing – of property law in a manner which would not otherwise have been possible? Can one even say that the amalgam of registration rules and property law has produced a new type of property law which is notably different from the property law which applies to movable and other unregistered property?

Consideration of these questions is likely to involve an examination of a number of different topics which, while varying from jurisdiction to jurisdiction, might include (but are not confined to): the operation of the publicity principle (particularly having regard to whether the Register is open to the general public); the implications for the *numerus clausus* principle of the facility to publicise, by registration, *any* property right, however unusual; restrictions on going 'behind' the Register to examine previous transactions; the permissibility (or otherwise) of off-Register real rights and their relationship with on-Register rights; the accuracy and reliability of the Register, and of the cadastral or other mapping system which underpins it; the protection of good-faith acquirers; the extent of the registrar's power and discretion; the liability of the registrar for mistakes or errors; and e-registration, digital mapping, and other aspects of technology.

14.00 – 14.10 **Kenneth Reid** (Edinburgh)
Introduction

14.10 – 14.45 **Vincent Sagaert** (Leuven)
Land registration and property law in Belgium

- 14.45 – 15.20 **Leon Verstappen** (Groningen)
Land registration and property law in the Netherlands
- 15.20 – 15.55 **Kenneth Reid** (Edinburgh)
Land registration and property law in Scotland
- 15.55 – 16.15 Coffee Break
- 16.15 – 16.50 **Emma Waring** (York)
Land registration and property law in England and Wales
- 16.50 – 17.25 **Bram Akkermans and Anna Berlee** (Maastricht)
Access to land information
- 17.25 – 18.00 Panel and general discussion