



## THE DUBLIN SOLICITORS BAR ASSOCIATION CONTINUING PROFESSIONAL DEVELOPMENT SEMINAR

### CONVEYANCING SEMINAR

**The Practical Implications of the the Land & Conveyancing Law Reform Act 2009:  
Part one of a series of seminars**

The Radisson Hotel  
18 February 2010

#### **Seminar one: Mortgages, Judgment mortgages and amendments to the Law on Easements**

The Land and Conveyancing Law Reform Act came into force on 1 December last. The amendments in the Act to the law of mortgages are such that they will have fundamental and far-reaching implications for practitioners. This seminar is of vital importance for practitioners whether acting for lenders or borrowers. The changes introduced in relation to judgment mortgages, the law of easements, rent charges and freehold covenants will also be addressed.

**Deirdre Morris** will look at how the legislation has changed the way in which a mortgage can be created. The legislation also draws a distinction between 'housing loan' mortgages and other mortgages. The Circuit Court now has exclusive jurisdiction to deal with repossession cases in relation to such mortgages if executed after 1 December 2009. It is not now possible to contract out of many of the provisions of this part if the mortgage involves a housing loan. However, other types of mortgage may vary a number of provisions by providing otherwise in the deed. Deirdre will deal with these issues and will also look at the new powers and rights of the mortgagor under the Act.

**Lindsay Stevens** will specifically look at the powers and rights of the mortgagee under the Act. Some of the changes provide that a mortgagee is precluded from taking possession of land without a court order unless the mortgagee consents. The legislation also provides that a mortgagee's remedies will now vest on the execution of the mortgage. Much of the court's discretion to deal with mortgage cases has been translated into statutory form. The Act also introduces a mechanism to enable a borrower to apply to court for an order for sale. A summary procedure for taking possession of abandoned property has also been introduced. Lindsay will deal with all of these issues as well as the changes to judgment mortgages. The Act now clarifies that it is not, and has never been, necessary to periodically renew the registration of a judgment mortgage.

**Gabriel Brennan** will look at part 8 of the Act dealing with Appurtenant Rights: easements and profits à prendre, rent charges and the thorny area of freehold covenants. Significant changes have been introduced in the Act in respect of the enforcement of freehold covenants against successors in title and there is now a statutory basis for discharging or modifying such covenants. Part 8 of the Act also introduced significant amendments in respect of the acquisition and disposal of easements and profits à prendre.

#### **Speakers**

##### **Deirdre Morris**

Deirdre Morris is a partner in the Commercial Property Department at Matheson Ormsby Prentice. She advises on all areas of commercial property work including acquisitions and disposals, commercial landlord and tenant work and property finance.

Deirdre is a former examiner in Conveyancing with the Law Society and a former member of the Law Society Conveyancing Committee. She has also worked on the E-Conveyancing Sub Committee which was established by the Law Reform Commission.

##### **Lindsay Stevens**

Lindsay Stevens is an Associate solicitor with the banking and financial team in William Fry. Lindsay practiced for some years in the banking department of another Top 5 law firm in Ireland, where she trained and qualified, before working for a period in the UK. A Trinity College Dublin graduate, Lindsay was awarded a Masters Degree in Law for her dissertation on the Implementation of the Financial Collateral Directive in Ireland and also holds the Diploma in Applied Finance Law. As well as being admitted to the rolls in Ireland, Lindsay has been listed as a Registered European Lawyer in Scotland, and is admitted as a solicitor in England and Wales. Lindsay tutors on banking law on the professional practice courses in the Law Society of Ireland and also lectures on commercial lending. She co-wrote a chapter on commercial lending in "Complex Conveyancing" (Tottel, 2007).

##### **Gabriel Brennan, Solicitor, The Law Society of Ireland.**

Gabriel Brennan qualified as a solicitor in 1996. She practiced with Abercorn Solicitors before joining the Law Society as a Course Manager specializing in property law and skills related courses. Gabriel has a Postgraduate Certificate and Diploma in Third Level Learning and Teaching from the DIT and an M. Litt. from Trinity College. She has edited and written numerous course manuals, published many articles and is author of Ground Rents: A Practitioner's Guide published by Thomson Round Hall. She is a member of the Law Society Conveyancing Committee and secretary to the eConveyancing Task Force. In 2007 she was appointed as the Law Society's eConveyancing Project Manager and she is currently working on her PhD with Nottingham Trent University.

## CONFERENCE INFORMATION

|                       |  |   |
|-----------------------|--|---|
| <b>Date:</b>          | 18 February 2010                             |   |
| <b>Time:</b>          | 2.00 - 5.00pm                                |   |
| <b>Location:</b>      | The Radisson Hotel,<br>Golden Lane, Dublin 8 |   |
| <b>Fees:</b>          | €125.00                                      | Member-   |
|                       | €220.00                                      | Non Member (inc. DSBA Membership for the remainder of 2010)   |
|                       | €75.00                                       | Trainee (in a member firm)  |
| <b>Registration:</b>  | 1.30pm                                       |   |
| <b>Presentations:</b> | 2.00pm                                       | Opening Address<br>Presentations followed by questions and answers<br>Tea and Coffee served during the interval |
|                       | 5.00pm                                       | Conclusion  |
| <b>C.P.D.:</b>        | 3 hours                                      | Group Study   |

## CONFERENCE REGISTRATION FORM (LAND AND CONVEYANCING ACT 2009)

Please complete the registration form below and send this with your payment to:- Maura Smith, Dublin Solicitors Bar Association, 90 Harcourt Street, Dublin 2 (DX: 212011 Suffolk Street)

**Surname** \_\_\_\_\_

**First Name** \_\_\_\_\_

**Firm/Organisation** \_\_\_\_\_

**Address** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Telephone** \_\_\_\_\_ **Fax.** \_\_\_\_\_

**Year of Admission** \_\_\_\_\_ **DX** \_\_\_\_\_

**E-Mail Address** \_\_\_\_\_

**Payment** By Cheque, payable to **Dublin Solicitors Bar Association**

Member

Non-Member

Trainee (in a member firm)

## CONFIRMATIONS

Booking confirmations will be issued to all delegates by e-mail or fax prior to the seminar. Please present your booking confirmation at the seminar registration desk.

## CANCELLATIONS

Cancellations must be received in writing. For cancellations received 5 working days or less prior to the event, the attendance fee is non refundable.

## DISCLAIMER

It may be necessary, for reasons beyond the control of the conference organisers, to alter the content and timing of the program or the identity of the speakers.

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