

Editorial

Welcome to the second issue of the 2025 edition of the *Irish Judicial Studies Journal*. This is a special issue which is dedicated to exploring contemporary conflicts and challenges in Irish land law. It features the papers delivered at the Summit on *Irish Land Law – Conflicts and Challenges* which took place on 3 April, 2025 at Blackhall Place, Dublin. This Summit, which was subsidised by funding from Skillnet Ireland, was organized by Dr Gabriel Brennan (Law Society of Ireland) and Dr Una Woods (School of Law, University of Limerick) to respond to the neglect of this important area of law across the academy and practice when it comes to conferences. The Summit provided a forum for engagement and dialogue between legal experts, scholars, practitioners, educators and academics specialising in Irish land law. There were 138 attendees and the speakers, all distinguished legal experts, comprised a mix of academics and practitioners, bringing a 'nice balance of the academic and practical.' Feedback on this 'town and gown' approach to discussing key issues in land law was extremely positive. Gabriel and I hope to follow up with another Summit in the future and have tentative plans to make it a biennial event.

This issue of the *Irish Judicial Studies Journal* features seven papers delivered at the Summit which explore diverse areas of land law. The first article in this volume is written by Laura Farrell who examines how the landlord establishes their intention in relation to certain 'no fault' grounds for terminating residential tenancies – more specifically, when the landlord intends to sell or requires the property for occupation by a family member. She examines, in particular, the probative status of the statutory declaration which the landlord must serve on the tenant with the notice of termination in these circumstances.

We then have a piece from Professor John Mee who examines how the courts should decide on the appropriate remedy in a proprietary estoppel case, and whether the aim should be to fulfill the plaintiff's expectation or to remedy the detriment suffered by the plaintiff in reliance on the defendant's promise. This involves a close examination of the relevant English case law, including the recent UK Supreme Court decision in *Guest v Guest* [2022] UKSC 27 and the more limited case law dealing with the issue in the Irish context.

Next, we have an article written by Ruth Cannon BL which takes us through the provisions of the Landlord and Tenant (Amendment) Act 1980, the centrepiece of non-residential tenants' statutory rights in Ireland. This Act, although admirable

in certain respects, dates from Edwardian times and could, Cannon argues, benefit from an update. Her recommended amendments include the removal of the restriction of its application to leases of 'tenements' and the inclusion of a facility to apply for damages when a landlord has unreasonably withheld consent to alienation or change of user.

We then have a piece from Dr Deirdre Ní Fhloinn BL who discusses two pernicious practical problems presented by multi-unit developments (the transfer of common areas and building defects) which continue to cause difficulty for apartment owners and owners' management companies despite the introduction of the Multi-Unit Development Act 2011. Drawing on developments elsewhere, she concludes with a number of suggestions for reform.

Next is an article from Dr Neil Maddox where we revert to the thorny issue of commercial tenancies, this time with an examination of the circumstances in which a landlord may effect a forfeiture of a lease through the self-help remedy of a peaceful re-entry. This article specifically addresses whether a landlord should be permitted to change the locks in effecting a re-entry of the premises.

Our penultimate piece in this volume is by Dr Gabriel Brennan and makes a strong case for a change in conveyancing practice to grant freehold title to apartment owners. Traditionally, long leasehold title has been granted to apartment owners due to the difficulties in enforcing freehold covenants (more specifically positive freehold covenants) against successors in title to the original owner. This difficulty was, however, removed by the Land and Conveyancing Law Reform Act 2009 which allows for the enforceability of freehold covenants. Despite this development, conveyancers have continued to use long leases for apartments. This article explores the historical difficulties and the current implications of granting freehold title to apartment owners.

In the final article in this volume, I explore the potential for unfair outcomes in the application of the law on adverse possession. Many adverse possession claims take place between family members or neighbours. Such relationships are frequently underpinned by trust and goodwill leading to a reluctance on the part of the owner to initiate litigation or to take steps to formalise a consensual occupation arrangement. This article makes a case for the introduction of a qualified veto system of adverse possession to address this unfairness by bolstering the protection afforded by the law to owners and limiting claims by undeserving squatters. Most importantly, however, this new system of adverse

possession could be fashioned to preserve the valuable functions currently performed by the doctrine.

The *Irish Judicial Studies Journal* maintains its high standards of scholarship through the operation of a rigorous double anonymised peer review process. The work of reviewers is vital to the journal, and we are indebted to them for their careful and thoughtful approach to review. In the last issue, we began to formally recognise the work of peer reviewers by promoting transparency of the peer review process by publishing the gender breakdown of authors and peer reviewers.¹ In this edition, we have seven articles, and fourteen individuals completed the peer review process:

	Women	Men	Other, including Non-Binary people
Authors	5	2	0
Reviewers	11	3	0

As all authors to this volume will be aware, articles published in the *Irish Judicial Studies Journal* are subject to meticulous copyediting and proofing by a team of Judicial Assistants. This team was led by Carrie Anne O’Kelly who did an outstanding job of ensuring that the work was reviewed in a timely and consistent manner. This edition of the journal was proofed and copyedited by Majella Votta, Alessandra Grosariu, Adam Connolly, Eoin D. Ryan, John Blundell, Ryan Greaney and Adam O’Carroll.

I would also like to thank the Editor, Professor Jennifer Schweppe for her assistance in preparing this edition for publication, as well as Declan Calpin of the Courts Service for his assistance and endless patience in editing the journal website. Thanks as always go to our editorial board at the University of Limerick, our judicial editorial board, all of the authors who contributed to this edition, and all of the reviewers who supported it in giving so generously of their time.

Dr Una Woods
Editor of Special Issue on Land Law
Deputy Editor, IJSJ

¹ Gender will be assigned in line with fundamental principles of human rights and personal dignity, and the IJSJ will respect the principle of self-identification in this regard. Thus, “women” includes those who identify as women; “men” includes those who identify as men; and “other, including non-binary” includes those who identify outside the first two categories.