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A handwritten signature in black ink, appearing to read "Lord Henley".

At the Second Reading of the Property Boundaries (Resolution of Disputes) Bill on Friday 9 December you asked me for a view on the number of appeals that I would expect from decisions of “surveyors” appointed under the procedure set out in the Bill should it be enacted.

The government does not know how many boundary or right of way disputes that would fall within the Bill occur at present. The scoping study into boundary disputes carried out by the Ministry of Justice concluded that “we do not know how many boundary disputes (ranging from rows between neighbours that go no further to cases that end up in the Court of Appeal) there may be but it appears that sufficiently serious disputes happen frequently enough for there to be a benefit in seeking to ensure that they can be resolved as cheaply and efficiently as possible”. The department does not have any data as to the number of right of way disputes. It is therefore not possible to estimate at this stage in numerical terms how many appeals would be made if the Bill were to be enacted.

Nonetheless, as I said in my speech, in view of the bitterness and antagonism that disputes of this kind can cause and the fact that a determination on the line of a boundary or the route of a right of way is likely to create a winner and a loser, the chances of the loser wanting to appeal seem likely to be high and in these cases the proposed procedure would lead to additional costs. At this stage, trying to specify more precisely the proportion of cases that would go to the High Court on appeal would be speculative.

I hope you find this letter helpful. I will send a copy to those Peers who spoke to the debate and will place a copy in the House library.

A handwritten signature in black ink, appearing to read "Lord Henley".

LORD HENLEY

Lord Kennedy of Southwark
House of Lords