



Justice Committee

Oral evidence: [Manorial Rights](#), HC 657

Tuesday 25 November 2014

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Written evidence from witnesses:

- Ministry of Justice [MAR 31](#)
- Steve Coveney, Land Registry [MAR 35](#)

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Members present: Sir Alan Beith (Chair); Jeremy Corbyn; John Howell; Andy McDonald; and John McDonnell

Questions 68-99

Witnesses: **Lord Faulks QC**, Minister of State for Civil Justice and Legal Policy, Ministry of Justice, and **Steve Coveney**, Head of Registration Legal Services, Land Registry, gave evidence.

Q68 Chair: Welcome Lord Faulks, and Steve Coveney from the Land Registry. We are grateful for your help in looking at the issue of manorial rights, which, I am sure, occupies your every waking moment. It certainly occupies the waking moments of some of those who have unexpectedly found that there are such rights over their property. Did the 2002 Act do any good, or did it just lead to a lot more people being told that there might be some right over their property that would make it difficult for them when they sold their property to give clear title to the next owner?

Lord Faulks: I think that the thinking behind the Act was that it was a good idea to ensure that rights were available for inspection and that when people conveyed property, they knew that any property was subject to manorial rights. The practice on conveyancing varied. Sometimes it was explicit that property was conveyed subject to manorial rights; sometimes it wasn't. The idea was to ensure that information was available on the Land Registry. Of course, a number of people were probably blissfully unaware that their property was subject to manorial rights, and when they received a notice telling them that that was the position, it no doubt caused them some concern. The intention that the Law Commission identified was to clarify the position.

Q69 Chair: I appreciate the intention, but I am looking at the effect. Not only did it, as you say, lead to quite a lot of people discovering that there were limited vestigial rights over their property, which might never be exercised or might be almost impossible to exercise for other legal reasons—such as the fact that they had the ability to stop them being exercised—but it led to estates claiming rights that the owners probably did not realise that they had. Their advisers would say, “Well, you may have manorial rights. It would be in your interests to register.”

Lord Faulks: I think that that was the view that some people took—the Crown Estate, for example—and some advisers will have advised organisations, particularly those that thought they had a number of manorial rights, to register. One can understand why a lawyer would advise their client in that way, because if they did not register, then after October 2013 if the property was sold, the new purchaser would take free of the manorial rights. Although the manorial rights might be rather difficult to value and might never be exercised, they nevertheless were a right, and a lawyer would naturally want to take steps to ensure that his client was protected in case it was of importance at some time in the future—even if it had been of no apparent value or use for many years.

Q70 Chair: Is there any way that the legislation could be improved, short of abolition?

Lord Faulks: As you have seen from the Ministry of Justice written evidence, we do not think that abolition is necessary.

Q71 Chair: We will discuss that topic later. Short of abolition, is there any way the legislation could be improved?

Lord Faulks: I don’t think that the legislation needs improvement. It might be said that anything that could mitigate any sense of alarm that somebody receives on getting a notice might help, in the sense that it would tell them that this is no more than saying that somebody who had an interest anyway has confirmed that they have an interest, or something like that. That is probably more a matter for the Land Registry’s practice, rather than changing the law.

Q72 Chair: We will come to the kind of information that people get. Could you explain the distinction between the fact that some rights to mines and minerals remain overriding, as distinct from the situation with rights to these that are associated with manorial rights?

Lord Faulks: Subject to correction by Mr Coveney, overriding rights in registered land, notwithstanding their lack of registration, were considered sufficiently fundamental that they stayed with the land even in the absence of registration. Manorial rights fell into that category and are, I think, distinct from mineral rights in another sense. Mr Coveney can maybe explain that better than I can.

Steve Coveney: Land is a three-dimensional commodity. If I own a piece of land, I could sell you part of my back garden. I could also sell you the strata under my

property—what we normally refer to as the mines and minerals—or I could sell you my land and reserve to myself the mines and minerals. You get severance between the owner and freeholder of the surface land and the—

Chair: Sorry, you get severance between the owner and who?

Steve Coveney: The ownership of the surface land and the ownership of the land underneath. That is when we are talking about mineral estates. For manorial rights, which come from former copyhold land, when the copyhold land was enfranchised under the Law of Property Act 1922, the land and all the minerals and ground below were vested in the copyholder, but subject to these rights. In one case, you actually own the land, and in the other you do not own the mineral land but you have the right to go and take those minerals.

Q73 Chair: And how does this relate to Crown Estate mineral rights?

Steve Coveney: For the Crown Estate, like anyone else, all their rights come from deeds and conveyancing. They will have some manorial rights; in fact, I think they only have quite a limited number of manorial rights. Most of theirs is because they have sold land off and reserved the rights to the Crown, so they own the subsoil—the land down below. Many others, if they looked at a registered title, would see a note saying, “The mines and minerals are excepted. They are just not part of your registration. You don’t own them.” That’s completely common. Before I joined the Registry, I was a solicitor in a private practice in County Durham, and it happens all the time. Very few people will own the ground under their surface. Of course, much of it now is vested in the National Coal Board anyway—or the Coal Commission, as it is now called.

Lord Faulks: I think there is a difference, isn’t there, with what happens to the post-extraction void?

Steve Coveney: There is, yes. If I own the mines and minerals and have that freehold ownership, when I have worked them, there is a space left and that is mine. If it is a copyhold situation—if the person with the manorial rights has worked them and there is now a void—that is owned by the landowner. What is a void? These days, it can be very valuable, because it is used for landfill or disposal of things. There was a case in the last five years which ended up in the Court of Appeal and was purely about whether a particular mineral was within that definition. No one intended to work this; this is all about whether they might have a right to claim some of the benefits of using it as a landfill site.

Q74 John McDonnell: There is currently a debate in Westminster Hall on fracking. All these issues will become live again.

Steve Coveney: We must be quite clear; fracking has nothing to do with manorial rights. That does not give you a right to frack. All petroleum or gas is vested in the Crown, and the Crown will grant licences. There is an Infrastructure Bill before the

House. I have no idea what will come out of that, but I imagine that whatever the current position on fracking may be, it may be very different in a few months' time. From our point of view—the Land Registry's point of view—and the individual's point of view, it was unfortunate that fracking happened to coincide with the time that people were receiving notices. I thought the press blew up the issue of fracking, which caused people a lot more concerns than they would have had otherwise.

Q75 John McDonnell: I have led you down a path, although it relates to the main question I wanted to ask about the lack of information and knowledge at the time when the registration process takes place and the unilateral notices are issued. Much of the evidence we received suggests that the problem stems from that lack of information and knowledge. Could the Land Registry have done more to assist landowners when they received the notices?

Steve Coveney: We can always improve. May I explain the way it works? The owner of the mineral rights was required by statute to protect their interests by a notice. There are two forms of notice that anybody can apply for: the agreed notice and the unilateral notice. With the agreed notice, they have to come in with their evidence, which has to satisfy the Land Registry, that they have a valid claim. Only then do we serve notice, tell the landowner about it and get them involved. That is what most of the people who have given evidence to you would like to have happened.

The other form—it is optional which form people go for—is the unilateral notice. All a person must do is come in with a form that says, "This is my claim"; they don't have to lodge any evidence. The Land Registry must then register that unilateral notice. We then have to tell the landowner, who will say, "We want to know what the evidence is. We want to know what these rights are." But we have to say, "We've seen nothing, so we have no further information." We did try to give general information to people about the sort of things that mineral rights are about, which you have all heard about and learned about, but which understandably come as a great surprise to most people.

This applies whenever somebody gets told that there is an overriding interest. Most people in the street, if you ask them whether they have ever thought about it—they probably haven't—will assume that if they have a registered title the register will tell them what they are subject to, or perhaps they think that if their solicitor does some searches, they might reveal something. Other than that, they probably think they are totally free of everything else. But there is this list of other things, which are overriding interests, and you are subject to them if they exist whether you know about them or not. That is the nature of it.

That is one of the advantages of having got into this position now. In the future, nobody is going to be in the position of having bought not knowing that there are manorial rights, because if they are not noted on the register they are totally free of them. However, the transition from one to the other has obviously been painful for people who did not know at one point and now do.

Q76 John McDonnell: What form of advice and assistance do you give when someone comes along with a query about a unilateral notice?

Steve Coveney: We issue advice explaining what the general type of rights are. We explain that the claim is not new, but that the people potentially had those rights since 1925 or long before that and that they are required to register them because there has been a change in the law. That does not necessary mean they have any intention of doing anything with them; it is nothing sinister. Of course, we cannot say that they won't exercise their rights, so there is a careful balance. The notes have got better as they have gone along, because we were able to see from the sort of questions we were being asked what people were concerned about that we could help with.

Q77 Andy McDonald: On the issue of the unilateral notices, can it ever be right that somebody can go to the Land Registry, present no evidence at all beyond a smudged red line around an estate that says it includes certain properties, and have that entered? I believe it is entered on the property register.

Steve Coveney: No, the unilateral notices go in the charges register.

Q78 Andy McDonald: Worse still—there is a charge, which is an encumbrance on the property. If someone tries to raise finance on that property and they ask, “What’s this?”, they will be told, “This is an encumbrance on the property.” I understand that there have been cases where people have said, “Actually, that map that delineates the curtilage of the included properties is so appallingly ancient that we now discover that it is excluded.” Can that be right?

Steve Coveney: You are talking about maps, but can I take us back a bit? The application to the Land Registry is simply a piece of paper that states the registered titles. There is not a map lodged for the Land Registry to identify that when they make the application. The point of unilateral notices is to cover not just manorial rights, but a vast range of things: contracts, options, charging orders—manorial rights are a very tiny part of unilateral notices.

For most people, if, say, you contract to sell your property but it will not be completed for a while, very sensibly, you protect it with a unilateral notice. You come in for a unilateral notice and we will tell you, as a contract partner, “You are not going to be surprised; you know all about it.” If you said, “Everything has got to be done by agreed notice,” then in each case you would have to lodge copies of the contract to the registry. It is extra bureaucracy and extra cost when there is not a problem. In most unilateral notices there is not a problem, because they know about it.

For manorial rights, you could ask me, “Could the Act have provided that these things could be protected only by an agreed notice?”

Chair: Protected by—

Steve Coveney: An agreed notice. In other words, they would have had to have lodged evidence. It could have done that, but it didn't. Of course, to be fair to Parliament and the Law Commission, there was a balance to be struck between the landowner and this person who has got a legal right that they have had for hundreds of years, which is binding on everybody, who has been told, "You have got 10 years in which to act, or you will lose it." And they are told, "Of course, we won't let you use the quicker, easier way of doing it. You must lodge all your evidence up front"—for each property that would be different, because for each one a different compensation agreement will have to be produced. Whereas the safeguards that the Law Commission identified for the unilateral notice process—they realised in their report that there is this difficulty and that they could be misused—are that there is a duty on the person applying only to apply reasonably. If someone was found not to have done that and someone else had suffered loss, they could be sued and the courts could award them damages.

Chair: That is not an inviting prospect.

Steve Coveney: No, I am not saying that. But the other two safeguards—if I may slip them in and then move on—that the Law Commission identified were, first, that as soon as we put the entry on, we must notify the landowner so that they know about it, and then at any time they can apply to cancel it. When they apply to cancel it, they just fill in a one-page form: basically, they put their name and the title number and say, "We are applying to cancel it." They do not have to produce any evidence or say why. We then serve notice of the application for cancellation. If they do not get an objection within 15 days, it is cancelled.

Lord Faulks: That has happened quite a lot.

Steve Coveney: Oh yes, many of them do go, probably for a variety of reasons.

Q79 Chair: Just to complete that picture, how many go on from that cancellation notice stage to legal proceedings for resolution?

Steve Coveney: Ultimately, if they cannot resolve it between them, they get referred by us—they have to be referred by us—to the first-tier tribunal. In the last three years of these manorial rights, 49 cases have been referred. Of course, the referral is a bit like issuing proceedings; probably only one or two actually end up being heard. As always, legal proceedings concentrate the minds wonderfully on both sides.

Q80 John McDonnell: From some of the evidence we have had on that point, we have seen that there is a high cost for the landowner in comparison with those who claim the manorial rights. Is there a prospect of a greater role for the Land Registry in verifying some of that to prevent things from going to court or tribunal?

Steve Coveney: The way it works is if we end up at the dispute stage, and this is the same with all disputes that come to us, and we think we can offer impartial advice because we are impartial between the two parties, then we do. So we would say, "On

the face of this, you're going to lose," or "There's this gap here, and maybe you have a gap there," to try to help people. They do not have to accept what we say—we make that quite clear—and there are times when there is nothing we can add. If we don't get to see the evidence, of course, we can't do that.

There is no requirement for either side to produce the evidence to us. I think that was quite deliberate, no doubt on the Law Commission's part, because before the 2002 Act the ultimate judicial thing was carried out by the Solicitor to the Land Registry or one of his deputies—somebody like me. The Law Commission perhaps felt that there would be claims that might not be completely impartial because you might say, in certain circumstances, that perhaps the Registry had made a mistake somewhere.

Lord Faulks: So there could be a conflict of interest.

Steve Coveney: A conflict of interest and what have you. That was changed for those reasons, so we have no formal part to play, but where we get the opportunity, we do that. As I say, in some of the manorial rights cases, the simple fact is that we are not seeing either side, or we hear from one side and not the other.

Q81 John McDonnell: While some of the registrations may still be made on properties that have not been sold since October 2013, the incidents of claims have presumably declined since the initial deadline and will continue to do so.

Steve Coveney: I am sure they will, not least for the practical reason that during that 10 years we could not charge fees; it said so in the Act. Now that the 10-year period is up, we can. There was talk about the Anglesey properties, where £40,000-worth of unilateral notices were registered. In fact, they have now all been withdrawn; that is gone.

Q82 Chair: When was that?

Steve Coveney: Since your last hearing.

Q83 Chair: Cause and effect?

Steve Coveney: I could not possibly say. Again, the Lord of the Manor of Treffos does not have to give us any reasons for withdrawal, but he did withdraw all the outstanding notices, so there is not that problem on Anglesey anymore, which is a good thing.

Q84 John McDonnell: Your evidence indicates that the data on manorial rights registrations, if I have got this right, is not held prior to December 2012, nor are you able to provide data on the number of successful challenges to claims. There seems a surprising lack of data given the Land Registry's role and the need for successful challenges to be reflected in the registry itself. How do you account for that lack of availability of data?

Steve Coveney: We started collecting it when it seemed that it might be becoming a more high-profile problem. We have been going along with manorial rights since 1862 and there has never been any problem. I practised in Durham, where there were lots of copyhold entries on deeds there on the register. We saw them all the time, and they did not stop sales, purchases or mortgages—nobody gave a monkey's. That is reflected in all pockets of the country. In some places, for whatever reason, conveyancing practice has not reflected them in the deeds of the land, so it comes as a big surprise. I don't know why that is.

The Land Registry started in 1862, and the 1862 Land Registry Act that set it up also set up that there were overriding interests of various sorts, one of which was manorial rights. It went on to say immediately thereafter that if those rights appear in the deeds, the registry will put a notice of them on the register. The fact that they were made overriding shows that it was known, even in 1862, that there was a problem with those things not always appearing on the deeds, so it is a long-standing problem.

Q85 John Howell: May I follow up on that? I understand that claims to manorial rights currently affect less than 1% of all registered titles. What representations has the Land Registry had that indicate that there is wide discontent?

Steve Coveney: I am not sure that there is, although I completely understand that some people feel devastated, offended or whatever about receiving this thing out of the blue. I suspect they would feel that if it had been any other overriding interest, such as a customary right, which would probably have been for the benefit of the inhabitants.

Some of the time it is a bit pejorative because the rights were reserved for the lord. It is useful to remember that once they were reserved for the lord, they are then just rights in land. They don't have to stay with the lord, and often they have not. If the lord had a manor with a river running through it, the chances are that the custom of the manor was that the lord had fishing rights in the river—that would not be at all surprising. Those rights would be preserved on enfranchisement in 1926, and the lord could then sell those rights to a fishing club—they do that; it happens now and then. I am sure you all know that fishing rights are pretty valuable commodities that are jealously guarded. If you were to abolish manorial rights, some fishing clubs would feel that that was completely wrong because suddenly their fishing rights would be gone.

Q86 John Howell: Most of the examples we have had are about the right to extract minerals, and you just mentioned fishing rights. Where is the wider understanding of the use of manorial rights across society?

Steve Coveney: Most of the time, these rights are not being exercised at all, but they are there as a potential, particularly with minerals. Who knows what today's worthless bit of mineral will be worth? There are things—I can't remember the name of them—that 30 years ago were junk, but are now incredibly valuable because they are used in mobile phones. Who knows what will be valuable tomorrow?

Many of the lords holding manorial mineral rights also hold large mineral estates—mines and minerals—and they view it all as part of their mineral estate. It is viewed for the long term and for future generations, so the Duke of X sees it as his duty to keep for the next generation the estate that his forbears kept for him.

Q87 John Howell: So you are saying that there is no great use in exercising manorial rights today, outside the minerals extraction area, to extract value?

Steve Coveney: Yes. I am saying that there might be fishing rights—undoubtedly there are. In other rural areas, there might be sporting rights.

Lord Faulks: I am sure that Mr Coveney will correct me if I am wrong, but I think there is a certain negative value occasionally. For example, with a wind farm, you want to sink a wind turbine very deep. It may be that it would be wise for you to have bought out the owners of the manorial rights to ensure that, in doing that, you are not acting unlawfully or contrary to their rights. They might affect a potential supermarket development or something of that sort. That would potentially be a veto, so would be a negative right, rather than something that someone was actually positively being exercised.

Steve Coveney: Yes. I think that the benefits some had from this arise because it is now apparent on the face of the register that they have an interest, and people thinking of development will approach them at the beginning and ensure that they buy them out. If somebody wants to develop something, they just want to buy out all the people there.

Q88 Chair: Is there a body of evidence about how much buying out has been done and therefore what values have been placed in different circumstances?

Steve Coveney: Not evidence that we have. I know it goes on, but it is not something that would have to be registered with us.

Lord Faulks: I think that David Towns said something about this to your Committee.

Q89 John Howell: There are two situations that I want to clarify: future land development and fracking. Would you like to comment on the use of manorial rights in those situations?

Steve Coveney: Sorry, I do not quite understand the question. So it is if I own a field and I do not own the mineral rights under it, and somebody wants to develop it—is that what you are saying? If we were building houses and things on the surface, that would not infringe the mineral rights because the preservation of rights in the Law of Property Act 1922 specifically says that there will be rights for the surface owners to put buildings and so forth on it. It could not affect that sort of development. If the development was such that you were putting in shafts or a wind farm, involving foundations going down very deep, and probably part of the minerals being extracted

to put them in, that might be a different matter. In the normal run of development, it would not have any impact.

Chair: Just to clarify, that is a different matter in the sense that you, as the landowner, could say, “No, you’re not putting that shaft there.”

Steve Coveney: Yes. Sorry, I thought that the question was about whether the mineral owner could stop the landowner from developing—only if it is affecting the minerals in that way.

Q90 John Howell: Okay. Just to put it beyond doubt, what is the relationship with fracking?

Steve Coveney: Well, there is no relationship. The stuff you are taking out—gas, petrol, oil or whatever it is that you manage to strike—is all vested in the Crown, and the rights to do it will be under licence from the Crown. Whether it is the landowner or the owner of the manorial rights, they have no rights to do it.

Lord Faulks: There are no rights. The Petroleum Act 1998 is the relevant statute. That means that it is all vested in the Crown, as opposed to the Crown Estate. The Infrastructure Bill, which is currently going through Parliament, will contain provisions with new rights of access to carry out fracking below 300 metres and powers for the Secretary of State to make regulations on repayment. Manorial rights do not equal the right to extract shale gas.

Q91 John McDonnell: Do manorial rights impact on the current right of access?

Lord Faulks: Manorial rights would not, of course, include being able to extract shale. Do you mean that if somebody wanted to extract shale, they might incidentally be interfering with the potential extraction of mineral rights that they did have? That may be a reason why there has to be clarity about the law in relation to the Secretary of State’s powers to grant access for this in the interests of the Crown—that is all a matter for the Department of Energy and Climate Change

Q92 John McDonnell: Is that what you see the Infrastructure Bill doing?

Lord Faulks: That is what the Infrastructure Bill is doing, as I understand it, yes.

Steve Coveney: That is my understanding. Again, I am not involved with the Infrastructure Bill. Of course, it awaits its Second Reading in the Commons and you gentleman may leave it looking very different. When it left the House of Lords there was the comment, “I am sure this will be radically changed in the other place.”

Q93 John Howell: A last technical question: the formal legal position is that the consent of the landowner is always required to the exercise of manorial rights. Is that true?

Steve Coveney: No. Well, it all depends on the custom of the manor in each case. That might sound very much like a lawyer's answer, but it happens to be the case. Across the piece, more often than not, the custom was that you could only exercise it with consent, so it was a consensual thing, so they would get together to decide that they were going to extract minerals and basically halve the profits. However, that is not invariably the case. I know that Mr Jessel quoted Newcastle-under-Lyme and we lawyers always do because we know the custom there—of course, there have been cases decided about it. Most places have not had decided cases, so we don't know what the custom is. Undoubtedly, there will be other places that will be the same and where you would not need consent.

I know you were asking about sporting rights earlier and whether they would want consent. Again, Mr Jessel said, "We just didn't know because there hasn't been a case," which is true. I should say that Mr Jessel is the author of the book *The Law of the Manor*, which is now in its second edition and is the leading modern work on the subject. I am not going to disagree with anything that he says. We were talking about fishing rights earlier and, in practical terms, you can see that although there might be a question about whether consent is needed, which depends on the custom, it would be very surprising if the custom of the manor was that the lord had fishing rights, but he could not go along the bank to exercise them.

Q94 Chair: Some of the evidence that we have received is about the historical exercise of sporting rights, such as rough shooting on the land.

Steve Coveney: Yes. As I say, it will all depend on the custom of the manor. I am sorry if that is not a very clear answer—well, it is a clear answer, but it leaves the whole thing shrouded in the mists of custom. If it goes to court, the court will decide, on the basis of the evidence, what the custom was in that particular case.

Q95 Andy McDonald: The Government's evidence states that manorial rights are "in principle indistinguishable from other property rights" and that "arbitrary abolition...could undermine confidence in the security of other types of property right, which would be contrary to the interests of property owners and the wider economy." Can you expand on that and on why you think the Government are ultimately not persuaded of the need to abolish manorial rights?

Lord Faulks: The fact that they are called "manorial rights" obviously carries with it connotations of the feudal system and the idea of those within that system being exploited by the lord of the manor. In fact, manorial rights are rights just like any other form of rights and they may, as Mr Coveney said in his example, be rights that are currently exercised by the local angling club. We are not convinced that, in practice, the exercise of these rights is causing any injustice. They are owned by a number of different people, sometimes the Crown Estate, which the Committee will particularly know. When the Law Commission was considering before the 2002

Act—I think in 2001—the system of registration, it did not suggest there that they should be abolished. It simply said that they should be better known in terms of those who were conveying land, so that the position was clearer. The fact that they are old and that, as we heard from Mr Coveney, the customs of the manor may sometimes be a little difficult to discover, does not actually mean that there is much practical problem that we are aware of in terms of their exercise, leaving aside the flutter of understandable anxiety that some people felt on receiving these notices.

This would be taking away a right, just like any other property right. It is sometimes a powerful right, but very much potentially a powerful one—for example, the right of veto that I mentioned in different contexts. Of course, someone would have to pay compensation for the removal of those rights. There would probably be a violation of A1P1—article 1 of the first protocol of the European convention on human rights—which would require compensation to be paid. The question is: by whom? Would it be paid by the freehold owner (the land owner) in order to extinguish a right that exists on his land? Would it be paid by the Government? We do not think it is appropriate simply to wave away rights, unless they are causing real problems, which the Government are not convinced that they are.

Q96 Andy McDonald: I will come back to the issue of compensation in a moment. The evidence also suggests that arguments for and against abolition would have to be marshalled on a subject matter basis. Do you think that there is any merit in abolishing some manorial rights—for example those held in urban residential areas; Welwyn Garden City might be a case in point—while maintaining others, such as manorial mineral rights over rural land? Some of the rights that we are talking about may be sporting rights over an urban development that have clearly lost their relevance.

Lord Faulks: I understand the point, but it is quite difficult rigidly to define those that are urban and those that are not urban. We are a crowded island, and there can be rights—once again, I rely on the stream that runs through a semi-urban area—for which there is no reason why they should not continue to exist. There is also the danger that if you have a classification of those rights that you can abolish and those rights that are retained, you generate a great deal of litigation between those who say, “My rights fall into category A rather than category B.” These are difficult in terms of classification. To create a whole potential field of litigation, unless there is a real practical problem, seems difficult to justify.

Q97 Andy McDonald: The possibility of compensation in the event of abolition is also mentioned in your evidence—assuming that value can be proven, which would seem unlikely in many residential cases. That has happened in Scotland with the abolition of the feudal system. A scheme was created there. Do you see any analogy with that or a possibility of putting together a scheme on such a basis?

Lord Faulks: I am not an expert on Scottish property law, but I understand that their feudal tenure is rather different from ours. Clearly, we take notice of what they do in Scotland in all sorts of contexts, but the Law Commission was not persuaded, when it

looked at this whole system back in 2001, that it was necessary to abolish manorial rights as a whole. Of course, it is always possible to set up a mechanism for compensating people, but it might be a complex mechanism. It is quite difficult to value these rights. For the most part, these values are often very theoretical. There would no doubt not be agreement between those who owned the rights that they were not of much value. We are aware of Scotland but are not convinced that that requires a change of thought or approach.

Q98 Chair: One final point: am I right in thinking that some of the right holders staking claims were charities, and that charity trustees may have been advised that their duty was to register and not to lose any rights that the charity had through its land ownership?

Steve Coveney: The Church Commissioners, for example, have charitable status. Those that are registered do have very large mineral estate holdings. They are also registering all their titles—their mines and minerals. They find it a very valuable part of their estate.

Q99 Chair: Were there other charities among those who registered claims?

Steve Coveney: Charities such as the RSPB do not tend to hold lordships of the manor.

Chair: Colleges, for example.

Steve Coveney: Yes, certainly some Oxford and Cambridge colleges have tended to hold lordships, but they may have registered their rights.

Chair: Thank you very much indeed, Lord Faulks and Mr Coveney. We are very grateful for your help this morning, and we will now proceed to completely different matters.