



APPROVED

NO REDACTION NEEDED

**THE COURT OF APPEAL
CIVIL**

Court of Appeal Record Number: 2025/176 & 2025/177

High Court Record Number: 2019/9145P

Neutral Citation Number [2026] IECA 126

**Pilkington J.
Allen J.
Meenan J.**

BETWEEN/

JOHN LAWLESS

APPELLANT/PLAINTIFF

- AND -

**PROPERTY REGISTRATION AUTHORITY AND PEPPER FINANCE
CORPORATION (IRELAND) DESIGNATED ACTIVITY COMPANY**

RESPONDENTS/DEFENDANTS

JUDGMENT of Mr. Justice Charles Meenan delivered on the 10th day of July 2026

Introduction: –

1. This is an appeal from the judgment and order of the High Court (Kennedy J.) (3 June 2025) whereby the plaintiff's action was dismissed against the first named respondent

(the “PRA”) and the second named respondent (“Pepper”) on the basis that the pleadings did not disclose a reasonable cause of action.

2. The appellant represented himself both in this court and the court below.

Background: –

3. The appellant is the registered owner of certain properties in County Roscommon comprising Folios RN810F, RN26057F and RN15714F. In or about 2008 the appellant borrowed substantial sums (circa €3.145 million) from ACC Bank plc (“ACC”). As security for the loan the appellant granted a mortgage over the said properties to ACC. The said charge was registered on 16 June 2008. The appellant does not dispute either his failure to repay the monies borrowed nor the validity of the mortgage.

4. In August 2019 the mortgage, together with others, was transferred to Pepper. Following the transfer Pepper applied to have itself registered as the owner of the charge registered on the said Folios. However, the PRA rejected the first two attempts at registration but accepted the third application. Thus Pepper is registered on the said Folios as being the owner of the charge which had previously been registered by ACC.

The proceedings: –

5. The plaintiff issued a plenary summons on 9 November 2019 seeking, *inter alia*, the following reliefs: –

“(1) A declaration that the charge held by ACC Bank plc now being transferred to the second named defendant over the lands comprised in Folios 25607F, 15714F and 810F Co Roscommon is unlawful and therefore null and void.

(2) An order restraining the sale of the said lands comprised in Folios 25607F, 15714F and 810F, County Roscommon by the defendant's servants or agents pending the determination of these proceedings."

6. Following the issue of a motion by Pepper, a statement of claim was delivered in late 2021. There then followed an application for discovery by the appellant against the PRA who – although the pleadings had not closed – agreed, in December 2023, to make voluntary discovery.

7. Following discovery a form of amended statement of claim was delivered in which, *inter alia*, the following was pleaded: –

"(4) On checking the website of the Property Registration Authority today the following is the current position in respect of the three Folios:

- Folio RN810F is jointly owned by the plaintiff, Peter Lawless and Aidan Cuniffe. ... Dealing D2019LR136284V was according to the Land Registry registered on 12 September 2019, yet when the plaintiff issued these proceedings on 6 December 2019 the plaintiff did a Land Registry check and this dealing was not completed. The first named defendant is put on full proof in this regard.*
- Regarding Folios RN26057F and RN15714F dealings D2019LR136329Q and D2019LR136533T to register the second named defendant as owner of the owner of the ACC Bank plc charge on these folios have been abandoned by the first named defendant and in those circumstances the plaintiff contends the second named defendant is estopped from bringing further applications*

to the first named defendant registered these charges, notwithstanding further details

— — —

(5) The plaintiff requires the defendants to prove the validity of the charges held by ACC Bank plc. The plaintiff further contends these charges are incapable of being well charged and in circumstances where the first named defendant has refused to register these charges in favour of the second named defendant the charges are therefore unlawful and null and void.

— — —

(7) in these circumstances the second named defendant would become an unsecured creditor and have no vote in any future debt settlement arrangement.

and the plaintiff claims: —

1. A declaration that the charge held by ACC Bank plc now being purportedly transferred to the second named defendant in Folio 26057F, 15714F and 810F County Roscommon, in particular having regard to the issues outlined above are unlawful and therefore null and void.”

Notices of motion: —

8. By notice of motion dated 11 April 2022 Pepper sought the following reliefs: —

“1. An order pursuant to Order 27, Rule 1 of the Rules of the Superior Courts dismissing the within action as against the second named defendant.

2. In the alternative, an order pursuant to the inherent jurisdiction of the Court and/or pursuant to Order 19, Rule 28 dismissing the plaintiff's proceedings as against the second named defendant on the basis that these disclosed no reasonable cause of action, are bound to fail, are frivolous and/or vexatious and/or constitute an abuse of the process of this Honourable Court."

9. On 27 July 2022 the PRA issued a motion seeking similar reliefs to those sought by Pepper.

High Court judgment: –

10. The said motions came on for hearing before the trial judge on 1 May 2025. There were also two further motions issued by the appellant that came on for hearing on the said date. The first of the appellant's motions sought an order removing the charge registered in favour of Pepper on Folio 810F. The second motion sought an order prohibiting the sale by Pepper of the mortgage to Everyday Finance DAC and an undertaking from the PRA not to permit any registrations on Folio 810F pending the determination of the proceedings.

11. In a detailed judgement delivered 6 May 2025 Kennedy J. granted the orders sought by the PRA and Pepper. In the circumstances it was not necessary to consider the motions issued by the appellant. I will consider the said judgment in the course of considering the various issues raised on appeal.

Notice of Appeal: –

12. In his notice of appeal the appellant sets out some six grounds of appeal. These are as follows: –

- (i) The trial judge erred in fact and/or in law in failing to distinguish the decision of Roberts J. in *Langan v. PRA* [2023] IEHC 276 referred to in the judgment.
- (ii) The trial judge erred in fact and/or in law in not properly applying the principles identified by McDonald J. in *McCarthy v. Moroney* [2018] IEHC 379 concerning the abandonment of dealings in the PRA and the trial judge ignored the evidence regarding this issue.
- (iii) The trial judge erred in fact and/or in law in reaching the conclusion at para. 13 of his judgment contrary to the evidence.
- (iv) The trial judge erred in fact and in law in reaching the conclusion he did in para. 21 (e) of the judgment which “*flies in the face of the evidence before him and in the absence of discovery of the associated dealings, the trial judge could not make any proper determination dismissing the plaintiff’s proceedings.*”
- (v) The trial judge erred in law and in fact in providing no reasons for dismissing the cause of action against Pepper.
- (vi) The trial judge erred in law and in fact in his conclusions concerning disclosure and in particular the nondisclosure of the abandonment of instruments, which were required for any proper analysis of the issues between the parties. These errors were exacerbated by the trial judge in acknowledging his lack of conveyancing experience.

Consideration of appeal: -

13. At the outset of his judgment the trial judge identified the principles to be applied in applications to strike out proceedings: –

“2 — — — the legal principles are uncontroversial and, helpfully, all parties have agreed to those principles which were summarised in the defendant’s submissions. Accordingly, I need not repeat them save to note that: (a) the authorities stress the power to dismiss should be exercised sparingly; (b) I should have regard to the fact that the defendant is not legally represented. As the first defendant rightly acknowledges, the plaintiff should be afforded leeway as described by Stack J in Coleman -v- Ireland & Ors [2022] IEHC 17 and by Birmingham J in O’N -v- McD [2013] IEHC135 – the court should not deprive litigants in person of their right of access to the courts by reason of any lack of drafting skill – the courts will look at the substance of what is pleaded and will be disposed to overlooking minor defects”.

14. The appellant’s criticism of the “*conclusion*” reached by the trial judge in para. 13 of the judgment is difficult to understand. Para. 13 sets out the submissions of the PRA and Pepper. The conclusions of the trial judge are to be found elsewhere in the judgment.

15. The appellant made specific criticism of the trial judge’s conclusions and findings as set out at para. 21 of the judgment. A reading of para. 21 of the judgment readily leads to the conclusion that there is no basis for this criticism: –

(i) the trial judge recognised possible difficulties faced by the appellant as a lay litigant stating:

’21. Because the plaintiff is unrepresented and the pleadings were lacking in clarity, I asked him questions to offer him a chance to elaborate on his claim so that I could understand aspects of his case which were not clear from the pleadings. He engaged constructively but our discussions did not elicit any further details of a stateable cause of action which could be reflected in an appropriate amendment to the pleadings.

Accordingly, there is no suggestion that there is a basis for other possible amendments which would reinforce his position...’’

Thus, the trial judge considered and disposed of a possible answer to the orders sought by the PRA and Pepper in that the appellant was unable to put forward any possible amendment to his pleading so as to rescue his cause of action.

(ii) At para. 21 (e) the trial judge set out the undisputed background facts: -

“(i) the mortgage was originally registered in favour of ACC.

(ii) the mortgagee's interest was transferred to Pepper following a large loan sale.

(iii) [The PRA] rejected Pepper’s first two attempts to register change of interest but accepted that third application.

(iii) The trial judge, with clarity, identified the case being made by the appellant as being:

—

‘If an action to transfer a charge is abandoned is the applicant then estopped from bringing the same application to the PRA in circumstances, where that occasioned loss and damage to the plaintiff’.

16. Based on a reading of the amended statement of claim the trial judge stated at para. 21

(f):

“The plaintiff has not been clear as to the basis for his contention that the assignment or its registration were invalid or erroneous. He says that puts the defendants on proof and the proceedings will determine whether the

assignment and its registration were valid and whether he has a basis for a claim against them.”

This is a statement of fact by the trial judge as to what was said by the plaintiff. I have set out at para. 7 above the amended statement of claim. It is clear that no facts are pleaded or issues raised to support the claim that the assignment from ACC to Pepper was invalid. On the issue of registration, the furthest the appellant goes is to contend that the PRA is now estopped from registering the charge.

17. The trial judge was correct in concluding that the amended statement of claim fell well short of what is required by O. 19 r. 3 of the Rules of the Superior Courts (the “RSC”): –

“24. O. 19 r. 3 makes clear every pleading must contain, and must only contain, a statement of the material facts on which a party relies for his claim. The statement of claim should show the defendant the case being made against him. The current pleadings do not meet that challenge. To the extent that the facts are pleaded they are unsubstantiated bare assertions”.

The appellant asserts, without more, that the transfer of the mortgage from ACC to Pepper was unlawful.

18. On the issue of “estoppel”, the trial judge states: –

“29. The plaintiff argued that documents disclosed by the first defendant suggested different and inconsistent reasons for their response to Pepper’s successive applications for registration. He wishes to cross-examine the defendants as to the basis upon which the transfer of the charge was eventually registered. However, in the absence of a valid cause of action I fail to see the relevance of the earlier attempts to register the transaction, nor has the plaintiff demonstrated any basis to

put the defendants on proof of any entitlement to a plenary hearing. I do not understand how it could be said that the abandonment or rejection of applications could prevent the second defendant from lodging fresh applications. As matters stand there is no factual or legal basis to support a finding that the second defendant would be estopped from lodging a further application to register the change of ownership of the charge. The plaintiff has not provided material facts sufficient to support such a plea”.

19. The appellant was unable to identify any legal or factual basis for the contention that the rejection of an application for registration by the PRA precluded an unsuccessful applicant from submitting a fresh application.

20. In dismissing the action against the PRA the trial judge considered the statutory role and function of the PRA. The trial judge cited the following passages in the judgment of Roberts J. in *Langan v PRA and & Ors* [2023] IEHC 276 where she stated: –

“The PRA is a creature of statute with the primary duty to ensure the maintenance of the registers established under section 8 of the Registration of Title Act 1964. A public authority should not, in general, be restrained from exercising its statutory authority. The PRA has a statutory authority to ensure that applications for registration are in accordance with the relevant legislation and the Land Registry Rules. There is no discretion on compliance given to the PRA nor does the PRA look behind applications that are made to it in relation to the Register. Parties are well protected by statute in the event that they succeed in litigation challenging particular registration issues.”

and: –

“21. Section 64(1) of the Registration of Title Act 1964 states, ‘the registered owner of a charge may transfer the charge to another person as owner thereof, and the transferee shall be registered as owner of the charge.’

22. In McCarthy v Moroney & Anor; Moroney v Property Registration Authority & Ors [2018] IEHC 379 McDonald J. held (at 55) that under section 64 of the Registration of Title Act, transferees have a right to be registered as the owner of a charge and (what was then) the PRA did not have a discretionary role in relation to same.

23. Rule 183 of the Land Registry Rules permits [the PRA] to abandon an application if, having given notice to the applicant/applicant’s solicitor, the application has not been proceeded with for a specified period of time. Abandonment does not prevent future applications.”

21. The passages cited by the trial judge from *Langan v. PRA* clearly set out the statutory role of the PRA. In particular, the PRA has no role in “*looking behind*” applications. Further, it is clear that the abandonment or rejection of one application does not preclude future applications. The appellant has failed to identify, as claimed in his notice of appeal, that the trial judge “*erred in fact and/or in law*” in failing to distinguish the decision of Roberts J. in *Langan v. PRA*.

22. In his notice of appeal the appellant criticises the trial judge for “*not properly applying the principles*” identified by MacDonald J in *McCarthy v. Moroney & Anor; Moroney v. Property Registration Authority and Ors*. [2018] IEHC 379. There is no substance in this. In *McCarthy v. Moroney* the complaint was that the PRA was obliged to give notice to a mortgagor before registering the transfer of the mortgage by the original mortgagee to a different financial institution. In his judgment McDonald J. stated:

"53. Both Ennis Property and Bank of Scotland also argue that in contrast to the position in the Philpott case, there is no basis to suggest that the PRA has any obligation to notify the owner of the lands before giving effect to transfers of this kind."

and: -

"54. In my view, the submissions made by Ennis Property and Bank of Scotland are correct. In the first place, one must have regard to the provisions of s. 64 of the 1964 Act which deal with the transfer of charges. S. 64(1) is in the following terms: –

'The registered owner of a charge may transfer the charge to another person as owner thereof, and the transferee shall be registered as owner of the charge.'

55. As counsel for the PRA, Mr O'Neill S.C. (in the course of his submissions dealing with Mr. Moroney's application for interlocutory orders against the PRA) observed, s. 64(1) has the effect that, regardless of what the charge itself says, there is a statutory authority conferred on the chargee to transfer the charge. As Mr. O'Neill further observed, s. 64(1) also makes clear that the transferee is to be registered as the owner of the charge in place of the transferor. This is clear from the use of the word 'shall' in the sub-section. In other words, the transferee has a right under the section to be registered as the owner of the charge. This entitlement is not subject to any overriding discretion of the PRA."

The judgment in the instant case is entirely consistent with that judgment.

23. The trial judge was correct in rejecting the submission that it was necessary to look at the reasons why the first attempts at registration failed. The appellant was of the view that such reason might disclose a cause of action. The appellant is not entitled to issue

proceedings or to seek to put either the PRA or Pepper “*on proof*” without even identifying a cause of action. As the trial judge observed: –

“39. The plaintiff clearly finds it hard to understand why the original applications were rejected but the third was successful. However, his lack of familiarity with the rules governing the registration of transfers of interests in property does not constitute a cause of action against either defendant. He is not entitled to issue proceedings to require them to justify themselves in the circumstances.”

24. By reason of the foregoing I am satisfied that the appellant has identified no infirmity in the judgment of the High Court. Therefore, this appeal is dismissed.

25. As both the PRA and Pepper have been successful in resisting the appeal the provisional view of the court is that they are entitled to their costs as against the appellant. Should the appellant wish to dispute this he may do so by way of written submissions (not more than 1500 words) to be delivered no later than 14 days after the date of the delivery of this judgment. Should either the PRA or Pepper wish to respond to the submission they may do so by written submissions (not more than 1500 words) within 14 days thereafter.

26. As this judgment is being delivered electronically Pilkington and Allen JJ. have authorised me to record their agreement with it.