



STATUTORY INSTRUMENTS.

S.I. No. 483 of 2012



LAND REGISTRATION RULES, 2012

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LAND REGISTRATION RULES, 2012

The Land Registration Rules

Commencement

1. These Rules may be cited as the Land Registration Rules 2012 and shall come into operation on the 1st day of February, 2013. The Land Registration Rules 1972 to 2011 are hereby rescinded.

Interpretation

2. (1) In these Rules-

“the Act” means the Registration of Title Act, 1964; and words or expressions defined in the Act have the same meaning as in the Act, where the context so admits;

“the Act of 2006” means the Registration of Deeds and Title Act 2006; and words or expressions defined in the Act have the same meaning as in the Act, where the context so admits;

“the Act of 2009” means the Land and Conveyancing Law Reform Act 2009;

“the Acts” means the Registration of Deeds and Title Acts 1964 and 2006;

“the Authority” means the Property Registration Authority;

“the Registry” means the Land Registry;

“application map” means;

(a) a map in paper form or in electronic form issued by the Authority,

(b) such other map in paper form or electronic form as the Authority may allow,

on which is identified, in such manner as the Authority may direct, a property the subject of an application for registration;

“folio” means a constituent part of a register, containing individual ownership details;

“Form” or “Forms” means a form or the forms in the Schedule of Forms;

“legal opinion” means the opinion of a practising barrister or practising solicitor;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th December, 2012.*

“local authority” includes a county council, city or borough council, town council and any public body or person established by or in pursuance of any statute to perform any of their functions;

“lodged by hand” means lodgment of an application in person at a Public Office of the Registry, during the hours the Registry is open to the public;

“possessory title” includes a title deemed under the Act or under these Rules to be possessory;

“prescribed fee” means the appropriate registration fee fixed by the Minister for Justice and Equality by order under Section 14 of the Act or Section 21 of the Act of 2006;

“property” includes land, and any estate, leasehold interest, incorporeal hereditament, or other right, in or to land, the ownership of which is or may be registered in the registers established by the Act.

(2) The Interpretation Act 2005, shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of the Oireachtas, except so far as it may be inconsistent with the Act or with these Rules.

PART 1

THE REGISTERS AND THE REGISTRY OFFICES

Form and contents of registers

3. (1) The registers shall consist of information required by the Acts and these Rules to be recorded in respect of each ownership registered under the Acts.

(2) Each ownership registered shall be identified by a distinguishing number to be called the folio or title number.

(3) The registers shall be maintained in paper or electronic form or partly in one form and partly in the other form.

(4) The registers shall be maintained in Irish or English or partly in one language and partly in the other language.

(5) Where a register or any part of it is in paper form, the information shall be recorded on a folio or folios which shall be in three parts.

(6) There shall be entered in the first part of a folio-

(a) a description of the property the ownership of which is registered, with a reference to the plan on the registry maps of the land affected;

(b) a description of any part of the property which is transferred to another folio;

- (c) such information as is authorised by the Acts or these Rules relative to;
 - (i) easements and rights for the benefit of the property;
 - (ii) the inclusion of mines and minerals in, or their exclusion from, the property;
 - (iii) the boundaries of the property.
- (7) There shall be entered in the second part of a folio-
 - (a) the name of the owner of the property and his/her address in the State for service of notices;
 - (b) such information as is necessary relative to-
 - (i) the classes of titles that are registered pursuant to Sections 33 or 40 of the Act;
 - (ii) the devolution of the property;
 - (iii) the matters referred to in Section 91 of the Act;
 - (c) cautions and inhibitions restricting the registration of dispositions of the property;
 - (d) a note under Section 61(6)(b) of the Act of the death of the registered owner and of the names of his/her personal representative(s).
- (8) There shall be entered in the third part of a folio-
 - (a) the burdens the registration of which is authorised by Section 69 of the Act;
 - (b) the ownership of a registered charge, where it is not registered in the register maintained under Section 8(b) of the Act and, where the Authority permits, sub-charges on a registered charge and their ownership;
 - (c) notice of the exemption from or existence of the burdens specified in Section 72 of the Act;
 - (d) cautions and inhibitions against registration of dealings with a registered burden, the ownership of which is not registered in the register maintained under Section 8(b) of the Act.
- (9) Where a register or any part of it is in electronic form it shall be capable of being reproduced in legible form in the same format as if it were in paper form.
- (10) The information in respect of any particular ownership shall not be accessible during such period as-

- (a) may be required to update that information,
- (b) may arise as a result of force majeure, including unusual and unforeseen circumstances beyond the control of the Authority.

(11) All existing folios of the registers shall be revised in accordance with the foregoing provisions of this rule whenever the Authority considers such revision expedient.

Manner of registration

4. Information recorded shall identify the particular property or interest in the property that it is intended to affect; and no information shall refer to a matter that is not authorised by the Acts or these Rules to be the subject of registration.

Revision of folios of registers

5. (1) The Authority, on an application by the registered owner or when it thinks it practicable or desirable, may clear the title to property entered in a folio of a register by closing it and opening a revised folio for the property containing the subsisting entries only. It may, in doing so, make any rearrangement conducive to clarity, including the entry of the property in two or more folios, or the entry of the property on two or more folios in one folio, or the altering of the number of a folio. On the completion of the revision of the folio, notification shall be sent to the registered owner (or his/her solicitor) of the revised folio number.

(2) Any person inspecting a revised folio of a register may inspect the closed folio or folios for which it is substituted or the preceding folio or folios or the record of it maintained in the Registry.

Formal alterations of register and cancellation of determined entries

6. The Authority may, at any time, after such inquiries and notices (if any) as it may consider proper and upon such evidence as it shall consider satisfactory, make any formal alterations in a register or withdraw from a register by cancellation, any burden, notice or entry that it is satisfied no longer affects or relates to the property.

Correction of errors

7. (1) Where a clerical error is discovered in a register or registry map, the Authority may, after giving any notices and obtaining any evidence or assent that it may deem proper, make the necessary correction.

(2) Any other error in a register or registry map originating in the Registry may be corrected-

- (a) with the consent of the registered owner of the property (or his/her solicitor) which is affected by such error or correction and of such other persons as appear to the Authority to have an interest, or
- (b) after giving any notice, and obtaining any evidence or assent, as the Authority may deem proper. Notice shall be in Form 84.

Description of property

8. (1) The description of property in the registers shall be by reference to the names and denominations recorded by Ordnance Survey Ireland and may, where the Authority permits, include any other geographical or locational information.

(2) Neither the description of property in a register nor its identification by reference to a registry map is conclusive as to its boundaries or extent and a note to this effect shall be entered on the register.

(3) Where areas of property are recorded, such areas are not conclusive.

(4) The description of property shall be revised by the Authority from time to time and made conformable with the description on the registry map as and when revised.

Indexes

9. (1) There shall be maintained in the Registry an index of names and an index of lands.

(2) The index of names shall contain the name and address of every registered owner of freehold land, a leasehold interest or a right in the register maintained under Section 8(b) of the Act and a reference to the folio of the register in which his/her ownership is entered.

(3) The index of lands shall contain the identification references or seedpoints on the registry map to every parcel of land of which the ownership is registered in the register of owners of freehold land, or on or out of which the ownership of a leasehold interest or an incorporeal hereditament is registered in the register of leasehold interests or in the register maintained under Section 8(b) of the Act, and a reference to the folio of the register in which the ownership is entered.

Closing of register in respect of charges

10. A requisition by an owner of a charge registered in the register maintained under Section 8(b) of the Act to close such register in respect of such charge for the purpose of having the ownership registered in the register of the property charged shall be made in writing by the registered owner or his/her solicitor and shall be accompanied by consents of all persons appearing from the register to have any interest in the charge.

PART 2

APPLICATIONS FOR REGISTRATION

Applications for registration

11. (1) Every application for registration sent, delivered or transmitted to the Registry for registration by a person or a solicitor shall be accompanied by-

(a) the necessary documents to support the registration sought;

- (b) the prescribed fee;
- (c) a statement signed by him/her setting out-
 - (i) the ownership or other entries for the registration of which he/she applies;
 - (ii) the documents sent;
 - (iii) the amount of Land Registry fees payable;
 - (iv) where the application is by a solicitor, the names of all the parties to the transaction for whom he/she acts as solicitor.
- (2) The statement shall be in Form 17.
- (3) (a) The Authority may prepare, and cause to be promulgated, such forms and directions as it considers appropriate for the purpose of facilitating proceedings under the Acts.
 - (b) Directions under sub-rule 3(a) may, for example, specify the characteristics (including shape, design, size, colour and quality) of the paper to be used for forms for any class of dealing or other matter, or the format of forms in electronic form, and the deviations from prescribed forms which are permitted or required to be made in connection with dealings or other matters of that class.
- (4) (a) The Authority may require such evidence of the identity and permanent address of personal applicants for registration as it considers appropriate.
 - (b) Where such applications for registration are made, it may serve notice on the registered owner if considered appropriate by the Authority.
 - (c) The notice shall be in Form 18.

Applications not in order

12. (1) If an application is not in order, the Authority may raise such requisitions as it considers necessary, specifying a period within which the applicant must comply with the requisitions.

(2) If the applicant fails to comply with the requisition within that period or such further period as the Authority may permit, the Authority may treat the application as abandoned and cancel it.

(3) If the Authority considers the application to be substantially defective, it may reject it immediately or at any time thereafter.

Additional evidence and enquiries

13. If the Authority at any time considers that the production of any further documents or evidence or the giving of any notice is necessary or desirable, it may refuse to complete or proceed with the application, or to do any act or

make any entry, until such documents, evidence or notices have been supplied or given.

PART 3

FIRST REGISTRATION, CONVERSION OF POSSESSORY AND QUALIFIED TITLES, AND OTHER REGISTRATIONS INVOLVING EXAMINATIONS OF THE TITLE OF PERSONS TO UNREGISTERED INTERESTS IN REGISTERED PROPERTY

Applications for first registration

14. Every application for first registration of ownership under the Act, except an application under Rules 17, 19(3), 19(4), 20(1), 21 or 22, shall be by application in Form 1 or 2, as the case may require.

Documents to accompany application for registration of ownership of freehold property

15. (1) An application for registration of the ownership of freehold property to which Rules 19(3), 19(4), 20(1), 21 or 22 does not apply, shall, unless the Authority otherwise directs, be accompanied by-

- (a) a concise statement of the title giving in chronological order a summary of the documents and the events and facts on which the applicant's claim to the property is based, commencing with a root of title and which shall form part of Form 1;
- (b) all original deeds and all documents in the applicant's possession, or under his/her control, relating to the title, including legal opinions, abstracts of title, contracts for and conditions of sale, searches, requisitions and replies, and other like documents, and the evidence by affidavit, statutory declaration, or otherwise, proving the facts stated and necessary to be proved to establish the title;
- (c) an application map, unless the application otherwise sufficiently identifies the property on the registry map;
- (d) a schedule in duplicate of all documents lodged with the application.

(2) Where the applicant, as authorised by these Rules, relies on legal opinion in support of his/her title, the statement of title required by this rule need not be lodged.

(3) The Authority shall not be on notice of any matter disclosed in any document lodged which bears a date prior to the date of the document identified as the root of title.

Documents to accompany application for registration of ownership of leasehold interests and of rights other than incorporeal hereditaments held in gross

16. (1) An application by the original lessee for registration with good leasehold title of the ownership of a leasehold interest, to which Rule 19(3) or 19(4) does not apply, shall, unless the Authority otherwise directs, be accompanied

by the lease or grant and an application map, unless the application otherwise sufficiently identifies the property on the registry map.

(2) Except in cases to which sub-rule (1) or Rule 19(3) or 19(4) applies, an application for registration with good leasehold title (where applicable), qualified title or possessory title of the ownership of a leasehold interest, shall, unless the Authority otherwise directs, be accompanied by-

- (a) a concise statement of the title giving, in chronological order, a summary of the documents and the events and facts on which the applicant's claim to the leasehold interest is based, commencing with a root of title and which shall form part of Form 2;
- (b) all original deeds and all documents in the applicant's possession, or under his/her control, relating to the title, including legal opinions, abstracts of title, contracts for and conditions of sale, searches, requisitions and replies, other like documents, and the evidence by affidavit, statutory declaration, or otherwise, proving the facts stated and necessary to be proved to establish the title to be registered;
- (c) an application map, unless the application otherwise sufficiently identifies the property on the registry map;
- (d) a schedule in duplicate of all documents lodged with the application.

(3) Where the applicant, as authorised by these Rules, relies on legal opinion in support of his/her title, the statement of title required by this rule need not be lodged.

(4) An application for registration with absolute title of the ownership of a leasehold interest, shall, unless the Authority otherwise directs, be accompanied by such documents as are required by this rule in respect of the leasehold interest, together with such documents and proof of the freehold estate and any intermediate leasehold interest as are required in an application for registration with absolute title of such estate and interests.

(5) An application for registration of the ownership of a right, other than an incorporeal hereditament held in gross, to which Rule 19(3), 19(4) or 22 does not apply, shall, unless the Authority otherwise directs, be accompanied by the following documents-

- (a) where the application is by or on behalf of the original grantee and registration with an absolute title is not required, the grant and an application map, unless the application otherwise sufficiently identifies the property on the registry map;
- (b) except in cases to which sub-paragraph (a) applies, the documents specified in sub-rule (2)(a), (b) and (d) and where registration with title absolute is required, such documents and proof of the freehold estate and any intermediate estate or interest as are required in an

application for registration with absolute title of such estate and interests.

(6) The Authority shall not be on notice of any matter disclosed in any document lodged which bears a date prior to the date of the document identified as the root of title.

Application for first registration based on possession

17. Where an application for registration of ownership of property is based on possession, or where the applicant has no documents of title in his/her possession or under his/her control in relation to such property, and the Authority is satisfied on inquiry or otherwise that the applicant is in possession or in receipt of the rents and profits of the property, the application may be made in Form 5, with such modifications as the case may require.

Examination of title

18. Every title to property the subject of an application under Rule 14 or 17 shall be examined by or under the supervision of the Authority, who shall direct such searches, advertisements, notices and enquiries as it may deem necessary. It may in any case dispense with or modify the official examination of title, or it may accept what it considers to be a good holding title and take such indemnity as it may deem necessary. No evidence of title shall be called for that could not be required on a sale of the property under an open contract.

Modification of examination of title

19. (1) Save as aforesaid and as otherwise provided in this rule, the title to be shown by the applicant may commence with a disposition of the property made not less than 15 years prior to the date of the application that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(2) Where the market value of the property the subject of the application is shown to the satisfaction of the Authority not to exceed €1,000,000 at the date of the application, the title to be shown by the applicant may commence with a conveyance or assignment on sale made not less than 12 years prior to the date of the application that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(3) On a sale where the purchase money of the property does not exceed €1,000,000, the Authority may, if it thinks fit, register a title as absolute or qualified or good leasehold on production of a certificate by a solicitor, at the expense of the applicant in Form 3, adapted as the case may require, and an application map.

(4) Where property is acquired by a statutory authority and the purchase money or compensation paid therefore does not exceed €1,000,000, the Authority may dispense with the official examination of the title and may register the statutory authority with absolute title or qualified title or good leasehold title on production of a certificate by the solicitor for such authority in Form 3 adapted as the case may require and an application map.

- (5) Where the title of an applicant has been examined-
- (a) by the conveyancing counsel of a court on a sale or purchase of the property under an order of the court; or
 - (b) by a practising barrister or solicitor on a sale or mortgage of the property, the Authority may dispense with, or modify as it thinks fit, the official examination of title.

(6) Where, in the course of the investigation of a title, the applicant so requests, or it appears desirable to the Authority that the title should be referred for legal opinion, the Authority may, with the consent and at the expense of the applicant, agree that the title be referred for legal opinion on any specific matter. The legal opinion may be furnished in Form 3, adapted as the case may require.

Application by the Minister for Agriculture, Food and the Marine for registration with possessory title

20. (1) An application by the Minister for Agriculture, Food and the Marine under Section 26(1) of the Act for the first registration of a person as owner with a possessory title shall be in Form 4 and shall be accompanied by an application map.

(2) A certificate by the solicitor for the applicant shall be endorsed on the application, certifying that the person, whose registration is applied for, is in possession of the property the subject of the application

Application by local authority under statutory powers for first registration of purchaser

21. (1) An application by a local authority for the first registration of a purchaser of property under the Labourers Act, 1936, shall be made by lodging in the Registry the documents prescribed by Section 19(2) of that Act.

(2) An application by a local authority for the first registration of a purchaser of property under Section 92 of the Housing Act, 1966, shall be made by lodging in the Registry the Transfer Order prescribed by Section 90(5) of that Act (as substituted by Section 26 of the Housing (Miscellaneous Provisions) Act, 1992).

(3) An application for first registration under this Rule shall be accompanied by an application map.

Documents to be lodged on registration procured by the Minister for Agriculture, Food and the Marine

22. When the Minister for Agriculture, Food and the Marine has acquired property under his/her statutory powers or sold property to a purchaser under the Land Purchase Acts on or after 31st March, 1999, the document to be transmitted by the Minister to the Authority for registration purposes shall be in the form of the vesting order, vesting fiat, final list or transfer order, under or by virtue of which the property is vested in the Minister or the purchaser, as the case may be, and may, except in the case of a transfer order, be an official copy of such instrument. The document shall be accompanied by an application map.

Transfers to registers of recorded property

23. (1) The title to property recorded under the Record of Title (Ireland) Act, 1865, shall, at such times as the Authority may direct, be transferred to the registers established by the Act.

(2) The Authority may postpone the entry of any recorded property in a register under the Act until an application is about to be made for the registration under a disposition thereof.

(3) On the entry of the ownership of recorded property in a register under the Act, the record under the Act of 1865 shall be closed and a reference made to the folio of the register to which the property has been transferred.

Registration of recorded property

24. On the transfer of recorded property to a register under the Act-

- (a) all charges, incumbrances, leases and other rights on the record that are burdens within the meaning of Section 69 of the Act shall be entered as burdens in the register in their priority as recorded;
- (b) notice of the existence of any of the burdens specified in Section 72 of the Act that are on record shall be entered in the register.

Entry of easement or profit à prendre as part of description of property registered

25. (1) An easement or *profit à prendre* expressly granted as an appurtenance by a Land Judge's conveyance or a Land Commission or Minister for Agriculture, Food and the Marine vesting order, vesting fiat or other instrument may be entered in the register as part of the description of the property and may be described in the register by reference to the conveyance, order, fiat or other instrument.

(2) Where a registered owner or an applicant for registration as owner desires to have a specific entry made in the register of any right appurtenant to the property acquired by grant in writing or under a court order, he/she, or his/her solicitor on his/her behalf, may make written application to the Authority for such an entry to be made. The Authority may then, on production of satisfactory evidence of title and subject to the service of such notices (if any) as it may direct, enter such right in the register as appurtenant to the property.

Property acquired under the Land Purchase Acts and on exchange

26. (1) Where, on first registration of property purchased under the Land Purchase Acts, the Authority is not satisfied that the granting of an absolute or qualified title is warranted, it shall register the property with a possessory title.

(2) Where the property has been acquired in exchange for property registered with a possessory title and the unregistered rights protected by such registration that apply to the property given in exchange are transferred under any provision of the Land Purchase Acts to the acquired property, the registration of the acquired property shall be made with a possessory title.

Notice of statutory restrictions

27. Where, on an application for the first registration of the ownership of property, it appears that the property is subject to restrictive or prohibitive provisions under any enactment against alienation, assignment, sub-division, letting or subletting, notice shall be entered in the register of the fact that the property is subject to such restrictive or prohibitive provisions.

Entries relative to mines and minerals

28. (1) Where, on an application for first registration of the ownership of property, no evidence is adduced as to the ownership of the mines and minerals or such ownership is not proved to the satisfaction of the Authority or it appears from any document, or otherwise, that all or any of the mines and minerals are severed from the property, a note shall be entered in the register to the effect that the registration does not extend to the mines and minerals or to such of them as are so severed.

(2) Where on an application for the first registration of the ownership of property, or at any time after such registration, it is proved to the satisfaction of the Authority that the right to all or any of the mines or minerals is vested in the applicant, or in the registered owner, it may extend the registration to such mines and minerals by adding to the description of the property in the register a note to the effect that the mines and minerals, or specified mines and minerals, are included in the registration. They shall then form part of the property described in the register of which the ownership is registered.

Apartment, flat, floor, cellar, tunnel, mines and minerals, soil, subsoil, attic, air-space or foreshore

29. (1) (a) Where the property comprised in an application for registration is part of a premises, or a cellar or tunnel, or mines and minerals, or an underground space apart from the surface, an application map shall be furnished of the surface under or over which the property to be registered lies together with such plans, sections and other description (if any) as the Authority may deem necessary and with particulars of any appurtenant rights of access, whether held in common with others or not, or obligations affecting other property for the benefit of the property the title to which is being registered, and also, in the case of mines and minerals, with particulars of the rights incidental to the working of the mines and minerals that may be subsisting.

(b) Before the registration of such property is completed, notice may be given to the reputed owners or to the occupiers of the other property or properties above or below and (if in the same building) adjoining laterally the property to be registered, and to such other persons as the Authority may direct.

(2) On application for registration of title to the lowest floor of a multi-storey building or of a part thereof, the Authority shall presume, unless it is shown to the contrary, that the title does not extend to the soil or subsoil thereunder.

(3) On application for registration of title to the uppermost floor or structure of a multi-storey building or of a part thereof, the Authority shall presume, unless it is shown to the contrary, that the title does not extend to the attic or airspace thereover.

(4) Where any land comprised in an application for registration of ownership includes foreshore, the fact should be stated in the application so that such notice (if any) as may be required by Section 125 of the Act may be served.

Form of caution against first registration and affidavit in support of it

30. (1) A caution requiring notice of an application for the first registration of the ownership of property shall be in Form 7.

(2) The affidavit of interest in support of the caution shall be in Form 8 and shall be made by the cautioner or his/her solicitor.

(3) A cautioner may at any time, in writing, signed by himself/herself or his/her solicitor, withdraw his/her caution or consent to a registration.

Time for objection and form of notice on cautioner

31. The time to be stated in the notice to be served on a cautioner under Section 96 of the Act, within which he/she may appear and oppose an application for first registration, shall be 21 days. The notice shall be in Form 9.

Conversion of Possessory and Qualified Titles

Application where ownership registered 30 years

32. Where the ownership of property purchased under the Land Purchase Acts has been registered for 30 years, the Authority may convert a possessory title into an absolute title on application by the registered owner or his/her personal representative in Form 10 with such modifications as the case may require.

Application where ownership registered 12 years under transfer for value

33. Where the ownership of property purchased under the Land Purchase Acts has been registered for over 12 years, and an applicant for the conversion of a possessory title claims as, through, or under a registered owner registered not less than 12 years prior to the application on a transfer for valuable consideration made after the first registration of such property and occupation has been in accordance with the registered title, the Authority may, on lodgment of an application in Form 10, with such modifications as the case may require, convert the title into an absolute title.

Application where property acquired on sale or by a statutory authority and value does not exceed €1,000,000

34. (1) Where property purchased under the Land Purchase Acts and registered with a possessory title has been acquired on sale or by a statutory authority and the purchase money compensation or value thereof does not exceed €1,000,000, the Authority may, on an application by the solicitor for the applicant certifying that he/she has investigated the title prior to first registration and

that on such investigation no adverse rights, restrictive covenants or incumbrances were disclosed, convert the title into an absolute title.

(2) The application shall be in Form 13, with such modifications as the case may require.

Other applications for conversion of possessory title

35. (1) Every other application for the conversion of a possessory title into an absolute title in the case of property purchased under the Land Purchase Acts shall show the title to the property that existed prior to such purchase.

(2) Where the Authority so permits, the title to the tenancy-

(a) may commence with a disposition made not less than 15 years prior to the date of the application; or

(b) may be deduced for a period of not less than 30 years prior to the application, whether based on possession or otherwise.

(3) The application shall be made by affidavit in Form 11 or 12, with such modifications as the case may require, according as the applicant does or does not rely on legal opinion.

Examination of title to interests protected by registration with a possessory title

36. (1) In applications under Rule 35, the title shall be examined by or under the supervision of the Authority, who may extend or modify the examination in such a manner as the circumstances of the particular case may require; but no evidence of title shall be called for that could not be required on a sale of the property under an open contract.

(2) The Authority may dispense with or modify as it thinks fit the official examination of title. In particular it may do so-

(a) where the title has been examined for the prescribed period by a practising barrister or solicitor on the occasion of a disposition for valuable consideration, and his/her opinion, with the evidence on which it was based, is lodged with the application; such opinion may be furnished in Form 3 adapted as the case may require, or

(b) where, in the course of an investigation of title, there is a reference for legal opinion analogous to a reference under Rule 19(6); such opinion may be furnished in Form 3 adapted as the case may require, or

(c) by accepting a title it considers to be a good holding title and taking such indemnity as it may deem necessary.

Conversion of registered title in cases under Section 50(2) of the Act

37. (1) In a case to which Section 50(2)(a) of the Act applies, the applicant shall lodge all the documents specified in that paragraph together with a Form 14, unless the Authority otherwise directs.

(2) In a case to which Section 50(2)(c) of the Act applies, it shall not be necessary for the applicant to lodge the documents specified in Section 50(2)(a).

(3) An application to convert a possessory title into an absolute title, in a case to which Section 50(2)(a) of the Act does not apply, shall be in Form 15.

Notice, advertisement and enquiries before such conversions

38. Before conversion of a possessory title in a case to which the foregoing rule applies, the Authority-

- (a) may serve such notices as it may consider necessary, including notices to owners of neighbouring property, who, it may have reason to think, may be entitled to enforce restrictive conditions affecting the property;
- (b) may, at the applicant's expense (unless an order to the contrary is made by it) insert notice of the intended conversion in such publications (if any) as it may direct;
- (c) may make such enquiries on the property or elsewhere as it may consider necessary.

Application for conversion of qualified title

39. An application to convert a qualified title into an absolute or good leasehold title shall be made in writing and shall be accompanied by evidence of the title of the registered owner to the estate or interest excepted in the register from the effect of registration or by such other evidence as the applicant relies on in proof that the estate or interest so excepted has been extinguished or has otherwise ceased to affect the property. The application shall be in Form 14.

Notice of intended conversion to be given

40. Before the conversion of a possessory title consequential on an examination of title, the Authority shall, if it considers it necessary-

- (a) give notice of the intended conversion to the registered owner, if he/she is not the applicant for, or a consenting party to, the proposed conversion;
- (b) where a burden is ascertained to have priority over a registered burden, give notice to the owner or reputed owner of the registered burden of the priority so ascertained and of the proposed registration of the burden;
- (c) at the applicant's expense, give such notice of the intended conversion, or of proposed entries or cancellation of entries consequential on the examination of title, as it may think proper.

How burdens ascertained entered on conversion

41. On conversion of a possessory or qualified title, consequential on an examination of title under these Rules—

- (a) a burden ascertained to affect the property shall be entered in the register in the same manner as a burden created after first registration; but no ownership of the burden shall be registered until the title of the person claiming such ownership has been shown to the satisfaction of the Authority;
- (b) where the burden is ascertained to be in priority to a registered burden, a note of such priority shall be made in the register.

How register made conformable with titles ascertained

42. Where it appears to the Authority, on an application to convert a possessory or qualified title, that a registered burden does not affect the ownership of the property as ascertained, or affects only a limited ownership or estate or interest in remainder, it shall give notice to the owner or reputed owner of the burden of the facts ascertained and of the entries and cancellation or amendment of entries in the register that it proposes to make; and, in default of objection or subject to the determination in accordance with these Rules of any objection made, such cancellation or amendment of the entry or proposed new entry shall be made as may be necessary to make the registered title conformable with the title as ascertained.

Where deeds are deposited to create a lien

43. (1) Where, on an application for conversion of a possessory or qualified title, a person who claims a lien by way of equitable mortgage created prior to first registration on a document in his/her possession is required by an applicant for conversion of title to produce the document at the Registry, or is required by the Authority to show cause why the document should not be produced, he/she may lodge it in the Registry subject to the lien.

(2) A person lodging a document under this rule subject to a lien created by its deposit shall lodge therewith a claim for the lien in Form 81 signed by himself/herself or his/her solicitor.

(3) The lien of a person lodging a document under this rule shall include the costs of its lodgment.

(4) No registration that may defeat or prejudice the lien shall be made until the lien, where admitted, is satisfied or provided for.

Other examinations of title outside register

44. An application to examine the title of-

- (a) the lessor of a leasehold interest the ownership of which is registered with a good leasehold title, for the purpose of noting that the title is converted to an absolute title, or
- (b) the grantor of a registered incorporeal hereditament of freehold property, for the purpose of noting that the registered title is converted to an absolute title, or

- (c) the grantor of a fee-farm grant or grant in perpetuity made under the provisions of any enactment in conversion of a registered leasehold interest, for the purpose of having the property transferred from the register of ownership of leasehold interests to the register of ownership of freehold property, or
- (d) any person to a lease or sub-lease registered as a burden the ownership of which is not registered, for the purposes of having the burden cancelled or of having the ownership thereof registered, or
- (e) any person to a mortgage or charge registered as a burden the ownership of which is not registered, for the purpose of having it withdrawn from the register or of having its owner registered,

shall be in Form 1 or 2, with such modifications as the case may require, and the provisions of the foregoing rules shall where necessary apply, except that a map need not be lodged with the application.

Title acquired by possession to registered property

Title to registered property acquired by possession

45. Pursuant to Section 49 of the Act, any person claiming to have acquired a title by possession to registered property may apply for his/her registration as owner in Form 6 with such modifications as the case may require. The Authority if satisfied that the said person has acquired the title, may register the applicant as full owner with absolute, good leasehold, possessory or qualified title, as the case may require.

Acquisition of easements and profits by prescription

Acquisition of easements and profits by prescription

46. (1) Pursuant to Section 49A of the Act, any person claiming to be entitled to an easement or *profit à prendre* pursuant to Sections 33 to 38 of the Act of 2009, may apply for his/her registration of such right in Form 68 with such modifications as the case may require. The Authority, if satisfied that the relevant requirements of that Act have been met, and following service of notices on the servient owner, may cause, as appropriate, the claimed easement or *profit à prendre* to be entered as an appurtenance in accordance with Section 82 of the Act, as a burden pursuant to Section 69(1)(jj) and, in the case of a *profit à prendre* in gross, to be entered in the register maintained under Section 8(b)(i).

(2) The notice shall be in Form 69.

(3) Where the dominant title of the applicant is not registered, the application must be accompanied by an application for first registration pursuant to Rules 14 to 19.

(4) Where the title of the servient owner is not registered, satisfactory evidence of title must be produced to the Authority.

General provisions relative to first registration and applications requiring an examination of title of unregistered interests

Form of affidavit of discovery

47. An affidavit of discovery made pursuant to Section 93 of the Act shall unless an application form is prescribed that includes the relevant averments, be in Form 16. Unless the Authority permits otherwise, the affidavit shall be made by the applicant. Where made by any person other than the applicant, the deponent shall state his/her means of knowledge. In the case of a corporate body, the affidavit may be made by the Secretary, Law Agent, or by a person duly authorised by that body where it is averred that the person is duly authorised and has the necessary means of knowledge.

First registration of tenants in common

48. Where it appears to the Authority from an examination of title that two or more persons are entitled to property as tenants in common, it shall ascertain and enter in the register the share of each person in the property.

First registration of trustee owner

49. Where an applicant for registration as owner or the registered owner, as the case may be, is a trustee, he/she may have entered in the register on the completion of the registration an inhibition to restrict registration under dispositions that are unauthorised by the trust. The inhibition may be as prescribed in Rule 130.

Notice to be given of proposed registration

50. Unless the Authority otherwise directs, no registration consequential on an examination of title shall be completed until the applicant, and such other persons as the Authority may direct, have been notified of the registration proposed.

Date of registration

51. Every registration or entry in a register consequential on an examination of title of unregistered interests shall be made as of the day on which the draft folio for the register or the draft entry for a folio is finally settled in the Registry.

PART 4

DEALINGS WITH REGISTERED PROPERTY

General

Form of instruments

52. (1) The forms of transfer, charge and other dispositions prescribed by these Rules shall be used in all transactions to which they refer or to which they are capable of being applied or adapted, with such alterations and additions as the transactions may require and the Authority allows.

(2) Instruments for which no form is prescribed shall be in such form as the Authority shall direct or allow, the scheduled forms being followed as closely as circumstances will permit.

Applications or instruments in improper form

53. If it appears to the Authority that any application or instrument is improper in form or in substance or is not clearly expressed or does not indicate with sufficient precision the particular interest or land which it is intended to affect or refers only to matters which are not the subject of registration under the Act or involves registration of a restriction which would be unreasonable or calculated to cause inconvenience or is otherwise expressed in a manner inconsistent with the principles upon which the register is to be kept, it may refuse registration or register subject to such modifications as it shall approve.

Evidence of execution of instruments

54. The execution of every application except an application by a solicitor, and of every instrument shall be attested by a witness. The execution of an application or an instrument by a blind or illiterate person shall be verified by affidavit of an attesting witness to the effect that it was read over and explained to such person and that such person appeared to understand same. The execution of an application or an instrument by a person by his/her mark, due solely to physical disability, shall be verified by affidavit of an attesting witness giving the reason for such execution. In any case where the attestation clause contains this information the Authority may dispense with such affidavit. The execution of an application or an instrument by other persons shall be verified by affidavit of an attesting witness whenever the Authority so requires. The affidavit of the attesting witness may be in Form 20.

Evidence of execution of instrument by attorney

55. Where an application or instrument is executed by attorney, the power of attorney, or a certified copy made pursuant to Section 21 of the Powers of Attorney Act, 1996 or an attested copy made pursuant to Section 22 of that Act shall be produced to the Authority.

Identification of part of registered property transferred

56. (1) An instrument dealing with part of the property in a folio of the register shall be accompanied by an application map which shall be referred to in the instrument.

(2) An application map in paper form or in electronic form identifying the boundaries of two or more properties where each property is to be the subject of a separate registered title (a “scheme map”) may be approved by the Authority prior to lodgment of an application for registration.

(3) Where appropriate, the provisions of Rule 29 shall apply to such map.

Presentation of dealing for registration

57. (1) Applications for registration may be sent, delivered or transmitted to such office(s) or address(es) of the Authority as it may designate.

(2) Applications may be made by electronic means where the Authority is satisfied that appropriate arrangements are in place for dealing with such applications. Applications by electronic means shall be transmitted to such electronic address(es) as the Authority may designate for the receipt of such applications.

(3) Applications for registration may be made in person or through the post at such office(s) as are designated by the Authority for the receipt of such applications.

Priority of dealings received for registration

58. (1) Save as is otherwise provided in these Rules, applications, including those lodged by hand, shall rank for priority of registration in the order in which they are received by the Authority.

(2) All applications received, including by electronic means, other than applications lodged by hand:

- (a) on any day before the opening of the Registry to the public on that day, shall be deemed to have been received at the same time immediately before the opening of the Registry to the public;
- (b) after the opening of the Registry to the public shall be deemed to have been received at the same time and immediately before the closing of the Registry to the public on that day;
- (c) after the closing of the Registry to the public on a particular day shall be deemed to have been received at the same time and immediately before the opening of the Registry to the public on the next working day.

(3) Applications pursuant to paragraph (2) above deemed to have been received at the same time shall rank in equal priority to each other.

(4) Two or more applications relating to the same property delivered at the same time by the same person shall rank for the purposes of priority in the order directed by the person delivering them or, in the absence of such direction, in such order as may be inferred from the applications.

Notice in register of pending registration

59. Notice of every application received for registration shall, pending registration, be entered in the folio of the register to which it relates in such manner as the Authority may direct.

Date of registration

60. Except as otherwise provided by statute, or as provided in Rules 51, 61(3) and 161, registration shall be completed as of the day on which the application is received for registration.

Amendment of instrument and priority of amended instrument

61. (1) Where any alteration is required in an instrument after it has been received for registration, it may, if the Authority permits, be withdrawn from the Registry for the purpose of alteration and re-execution before any entry under it has been made in a register.

(2) The re-execution shall be by all persons whose interests appear to be affected, whether or not it was originally executed by them.

(3) On re-delivery at the Registry, the instrument shall be entered for the purpose of the registration applied for as of the date and priority of the re-delivery.

Stamp certificate issued by Revenue Commissioners

62. (1) Where a question arises in relation to a stamp certificate issued by the Revenue Commissioners and the solicitor for the applicant gives a written undertaking that he will, within a time fixed by the Authority, furnish the necessary evidence to discharge the question, the relevant instrument may be returned to the solicitor for the purpose of procuring such evidence. If such instrument is subsequently, within the time fixed, lodged with the necessary evidence, registration shall be completed as of the date of the lodgment of the original application

(2) Where the written undertaking has not been complied with within the time fixed, the application for registration shall be treated as abandoned.

Registration of a tenant in common

63. An application for registration as owner by a person claiming as tenant in common of an undivided share in property shall state the share to which he/she is entitled where the share does not appear from the instrument lodged. The entry in the register shall be that the applicant is owner of a specified undivided share of the property.

Registration of trustee owner

64. Where an applicant for registration is a trustee, he/she may have entered in the register on the completion of the registration, an inhibition to restrict registrations under dispositions that are unauthorised by the trust.

Application by registered owner for amendment

65. An application by the registered owner for the amendment of his/her name or address or description in the register shall be in Form 83.

Application for registration of trustees

66. An application for registration of trustees who are owners of registered land by virtue of the Act of 2009 shall be in Form 86.

Transfers

Forms of transfer

67. A transfer shall be made by an instrument in such one of the Forms 19, 21 to 24, 29 and 30 as may be applicable.

Form of lease

68. A lease of registered land shall be in Form 31.

Registration of transferee who is a trustee

69. Where a transfer is made to a transferee who is a trustee of the property transferred, he/she may have entered in the register on the completion of the registration an inhibition to restrict registrations under dispositions that are unauthorised by the trust.

Registration under a transfer or vesting order on sale in execution of order of court

70. (1) A transfer on sale by a registered owner (or by his/her personal representative or by a person appointed in that behalf by the court) in execution of a decree, judgment or order of a court, or a vesting order on sale in pursuance of such a decree, judgment or order, shall be accompanied by-

- (a) an official copy of the order of the court directing the sale of the property;
- (b) a certificate of the Examiner of the High Court or (if the sale has been directed by the Circuit Court) a certificate of the county registrar, certifying the result of his/her enquiries as to incumbrances;
- (c) an official copy of the final order approving of the sale and the payment out of court of the proceeds of sale.
- (d) where the sale is in pursuance of an order of the Circuit Court, a further certificate of the county registrar specifying the parties to the proceedings for sale and the persons served with notice of, and bound by, such proceedings.

(2) On production in the Registry of the relevant documents referred to at sub-paragraphs (a), (b), (c) and (d), the Authority shall cancel such charges, judgment mortgages and other burdens in the register of the property comprised in the transfer that appear no longer to affect the property sold.

Effect of covenant to pay rent or indemnify may be noted in register

71. On a transfer of property subject to an existing rent or to a burden appearing in the register, a covenant in the transfer by either party to indemnify or exonerate the other party from the rent or burden or part of it, or the effect of it, may be noted in the register.

Registration of purchaser from personal representative of owner discharged from judgment mortgage on interest of beneficiary

72. (1) On an application for registration of a purchaser as owner under a transfer on sale from the personal representative of a full owner of property, the purchaser may apply for cancellation of every entry of notice of a deposit of an affidavit of judgment as a mortgage under the Judgment Mortgage (Ireland) Act, 1850 or an entry of judgment mortgage under Section 116 of the Act of 2009 as a mortgage on the estate or interest of a person who has a beneficial interest in the property under the will or on the intestacy of the deceased owner or under Section 111 of the Succession Act, 1965.

(2) Notice of the intended cancellation shall be sent to the person appearing from the register to be entitled to the judgment debt.

(3) The provision of Rule 113 shall apply, *mutatis mutandis*, to such application and notice.

Registration under grant reserving rent

73. A transfer of freehold property by a grant in perpetuity reserving a rent shall be given effect to by registering the grantee as owner of the property and the rent as a burden thereon.

Registration of companies

74. (1) A company within the meaning of the Companies Acts that applies for registration under a transfer shall produce a certificate by the Registrar of Companies of its incorporation.

(2) A company incorporated outside the State that applies for registration shall produce evidence of its incorporation.

(3) On a disposition by a company, the Authority shall not inquire whether the transfer is incidental to the objects of the company as set out in its memorandum of association.

(4) On a disposition by a company where the seal appears to have been affixed in the presence of and attested by the secretary, deputy secretary or a member of the board of directors of the company, the Authority shall be entitled to assume that the deed was duly executed by the company.

(5) On a disposition made by a foreign body corporate where a certificate is lodged from a lawyer from the country in question or who has sufficient knowledge of the laws of the country in question, that the deed was executed in accordance with the legal requirements governing execution of the instrument in question by such a body corporate in the jurisdiction where it is incorporated, the Authority shall be entitled to assume that the deed was duly executed by the body corporate.

Registration under transfer over-reaching estate or interest of registered owner

75. (1) Where, in a case to which Section 60 of the Act applies, the ownership of registered property passes to another person under a disposition in defeasance of the estate or interest of the registered owner, then, subject to any objection received in reply to a notice sent as prescribed by Rule 76, registration of the transferee shall be made on the production of the following evidence-

- (a) where the disposition is made by a person in the exercise of a statutory power or a power registered as a burden, the appointment, deed poll or other instrument by which the power is exercised and, subject to Rule 81, such evidence as a purchaser could require if the property was unregistered, showing that the power is exercisable, and has been exercised, by the person in whom it is vested;
- (b) where the disposition is made by a person other than the registered owner in execution of a judgment, order, decree or process of court, the disposition executed by the person appointed by the court to execute it, accompanied by an official copy of the order of the court appointing him/her;

- (c) where the property is transferred by statute, an application in writing for registration in which the statute relied on is referred to, and, subject to Rule 82, the evidence relied on in proof that the conditions have arisen or that the events have happened that transfer the property by virtue of the statute.

(2) Proof of any facts required by this rule may be given by affidavit or statutory declaration.

Notice of application for registration under transfer over-reaching estate or interest of registered owner

76. (1) The notice of an application for registration in defeasance of the estate or interest of a registered owner referred to in Section 60 of the Act shall not be given where the estate or interest is overreached by statute, a Land Judge's conveyance, a vesting order of a court or of the Land Commission or the Minister for Agriculture, Food and the Marine, a transfer by the Land Commission or the Minister for Agriculture, Food and the Marine in exercise of its statutory powers or a transfer executed by a person appointed by a court for that purpose in execution of its judgment, order or decree.

(2) In default of the concurrence of the personal representative of a deceased registered owner, or, in the case of a charge or burden, of a deceased registered owner, to an application for registration under the said Section 60 in cases other than those specified in paragraph (1) of this rule, notice of the application in Form 27 shall be given-

- (a) to the personal representative, or
- (b) where there is no personal representative, to the person or persons claiming to be entitled, whether under the will of the deceased, or his/her intestacy or under Section 111 of the Succession Act, 1965.

(3) The applicant for registration shall furnish to the Authority the particulars necessary for the service of the notices prescribed by this rule, insofar as the applicant is in a position to do so.

Cancellation of burdens on transfer over-reaching the estate or interest of registered owner

77. (1) On the registration of an owner under Section 60 of the Act, other than as provided by Rule 70, the following registered burdens and notices shall be cancelled in the register-

- (a) where the transfer is made by statute or in exercise of a statutory power, the burdens and notices from which the property would be discharged by the statute or the exercise of the statutory power, if the property were unregistered;
- (b) where the transfer is made in exercise of a power registered as a burden, the burdens and notices that rank in priority after the power;

- (c) where the transfer is made by a vesting order of a court or by a person appointed by a court to transfer, the burdens and notices that the court directs to be discharged on the registration of the transferee.

(2) The applicant for registration shall, when required, state in writing the burdens and notices in the register for the cancellation of which he/she applies.

Notice of cancellation of burdens on transfer over-reaching the estate or interest of registered owner

78. The Authority shall serve notice in Form 28 on the registered owner (if any) of burdens and notices which are to be cancelled under Rule 77(1) (a) or (b).

Registration of transfer under power of sale

79. (1) On the registration of a transfer under a power of sale under Section 62(9) of the Act notice shall be served in Form 25 to the registered owner or in the case of his/her death to his/her personal representative(s).

(2) Burdens and entries discharged under Section 62(10) of the Act shall be cancelled and notice in Form 26 shall be served to the registered owner (if any) of the burden or entry cancelled.

Registration of trustees or assignees of bankrupt owner and re-registration of the owner

80. (1) The assignees in bankruptcy of a registered owner who has been adjudicated a bankrupt may be registered as owners in his/her place, on production to the Authority of an official copy of the certificate of the vesting of the estate and effects in the assignees, endorsed as prescribed by this rule.

(2) A bankrupt whose trustee or assignee is registered as owner of his/her registered property may be re-registered as owner or, where he/she is a limited owner, the entry of the assignee or trustee as assignee of his/her limited estate or interest may be cancelled, on production in the Registry of the re-vesting deed.

(3) An arranging debtor whose trustees are registered as owners of his/her registered property may be re-registered as owner or, where he/she is a limited owner, the entry of the trustees as assignees of his/her limited estate or interest may be cancelled, on production in the Registry of an official copy of the order of the court under Section 85 of the Bankruptcy Act, 1988, endorsed as prescribed by this rule.

(4) Every order, certificate, resolution or agreement or official copy, produced for the purposes of a registration referred to in this rule, shall have endorsed a certificate by the Official Assignee in Bankruptcy or the trustee identifying the bankrupt or arranging debtor named in the order or certificate with the registered owner named in a specified folio of the register whose property is sought to be transferred. Where the application is for the re-registration of the person who was the bankrupt or arranging debtor, it shall be accompanied, in the case of a bankruptcy by the re-vesting deed or, in the case of an arrangement by an official copy of the order of the court under Section

85 of the Bankruptcy Act, 1988 or, where applicable, the written consent of the trustee to the re-registration.

Registration of transferee of local authority under statute

81. On the registration of a transferee as owner under a transfer by a local authority in exercise of its powers under statute, no evidence shall be required of the breach of any statutory conditions or in such regulations or of the happening of any event giving rise to the power of the local authority to sell.

Registration of local authority under statute

82. Registration of a local authority as owner of property that has vested in it under statute in defeasance of the estate or interest of its registered owner shall be made on an application by the solicitor to the local authority in Form 32. No evidence, other than the certificate therein contained, shall be required of the possession of the property by the local authority.

Registration of dispositions of recorded property

83. (1) Every application for registration under a disposition or transmission of recorded property transferred to and entered in a register under the Act shall be made and, subject to the provisions of this rule, registration shall be effected in accordance with the provisions of the Act and the procedure prescribed by these Rules.

(2) Where a title of an applicant for registration is under an unrecorded disposition or transmission prior to the transfer of the recorded property to a register under the Act, a short statement of the applicant's title shall be lodged with his/her application, which shall be accompanied by the documents referred to and the evidence of the facts necessary to be proved to establish his/her title; and the Authority, on examination of the title and after making such inquiries and searches and giving such notices as it shall deem necessary or expedient, may make such registration in the register as shall give effect to the title proved.

Registration of new trustee of friendly society

84. (1) The name of a new trustee of a Friendly Society or of a branch thereof appointed pursuant to Section 25(2) of the Friendly Societies Act, 1896, shall be entered in the register on production in the Registry of a copy of the resolution passed pursuant to the said section, signed by the trustee so appointed and by the Secretary of such society or branch.

(2) The copy of the resolution appointing such new trustee shall be filed in the Registry for reference.

Transmission on death

Application for registration where registered owner died prior to 1st June, 1959

85. (1) On the death prior to 1st June, 1959 of a sole registered owner of property, or the survivor of several registered owners of property, not being registered as tenants in common, an application for registration as owner of the person entitled to be registered shall be made in Form 33 and be made by any person interested in the land.

(2) Where the application relates to property that vested in the personal representative(s) it shall be accompanied by an affidavit by the personal representative(s) in Form 34 and shall be accompanied by the probate or letters of administration or an official copy.

*Applications for registration where registered owner died
on or after 1st June, 1959*

*Assent by personal representative(s) on death testate to registration of person
entitled; application of person entitled for registration*

86. (1) An assent by a personal representative to the registration of a person who claims to be by law entitled to the property of a deceased registered full owner who died testate shall be in Form 35 except where the personal representative(s) claims to be entitled to the property.

(2) An application by a person who claims to be by law entitled to the property of a deceased registered full owner who died testate shall be in Form 36 or 37.

(3) An application for registration as owner by the personal representative(s) claiming to be entitled to property on the death testate of a registered full owner shall be in Form 38 or 39.

(4) The application shall be accompanied by the probate or letters of administration with will annexed or an official copy.

Transfer by personal representative(s) on death testate to person entitled

87. (1) A transfer of property to a person who claims to be by law entitled to the property of a deceased registered full owner who died testate by the personal representative(s) shall be in Form 40.

(2) The application for registration under such transfer shall be accompanied by the probate or letters of administration with will annexed or an official copy.

*Application for registration by a person, other than the personal representative(s)
entitled on intestacy*

88. (1) An application for registration as owner by a person who claims to be by law entitled to property of an intestate registered full owner shall, where he/she is not the sole personal representative, be made-

(a) by presenting an application in Form 42 accompanied by an assent of the personal representative(s) of such owner in Form 41, or

(b) by presenting a transfer of the property to him/her from the personal representative(s). The transfer shall be in Form 43.

(2) The application shall be accompanied by the letters of administration or an official copy.

Application for registration by personal representative entitled on intestacy

89. (1) An application for registration as owner by a personal representative who claims to be entitled to property of an intestate registered full owner shall be in Form 44.

(2) The application shall be accompanied by the letters of administration or an official copy.

Application for registration on death of person entitled but not registered as owner

90. Where a person dies entitled to be registered as owner of property, but not registered as owner, in the case of a death on or after the 1st June, 1959, an affidavit by the personal representative(s) in Form 34 shall be lodged in addition to the requirements of Rules 86 to 89.

Transmission on death of owner of charge or other burden

91. On the death of the registered owner of a charge or other burden, an application for registration as owner by a person claiming to be entitled on his/her death, testate or intestate, shall be made on the evidence prescribed for a like application for registration as owner of land, and the procedure and forms shall be followed and used with such modifications (if any) as the nature of the charge or other burden or the circumstances of the case may require.

Note of death of registered owner

92. On the death testate or intestate of a registered owner of property who is not registered as a limited owner or as a joint tenant, his/her personal representative(s) may, on lodgment in the Registry of the original or an official copy of the probate or letters of administration, as the case may be, together with a certificate of the solicitor acting in the matter or, if the Authority so requires, an affidavit identifying the deceased named in the probate or letters of administration with the registered owner of the property, have a note entered on the register setting out the fact of such death and the names of such personal representative(s).

Application for registration of successor of limited owner

93. (1) On the determination of the estate or interest of a limited owner, an application for registration by a person claiming under the trust or settlement shall be in Form 45 or 46 as the case may require. Where Form 46 is appropriate and the trust or settlement is created by will, the original or an official copy of the will and probate or letters of administration with will annexed shall be lodged. Where Form 45 is appropriate, the assent or transfer already filed in the Registry under which the limited owner was registered shall suffice.

(2) Save in cases where Form 45 is appropriate, the applicant shall not be registered except with the concurrence of the trustees (if any) of the trust or settlement or after notice to them.

(3) The application may also be made by the trustees of the trust or settlement in Form 45 or 46, as the case may require, with the necessary modifications and with the assent of the owner to be registered to the registration of any burdens affecting his/her estate or interest.

(4) The trustees' admission of the discharge or cesser of any burdens created by the trust or settlement shall be sufficient evidence of such discharge or cesser.

Application for registration by survivor or survivors of joint tenants

94. (1) Where one of two or more persons registered as joint tenants dies, the surviving joint tenant or tenants shall on application be registered as owner or owners on proof of the death of such person or persons.

(2) The death may be proved by the production of probate or letters of administration or an official copy or a certificate of death, with evidence of the identity of the deceased named therein with the owner stated to be dead, or such other proof as the Authority may deem sufficient.

(3) The application shall be in Form 47.

Court orders and burdens generally

Registration pursuant to court order

95. An application for registration pursuant to an order of the court shall be made by lodging in the Registry an official copy of the order.

The assent to registration of burdens that is to be given by persons other than the owner

96. (1) Pursuant to Section 69(2) of the Act, it is hereby prescribed that the concurrence of the under-mentioned persons shall be accepted in lieu of the concurrence of the registered owner in the following cases-

- (a) concurrence in the registration of a burden on transferred property created by or arising on the transfer shall be given by the transferee or the person claiming under the transferee who applies for registration as owner under the transfer;
- (b) concurrence in the registration of a burden created by the will of a deceased owner shall be given by the devisee of the property affected by the burden or the person claiming under the devisee who applies for registration as owner or, in the case of partial intestacy, by the person on whom the interest in the property devolves or the person claiming under him/her who applies for registration as owner;
- (c) concurrence in the registration of a charge by the personal representative of an owner of land for moneys that he/she is liable to pay shall be given by the person who applies for registration as owner under an assent or transfer from the personal representative;
- (d) concurrence in the registration of the following burdens shall be given by the Authority;
 - (i) a burden created under a statute or statutory power or under a power registered as a burden or under a trust for securing money registered as a burden;

- (ii) a burden created by trustees in exercise of a power under a settlement under which a limited owner is registered,
- (iii) any burden specified in Section 69(1)(h) or (i) of the Act,
- (iv) a lien registered as a burden pursuant to Section 73 of the Act of 2006,
- (v) An easement or profit registered as a burden pursuant to Section 49A of the Act.

(2) The concurrence of a registered owner or of a person (other than the Authority) authorised by this rule to concur in the registration of a burden may be given by his/her personal representative in all cases.

(3) A registered owner or person (other than the Authority) authorised by this rule to concur in the registration of a burden may give his/her concurrence personally or by his/her solicitor.

How assent to registration of burden is to be given

97. (1) The concurrence of a person (other than the Authority) authorised to concur in the registration of a burden shall be given by written assent and the assent shall be filed.

(2) The assent may be given in the instrument creating the burden. Otherwise, it shall be in Form 48 or included in Form 17.

(3) The entry in the register of a burden in the registration of which the Authority is authorised to concur shall be the evidence of its concurrence in the registration.

How burden may be entered

98. Where an instrument or a copy thereof authorised by these Rules is filed in the Registry and the instrument creates, or assents to the registration of, a burden, the entry of the burden in the register may be made by reference to the instrument or by setting out an extract therefrom or the effect thereof.

Note in register where statutory priority for burden claimed

99. (1) An applicant who applies for registration of a burden that he/she claims has priority over other burdens by virtue of a statute shall state in writing the statute under which priority is claimed.

(2) On registration of the burden, the Authority, if satisfied that the burden has the priority claimed, shall make an entry in the register to the effect that, as between the burden and prior burdens it ranks in the priority conferred by the statute specified.

Instrument creating two or more burdens and priority thereof

100. Where an instrument lodged for registration creates two or more burdens on the property registered, the priority in which the burdens are to be entered in the register shall be as shown in the instrument; otherwise, the burdens shall

be deemed to be in equal priority and shall be entered in the register accordingly.

Evidence on which a burden may be cancelled or modified

101. (1) On the application of any person interested in a registered burden or in the property on which it is registered, the Authority may cancel or modify the burden subject to compliance with the following conditions-

- (a) Where the ownership of the burden is registered, the concurrence of its registered owner or his/her personal representative shall be required. No modification that would prejudice the rights of the owner of the property that the burden affects or of the owner of any other registered burden shall be made without the concurrence of that owner.
- (b) Where the ownership of the burden is not registered or where the registered owner of the burden does not concur in the proposed cancellation or modification, the right of the applicant to the cancellation or modification applied for shall be proved to the satisfaction of the Authority; and the cancellation or modification shall be made only after such inquiries and notices as the Authority may direct.
- (c) Where the burden is a covenant or condition relating to the use or enjoyment of property, the concurrence of all persons appearing to the Authority to be interested in the enforcement thereof shall be required.

(2) The application may be in Form 57A or 57B, as the case may be, adapted to suit the facts of the particular case.

Application for cancellation of charge by electronic means

102. An application for the cancellation of the entry of a charge may be made to the Authority by electronic means where the Authority is satisfied that appropriate arrangements are in place for effecting such application. The application shall be in Form 58.

Application for cancellation of Property Adjustment Order

103. An application for cancellation of a Property Adjustment Order pursuant to Section 9 or 18 of the Family Law Act, 1995 or Section 14 or 22 of the Family Law (Divorce) Act, 1996 or Section 118 or 131 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 shall be in Form 59A, 59B or 59C.

Where burden may be cancelled as extinguished

104. Where the registered owner of a burden becomes the registered owner of the property on which it is a burden, the Authority may unless the contrary appears, treat the burden as extinguished and cancel its entry in the register, where, after giving notice to all interested parties of its intention to do so, no objection to the proposed cancellation is made.

Charges

Forms of charge, transfer of charge and release

105. A charge for the payment of money, and a transfer and release thereof, shall be made by instruments in such one of Forms 49 to 53 and 56 to 58 as may be applicable.

Registration of charge created by a company

106. Where, on the registration of a charge created by a company within the meaning of the Companies Acts or on the registration of a crystallised charge as a burden on the land of a company pursuant to Rule 107, a certificate has not been produced to show that the charge has been registered in accordance with the requirements of Section 99 of the Companies Act, 1963, a notice to that effect shall be entered in the register.

Crystallised charge as burden

107. (1) Pursuant to Section 69(1)(s) of the Act, it is hereby prescribed that a crystallised charge on the land of a company arising on the appointment of a receiver under a debenture which created a floating charge on its undertaking and assets may be registered as a burden affecting registered land.

(2) An application for registration of a crystallised charge shall be made by lodging in the Registry the debenture and appointment of receiver with a duplicate or attested copy of each. The application shall be in Form 54 and the entry in the Register shall be in Form 55.

(3) On the registration of a crystallised charge as a burden on the land of a company, the receiver appointed under the debenture may exercise the powers conferred on him/her by the debenture in relation to such land.

(4) The crystallised charge shall not be deemed to be an instrument of charge under Section 62(2) of the said Act.

(5) On registration of the said crystallised charge as a burden, the original of the said debenture and of the said appointment of receiver shall be returned to the person lodging same.

Sub-charges

108. (1) The registered owner of a charge may charge it in the same manner as the registered owner of land may charge his/her land. Such a charge shall be described in the register as a sub-charge.

(2) A sub-charge may be created, registered, transferred, disposed of and released in the same manner as a charge.

(3) On the registration of a sub-charge or of any dealing therewith, the Authority may, where it deems it expedient or conducive to clarity, transfer the title to the charge affected by the sub-charge to the register maintained under Section 8(b) of the Act.

Dealing with mortgage created prior to first registration where registered

109. (1) Where a mortgage created prior to the first registration of property is entered in the register, the Authority may, on the application or with the concurrence of the person entitled, register him/her as owner of a charge on due proof of his/her title and after notice to the owner of the mortgaged property.

(2) The same forms may be used and the same procedure may be adopted on transfers and other dispositions of a charge of which an owner is so registered as are applicable to registered charges.

*Judgment mortgages**Registration of judgment mortgage*

110. (1) Application for registration of a judgment mortgage as a burden on registered property pursuant to Section 116 of the Act of 2009 shall be made in Form 60 and shall have endorsed a certificate that the judgment was obtained, signed by the proper officer of the relevant court.

(2) The entry in the register shall be in Form 61, with such variation as the Authority may, in special circumstances, direct.

Evidence on registration of judgment mortgage

111. An application for registration of a judgment mortgage shall contain a statement that to the best of the applicant's knowledge and belief, the judgment debtor at the time of swearing the affidavit has an estate or interest in the lands contained in a specified folio of the register, or the defined part thereof to be affected by the registration.

Notice of registration of judgment mortgage

112. (1) Notice of the registration of a judgment mortgage in the Registry shall be sent by the Authority to the registered owner of the property and to the other persons (if any) whose estate or interest the application purports to affect and whose address in the State for service of notices is disclosed in the register or the application.

(2) The notice shall be in Form 62.

Application to cancel entry of judgment mortgage on grounds of invalidity

113. (1) Where an entry of notice of the deposit of an affidavit of judgment under the Judgment Mortgage (Ireland) Act, 1850 or an entry of judgment mortgage under Section 116 of the Act of 2009 is made in the register of any property, a registered owner, or any other person interested, who claims that the deposit and the notice thereof in the register do not create a valid burden or that the judgment mortgage is not a valid burden may apply to the Authority for the cancellation of the entry.

(2) The application shall be in writing and shall state the grounds on which the applicant claims that the entry should be cancelled, as, for instance, that a specified provision of the Judgment Mortgage (Ireland) Acts, 1850 and 1858, has not been complied with or that the judgment debtor had no estate or interest in the property or no estate or interest capable of being affected by registration

of the affidavit, or judgment mortgage and shall state the facts on which he/she relies in support of his/her claim.

(3) Where the Authority is satisfied on the facts stated that a *prima facie* case for cancellation of the entry has been made, notice of the application and of the cancellation proposed to be made shall be given to the judgment creditor and, in default of objection by him/her within the time specified by the notice, the entry shall be cancelled.

(4) Every objection to a proposed cancellation shall be in writing and shall be signed by the judgment creditor or his/her solicitor. It shall state the grounds of the objection and the facts relied on in support.

(5) Where, in the opinion of the Authority, the application and objection do not raise a question of law or fact relative to the validity of the registration made which should be referred to the court, it may cancel or refuse to cancel the entry of notice of the deposit or the judgment mortgage; but, if a question of law or fact is disclosed on which, in its opinion the validity of the affidavit or application as a judgment mortgage depends, it may refer the question to the court for decision.

Cancellation of entry of judgment mortgage validly registered

114. Subject to an inhibition in the register to the contrary, an entry of notice of the deposit of an affidavit of judgment or an entry of judgment mortgage may be cancelled on production in the Registry of the certificate specified in Section 9 of the Judgment Mortgage (Ireland) Act, 1850, of the satisfaction of the judgment, decree or order in respect of which the affidavit was deposited, or of a requisition by the judgment creditor or his/her personal representative, in Form 63, for its discharge.

Other burdens

Lease

115. (1) An application for registration of a lease duly created after first registration of the property affected as a burden shall be made by lodging in the Registry the lessee's part of the lease with a duplicate or attested copy. The entry in the register shall give the date of the lease, the term and rent, and particulars of the property demised sufficient to identify it on the registry map.

(2) Pursuant to Section 70 of the Act, it is hereby prescribed that, on the registration of the lease as a burden where the unexpired residue of the term granted by the lease is more than twenty-one years, the ownership of the lease shall be entered in the appropriate register maintained under Section 8 of the Act.

Power to charge and trust to secure money

116. (1) A trust for securing money and a power to charge or other power vested in any person *virtute officii* shall be registered as a burden by reference to the instrument creating the trust or power, and no charge under the trust or power shall be registered until it is shown to the satisfaction of the Authority

that the person raising the money under the trust or power is the person authorised to do so by the instrument.

(2) A person securing money under such a trust or power shall do so by creating a registered charge in the manner prescribed by Section 76 of the Act and not otherwise.

Lien for unpaid purchase money

117. (1) An application for registration of a lien for unpaid purchase money shall be made in writing signed by the vendor or his/her solicitor. It shall give the address of the vendor in the State for service of notices and shall be accompanied by the prescribed assent to its registration as a burden.

(2) A lien may be discharged in the register on the consent of the vendor or his/her personal representative or the solicitor for either of them.

Judgment or order of court

118. An application for the registration of a judgment or order of a court as a burden shall be made in writing signed by the applicant or his/her solicitor. It shall identify the property affected by the judgment or order by a reference to the folio of the register in which its ownership appears and, if necessary, to a map, and shall state whether all the property is affected and, if not what part is affected. Evidence of the judgment or order shall be lodged with the application.

Lis Pendens

119. (1) An application for the registration of a *lis pendens* as a burden shall be made in Form 64. It shall be signed by the applicant or his/her solicitor and shall have endorsed a certificate of the existence of the cause or proceeding signed by the proper officer of the Central Office of the High Court.

(2) The entry of a *lis pendens* in the register shall be in Form 65, with such variation thereof as the Authority may, in special circumstances, direct.

(3) An application for the cancellation of a *lis pendens* shall be made by lodging in the Registry a certificate in Form 33 as provided by Rule 5 of Order 72A of the Rules of the Superior Courts (the Act of 2009) 2010 by the proper officer of the Central Office of the High Court that the *lis pendens* has been cancelled on the register of *lis pendens* maintained in the Central Office of the High Court, or alternatively, where the *lis pendens* was registered before the 1st December 2009, by lodging an order of the court directing its cancellation on the register, or by lodging a transfer of the property made in pursuance of an order for sale by the court in which the *lis pendens* may be, or by lodging the consent of the person on whose application it was registered as a burden.

Recognisances, bonds and judgments

120. (1) An application for registration of a recognisance or other matter referred to in Section 117(2)(a) of the Act as a burden shall be made by lodging in the Registry the memorandum prescribed by Section 11 of the Judgments (Ireland) Act, 1844, together with evidence that the person whose estate or interest is sought to be affected is either the registered owner or, in the case of settled land, another person having an estate or interest in the property under

the settlement against whom registration is applied for. The memorandum shall be signed by the applicant or his/her solicitor and shall have subscribed a certificate of the existence of the recognisance or other matter by the proper officer of the court in which it was obtained or by some other duly authorised person.

(2) The entry in the register of a recognisance shall be in Form 66. The entry in the register of the other matters referred to in the said Section 117(2)(a) of the Act shall be in a like form, with such variation as the case may require and the Authority allows.

(3) An application for the discharge of a recognisance or a State bond shall be made by lodging in the Registry a certificate of vacate.

(4) An application for the discharge of a judgment shall be made by lodging in the Registry a certificate of the satisfaction of the judgment.

Easement or profit à prendre

121. (1) Every application for the registration of an easement or *profit à prendre* as a burden shall be accompanied by an application map showing the part of the property described on the register over which the right is to be exercised, unless it can be otherwise clearly identified on the registry map from the description in the instrument creating the right. Where the application is for registration of a right of way, the grant may be made in Form 67, with such modifications as the case may require.

(2) The application shall also be accompanied by an application map showing the property to which the right granted (except it is a *profit à prendre* in gross) is appurtenant, unless it can be identified on the registry map by reference to the folio of the register in which its ownership is registered.

(3) The map, if not endorsed on and referred to in the instrument creating the right, shall be signed by the registered owner of the property on which the right is to be registered as a burden and by the grantee of the right or his/her solicitor.

(4) Where appropriate, the provisions of Rule 29 shall apply to such map.

Cautions and inhibitions against registration of dispositions

Form of caution, affidavit or certificate in support and notice

122. (1) A caution against dealings by a registered owner shall be in Form 70. The caution shall be signed by the cautioner or his/her solicitor and shall contain an address in the State for service of notices on the cautioner.

(2) A caution may be limited to specified dealings by the registered owner.

(3) The affidavit in support of the caution shall be in Form 71 and shall state the facts that show the unregistered right in, to or over the registered property in respect of which the caution is lodged. The certificate under Section 97(6) of the Act may be in Form 65 (suitably adapted) signed by the solicitor to the statutory authority.

(4) Notice of the entry of a caution shall be sent by the Authority to the registered owner of the property to which it relates. The notice shall be in Form 72.

Warning notice to cautioner

123. (1) Whenever-

- (a) an application in writing for the discharge of a caution is made by the registered owner of the property affected; or
- (b) a dealing of which the cautioner requires notice is presented for registration without the consent of the cautioner;

notice shall be sent to the cautioner warning him/her that his/her caution will lapse after the time stated in the notice.

(2) The time to be specified in a warning notice shall be 21 days or such other period as the Authority may, in the special circumstances of a case, direct.

(3) The notice shall be in Form 73 or 74.

Application by registered owner for discharge of caution

124. An application by a registered owner for the discharge of a caution shall state the grounds of his/her application, as, for instance, that the right for the protection of which the caution was entered does not exist or has ceased to exist, and shall state the facts alleged in support thereof.

Procedure on appearance by cautioner to a warning notice

125. (1) A cautioner or his/her personal representative may appear before the Authority or deliver a statement in writing at the Registry, at any time within the time stated in the warning notice, for the purpose of obtaining a stay on registration of the dealing referred to in the notice or, where the warning is sent on the application of the registered owner, for the purpose of obtaining the continuation of the caution.

(2) The applicant shall state the grounds on which registration of the dealing should be stayed or the caution should be continued, as, for instance, that the dealing, if registered, would defeat or postpone the prior unregistered right of the cautioner which he/she was proceeding to enforce, or, where the warning notice is sent on an application by the registered owner, that proceedings are pending, or are about to be taken, to enforce the right protected by the caution.

(3) Where it deems it necessary or expedient, the Authority may appoint a day and time for the parties to attend before it for the determination of the terms and conditions on which registration of a dealing shall be stayed or the caution continued or cancelled.

(4) The Authority may make such ruling on the application as it may think just, as for instance, that registration under the dealing be stayed for a specified period or that registration under the dealing be made and the caution continued or, where the warning notice was sent on an application by the registered owner,

that the caution be continued either indefinitely or for a specified period or that its entry be cancelled.

Withdrawal of caution or consent of cautioner to dealing

126. (1) A caution may be withdrawn at any time either as against the whole or any part of the property to which it relates. The application for its withdrawal may be in Form 75 and shall be signed by the cautioner or his/her solicitor or the personal representative of the cautioner or his/her solicitor; and, where the withdrawal is against part only of the property affected by the caution, it shall identify the part to which the withdrawal relates, by reference, where necessary, to a plan.

(2) A cautioner or his/her personal representative may, in writing, signed by himself/herself or his/her solicitor, consent to registration under a specified dealing. The consent may be absolute or conditional on the caution being continued or on a specified inhibition being entered in the register.

Lapse of caution

127. Where the warning notice required by a caution has been given in respect of the whole of the property to which it relates and the time stated in the notice has expired, the caution shall be deemed to be exhausted and its entry in the register shall be cancelled, unless the Authority otherwise directs.

Form of inhibition

128. (1) An inhibition for the protection of an unregistered right or interest may be in the terms of one of the clauses in Form 77, which may be modified or adapted as required to restrict the registration of dealings that would defeat, postpone or prejudice the right or interest claimed.

(2) The Authority may refuse to enter in a register an inhibition that does not state clearly and explicitly the restriction to be imposed.

Entry of inhibition on consent

129. (1) An inhibition for the protection of an unregistered right or interest affecting the property of a registered owner may be entered in the register of the property with his/her consent in writing, which shall be lodged in the Registry together with a statement of the facts showing the nature of the unregistered right or interest in the property that is enforceable against the registered owner.

(2) An inhibition for the protection of an unregistered right or interest affecting an estate or interest created by a settlement under which a limited owner is registered may be entered in the register with the consent of the owner of such estate or interest or of the trustees of the settlement. The consent shall be in writing and shall be lodged in the Registry together with a statement of the facts showing the nature of the unregistered right or interest in the property that is enforceable against the owner of such estate or interest.

(3) An inhibition for the protection of the registered owner may be entered in the register, with the consent in writing of the registered owner, where in the opinion of the Authority it is necessary.

Application for inhibition where there is no consent

130. (1) An application to the Authority for the entry of an inhibition, other than one the entry of which is authorised on the consent prescribed by Rule 129, may be in Form 76. See Rule 49 for an inhibition in relation to unregistered land.

(2) Where the inhibition applied for is a restriction on the registration of dispositions by a registered owner, the application shall state the facts showing that the applicant has an unregistered right or interest in the property that is enforceable against the registered owner.

(3) Where the inhibition applied for contains a restriction on the registration of dispositions by-

- (a) the personal representative of a registered owner of property;
- (b) the heir, devisee or other person entitled on the death of a full owner;
- (c) the owner of an estate or interest in property the subject of a settlement under which a limited owner is registered; or
- (d) any person claiming a right in or to a registered burden the ownership of which is not registered;

the application shall state the facts showing that the applicant has an unregistered right or interest in the property that is enforceable against such person.

(4) The application shall be accompanied by the instrument (if any) creating the unregistered right or interest, or such evidence of it as the Authority may deem sufficient, or, where the right or interest does not arise under an instrument, an affidavit or other evidence in proof of the facts that gave rise to it.

(5) An instrument creating an unregistered right or interest may, if the applicant so applies, be filed in the Registry for safe custody.

Procedure on application for inhibition

131. (1) The Authority may refuse to enter an inhibition applied for unless modified in such manner as it shall direct.

(2) Where the Authority is satisfied on the facts disclosed in an application or in any document produced in support of it that the applicant is *prima facie* entitled to the right or interest claimed, it shall send notice of the application and of the proposed inhibition-

- (a) to the registered owner of the property, if the right or interest is enforceable against him/her;
- (b) to the person or persons appearing to be entitled to dispose of the estate or interest in the property against which the right exists, where the registered owner is known to be dead or is a minor or mentally incapacitated or where his/her whereabouts are unknown or the estate

or interest affected by the right is in a settlement under which a limited owner is registered.

(3) The Authority may also give notice to any person appearing from the register to be affected by the right or interest.

(4) The notice shall be in Form 78.

Procedure on objection to inhibition

132. (1) Any person to whom notice of an application for an inhibition is sent may apply to the Authority, within the time stated, objecting to the entry of the proposed inhibition or requesting that its terms be modified or that it be limited in duration. He/she shall state the grounds for the objection or request.

(2) The Authority may, if it thinks fit, appoint a day and time for the parties to attend before it for the determination of any question relative to the terms or duration of the inhibition to be entered.

(3) The Authority may make any modification of the proposed inhibition that it thinks expedient, having regard to any additional facts disclosed by the parties, and may enter the inhibition so modified in the register.

Modification or discharge of registered inhibition

133. (1) An application to modify or discharge an inhibition entered in the register otherwise than by an order of a court shall be in Form 79 or 80.

(2) Where the application is not made with the consent of all persons appearing from the register and the instrument on foot of which the entry was made to be entitled to the benefit of the inhibition or their solicitors, it shall be accompanied by evidence of the facts on which it is claimed that the entry should be modified or by evidence that the right protected by the entry has been released or satisfied or has otherwise ceased to exist.

(3) Notice of the application, if not made with their consent, shall be given to the persons appearing from the register or the instrument on foot of which the inhibition was entered to be entitled to the benefit of the inhibition, who may object within the time stated in the notice. Every objection shall be in writing and shall state the grounds thereof.

(4) The Authority may make such ruling on the application as it may think just. In particular, it may direct the discharge of the inhibition or may continue it indefinitely or for a specified period or with such modifications as it may direct.

Application in anticipation of dealing inhibited without Authority's order or approval

134. (1) An application may be made to the Authority in anticipation of an intended dealing with property subject to an inhibition in the register against dispositions except under its order or with its approval, for a direction in writing that registration under the intended dealing may be made; and the Authority may direct that registration under the dealing, if carried out, may be made either unconditionally or subject to such inhibition as it may direct.

(2) The direction of the Authority may specify a time within which registration under the dealing authorised is to be made.

Procedure on lodgment of dealing inhibited without notice to specified persons

135. (1) Where an inhibition is entered in the register restricting dealings except after notice to a specified person, the notice to be sent to such person, where a dealing within the terms of the inhibition is presented for registration, shall be in the same form as a warning notice prescribed for service on a cautioner, with such modification thereof as the Authority may consider necessary.

(2) The person specified in the inhibition or his/her personal representative or other person entitled to the benefit of the inhibition may appear to the warning notice and apply for a stay on the registration and the procedure prescribed on a similar application by a cautioner shall be applicable. The Authority shall have the same powers as on a like application by a cautioner.

Inhibition under order of court

136. An entry of an inhibition under an order of a court shall state that it is made pursuant to that order.

Other entries

Entry of notice of certain burdens that affect without registration

137. (1) Notice of the existence of any burden specified in Section 72(1) of the Act shall be given by an entry in the register to the effect that the property specified is subject to the burden.

(2) If the burden does not affect all the property described in a folio of the register, the consent or order authorising the entry of notice of it shall be accompanied by an application map showing the part of the property subject to the burden, unless it can be otherwise sufficiently identified on the registry map.

(3) The note required by Section 59 of the Act shall be an entry to the effect that the property is subject to the provisions of the enactment restricting the alienation, assignment, sub-division or sub-letting, as the case may be.

Entry of notice of exemption from certain burdens under Section 72(2) of the Act

138. Notice of the exemption of specified property from any former crown rent, quit rent, ecclesiastical tithe rentcharge, payment in lieu of tithe or tithe rentcharge, land improvement charge, drainage charge or land purchase annuity may be entered in the register on a certificate of its exemption given by the Department of State charged with the collection of the sums payable on such burden.

Entry of conclusiveness of a boundary of property

139. Every entry in the register of the conclusiveness of a boundary shall be made by stating therein the physical boundary of the property along a specified line on the registry map or identified by any geographical or locational information and the part of it that is the ascertained line of the boundary, as, for instance, that the face or centre of the fence or wall or the centre or a specified side of a stream or drain along the line shown on the map is the boundary and

is conclusive as between the adjoining owners, or as against all persons, as the case may be.

Entry of boundary ascertained by Land Judge's conveyance

140. A boundary defined by one of the instruments specified in Section 86 of the Act shall not be entered in the register as conclusive unless the facts that enable it to be defined in the register in accordance with the foregoing rule may be ascertained from the instrument and unless notice of the proposed entry has been given to the owners of the adjoining property and no objection has been received within the time limited by the notice.

Entry of boundary by agreement

141. (1) An application by owners of adjoining property for entry in the register of the boundary between their property, or part of it, shall be made by lodging in the Registry-

- (a) a plan drawn on an application map showing the land adjoining the boundary to be defined and indicating the site of the boundary by a line in colour;
- (b) a consent in writing by the owners referring to the plan and stating in the manner prescribed by Rule 139 the physical boundary along the line indicated on the plan and the part of it that they agree is the boundary.

(2) Where an owner who is a consenting party is the owner of unregistered land, proof shall also be given that he/she is the owner within the meaning of Section 89 of the Act who is authorised by that section to consent.

Settlement of boundary on transfer

142. The boundary between registered property transferred by a registered owner and other registered property of which he/she is the registered owner may be entered in the register as conclusive on lodgment in the Registry of consent by the transferor and transferee in the terms specified in the foregoing rule.

Removal of description of infancy

143. The description of a registered owner of property as an infant or minor shall be removed from the register on an application in writing accompanied by proof that he/she has attained full age.

Entry in register on conversion of a registered renewable lease

144. On production in the Registry of a grant in perpetuity of unregistered property made under the provisions of any enactment other than the Landlord and Tenant (Ground Rents) Act, 1967, to the registered owner of a leasehold interest in conversion of the lease into a fee-farm grant or grant in perpetuity, a note shall be made in the register to the effect that the registered owner claims the fee-simple under the grant; and short particulars of the grant shall be given. Notice of the registration of the ownership of the leasehold interest and of the provisions of Section 48 of the Act shall be endorsed on the grant, which shall be re-delivered to the person who produced it.

Limited Ownership

145. Where property is registered in the name of a limited owner or an infant or minor, an entry in Form 85 may be entered on the folio by the Authority.

PART 5

MISCELLANEOUS

*Registry maps**Form of Registry maps*

146. (1) Registry maps shall be maintained in paper form or in electronic form, or partly in one form and partly in the other form, for the plans of property described in the registers.

(2) Where the registry maps are in paper form they shall include-

- (a) general and/or index maps showing the position and extent of every registered property;
- (b) any map adopted under the provisions of Section 84(2) of the Act (as substituted by Section 61 of the Act of 2006).

(3) Where the registry maps are held in electronic form they may be displayed or reproduced in such manner as the Authority may determine.

(4) The maps maintained shall be on such map projection, with necessary or obvious adjustments to conform to Ordnance Survey Ireland detail or with such consents or after such enquiries or notices, as the Authority directs. Where this is not feasible, maps may be maintained for such areas and on such scales as the Authority allows.

Contents of Registry maps

147. (1) There shall be shown on the appropriate registry maps-

- (a) a plan or plans of the property described in each folio of the register of ownership of freehold land;
- (b) a plan or plans of the property subject to the ownership of leasehold interests described in each folio of the register of leasehold interests;
- (c) a plan or plans of the property the subject of every incorporeal hereditament of freehold tenure or lease thereof described in each folio of the register maintained under Section 8(b) of the Act;
- (d) such plan or plans as may from time to time be necessary or expedient for the identification of property subject to a burden, notice, caution or inhibition entered in a folio of a register.

(2) Every plan shall be defined on the registry map by an edging in colour or otherwise as the Authority may deem convenient in a particular case and shall

have a number or symbol; and the property described in each folio shall be identified by a reference to its plan or plans on the registry map.

Minors and persons of unsound mind

Persons who may represent minors

148. (1) A minor may be represented for all or any of the purposes of the Act by his/her guardian (if any) appointed by a court of competent jurisdiction or, if there is no guardian so appointed by his/her parents or by a person who is his/her guardian under the provisions of the Guardianship of Infants Act, 1964, or by trustees under the provisions of Section 57 of the Succession Act, 1965.

(2) Where it appears to the Authority in the course of any proceeding under the Act that the person representing a minor has an interest adverse to, or conflicting with, the interest of the minor or that it is in the interest of the minor that some other person should be appointed to represent him/her, it may refuse to proceed until another person is appointed to represent the minor in the proceedings.

Appointment of person to represent a minor

149. (1) Where there is no person authorised by the foregoing rule to represent a minor or where someone other than such person ought to be appointed, the Authority may appoint a person to represent the minor for all or any of the purposes of the Act.

(2) The application to the Authority for that purpose shall be made in writing and shall be accompanied by the consent to act of the person whom it is proposed to appoint and an affidavit of his/her fitness.

Appointment of person to represent person of unsound mind

150. Where in the course of any proceeding in the Registry, except an application by the Minister for Agriculture, Food and the Marine under Section 26(1) of the Act for the registration of a purchaser under the Land Purchase Acts, it appears that any person interested is a person of unsound mind not so found by inquisition (not being a person in respect of whom a committee or guardian has been appointed under the Lunacy Regulation (Ireland) Act, 1871, or a person of weak mind temporarily incapable of managing his/her affairs for whom a guardian has been appointed under the said Act of 1871), no registration in the proceeding that might prejudice his/her right shall be made until he/she is represented by a guardian appointed by the court to represent him/her, or his/her interest has been otherwise protected to the satisfaction of the Authority.

Deeds and documents

Lodgment of documents subject to lien

151. (1) Where a person who claims a lien by way of equitable mortgage on a document in his/her possession is required by an applicant for first registration of ownership to produce the document at the Registry, or is required by the Authority to show cause why the document should not be produced, he/she may lodge it in the Registry subject to the lien.

(2) A person lodging a document under this rule subject to a lien created by its deposit shall lodge a claim for the lien in Form 81 signed by himself/herself or his/her solicitor.

(3) The lien of a person lodging a document under this rule shall include the costs of its lodgment.

(4) No registration that may defeat or prejudice the lien shall be made until the lien, where admitted, is satisfied or provided for, or where the lien is not admitted, until its existence or validity is determined and, where established, is satisfied or provided for.

Documents that are to be retained in Registry and that may be delivered

152. (1) Any of the following documents relating to registered property may be returned to the person who would be entitled to their custody if the property were unregistered, upon delivery at the Registry of an attested copy or on payment of the fee chargeable for a certified copy-

- (a) an instrument dealing with registered and unregistered property;
- (b) a subsisting settlement, an instrument containing subsisting trusts, an instrument appointing trustees of a subsisting settlement or of an instrument containing subsisting trusts;
- (c) a subsisting lease, a fee-farm grant or counterpart lease or fee-farm grant;
- (d) an original deed of charge to secure future advances.

(2) The attested or certified copy shall be filed for reference in substitution for the instrument so delivered and, on future dealings, may be accepted as sufficient evidence of the document and its contents.

(3) Except as in these Rules otherwise provided, all other instruments under which an entry in a register is made shall be retained in the Registry. They shall be filed in the registry and shall not be taken from the said office except on the written authorisation of the Authority and on such terms as it shall specify or on an order of the court.

(4) The Authority, subject to compliance with the National Archives Act, 1986, may also direct the destruction of closed folios or any documents filed in the Registry when they have been superseded by entries in the register or have ceased to be of any effect, or it may, if such documents appear to it to be of historical interest, transmit them to the National Archives for filing.

(5) The Authority may on the completion of a registration direct the release of filed documents to the registered owner, a nominee of the registered owner, or the solicitor for the registered owner.

Delivery of documents relating to unregistered property

153. Documents in the Registry relating to unregistered property only may, in default of application by and after notice to the person who lodged them or his/her personal representatives, be delivered to the person appearing to the Authority to be entitled to their custody on his/her application.

Endorsement of documents delivered

154. No original deed under which property or a disposition of property has been registered shall be delivered from the Registry until an endorsement has been made on it showing clearly, in such manner as the Authority may direct, the property subject to the provisions of the Act and the interest in the property affected by the registration.

Delivery of documents to solicitor for production in court or for taxation purposes

155. The Authority may deliver to the solicitor for the registered owner of property an instrument dealing with the property, except an instrument of charge or disposition of it, on the solicitor certifying in writing that its production is required in a court on the hearing of some cause or matter or before a Taxing Master of the High Court or a County Registrar for the purposes of a taxation and on his/her personally undertaking in writing to return it to the Registry within a time to be fixed by the Authority.

Transmission of documents to court

156. The Authority may transmit a document filed in the Registry to a County Registrar for production in court on the hearing of a cause or matter relating to the property the subject of the document-

- (a) where the registered owner of the property the subject of the document or his/her personal representative or successor in title is a party in the cause or matter; or
- (b) where the applicant for transmission is entitled to its inspection under these rules and is a party to the cause or matter; or
- (c) where the registered owner of the property the subject of the document consents to its transmission; or
- (d) where the proceedings in the court are proceedings under the Act relating to the property the subject of the document.

Application for transmission of document to a County Registrar

157. (1) An application for transmission of a document to a County Registrar shall be in Form 82 and shall be lodged in duplicate. Where the application is made by a person other than the registered owner of the property the subject of the document, notice of it and of the transmission of the document shall be given to the owner.

(2) The document shall be returned to the Registry on the termination of the court sittings in which the cause or matter for which it was requisitioned is entered for hearing. Where the hearing is adjourned, a further application for its transmission to the county registrar for the adjourned hearing shall be made.

County Registrar custodian of document transmitted

158. (1) The County Registrar shall hold any document transmitted to him/her under the foregoing rule solely for its production on the hearing of the cause or matter for which it is requisitioned and, except the court otherwise directs, shall not permit its inspection by any person other than those authorised by Rule 159, until it is admitted in evidence by the court.

(2) Where the document has been transmitted on the application of any person other than the registered owner of the property the subject of the document, its production shall be subject to the ruling of the court on any objection by the registered owner to its inspection or admission in evidence.

Inspection of filed documents and obtaining copies thereof

159. (1) The registered owner of property and any person authorised by such owner, or by an order of the court or by these Rules, but no other person, may inspect a document filed in the Registry on a dealing or transaction with the property of the owner.

(2) Any person who would be entitled to inspection of a document relating to property, if its ownership was not registered under the Act, and the document was in the possession of the person by law entitled to the custody thereof, shall be entitled to inspect the document, if filed in the Registry.

(3) An affidavit of judgment deposited in the Registry pursuant to the Judgment Mortgage Ireland Act, 1850, as amended by the Act, or an application for registration of a judgment mortgage under Rule 110 may be inspected by any person so long as notice of its deposit or the entry of the judgment mortgage is uncanceled in a register.

(4) A memorandum of a *lis pendens*, bond, recognisance or inquisition filed in the Registry may be inspected by any person so long as the entry relative to it remains uncanceled in a register.

(5) An application, assent, affidavit, or transfer, made by a personal representative of a deceased owner of property that vested in the personal representative may be inspected by a devisee or other person, except a creditor, having an interest in the property under the owner's will, or, where the owner died intestate, by a person in whom a beneficial interest in the property devolved on the intestacy, or by a person who satisfies the Authority that he/she is the successor in title of one of such persons.

(6) An instrument filed in the Registry under Rule 130(5) may be inspected by the person by whom it was lodged or by any person who satisfies the Authority that he/she is entitled to the benefit of a right created by the instrument.

(7) An instrument filed in the Registry under Rule 46 may be inspected by any person who satisfies the Authority that he/she is the owner or person(s) entitled to be the owner of an unregistered servient tenement property, over which a right was registered as appurtenant to a dominant tenement property under Section 49A of the Act, on the production of such proofs as may be directed by the Authority.

(8) Any person entitled to inspect a document filed in the Registry may obtain a copy of it.

(9) The Authority may, in special circumstances and on such terms as it shall think fit, permit a person to inspect or obtain a copy of, a document filed in the Registry.

(10) An application to inspect or obtain a copy under this rule shall be made in Form 96.

(11) Before allowing inspection of a document by a person claiming inspection under Rule 159, the Authority may make such inquiries and give such notices as it may think fit. Notice under this rule shall be in Form 97.

Searches in the registers and registry maps

Official search

160. (1) Any person may apply to the Authority to make an official search and to certify-

- (a) whether a named person is entered on the names index of a county, and if so, the folio reference of the register in which the name of such person appears;
- (b) whether the ownership of a parcel of land, to be identified on such map as the Authority may allow is entered in the register of ownership of freehold land or whether the ownership of any leasehold interest or right in or to or over the parcel is entered in the register of ownership of leasehold interests or in the register maintained under Section 8(b) of the Act; or
- (c) as to the entries made in a register or registry map since first registration of the property or during any specified subsequent period.

(2) The requisition for the search shall be in Form 88, 89 or 90 or in such manner as may be directed by the Authority, as the case may be.

(3) The certificate of the result of the search shall be in Form 91 or 92 or in such manner as may be directed by the Authority, as the case may be.

Priority entry

161. (1) A person who has entered into a contract to purchase, take a lease of, or lend money on the security of a charge on, registered property may apply to the Authority to make an entry in the register pursuant to Section 108 of the Act.

(2) An application under this rule shall be in Form 93.

(3) An application for the registration of a priority entry may be made to the Authority by electronic means where the Authority is satisfied that appropriate arrangements are in place.

(4) The service of notice of such application shall be in Form 94 or such manner as may be directed by the Authority.

(5) The entry shall be in Form 95.

(6) The applicant may apply to cancel the priority entry before the expiry date has elapsed. This application may be in such manner as directed by the Authority.

Effect of priority entry

162. (1) Where an intending purchaser, lessee or chargee has registered a priority entry an application by him/her for registration of the instrument to complete the purchase, lease or charge shall enjoy the priority specified in Section 108(2) of the Act, provided that the application is in order under these Rules and is delivered at the Registry within a period of 44 days after the date of the priority entry.

(2) An application for registration made by any other person after the date of the entry and before the application for registration is made by the intending purchaser, lessee or chargee in accordance with paragraph (1) of this rule shall, for the purpose of priority of registration, rank after the application of the intending purchaser, lessee or chargee.

Priority where two or more priority entries are made

163. Where two or more priority entries pursuant to Section 108 are made, such entries shall, so far as relates to the priority thereby conferred, take effect in the order in which the applications were received in the Registry or were, pursuant to Rule 58, deemed to be delivered.

Solicitor or other person not liable for error in official search

164. A solicitor or other person who obtains a certificate of the result of an official search shall not be answerable for loss that may arise from any error therein.

Searches by public

165. (1) Any person, on payment of the prescribed fee, may search in the registry maps, the index of names, the index of lands, and the folios of the registers during the hours the Registry is open to the public.

(2) Where the Authority is satisfied that appropriate arrangements are in place for searching by electronic means, such searching may be conducted during such hours as may be directed by the Authority.

(3) Copies of folios or maps or extracts from folios or maps may be obtained on payment of the prescribed fee. Where the register or any part thereof is in electronic form, a reproduction in paper form may be issued as a copy.

Proceedings in the Registry

Proceedings not to abate

166. Where, in the case of any application for registration, a death, transmission or change of interest occurs before registration is effected, the proceedings shall not abate, but may be continued by any person entitled to apply for registration.

Evidence in proceedings

167. Evidence in any proceeding in the Registry may be given by affidavit or, except where the Act prescribes an affidavit, by statutory declaration, and the Authority may, if it thinks fit, take oral evidence before it on oath and may administer the oath.

Affidavits and statutory declarations in proceedings

168. (1) An affidavit or statutory declaration for the purpose of any proceeding in the Registry may be sworn or taken before the Authority, any member of the staff of the Authority duly authorised by it and by the Minister, any person authorised by law to administer oaths or, in the case of a statutory declaration, any person authorised by law to take and receive statutory declarations.

(2) An affidavit for use in proceedings in the Registry shall be entitled as in Form 1 or 10, as the case may require, and shall comply generally with the provisions relative to form, jurat, interlineations, alterations and erasures in the Rules of the Superior Courts concerning affidavits for use in the High Court.

Form of notices issued

169. (1) Every notice issued from or sent by the Registry (except notices of the receipt of instruments, applications, completion of registration or formal notices of a like description) shall fix a time within which any act or step required to be done or taken by the notice is to be done or taken and shall state what shall be the consequence of any omission to comply therewith.

(2) The notice shall also state in what manner and within what time an answer, objection or other communication, if any, arising out of the notice is to be made and the address at or to which it is to be delivered or sent.

(3) Notwithstanding the provisions of Section 106(1) of the Act, any person may, if he/she desires, have three addresses including (if he/she thinks fit) the address of his/her solicitor or firm of solicitors to each of which all notices and other communications are to be served.

Service of notices

170. Every notice required by the Act or these Rules to be given to any person may be sent through the post in a prepaid letter or by means of an electronic communication to an electronic address unless the Authority directs that it be sent by registered letter or that personal service be made.

Every notice served

171. Every notice served shall be deemed to have been received-

- (a) when, if sent through the post shall, in the absence of evidence to the contrary, be deemed to have been received by the person to whom it is addressed within three days, exclusive of the day of posting, or, if the address is not within the State, within such time to be stated in the notice as the Authority may determine; and the time fixed by the notice for taking any step thereunder shall be calculated accordingly;
- (b) when if sent electronically, no denial of acceptance of the electronic communication has been received from the electronic address within 1 day of date of issue of the electronic communication.

Procedure on return of notice sent by post

172. On the return by the post office of a letter containing a notice, the Authority may require some other notice to be given or may authorise substituted service of the notice, or it may proceed without further notice, if, in the circumstances, it thinks fit to do so.

Personal service of notice, summons or order

173. (1) Personal service of a notice or summons by or order of the Authority shall be made by delivering the notice or summons or, in the case of an order, a sealed copy thereof to the person on whom service is directed. The service shall be proved by affidavit.

(2) Where personal service cannot be made, or is shown to be not reasonably practicable, the Authority may order such substituted service as it may deem sufficient in the circumstances of the particular case.

How questions determined

174. Where any question, difficulty or dispute arises during an investigation of title or registration or other proceedings in the Registry, the Authority may give notice to all persons interested to attend before it on a day and at a time to be stated in the notice for the consideration of the matter; and, at the time appointed, it shall either decide the question or, if it entertains a doubt thereon, refer it to the court as defined in Section 18 of the Act for its decision.

Summons by Authority

175. (1) A summons by the Authority under Section 16 of the Act shall be in Form 87.

(2) Where the summons is served upon any person not bound to attend at his/her own expense, the affidavit proving service of the summons shall also prove that the reasonable expenses of the attendance of the person summoned have been paid or tendered to him/her.

(3) The reasonable expenses of the attendance of any person on a summons in relation to a registration shall be part of the costs of the applicant in the matter.

Powers of Authority under Sections 16 and 94 of the Act

176. The Authority shall have the powers conferred on it by Sections 16 and 94 of the Act in all proceedings in the Registry for the registration of an ownership of

property or a burden thereon or which involves an examination of title outside the registers.

Costs of proceedings before Authority

177. (1) The costs of any proceedings on a hearing before the Authority shall be in its discretion and it may direct by and to whom they are to be paid.

(2) Subject to the provisions of Section 100(2) of the Act, and unless the parties otherwise agree, the costs shall be taxed.

(3) Costs shall, when taxable, be taxed by a Taxing Master of the High Court, and the Rules of the Superior Courts for the time being relative to taxation shall apply to such costs as if the Land Registry were an Office of the High Court.

(4) In the taxation of costs, the Taxing Master shall have regard to the procedure prescribed by the Act and these Rules and shall disallow the costs of any document or part thereof that he/she may consider unnecessary or prolix having regard to the prescribed form and the procedure and effect of registration under the Act.

Enforcement of order for costs

178. An order by the Authority for the payment of costs may be enforced in the manner provided by Section 20 of the Act for the enforcement of orders of the Authority.

Recording of decisions of Authority

179. (1) Every decision of the Authority refusing to enter an ownership, burden, notice or other entry applied for in a register shall be made by ruling signed by it and entered in a ruling book to be kept for the purpose.

(2) Every other decision of the Authority (not being an order) shall be entered as a ruling in the ruling book on the application of any person desiring to appeal.

(3) Every ruling shall refer to the documents on which it was made and shall state the grounds of the decision given.

Procedure on Appeals to Court

180. Appeals to Court under Section 19(1) of the Act may be made-

- (a) In the case of an appeal to the High Court by filing a notice of motion and grounding affidavit with the Court Registrar in accordance with Order 96 of the Superior Court Rules 1986, who may direct the service of said notice of motion and grounding affidavit on such other parties as may be necessary;
- (b) In the case of an Appeal to the Circuit Court by filing a notice of motion and grounding affidavit in accordance with Order 51 of the Circuit Court Rules 1950.

Reference of questions to court

181. (1) An order of the Authority referring a question of law or fact to the court under Section 19(2) of the Act or an application to be made to the court under Section 21(2) of the Act may, where the Authority considers appropriate, have annexed a memorandum signed by it which shall contain a concise statement of the material facts and documents on which the question referred to the court arises.

(2) The order may state the question of law or fact for determination of the court and may direct by whom the matter is to be brought before the court and the persons to whom notice of the application to the court is to be given.

(3) Where it appears to the Authority that there has been undue delay in having a matter referred by it to the court brought before the court for its decision, it may, by order, transfer the carriage of the proceedings from the person to whom it was given to some other person interested, or it may rescind its order and treat the proceedings in which the reference was made as abandoned.

General powers of Authority

182. The Authority may, in any particular case, extend the time limited or relax the regulations made by these Rules and may, at any time, adjourn any proceedings. Where at any time it is of the opinion that the production of further documents or evidence or the giving of any notice is necessary or desirable, it may refuse to proceed until the documents, evidence or notice have been supplied or given.

Power to treat proceedings as abandoned

183. Where no step has been taken for a period of one month in a matter pending in the Registry, the Authority may give notice to the applicant or his/her solicitor that the matter shall be treated as abandoned unless duly proceeded with within a time to be stated in the notice and, on the expiration of that time, it may treat the matter as abandoned, if it has not been proceeded with.

PART 6

COMPENSATION PAYABLE OUT OF THE CENTRAL FUND

To whom application for compensation is to be made.

184. Every application for compensation out of the Central Fund (under Section 120 of the Act) shall be made in writing to the Authority in Form 98 and shall be accompanied by two copies thereof.

Contents of application for compensation

185. Every application for compensation shall be signed by the claimant or his/her solicitor and shall contain-

- (a) particulars of the property for the loss of which compensation is claimed;
- (b) particulars of the error, forgery or fraud on which the claim is based;

- (c) particulars of the loss;
- (d) an address in the State to which all notices and communications to the claimant may be sent, and shall be verified by the affidavit of the claimant or, by leave of the Authority, of some person on behalf of the claimant having knowledge of the facts.

PART 7

REGISTRATIONS IN THE REGISTER MAINTAINED UNDER SECTION 8(b) OF THE ACT AND EXCHANGES OF HOLDINGS UNDER SECTION 46 OF THE LAND ACT 1923

Rights in land which may be registered

186. It is prescribed pursuant to Section 8(b)(ii) of the Act that the ownership of the following rights in land may be entered in the register maintained under Section 8(b)-

- (a) any lease of incorporeal hereditaments held in gross;
- (b) any charge, whenever created, registered as a burden;
- (c) any judgment mortgage registered as a burden;
- (d) any interest protected under the National Monument Acts, 1930 to 2004.

Incorporeal hereditaments held in gross

187. (1) An applicant for registration of ownership of an incorporeal hereditament held in gross shall be registered as owner with an absolute title where title both to the grantee's interest and to the grantor's interest and to any superior or intermediate interest that may exist is approved by the Authority.

(2) Where, immediately before the commencement of the Act, the registration of ownership of an incorporeal hereditament held in gross contained a note to the effect that the title of the grantor to make the grant has been investigated and found to be good, the title to the grantee's interest shall be deemed to be an absolute title. Where there is no such note, the title shall be deemed to be a possessory title.

(3) Where an incorporeal hereditament held in gross is granted by the owner of property registered with an absolute, possessory or qualified title, the title of the registered owner of such incorporeal hereditament shall be deemed to be likewise absolute, possessory or qualified, as the case may be.

(4) The registration of a person as first registered owner of an incorporeal hereditament held in gross with a possessory title shall not affect or prejudice the enforcement of any right (whether in respect of the grantor's title or otherwise) adverse to or in derogation of the title of the grantor or of that person and subsisting or capable of arising at the time of registration but, save as aforesaid, shall have the same effect as registration with an absolute title.

Application of the Act to incorporeal hereditaments held in gross.

188. Subject to Rule 187, the provisions of the Act relating to the registration of the title to property and the burdens affecting registered property, except those to which Section 73 applies, shall apply to registration in the register maintained under Section 8(b) of the Act of the ownership of all incorporeal hereditaments held in gross pursuant to the provisions of the said Act and these Rules, with the following modifications-

- (a) "Land comprising incorporeal hereditaments held in gross" shall be substituted for "land" or "lands" or "freehold land", where these expressions occur in such provisions and the context so requires;
- (b) The burdens specified in Section 69(1)(b), (h), (j), (m), (n) and that part of the burden specified at (q), namely, "or a right of residence (whether an exclusive right of residence or not)"; and of Section 72(1)(b), (h), (n) and (o) shall be excluded from those sections in their application to such hereditament, but the conditions, estates, rights and interests, if any, specified in the grant creating the hereditament shall be included as burdens to which, though not registered, such a registered hereditament is subject.

Application of the Act to rights other than incorporeal hereditaments held in gross.

189. The provisions of the Act relating to the registration of the title to land (except those relative to the registration of limited ownerships, to the transfer of land and to burdens which are, without registration, to affect registered land) and the provisions of Section 64 relative to the transfer of charges shall apply to registration, in the register maintained under Section 8(b) of the Act, of the title to the rights in land specified at (b) and (c) of Rule 186, with the following modifications-

- (a) "right", or "a right", or "rights", or "the rights", or "a registered right", or "the registered right", shall be substituted, as the context may require, for "land", or "lands", or "freehold land", or "registered land" and, in the provisions of the Act relating to charges, "right" shall be substituted for "charge";
- (b) the person who may be registered as the owner of such a right shall be the person in whom the right is vested absolutely, whether for his/her own benefit or as a trustee;
- (c) "the right" shall be substituted for the words "of freehold land with an absolute title" and for the words "an estate in fee simple in the land together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto", in Section 37(1);
- (d) the title conferred by registration on the owner of such a right shall not affect or prejudice the enforcement of any other right affecting the land on which the registered right is a burden that ranks in priority

to or is in derogation of the registered right and subsisting or capable of arising at the time of the first registration;

- (e) the registration of an owner of a judgment mortgage shall not be a warranty that it is a valid burden on the property described in the register as affected by the right;
- (f) all the burdens in Section 72 shall be excluded from that section in its application to such a registered right, and "any other right" specified in paragraph (e) shall be included as burdens to which, though not registered, such a registered right is subject.

Exchanges under Section 46 of the Land Act, 1923

190. Where an exchange is made pursuant to Section 46 of the Land Act, 1923, with the Minister for Agriculture, Food and the Marine of property (in this rule and in Rules 191 and 192 called "the original holding") for property (in this rule and in Rules 191 and 192 called "the new holding") the vesting order or other instrument effecting the transfer of the new holding shall state whether or not the land is subject to a land purchase annuity and shall refer to the folio number of the register of the original holding.

Effect of registration on exchange

191. (1) The person who was registered owner of the original holding when the transfer(s) or vesting order(s) (as the case may be) were or was lodged shall be registered as full or limited owner of the new holding, according as he/she was full or limited owner of the original holding.

(2) A nominee appointed by the Land Commission or Minister for Agriculture, Food and the Marine under its statutory powers may be registered as full owner with a possessory title.

(3) There shall be entered in the folio of the new holding the burdens (other than burdens discharged under the Act of 1923 by the transfer or vesting order, as the case may be) that appear in the folio of the original holding. The new holding shall be subject to the burdens so registered and to any burdens that, without registration, affect it.

Registration with possessory title

192. Where it appears from the register that the burdens arising from the interest vested in the purchaser of the original holding under the Land Purchase Acts being deemed to be a graft on his/her previous interest in that holding have not been ascertained, the ownership of the new holding shall be registered with a possessory title.

Notices to be given

193. On the registration of the ownership of the new holding, the Authority shall send to all persons appearing from the folio of the original holding to be owners of burdens transferred to the new holding, notice of the transfer of their burdens to the new holding and of their registration.

FORM 1

Application for first registration of freehold property (Rules 14 and 15)

LAND REGISTRY**County**

I, A.B., of _____ make oath and say—

1. I am entitled for my own benefit (*or, as trustee under deed dated etc., or, as the case may be*) to the property set out in the Part 1 of the Schedule hereto which is subject to the mortgages, charges, leases, tenancies, restrictive covenants and incumbrances specified in the Part 2 of the said Schedule (*or, which is not subject to any mortgage, charge, lease, restrictive covenant or incumbrance*).
2. I am in undisputed possession (*or, receipt of the rents and profits*) of the property and there is no person in occupation of it, or any part of it, adversely to my estate therein.
3. I refer to the statement of my title set out in Part 3 of the Schedule hereto (to the legal opinion thereon (*see Note (1)*), to the application map or other map referred to in Rule 15(1)(c) and to the schedule of documents lodged herewith, which is a list of all documents relating to the title in my possession or under my control. The facts specified in the statement of my title are true and accurate and the map correctly shows the boundaries of the property.
4. For the protection of the trusts on which I hold the property I apply for the entry of the following inhibition in the register on my registration as owner (*see Note (2), Rule 49 and Form 77*).
5. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, encumbrance or trust affecting the property specified in paragraph 1, the subject of my application or any part thereof, that has not been disclosed in the proceedings in the Registry on the application.
6. I am not aware of any question, affecting my title to the property or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.
7. The contracts, abstracts, legal opinions, requisitions, replies, deeds, wills and other documents referred to or lodged with said application and produced in the proceedings thereunder are all the documents in my possession or under my control relating to the title to the said property commencing with a good root of title.
8. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (except — *give name and address of any person interested who is a*

minor (see Note (6)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any) and no proceedings are pending in any court relating to the said property (except — give particulars of any pending action or suit).

9. I hereby apply for registration in the Register of Freeholders as owner with absolute title [*or, qualified title, (qualified as to*)] [*or, possessory title*] of the property described in the Part 1 of the Schedule hereto. (*see Note (7)*)

Schedule

PART 1

(To contain description of the property, giving area, townland, barony and county, or, if in a city or urban district, the street or road and city or urban district).

..... shown on the application map attached edged red and lettered (which application map correctly shows the boundaries of the property).

PART 2

(To contain short particulars of all subsisting mortgages, leases, tenancies, restrictive covenants, and incumbrances not being burdens to which Section 72 of the Act applies).

PART 3

(To contain a concise statement of title giving in chronological order a summary of the documents and the events and facts on which the applicant’s claim to the property is based. It should commence with a good root of title but in the case of a fee farm grant should recite same and then skip to a good root of title. It should state under which sub-rule of Rule 19 the application is being made. The statement of title should include pre-root documents that created Section 69 burdens that affect the title).

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I. X.Y., hereby certify that I know the deponent. (*or, I know X.Y., who certifies his/her knowledge of the deponent.*)

Signature Signature

Note (1) — To be inserted only when legal opinion is relied on under Rule 19.

Note (2) — To be inserted only when applicant is a trustee [see Rule 49].

Note (3) — If the title does not commence with a good root of title paragraph 7 should be suitably amended as should the statement of title in Part 3 of the Schedule which should commence with the root of title. If application is being made under Rule 19(2) evidence that the market value, at the date of the application, does not exceed €1,000,000 should be lodged.

Note (4) — Where the application is for first registration of an incorporeal hereditament held in gross, the ninth paragraph is to be varied by stating that it is for registration of the ownership in the relevant register of the hereditament specified in Part 1 of the Schedule and that part is to contain particulars of the hereditament and of the property out of which it issues. If the application is by the original grantee of the hereditament, paragraph 3 is to refer only to the grant.

Note (5) — The relevant averments of Form 16 are included in Form 1.

Note (6) — Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf [see Section 19 of the 2009 Act].

Note (7) — If there is more than one applicant, paragraph 9 should state clearly whether they are joint tenants or tenants in common and if tenants in common, the shares of each applicant.

Note (8) — If there is more than one applicant, the form should be amended accordingly.

Note (9) — If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

FORM 2

Application for first registration of leaseholds and of rights (other than incorporeal hereditaments held in gross) (Rules 14 and 16)

LAND REGISTRY**County**

I, A.B., of _____ make oath and say—

1. I am entitled for my own benefit (*or, as trustee under deed dated or, as the case may be*) to the lessee's interest in the lease referred to in Paragraph 9 which lease is subject to the mortgages, charges, subleases, tenancies, restrictive covenants and incumbrances stated in Part 2 of the Schedule hereto (*or, which is not subject to any mortgage, charge, sublease, tenancy, restrictive covenant or incumbrance*).
2. I am in undisputed possession (*or, receipt of the rents and profits*) of the property and there is no person in occupation of it, or any part of it, adversely to my estate therein.
3. I refer to the statement of my title set out in Part 3 of the Schedule hereto (to the legal opinion thereon (*see Note (1)*), to the application map or other map referred to in Rule 16(2)(c) and to the schedule of documents lodged herewith, which is a list of all documents relating to the title in my possession or under my control. The facts specified in the statement of my title are true and accurate and the map correctly shows the boundaries of the property.
4. For the protection of the trusts on which I hold the property I apply for the entry of the following inhibition in the register on my registration as owner (*see Note (2), Rule 49 and Form 77*).
5. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, encumbrance or trust affecting the property specified in paragraph 1, the subject of my application or any part thereof, that has not been disclosed in the proceedings in the Registry on the application.
6. I am not aware of any question, affecting my title to the property or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.
7. The contracts, abstracts, legal opinions, requisitions, replies, deeds, wills and other documents referred to or lodged with said application and produced in the proceedings thereunder are all the documents in my possession or under my control relating to the title to the said property commencing with a good root of title.
8. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound

mind, (except — *give name and address of any person interested who is a minor (see Note (8)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act 1965, if any*) and no proceedings are pending in any court relating to the said property (except *give particulars of any pending action or suit*).

9. I hereby apply for registration as owner with a good leasehold title [*or, absolute title or, possessory title or, qualified title (qualified as to)*] of the leasehold interest in the property described in Part 1 of the Schedule hereto demised by lease ated the day of from C.D. to E.F. for a term of from (*commencement date*) at a rent of € (*or, as the case may be*) (*see Note (9)*).

Schedule

PART 1

(To contain description of the property, giving area, townland, barony and county, or, if in a city or urban district, the street or road and city or urban district).

..... shown on the application map attached edged red and lettered (which application map correctly shows the boundaries of the property).

PART 2

(To contain short particulars of all subsisting mortgages, leases, tenancies, restrictive covenants, and incumbrances not being burdens to which Section 72 of the Act applies).

PART 3

(To contain a concise statement of title giving in chronological order a summary of the documents and the events and facts on which the applicant's claim to the property is based. It should commence with the lease and can then skip to a good root of title. It should state under which sub-rule of Rule 19 the application is being made. The statement of title should include pre-root documents that created Section 69 burdens that affect the title).

Signature of deponent.

Sworn this the day of , 20 ,
at , in the county of ,
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I. X.Y., hereby certify that I
know the deponent.

(*or, I know X.Y., who certifies his/her
knowledge of the deponent.*)

Signature

Signature

Note (1) — To be inserted only when legal opinion is relied on under Rule 19.

Note (2) — To be inserted only when applicant is a trustee [see Rule 49].

Note (3) — If the title does not commence with a good root of title paragraph 7 should be suitably amended as should the statement of title in Part 3 of the Schedule which should commence with the root of title. If application is being made under Rule 19(2) evidence that the market value, at the date of the application, does not exceed €1,000,000 should be lodged.

Note (4) — This form can be adapted together with Form 1 where the application is for an absolute title. See Section 40(4) of the Act.

Note (5) — This form is to be adapted on an application for first registration of ownership of a right (other than an incorporeal hereditament held in gross) in the register maintained under Section 8(b) of the Act.

Note (6) — The reference in paragraph 3 to a schedule of documents may be omitted where Rule 16(a) applies.

Note (7) — The relevant averments of Form 16 are included in Form 2.

Note (8) — Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf [see Section 19 of the 2009 Act].

Note (9) — If there is more than one applicant, paragraph 9 should state clearly whether they are joint tenants or tenants in common and if tenants in common, the shares of each applicant.

Note (10) — If there is more than one applicant, the form should be amended accordingly.

Note (11) — If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

FORM 3

Application for first registration where purchase money or compensation does not exceed €1,000,000 (Rule 19(3) and(4))

LAND REGISTRY**County**

1. I am the solicitor for (insert full name and address of the applicant) who is applicant for registration as owner.
2. I have investigated the title to the property described in the conveyance dated the day of , (*or, other instrument*) lodged herewith. The property in or over which the estate or interest acquired by the conveyance (*or, other instrument*) exists is shown on the application map lodged herewith edged red and lettered.
3. As a result of my investigation of the title, I certify that the conveyance (*or, instrument*) conveyed (*or, vested*) the fee simple in the property (*or, the lessee's interest in a lease dated the day of , from to in the property for years from (commencement date) , an attested copy of which is lodged herewith, (or, other right acquired in the property)*) in the applicant, free from any adverse rights, restrictive covenants or incumbrances, except those subject to which the conveyance (*or, instrument*) expressly conveyed the property.
4. I certify that (save for the mortgage set out in paragraph 8) the said property remains free from any adverse rights, restrictive covenants or incumbrances (other than those already referred to at paragraph 3 hereof) and that there is not at the date of this certificate any transaction which affects or may affect the said property other than as stated herein.
5. The purchase money of (*or, the compensation for*) the property did not exceed €1,000,000. The whole of it had been paid to the person (*or persons*) entitled thereto or authorised to give receipts therefor.
6. I certify that the prior title is not based on possession.
7. I certify that the interest conveyed/assigned is not an enlargement of a prior interest held by the applicant in the property.

8. I apply for registration of the applicant as owner with absolute title (*or* qualified title (qualified as to)) (*or* good leasehold title) and for the registration as burdens of (the mortgage dated between and) and the following rights appearing from the said conveyance (*or*, instrument) to affect the ownership.

Dated this day of 20 .

Signed:

Note — The legal opinion set out in Rule 19(6) may be furnished in Form 3 adapted as the case may require.

FORM 4

Application by the Minister for Agriculture, Food and the Marine under Section 26(1) of the Act for first registration with possessory title (Rule 20)

LAND REGISTRY

The Minister for Agriculture, Food and the Marine pursuant to Section 26(1) of the Act hereby applies for the first registration with possessory title of (*insert name, address and description of person to be registered*) as owner of the property the particulars of which are specified in the Schedule hereto being the property shown on the application map accompanying this application edged in thereon and numbered.

Dated this day of 20 .

Schedule**PART 1**

Particulars of property

County	Barony	Townland	Area

PART 2

Particulars of acquisition of property

Title of matter in which property sold	The tenancy of purchaser as stated in his/her purchase agreement	Date and short particulars of vesting instrument i.e., whether conveyance, vesting order, or fiat, and name of person in whom property was vested	Purchase money

Signed:

(To be signed by the solicitor to, or authorised officer of, the Minister)

Note — The certificate required by Rule 20(2) is to be endorsed on the application.

FORM 5

Application for first registration where title is based on possession (Rule 17)

LAND REGISTRY**County**

I, A.B., of, _____ make oath and say—

1. I, (and my predecessors in title) have been in sole and exclusive beneficial occupation of the (*describe the property*) property shown on the application map attached edged red and lettered _____ (which application map correctly shows the boundaries of the property) for upwards of _____ years last past, and/or in sole receipt of the rents and profits thereof and no acknowledgment has been given by me (us) in favour of any person in respect of same or any part thereof.
- 2 (a) (*Describe how the occupation began and set out such facts as are relied upon in support of the applicant's claim to have established his/her title, e.g., deliberate squatting with intention to acquire the property; taking possession as one of the next-of-kin of a deceased owner against the personal representative of such owner, other next-of-kin, etc.; uses made of the property; the persons against whom he/she claims to have acquired his title, departures or dispossessions, relevant deaths; next-of-kin, addresses for service of notices, etc.*).
- 2 (b) (*The title against which adverse possession is claimed should be set out. If a fee farm grant or leasehold full details in the applicants possession or procurement should be set out. If the title is unknown the efforts made to establish the title should be fully set out*)
3. I am entitled for my own benefit to the fee simple interest in the property (*or, otherwise as the case may be*) and I am not aware of any contract or agreement for sale, or of any mortgage, charge, lease, agreement for lease, restrictive covenant, lien, incumbrance or trust (*or, except as stated in the Schedule hereto*) affecting the property, or any part thereof, and I declare that there is no person in possession or occupation of the property or any part thereof adversely to my estate or interest therein.
4. I am not aware of any question or doubt affecting the title to the property, or any part thereof, or of any matter or thing whereby the title is, or may be impeached, affected, or called in question in any manner whatsoever.
5. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (except — *give name and address of any person interested who is a minor (see Note (3)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said property (except — *give particulars of any pending action or suit*).

FORM 6

Application for registration where title is based on possession of registered land only (Rule 45 and Section 49)

LAND REGISTRY**County****Folio**

I, A.B., of _____ make oath and say—

1. I, (and my predecessors in title) have been in sole and exclusive beneficial occupation of the (describe the property) for upwards of _____ years last past, and/or in sole receipt of the rents and profits thereof and no acknowledgment has been given by me (us) in favour of any person in respect of same or any part thereof.
2. *(Describe how the occupation began and set out such facts as are relied upon in support of the applicant's claim to have established his/her title, e.g., deliberate squatting with intention to acquire the property; taking possession as one of the next-of-kin of a deceased owner against the personal representative of such owner, other next-of-kin, etc.; uses made of the property; the persons against whom he/she claims to have acquired his title (registered owner or his/her successors), departures or dispossessions, relevant deaths; next-of-kin, addresses for service of notices, etc.).*
3. I am entitled for my own benefit to the fee simple interest in the property (*or, otherwise as the case may be*) and I am not aware of any contract or agreement for sale, or of any mortgage, charge, lease, agreement for lease, restrictive covenant, or incumbrance (*or, except as stated in the Schedule hereto*) affecting the property, or any part thereof, and I declare that there is no person in possession or occupation of the property or any part thereof adversely to my estate or interest therein.
4. I am not aware of any question or doubt affecting the title to the property, or any part thereof, or of any matter or thing whereby the title is, or may be impeached, affected, or called in question in any manner whatsoever.
5. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (*except — give name and address of any person interested who is a minor or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said property (*except — give particulars of any pending action or suit*).
6. I apply to be registered as owner with absolute title of the property set out in paragraph 1.

FORM 7

Caution against first registration (Rule 30(1))

LAND REGISTRY

To the **Property Registration Authority**
(address of appropriate office)

Notice is to be given to A.B. of _____ of any application that
may be made for the registration of an owner of the property (*or*, the leasehold
interest under lease dated _____ from X to Y for _____ years in
the property) in the county of _____ specified in the Schedule hereto.

Dated the _____ day of _____ 20 ____ .

Schedule

(To contain particulars of the property by reference to an application map)

Signed:
(To be signed by A.B. or his/her solicitor).

FORM 8

Affidavit of interest in support of caution against first registration, to be endorsed on caution (Rule 30(2))

LAND REGISTRY

County

I. A.B.,of _____ make oath and say—

1. I am (*or, C.D., for whom I am solicitor, is*) interested in the property (*or, leasehold interest*) referred to in the within caution. The following are the particulars of my (*or, his/her*) interest.
2. (*State concisely in short paragraphs the documents or facts which show that the cautioner has an incumbrance on the property, or is entitled to object to a disposition of it without his/her consent*).

Signature of deponent. Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I. X.Y., hereby certify that I know the deponent. (*or, I know X.Y., who certifies his/her knowledge of the deponent*).

Signature Signature

FORM 9

Warning notice to cautioner of application for first registration (Rule 31)

LAND REGISTRY

WARNING NOTICE

Property Registration Authority
(address of appropriate office)

Sir / Madam,

You are hereby given notice that E.F., of _____ has applied to be registered as owner of the property (*or*, leasehold interest) referred to in your caution lodged in the Land Registry on the _____ day of _____ .

If you intend to oppose his/her application, you are required to do so in writing sent to the Property Registration Authority at the above address before the expiration of 21 days from the service of this notice on you. If you do not oppose it, the application will be proceeded with.

Any objection by you to the application must state the grounds thereof.

Dated the _____ day of _____ 20 ____ .

Signed:

To:
(Insert name and address of cautioner)

FORM 10

Application for the conversion of possessory title (property purchased under Land Purchase Acts)

(a) registered for 30 years (Rule 32) or

(b) registered over 12 years, where the applicant claims under a transfer for valuable consideration registered not less than 12 years prior to application (Rule 33)

LAND REGISTRY**County****Folio**

I, A. B., of _____ the registered owner of the property referred to in paragraph 1 hereof make oath and say—

1. The property to which this application relates is described in folio _____ of the register.

2. (a). *(if the application is under Rule 32)*

I was registered as owner of said property (under a transfer from *or*, under a devise in the will of, *or*, as the case may be) *(it must be shown that ownership of the property under the Land Purchase Acts has been registered for 30 years)*

or

2. (b). *(if the application is under Rule 33)*

The said property was transferred by transfer, dated the _____ day of _____ to me (or, E.F.) on sale and I (*or*, E.F.) was registered as full owner thereunder on the _____ day of _____ *(Facts must be stated showing that the applicant claims under a registered transfer for value to himself/herself or a predecessor in title registered for over 12 years)*.

3. I am absolutely entitled to the property and there is not to my knowledge any mortgage charge, lease, agreement, incumbrance, restrictive covenant or trust, affecting the property or any part of it and created before *(insert date of first registration)* (except as stated in paragraph 7).

4. I am not aware of any question affecting my title to the property or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.

5. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (except — *give name and address of any person interested who is a minor (see Note (1)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said property (except — *give particulars of any pending action or suit*).

6. I am in actual occupation of all the property and no person has a right of residence therein, a right to receive an annuity thereout or a right of maintenance or support or other right or privilege therein or thereout under any agreement, settlement, or deed, or a right under any devise or intestacy made or arising prior to *(insert date of first registration)* (except as stated in paragraph 3); and I have no knowledge of any deed, will, settlement, or other document affecting the property or any part of it, or of anything prior to the day of *(i.e., date of first registration)* whereby my title to it may be affected or called in question in any manner whatever. I have not (nor to the best of my knowledge and belief have my predecessors in title) given any acknowledgement of title to the said property to any person.
7. I have no deeds or other documents relating to the property in my possession or control (except those listed in the Schedule hereto which are lodged with this application).
8. I apply that the possessory title in the register of the property be converted into absolute title.

Schedule

(deeds and documents affecting the property)

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her
know the deponent.* knowledge of the deponent).

Signature

Signature

Note (1) — Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf (*see Section 19 of the 2009 Act*).

Note (2) — If applying under Rule 32 strike out paragraph 2(b). If applying under Rule 33 strike out paragraph 2(a).

Note (3) — If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

Note (4) — If there is more than one applicant, the form should be amended accordingly.

FORM 11

Application for the conversion of possessory title (property purchased under Land Purchase Acts) where the title to the tenancy existing prior to first registration has not been investigated by counsel (Rule 35)

LAND REGISTRY**County****Folio**

I, A. B., of the _____ registered owner of the property referred to in paragraph 1 hereof make oath and say—

1. The property to which this application relates is described in folio _____ of the register County.
2. I am (*or*, C.D., is) the registered owner (and I refer to the consent of the said C.D., to this application lodged herewith (*see Note (4)*)).
3. (State concisely the terms of the disposition that is the root of title and the subsequent documents, facts, and events that show the title claimed. Where the documents disclose any charge or other burden, proof must be given of its discharge, where its existence is not admitted) e.g. by settlement, dated the _____, made on the marriage of C.D., and E.F., (or, by conveyance, dated _____, or, by his/her will, dated _____) A.B., who was then the tenant of the property, conveyed, (or, devised) same to _____.
4. The deeds and other documents set out in the Schedule hereto are all the deeds and documents affecting the property in my possession or control.
5. I am (*or*, C.D. is) in possession of all the property and no person other than myself (*or* C.D.) is in occupation of the property or any part thereof (save who is (*or*, are) in occupation of (*area*) thereof under).
6. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, encumbrance or trust affecting the property specified in paragraph 1, the subject of my application or any part thereof, that has not been disclosed in the proceedings in the Registry on the application, and there is no person in possession or occupation of any part of the property adversely to my (*or*, his/her) estate therein.
7. I am not aware of any question, affecting my title to the property or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.
8. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (except — *give name and address of any person interested who is a minor (see Note (1)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no

FORM 12

Application for the conversion of possessory title (property purchased under Land Purchase Acts) where the title to the tenancy existing prior to first registration has been investigated by counsel (Rules 35 and 36)

LAND REGISTRY**County****Folio**

I, A. B., of _____ the registered owner of the property referred to in paragraph 1 hereof make oath and say—

1. The property to which this application relates is described in folio _____ of the register County _____.
2. I am the purchaser of the property from the registered owner thereof whose transfer to me is lodged with this application

or

I am the owner of the charge on the property from the registered owner thereof, which is lodged with this application (*or, as the case may be*).

3. On the occasion of my purchase (*or, of the loan or, as the case may be*) the title to the tenancy in the property existing prior to its first registration was investigated by a practising barrister (*or solicitor*), and I refer to his/her opinion thereon dated and to the abstract of title, contract, searches, requisitions, replies, deeds, and other documents, and evidence, produced on the occasion of the sale (*or, loan*) which are set out in the accompanying Schedule hereto. The documents specified in the said Schedule are all the documents relating to the property and the title to it in my possession or under my control.
4. I have no knowledge of any deed, will, settlement or other document relating to the property prior to its first registration other than those disclosed or of anything whereby my title or the title of the registered owner may be affected or called in question in any manner.
5. I am in actual occupation of all the property (*where applicable*) and there is no person in possession or occupation of any part of the property adverse to my (or his/her) estate therein.
6. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (*except — give name and address of any person interested who is a minor (see Note (2)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act. 1965, if any*) and no proceedings are pending in any court relating to the said property (*except—give particulars of any pending action or suit*).

7. I apply that the possessory title in the register of the property be converted into absolute title, (and that the following incumbrance(s) appearing from legal opinion to affect the property be entered in the register as (a) burden(s) *viz.*

Schedule

(deeds and documents affecting the property)

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I. X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her
know the deponent.* knowledge of the deponent).

Signature Signature

Note (1) — The relevant averments of Form 16 are included in Form 12.

Note (2) — Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf — see Section 19 of the 2009 Act.

Note (3) — The legal opinion may be in Form 3 adapted as required.

Note (4) — If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

Note (5) — If there is more than one applicant, the form should be amended accordingly.

FORM 13

Application for the conversion of possessory title (property purchased under Land Purchase Acts) on a certificate of solicitor where the compensation or purchase money does not exceed €1,000,000 (Rule 34)

LAND REGISTRY**County****Folio**

1. I, _____, am the Solicitor for (*insert full and correct description of applicant*).
2. The property to which this application relates is described in folio _____ of the register County _____.
3. I have investigated the title to the tenancy in the property existing prior to its first registration, and I certify that no incumbrances, restrictive covenants or rights adverse to the said applicant exist on or arise in respect of the said tenancy in the property, the fee simple in which was transferred to the applicant by transfer (*or*, other instrument), dated the _____ day of _____ 20____, and for which the purchase money (*or*, compensation) paid did not exceed €1,000,000.
4. I apply that the possessory title in the register of the property be converted into an absolute title.

Dated the _____ day of _____ 20____.

Signed:

FORM 14

Application for conversion of possessory title (property not purchased under the Land Purchase Acts and where lodged with a transfer for value or other disposition for value) (Rule 37(1) and (2)) or for the conversion of a qualified title (Rule 39)

LAND REGISTRY**County****Folio**

I, A. B., of _____ make oath and say-

1. The property to which this affidavit refers is described in folio _____ of the register County _____.
2. (a). *(if the application is under Rule 37(1))*
The said property was transferred by transfer, dated the _____ day of _____ to me for valuable consideration (*or, other disposition for value*).
2. (b). *(if the application is under Rule 37(2))*
The property has been registered since (*must be registered for 15 years*) and the said property was transferred by transfer, dated the _____ day of _____ to me for valuable consideration (*or, other disposition for value*).
2. (c). *(if the application is under Rule 39)*
(set out evidence of the title of the registered owner to the estate or interest excepted in the register from the effect of registration or by such other evidence as the applicant relies on in proof that the estate or interest so excepted has been extinguished or has otherwise ceased to affect the property e.g. the document which was the root of title is dated and now qualifies as a good root under Rule 19(1)).
3. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, encumbrance or trust affecting the property specified in paragraph 1, the subject of my application (*or of the application of _____*) or any part thereof, that has not been disclosed in the proceedings in the Registry on the application, and there is no person in possession or occupation of any part of the property adversely to my (or, his/her) estate therein.
4. I am not aware of any question, affecting my title to the property (*or, the title of to the property*) or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.
5. The contracts, abstracts, legal opinions, requisitions, replies, deeds, wills and other like documents referred to in the Schedule hereto and lodged with this application are all the documents in my possession or under my control (*or, in the possession or under his/her control*) relating to the said property (*if the application is under Rule 37(2) it is not necessary to lodge these documents*).

FORM 16*Affidavit of discovery (Rule 47)***LAND REGISTRY****County****Folio** *(if registered land)*

I, A. B., of

make oath and say-

1. The property to which this affidavit refers is *(describe clearly the property the subject of the application; where it is registered, the folio no. of the register should be stated)*.
2. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, incumbrance or trust affecting the property specified in Paragraph 1, the subject of my application *(or of the application of)* or any part thereof, that has not been disclosed in the proceedings in the Registry on the application, and there is no person in possession or occupation of any part of the property adversely to my *(or, his/her)* estate therein.
3. I am not aware of any question, affecting my title to the property *(or, the title of to the property)* or any part of it, or of anything whereby the title is or may be affected or called in question in any manner whatever.
4. The contracts, abstracts, legal opinions, requisitions, replies, deeds, wills and other documents referred to or lodged with said application and produced in the proceedings thereunder are all the documents in my possession or under my control *(or, in the possession of or under his/her control)* relating to the said property.
5. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, *(except — give name and address of any person interested who is a minor (see Note (1)) or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act. 1965, if any)* and no proceedings are pending in any court relating to the said property *(except — give particulars of any pending action or suit)*.

Signature of deponent.

Sworn this the day of , 20 ,
 at , in the county of
 before me a Commissioner for Oaths *(or
 other qualified person)* and I know the
 deponent

I, X.Y., hereby certify that I
know the deponent.*(or, I know X.Y., who certifies his/her
knowledge of the deponent).*

Signature

Signature

Note (1) — Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf (see Section 19 of the 2009 Act).

Note (2) — If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

Note (3) — If there is more than one deponent, the form should be amended accordingly.

Note: In first registration applications, consideration might be given to registering any relevant deeds in the Registry of Deeds to preserve priorities.

2. FOLIO DETAILS

Folio number						
County						

3. FEES PAYABLE

I enclose fees of €

Official Use Only — Fee Paid

Please complete the following sections using block capitals or typeface

4. APPLICANT DETAILS

If there are more than two applicants please use a continuation sheet and attach to this Form.

First name	
Surname/Organisation Name	
Address within the state for service of notices	
Share (<i>Tenants in Common only</i>)	
First name	
Surname/Organisation Name	
Address within the state for service of notices	
Share (<i>Tenants in Common only</i>)	

5. APPLICATION FOR REGISTRATION

I (the applicant or) as solicitor for the applicant(s) apply for registration of the above named as owner(s) as joint tenants / tenants in common of the property the subject of the application herein and as (the registered owner or person entitled to be registered owner) apply for registration of the burdens/cautions/inhibitions in accordance with the documents lodged and assent to the registration of same as burdens on the property.

6. LODGED BY

Name of Solicitor Firm or Name of Applicant	
Postal Address	
email Address (if any)	
Reference	

7. IN THE CASE OF PERSONAL APPLICATIONS

<input type="checkbox"/>	Evidence of identity – <i>Rule 11(4)(a)</i>	(Document providing evidence)
<input type="checkbox"/>	Evidence of permanent address – <i>Rule 11(4)(a)</i>	(Document providing evidence)

SIGNATURE (Applications must be signed either by an individual practising solicitor or, if no solicitor acting, by all the applicant(s).)

Signed

Name of Firm

Date

The Property Registration Authority is a “relevant person” under Section 14 of the Local Government (Household Charge) Act, 2011 [S.I. 119 of 2012] and data may be shared pursuant to the terms of that Act.

FORM 18

Notice to registered owner of application by personal applicant (Rule 11(4)(b),(c))

LAND REGISTRY

County

Folio

NOTICE

Property Registration Authority
(address of appropriate office)

Sir, (*or*, Madam),

You are hereby given notice that E.F., of _____ has applied for the registration specified in the Schedule hereto on the above folio.

You are served of this notice as registered owner of the folio.

Any objection by you, to the proposed registration, should be in writing to the Property Registration Authority at the above address before the expiration of _____ days from the service of this notice on you. Any objection by you to the application must state the grounds thereof.

This notice will be deemed to have been received by you within _____ days from the date hereof in absence of proof to the contrary.

Schedule

Dated the _____ day of _____ 20 ____ .

Signed:

To:
(Insert name and address of registered owner)

FORM 19

Transfer of property by a registered owner (Rules 52 and 67)

LAND REGISTRY

County

Folio

Transfer dated the day of 20

A.B., the registered owner, in consideration of (the receipt of which is hereby acknowledged, *(if appropriate)*) hereby transfers all the property described in folio of the register County to C.D.

(if more than one transferee state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)

The address of C.D., in the State for service of notices and his/her description are:
(give address and description)

Signed (*or*, Signed, sealed) and delivered by A.B.

in the presence of:-

Signed (*or*, Signed, sealed) and delivered by C.D.

in the presence of:-

Note (1) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (2) — Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he/she must, in order to protect the lien, apply for its registration as a burden (*see Rule 117*).

Note (3) — For execution and the attestation of the execution of a transfer (*see Rules 54 and 55*).

Note (4) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (5) — In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (6) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 20

Affidavit of attesting witness (Rule 54)

LAND REGISTRY

County

Folio

I, _____ of, _____ make oath and say:-

1. I am an attesting witness to the execution of the within deed by the party (or parties) thereto.
2. I was present and saw the said deed signed, sealed, and delivered by the said _____, who is personally known to me.

Signature of deponent. Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths (or other qualified person) and I know the deponent

I, X.Y., hereby certify that I know the deponent. (or, I know X.Y., who certifies his/her knowledge of the deponent).

Signature

Signature

Note: — Where the executing party is a marksman, it must be stated in this affidavit, or in the attestation clause to the deed, that the deed was read over to and understood by him/her.

FORM 21

Transfer of part of property by a registered owner (Rules 52 and 67)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20

A.B., the registered owner, in consideration of (the receipt of which is hereby acknowledged, *(if appropriate)*) hereby transfers the part of the property described in folio of the register County specified in the schedule hereto to C.D.

(if more than one transferee, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)

(together with the following burdens
and A.B. assents to their registration on folio

and subject to the following burdens
and C.D. assents to their registration on the property *(insert if appropriate)*)

The address of C.D., in the State for service of notices and his/her description are:
(give address and description)

Schedule

*(To contain particulars of the part transferred and reference to the map thereof
(see Rule 56))*

Signed *(or, Signed, sealed)* and delivered
by A.B.

in the presence of:-

Signed *(or, Signed, sealed)* and delivered
by C.D.

in the presence of:-

Note (1) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (2) — Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he/she must, in order to protect the lien, apply for its registration as a burden (*see Rule 117*).

Note (3) — For execution and the attestation of the execution of a transfer (*see rules 54 and 55*).

Note (4) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (5) — In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (6) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 22

Transfer of part of property (building estate) by a registered owner (Rules 52 and 67)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20
A.B., the registered owner, in consideration of (the receipt of which
is hereby acknowledged) hereby transfers the part of the property described in
folio of the register County specified in the Schedule 1 hereto
to C.D.

*(if more than one transferee state whether taking as joint tenants or tenants in
common and if taking as tenants in common state the shares each transferee is
taking)*

together with the easements, rights, privileges, covenants and conditions (*etc as
appropriate*) set out in the Schedule 2 hereto and subject to the easements,
rights, privileges, covenants and conditions (*etc as appropriate*) set out in Sched-
ule 3 hereto.

The said C.D. hereby assents to the registration of the easements, rights, privil-
eges, covenants and conditions (*etc as appropriate*) set out in Schedule 3 hereto
as a burden on the property set out in Schedule 1 hereto.

The said A.B. hereby assents to the registration of the easements, rights, privil-
eges, covenants and conditions (*etc as appropriate*) set out in Schedule 2 hereto
as a burden on the property comprised in folio.

Definitions are set out in Schedule 4 hereto.

Recitals are set out in Schedule 5 hereto.

The address of C.D., in the State for service of notices and his/her description
are:

(give address and description)

Schedule 1

*(To contain particulars of the part transferred and reference to the map
thereof—see Rule 56)*

Schedule 2

*(set out the easements, rights, privileges, covenants and conditions as
appropriate that affect the property transferred)*

Schedule 3

(set out the easements, rights, privileges, covenants and conditions as appropriate that affect the retained property)

Schedule 4

(set out definitions as appropriate)

Schedule 5

(set out recitals as appropriate)

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by C.D.
in the presence of:-

Note (1) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (2) — For execution and the attestation of the execution of a transfer (*see Rules 54 and 55*).

Note (3) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (4) — Additional Schedules can be added as required.

Note (5) — In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (6) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 23

Voluntary transfer of freehold property by a registered owner with a power of revocation (Rules 52 and 67)

LAND REGISTRY

County

Folio

Transfer dated the day of 20 .
A.B., the registered owner, in consideration of the affection of A.B. for C.D. hereby transfers all the property described in folio of the register County to C.D.

(if more than one transferee state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

subject to the power to A.B. at any time hereafter by deed (or, by will expressly referring to this power) to revoke this transfer.

C.D., hereby assents to the registration of the following inhibition:

No registration under a disposition is to be made without prior notice to A.B.

The address of C.D., in the State for service of notices and his/her description are:
(give address and description)

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or*, Signed sealed) and delivered
by C.D.
in the presence of:-

Note (1) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (2) — For execution and the attestation of the execution of a transfer (*see Rules 54 and 55*).

Note (3) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (4) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 24

Transfer of property by a registered owner of a charge in exercise of a power of sale (Rules 52 and 67)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20 .
 A.B., the registered owner of the charge registered on the day of
 (or, at Entry No.) in exercise of his/her/its power of sale, in consideration of
 (the receipt of which is hereby acknowledged) hereby transfers all the property
 described in folio of the register County to C.D.

(if more than one transferee state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

discharged from the said charge and from all other burdens entered in the said folio of the register over which the said charge ranks in priority.

The address of C.D., in the State for service of notices and his/her/its description are:

(give address and description)

Signed (or, Signed, sealed) and delivered
 by A.B.
 in the presence of:-

Signed (or, Signed, sealed) and delivered
 by C.D.
 in the presence of:-

Note (1) — On the registration of the transferee all registered burdens that rank in priority to the charge of the owner exercising his/her/its power of sale will be left on the register. All registered burdens ranking in priority after his/her charge will be cancelled. Care should be taken if there is an occupational lease burden registered puisne to the charge.

Note (2) — This Form may be adapted to a sale by a person having any other statutory power of sale, or a power of sale registered as a burden.

Note (3) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (4) — See Section 100 of the Land and Conveyancing Law Reform Act 2009 in relation to the exercise of a power of sale under a mortgage created on or after the 1st December 2009.

Note (5) — For execution and the attestation of the execution of a transfer (*see Rules 54 and 55*).

Note (6) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (7) — In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (8) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 25

*Notice to registered owner of registration of transfer under a power of sale
(Rule 79)*

LAND REGISTRY

County

Folio

NOTICE

Property Registration Authority,
(address of appropriate office)

Sir, *(or, Madam)*,

You are hereby given notice that _____ the registered owner of the charge registered as a burden at entry number _____ Part 3 of folio _____ County _____ in exercise of his/her/its Power of Sale, by deed of transfer dated _____ transferred the property *(or the part of the property specified in the schedule hereto)* comprised in folio _____ County _____ to _____.

Under Section 62(9) of the Registration of Title Act 1964 the transferee has been registered as owner of the property *(or the part of the said property now registered on folio _____)*.

You are served of this notice as registered owner of the property comprised in the above mentioned folio.

All enquiries in relation to the said cancellation should be addressed to *(the party who exercised the power)*.

Schedule

(insert if only part of the folio is transferred)

Dated the _____ day of _____ 20 _____.

Signed:

To:
(Insert name and address of registered owner of folio)

FORM 26

Notice of cancellation of a puisne burden on a power of sale under Section 62(10) of the Act (Rule 79)

LAND REGISTRY**County****Folio****NOTICE**

Property Registration Authority,
(address of appropriate office)

Sir, (*or, Madam*),

You are hereby given notice that _____ the registered owner of the charge registered as a burden at entry number _____ Part 3 of folio _____ County _____ in exercise of power of sale, by deed of transfer dated _____ transferred the property (*or the part of the property specified in the schedule hereto*) comprised in folio _____ County _____ to _____.

Under Section 62(10) of the Registration of Title Act, 1964, all estates, interests, burdens and entries puisne to the charge shall be discharged and under Rule 79(2) of the Land Registration Rules 2012 such burdens and notices shall be cancelled in the Register.

Therefore the (*burden, entry etc as appropriate*) registered at entry number _____ Part of folio _____ County _____ has been cancelled (*or, folio number _____ County _____ has been opened free of the (burden, entry etc as appropriate) registered at entry number _____ Part _____ of folio _____ County _____*).

You are served of this notice as (*owner of the burden or notice party of the burden etc as appropriate*).

All enquiries in relation to the said cancellation should be addressed to (*the party who exercised the power*).

Schedule

(insert if only part of the folio is transferred)

Dated the _____ day of _____ 20 _____.

Signed:

To:

(Insert name and address of registered owner of charge)

FORM 27

Notice to the registered owner of a transfer over-reaching the estate or interest of the registered owner under Section 60 of the Act (Rule 76)

LAND REGISTRY**County****Folio****NOTICE**

Property Registration Authority,
(address of appropriate office)

Sir, *(or, Madam)*,

You are hereby given notice that _____ under a transfer dated _____ made by statute *(set out the relevant statutory provisions)* *(or in exercise of a statutory power (set out details of the relevant statutory power)* or made in exercise of a power registered as a burden at entry number _____ Part 3 of folio _____ County _____) transferred the property *(or the part of the property specified in the schedule hereto)* comprised in folio _____ County _____ to _____.

Under Rule 76(2) of the Land Registration Rules 2012 you are served of this notice as registered owner of the property comprised in the above mentioned folio.

Registration will proceed unless good cause to the contrary is shown by you within 21 days from your receipt of this notice. Any objection by you to the proposed registration should be in writing addressed to the Property Registration Authority at the above address. This notice will be deemed to have been received by you within _____ days from the date hereof.

Schedule

(insert if only part of the folio is transferred)

Dated the _____ day of _____ 20 _____.

Signed:

To:

(Insert name and address of registered owner of folio)

FORM 28

Notice of cancellation of a burden on transfer over-reaching the estate or interest of the registered owner (Rule 78)

LAND REGISTRY**County****Folio****NOTICE**

Property Registration Authority,
(address of appropriate office)

Sir, *(or, Madam)*,

You are hereby given notice that _____ under a transfer dated _____ made by statute *(set out the relevant statutory provisions)* *(or in exercise of a statutory power (set out details of the relevant statutory power)* or made in exercise of a power registered as a burden at entry number _____ Part 3 of folio _____ County _____) transferred the property *(or the part of the property specified in the schedule hereto)* comprised in folio _____ County _____ to _____.

Under Rule 77(1)(a) of the Land Registration Rules 2012 the burdens and notices from which the property would be discharged by the statute or the exercise of the statutory power, if the property were unregistered, *(or Under Rule 77(1)(b) of the Land Registration Rules 2012 the burdens and notices that rank in priority after the power)* shall be cancelled in the Register.

You are served of this notice as *(owner of the burden or notice party of the notice as appropriate)*.

Therefore registration will proceed and the *(burden, notice as appropriate)* registered at entry number _____ Part _____ of folio _____ County _____ will be cancelled *(or, a new folio will be opened free of the (burden, notice as appropriate)* registered at entry number _____ Part _____ of folio _____ County _____) unless good cause to the contrary is shown by you within 21 days from your receipt of this notice. Any objection by you to the proposed registration should be in writing addressed to the Property Registration Authority at the above address.

This notice will be deemed to have been received by you within _____ days from the date hereof.

Schedule

(insert if only part of the folio is transferred)

Dated the _____ day of _____ 20 _____.

Signed:

To:

(Insert name and address of registered owner of burden or notice party)

FORM 29*Transfer of property to trustees (Rules 52, 67 and 69)***LAND REGISTRY****County****Folio**

Transfer dated the day of 20 .

A.B., the registered owner, in consideration of (the receipt of which is hereby acknowledged *(if appropriate)*) hereby transfers all the property described in folio of the register County to C.D. and E.F.

C.D., and E.F., hereby consent to and apply for the entry of the following inhibition in the register on their registration.
(see Rules 69 and 128 and sample forms of inhibition in Form 77)

The address in the State of C.D., and E.F., for service of notices and their descriptions are:
(give address and description)

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by C.D.
in the presence of:-

Note (1) — The trusts under which the property is held should be declared by a separate deed to be retained by the trustees.

Note (2) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (3) — Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he/she must, in order to protect the lien, apply for its registration as a burden (*see Rule 117*).

Note (4) — For execution and the attestation of the execution of a transfer — see Rules 54 and 55.

Note (5) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (6) — In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (7) — If there is more than one transferor or more than two trustees, the form should be amended accordingly.

FORM 30

Transfer of freehold property by a registered owner creating rights in favour of himself/herself and others (Rules 52 and 67)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20 .
A.B., the registered owner, in consideration of , hereby transfers all
the property described in folio of the register County to C.D.,

(if more than one transferee state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

subject to the following rights therein and thereover-

1. The right of A.B. (and E.F., his/her spouse,) during his/her life (their respective lives) to the exclusive use and occupation of *(insert particulars of the part of the property that the parties are to be exclusively entitled to during their lives, e.g., an exclusive use of a field. As regards an exclusive right of residence in a room or rooms, however, see Note (1) omit where the general right of residence in clause 2 is given.)* and C.D. hereby assents to the entry of the following inhibition: No registration under any disposition for value by the registered owner of the property *(if only part of the property, set out the relevant part)* is to be made during the life (lives) of A.B. (and E.F.) without his/her (their) consent (or the consent of the survivor of them).
2. The right of A.B. (and E.F., his/her spouse) during his/her life (their respective lives) to reside in the dwellinghouse on the property and to be supported and maintained on and out of the land in the manner following *(insert the particulars (if any) of the maintenance agreed on and the alternative payments, if any, in case of disagreement). (See Note (1) omit if clause 1 is inserted.)*
3. A power for A.B., or his/her personal representative to charge the property with such sum or sums, not exceeding in all € , as he/she may be called on to pay and shall pay within six years from the date hereof in discharge of any debts due by A.B., at that date *(see Note (3))*.
4. A charge for € , payable to. *(insert particulars of charge and of its terms, as agreed on for any member of the family)*.

C.D. hereby assents to the registration of the rights specified above as burdens on the property *(see Rule 96)*.

The address in the State of C.D., for service of notices and his/her description are:-

(give address and description)

Signed (*or*, Signed, sealed) and delivered by A.B.

in the presence of:-

Signed (*or*, Signed, sealed) and delivered by C.D.

in the presence of:-

Note (1) — A general right or exclusive right of residence on property will be registered as a burden (*see Section 81 of the Act*). Otherwise, an exclusive right to the use and possession of specified property is a trust which cannot be registered as a burden (*see Section 92 of the Act*). It must be protected by inhibition (*see Rule 64*).

Note (2) — A general charge for payment of debts should not be created. Where desired, a personal covenant by the transferee with the transferor for payment of the debts may be inserted.

Note (3) — Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he/she must, in order to protect the lien, apply for its registration as a burden (*see Rule 117*). Where the purchase money is paid the usual receipt clause may be embodied in the transfer.

Note (4) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (5) — For execution and the attestation of the execution of a transfer (*see Rules 54 and 55*).

Note (6) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor (*see Section 80 of the Land and Conveyancing Law Reform Act 2009*).

Note (7) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 31*Lease of registered land (Rules 52 and 68)***LAND REGISTRY****County****Folio**

Lease dated the day of 20 .

A.B., the registered owner, in consideration of (the receipt of which is hereby acknowledged, *(if appropriate)* hereby demises all the property described in folio of the register County (*or, the part of the property described in folio of the register County specified in Schedule 1 hereto*) to C.D.

(if more than one lessee, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each lessee is taking)

to hold for a term of years from at the rent of payable on

(subject to the terms, clauses, appurtenances, ancillary rights, exceptions, reservations, covenants, conditions, provisos, and charges, set out in the Schedules 2, 3, 4 etc hereto.)

The said A.B. hereby assents to the registration of the lease as a burden on the said property.

The address of C.D., in the State for service of notices and his/her description are:

(give address and description)

Schedule (1)

(where necessary)

(to contain particulars of the part leased and a reference to the map thereof (Rule 56))

Signed (*or* Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or* Signed, sealed) and delivered
by C.D.
in the presence of:-

Note (1) — The standard terms, clauses, appurtenances, ancillary rights, exceptions, reservations, covenants, conditions, provisos and charges may be included in separate schedules.

Note (2) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (3) — If there is more than one lessor/lessee, the form should be amended accordingly.

FORM 32

Application by a Local Authority to be registered as owner of property vested in it under statute (Rule 82)

LAND REGISTRY**County****Folio**

I, A.B., Solicitor to the Local Authority of (*or, give accurate description of authority*) hereby apply for the registration of the said Local Authority (*or, as the case may be*) as owner of all the property described in folio _____ of the register County _____ which has been vested in it under (*insert relevant statutory provision i.e. Section and Act*) and I hereby certify that possession of the said property has been obtained by the Local Authority (*or, as the case may be*) under a decree of the Circuit Court (*or, order of the District Court*) dated the _____ day of _____ 20____, in proceedings in that Court entitled (*insert title of proceedings*).

Dated the _____ day of _____ 20____.

Signed:

FORM 33

*Application for registration where the registered owner died
prior to 1st June, 1959 (Rule 85)*

LAND REGISTRY**County****Folio**

A.B., the sole registered owner (*or* the survivor of several registered owners) of the property comprised in folio _____ of the register County _____ died on the _____ day of _____ 19____ and probate of his/her will dated the _____ day of _____ 19____ was (*or*, letters of administration with his/her will dated _____ were) granted to C.D., on the _____ day of _____ .

E.F. is entitled to be registered as owner of the property on foot of the deeds/documents set out in Part 1 of the Schedule hereto.

I, E.F. apply to be registered as owner of the property (subject to the burden(s) referred to in Part 2 of the Schedule hereto to the registration of which I hereby assent and I assent to the entry of the inhibition set out therein).

or

I, C.D. apply for the registration of E.F. as owner of the property (subject to the burden(s) referred to in Part 2 of the Schedule and to the entry of the inhibition set out therein (*the assent of E.F. to the registration should be lodged*)). (*if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking*)

The address of E.F. in the State for service of notices, and his/her description are:-

(give address and description)

Dated the _____ day of _____ 20____ .

Signed:

(To be signed by the applicant and his/her signature attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Schedule**Part 1**

(List deeds and documents upon which the application is based e.g. Transfer/Assent by personal representative(s))

Part 2

(Set out burdens (and inhibition) that are to be registered)

Note (1) — Probate or Letters of Administration or official copy should be lodged.

Note (2) — If there is more than one applicant, the form should be amended accordingly.

FORM 34

Affidavit by personal representative(s) of a registered owner relative to, burdens or other rights created by the will of the testator, or, relative to the persons by law entitled to the property on the intestacy in case of death prior to 1st June, 1959 (Rule 85)

or,

Affidavit by personal representative(s) where a person died entitled but not registered as owner in the case of death on or after the 1st June, 1959 (Rule 90)

LAND REGISTRY**County****Folio**

I, A.B., make oath and say—

C.D., the registered owner of the property described in folio _____ of the register, County _____ died testate (*or*, intestate) on the _____ day of _____, and probate of his/her will was (*or*, letters of administration with his/her will annexed, *or*, letters of administration of his/her estate were) granted to me on the _____ day of _____.

I have set out in the Schedule hereto the names of all persons entitled under the will to any estate, burden or other right in, to, or over the property described in the said folio, except those whose claims are payable primarily out of the general personal estate of the testator in exoneration of the said property, with short particulars of their interests and their addresses in the State for service of notices. None of them is a minor or person of unsound mind, except where stated in the said Schedule (*Testate owner*).

or,

I have set out in the Schedule hereto the names of all persons who, subject to the liabilities of the intestate, became by law entitled to his/her property on his/her death, their relationship to the intestate, and their addresses in the State for services of notices. None of them is a minor or person of unsound mind except where stated in the said Schedule (*Intestate owner*).

I as personal representative make no claim against the said property for any money for the discharge of the funeral, and testamentary (*or*, administration) expenses or the debts of the said owner (*or* the legacies charged by his/her will on both real and personal estate that are primarily payable out of his/her personal estate).

Schedule

Name of claimant under the will or intestacy (<i>where a minor or person of unsound mind, state that fact and name of guardian or committee</i>)	Where owner died testate, the estate, burden or right of claimant under the will; where owner died intestate, the relationship of claimant to owner	Address of claimant in the State (<i>or, where a minor or person of unsound mind, of his/her guardian or committee</i>)

Signature of deponent.

Sworn this the day of , 20 ,
 at , in the county of
 before me a Commissioner for Oaths (*or
 other qualified person*) and I know the
 deponent

I, X.Y., hereby certify that I
 know the deponent.

(*or, I know X.Y., who certifies his/her
 knowledge of the deponent.*)

Signature

Signature

Note (1) — Care should be taken to set out in the Schedule the names of persons who would become entitled under the provisions of the Legitimacy Act, 1931, and the Adoption Acts, 1952 and 1964 and the Status of Children Act 1987.

Note (2) — If there is more than one personal representative, the form should be amended accordingly.

FORM 35

Assent by personal representative(s) to the registration of a person entitled as owner where a registered owner dies testate on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY

County

Folio

I A. B. of make oath and say—

C.D., the registered owner of the property described in folio _____ of the register, County _____ died on the _____ day of _____, and probate of his/her will was (or, letters of administration with his/her will annexed thereto were) granted to me on the _____ day of _____.

I assent to the registration of E.F. as owner
(if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

(subject to the charges and to the burdens and rights set out in the Schedule hereto) *(see Notes (1) and (2)).*

Schedule

(where necessary)

Particulars of burdens and/or rights. <i>(It should be stated in the case of each burden or right how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated.)</i>	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965 or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(or where a minor or person of unsound mind, of his/her guardian or committee or trustee(s))</i>

Signature of deponent.

Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths *(or other qualified person)* and I know the deponent

I. X.Y., hereby certify that I know the deponent.

(or, I know X.Y., who certifies his/her knowledge of the deponent).

Signature

Signature

Note (1) — Deeds or wills (other than probate of the will of the registered owner) should not be lodged. It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the Authority. The effect of all the deeds and wills must be set out correctly in the prescribed Form. See Section 61(3) of the Act as inserted therein by Section 54(2) of the Succession Act, 1965 and as amended by the Land and Conveyancing Law Reform Act 2009.

Note (2) — See Section 20(2) of Administration of Estates Act, 1959, and, in cases of deaths after the commencement of the Succession Act, 1965, on 1st January 1967 (Section 52(2) of that Act). Where the trustees hold on trust for sale, the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers, e.g., powers of sale and charging the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of an inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or, (in the case of persons of unsound mind) their committees.

Note (3) — Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his/her power of sale by the registered owner of the charge.

Note (4) — If there is more than one personal representative/person entitled, the form should be amended accordingly.

FORM 36

Application by a person who claims to be entitled to be registered as owner on the assent of the personal representative(s) where a registered owner died testate on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY

County

Folio

I, E.F., am the person entitled referred to in the within assent (*or the assent annexed hereto*) of the personal representative of C.D.

I apply to be registered as owner of the property
(if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

(subject to the burden(s) referred to in paragraph 2 of the assent, to the registration of which I hereby assent) (and to the subsisting unregistered right referred to in said assent for the protection of which I assent to the entry of the following inhibition):
(see Form 77)

My address in the State for service of notices, and my description is:-
(give address and description)

Dated the day of 20 .

Signed:

(To be signed by the applicant and his/her signature attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Note — If there is more than one applicant, the form should be amended accordingly.

FORM 37

Application by trustees for registration as full owners of property on the assent of the personal representative(s) where a registered owner died testate on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY**County****Folio**

We, G.H. and I.J., are the persons entitled referred to in the within assent (or the assent annexed hereto) of the personal representative of C.D.

We apply to be registered as owners of the property (subject to the charges burdens and rights affecting the property that have priority to the trusts on which we hold the property and we assent to the registration of such burdens and to the entry of an inhibition to protect such rights) (*see Note (1)*).

We apply for the entry of the following inhibition in the register on our registration — (*insert restriction appropriate for the protection of rights aforesaid — see Form 77*).

Our addresses in the State for service of notices and our descriptions are:- (*give address and description*)

Schedule*(where necessary)*

Dated the day of 20 .

Signed:

(To be signed by the applicants and their signatures attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Note (1) — Where the Trustees hold on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers, e.g., powers of sale and charging the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of an inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or, (in the case of persons of unsound mind) their committees.

Note (2) — If there are more than two trustees, the form should be amended accordingly.

FORM 38

Application for registration by personal representative(s) who claims to be entitled to be registered as owner where a registered owner died testate on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY**County****Folio**

I, A.B. of _____ make oath and say:-

1. C.D. the registered owner of the property described in folio _____ of the register County _____ died on the _____ day of _____, and probate of his/her will was (or, letters of administration with his/her will annexed thereto were) granted to me on the _____ day of _____.
2. I assent to and apply for my registration as owner of the property
(if more than one person entitled, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)
3. (subject to the burdens set out in the Schedule hereto, to the registration of which I hereby assent) (and subject to the subsisting unregistered rights referred to in said Schedule for the protection of which I assent to the entry of the following inhibition) *(see Form 77)*.
4. My address in the State for service of notices, and my description is:-
(give address and description).

Schedule*(where necessary)*

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right how it was created, e.g. by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965 or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(or, where a minor or person of unsound mind, of his/her guardian, or Committee or trustee(s))</i>

FORM 39

Application by one or more personal representatives to whom property is devised as trustees on the death testate of a registered owner on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY**County****Folio**

I

of

make oath and say:-

1. C.D., the registered owner of the property described in folio of the register, County died on the day of , and probate of his/her will was (*or, letters of administration with his/her will annexed thereto were*) granted to me on the day of .
2. I apply to be registered as owner(s) of the property (subject to the charges and other burdens and rights that have priority to the trusts on which I hold and I assent to the registration of such burdens on the said property and to the entry of the inhibition set out in paragraph 3 to protect the said unregistered rights.
3. I apply for the entry of the following inhibition in the register (*insert restriction appropriate for the protection of the unregistered rights aforesaid — (see Note (1) and Form 77).*)
4. My address in the State for service of notices and my description is:- (*give address and description*)

Schedule*(where necessary)*

Particulars of burdens and/or rights ranking in priority to the trusts. (<i>It should be stated in the case of each burden or right how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated.</i>)	Name of claimant (<i>Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, to be stated.</i>)	Address in the State of claimant (<i>or where a minor or person of unsound mind, of his/her guardian or committee or trustee(s).</i>)

Signature of deponent. Sworn this the day of , 20 ,
 at , in the county of
 before me a Commissioner for Oaths (*or
 other qualified person*) and I know the
 deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her*
 know the deponent. knowledge of the deponent).

Signature

Signature

Note (1) — Where the personal representatives hold the property on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the personal representatives of any authorised powers, e.g., powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of persons of unsound mind), their committees.

Note (2) — If there is more than one applicant, the form should be amended accordingly.

FORM 40

Transfer by the personal representative(s) to a person entitled to be registered as owner where a registered owner died testate on or after the 1st June, 1959 (Rule 87)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20 .
A.B., the personal representative(s) of C.D., the registered owner of the property described in folio of the register County , hereby transfers all the property described in the said folio to E.F.

(if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

(subject to the charges and to the burden(s) and right(s) that are specified in the Schedule hereto). *(see Note (1))*

E.F. hereby assents to the registration of the said charges and the burden(s) in the said Schedule as burden(s) on the property (and to the entry of an inhibition for the protection of the right in the said Schedule in the following terms — see *Form 77*).

The address of E.F. in the State for service of notices and his/her description are:-

(give address and description)

Schedule

(where necessary)

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(or, where a minor or person of unsound mind, of his/her guardian, committee or trustee(s))</i>

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by E.F.
in the presence of:-

Note (1) — Deeds or wills (other than probate of the will of the registered owner) should not be lodged. It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the Authority. The effect of all the deeds and wills must be set out correctly in the prescribed Form. See Section 61 (3) of the Act as inserted therein by Section 54 (2) of the Succession Act, 1965 and as amended by the Land and Conveyancing Law Reform Act 2009.

Note (2) — This Form is to be used with appropriate modifications where the personal representative is transferring to the successor of the person entitled whether under the will or under Section III of the Succession Act, 1965, or where the property is vested in trustees (by the will or by deed after the death of the registered owner). A trust in land includes property vested in a minor; see Section 18 of the Land and Conveyancing Law Reform Act 2009. The form should in such case include an application for the entry of an appropriate inhibition to protect the trusts on which they hold. (*See Form 77*). Where the trustees hold the property on trust the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers e.g. powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of minors or persons of unsound mind) their committees or guardians or trustees under Section 57 of the Succession Act, 1965 or Section 19 of the Land and Conveyancing Law Reform Act 2009.

Note (3) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (4) — For execution and the attestation of the execution of a transfer see Rules 54 and 55.

Note (5) — Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his/her power of sale by the registered owner of the charge.

Note (6) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 41

Assent by personal representative(s) to the registration of a person entitled as owner where a registered owner died intestate on or after the 1st June, 1959 (Rule 88)

LAND REGISTRY

County

Folio

I A.B. of _____ make oath and say:-

C.D. the registered owner of the property described in folio _____ of the register, County _____ died intestate on the _____ day of _____ 20____, and letters of administration of his/her estate were granted to me/us on the _____ day of _____ 20____.

I assent to the registration of _____ as owner of the property
(if more than one person entitled, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)

(subject to the charges and to the burdens and rights specified in the schedule hereto.)

Schedule

(where necessary)

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965 or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(or where a minor or person of unsound mind, of his/her guardian or committee or trustee(s))</i>

Signature of deponent. Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths *(or other qualified person)* and I know the deponent

I. X.Y., hereby certify that I know the deponent. *(or, I know X.Y., who certifies his/her knowledge of the deponent).*

Signature

Signature

Note (1) — Deeds or wills should not be lodged. It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the Authority. The effect of all the deeds and wills must be set out correctly in the prescribed Form lodged with the grant of representation to the estate of the registered owner. See Section 61(3) of the Act and Section 54(2) of the Succession Act, 1965 and as amended by the Land and Conveyancing Law Reform Act 2009.

Note (2) — The right to dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the Succession Act, 1965.

Note (3) — Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his/her power of sale by the registered owner of the charge.

Note (4) — If there is more than one personal representative/person entitled, the form should be amended accordingly.

FORM 42

Application for registration by a person who claims to be entitled to be registered as owner where a registered owner died intestate on or after the 1st June, 1959 (Rule 88)

LAND REGISTRY**County****Folio**

I, _____ of _____
am the person referred to in the within assent (or, the assent annexed hereto) of A.B., the personal representative of C.D.

I assent to the registration of the charges and the burdens and to the entry of the following inhibition to protect the other rights referred to in the said assent of A.B. (*see Form 77*) and I apply to be registered as owner of the said property (*if more than one person entitled, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking*).

My address in the State for service of notices and my description is:-
(*give address and description*)

Dated the _____ day of _____ 20 ____ .

Signed:

(To be signed by the applicant and his/her signature attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Note — If there is more than one applicant, the form should be amended accordingly.

FORM 43

Transfer by the personal representative(s) to a person entitled to be registered as owner where a registered owner died intestate on or after the 1st June, 1959 (Rule 88)

LAND REGISTRY**County****Folio**

Transfer dated the day of 20 .

A.B., the personal representative of C.D. the registered owner of the property described in folio of the register County hereby transfers all the property described in the said folio to E.F.

(if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

(subject to the charge and to the burdens and other right(s) (*see Note (2)*) specified in the Schedule hereto).

E.F. hereby assents to the registration of the said charge and the burden(s) specified in the said Schedule as burdens on the property, (and to the entry of the following inhibition to protect the subsisting unregistered right(s) specified in the Schedule (*see Form 77*).

The address of E.F. in the State for service of notices and his/her description are:-
(give address and description)

Schedule*(where necessary)*

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right, how it was created e.g., by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(and, where a minor or person of unsound mind, of his/her guardian, committee or trustee(s))</i>

Signed (*or*, Signed, sealed) and delivered
by A.,B.
in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by E.F.
in the presence of:-

Note (1) — Deeds or wills should not be lodged. It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the Authority. The effect of all the deeds and wills must be set out correctly in the prescribed Form lodged with the grant of representation to the estate of the registered owner. See Section 61(3) of the Act and Section 54(2) of the Succession Act, 1965 and as amended by the Land and Conveyancing Law Reform Act 2009.

Note (2) — These burdens may be created in discharge of the claims of beneficiaries who have not been otherwise provided for.

Note (3) — This form is to be used with the appropriate modifications where the personal representative is transferring to the successor of the person entitled under the intestacy.

Note (4) — The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (5) — For execution and the attestation of the execution of a transfer see Rules 54 and 55.

Note (6) — The right of dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the Succession Act, 1965.

Note (7) — Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his/her power of sale by the registered owner of the charge.

Note (8) — If there is more than one transferor/transferee, the form should be amended accordingly.

FORM 44

Application for registration by personal representative(s) who claims to be entitled to be registered as owner on the death intestate of a registered owner on or after the 1st June, 1959 (Rule 89)

LAND REGISTRY**County****Folio**

I, A.B. make oath and say:-

1. C.D., the registered owner of the property described in folio _____ of the register, County _____, died intestate on the _____ day of _____, and letters of administration of his/her estate were granted to me on the day of _____.
2. I am entitled to be registered as owner of the said property (subject to the burden(s) and right(s) specified in the schedule hereto).
3. I hereby assent to and apply for my registration as owner

(if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking)

(and I assent to the registration of the said burden(s) and to the entry of the following inhibition to protect the subsisting unregistered right(s)) (see Form 77).

4. My address in the State for service of notices and my description is:-
(give address and description).

Schedule*(where necessary)*

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right, how it was created e.g., by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(and, where a minor or person of unsound mind, of his/her guardian, committee or trustee(s))</i>

Signature of deponent. Sworn this the day of , 20 ,
 at , in the county of
 before me a Commissioner for Oaths (*or
 other qualified person*) and I know the
 deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her*
 know the deponent. knowledge of the deponent).

Signature

Signature

Note (1) — The right to dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the Succession Act, 1965 on 1st January 1967.

Note (2) — Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his/her power of sale by the registered owner of the charge.

Note (3) — If there is more than one applicant, the form should be amended accordingly.

FORM 45

Application for registration as owner by a person entitled on the determination of the estate or interest of a registered limited owner—

(1) where the settlement was created by the will of a registered owner who died on or after the 1st June, 1959, and registration of the limited owner thereunder is made after the commencement of the Succession Act, 1965,

or,

(2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner who died on or after the 1st June, 1959, and registration of the limited owner is effected after the commencement of the Succession Act, 1965, (Rule 93)

LAND REGISTRY**County****Folio**

I A.B., of
(see Note (1))

make oath and say:-

1. C.D. the registered limited owner of the property described in folio of the register, County died on the day of
(or if the estate or interest of the limited owner determined otherwise than on death, state the facts that show it has determined).
2. The provisions of the settlement under which the said C.D., was registered as limited owner are set out in Instrument (being the assent or transfer under which the limited owner was registered) and under such provisions I am now entitled in fee-simple in possession.

My estate or interest in the property is not subject to any burdens or rights (other than those specified in Instrument).

or,

The settlement created the burdens or rights on my estate or interest in the property that are set in the third Schedule to Instrument and in the Schedule hereto. Of these, those specified in the second part of the Schedule hereto have determined or have been discharged. (I refer to the receipts/releases specified in the 2nd column of the said Schedule in evidence (see Note (2)) thereof). I assent to the registration of the other burdens in the said Schedule as burdens on my estate or interest in the property.)

3. There were no trustees of the settlement.

or,

The trustees of the settlement are dead and no new trustees of it have been appointed. The last surviving trustee was _____ and his/her personal representative is _____ of _____ (or, and no representation has been raised to him/her).

or,

The present trustees of the settlement are _____ and I refer to the order (or deed) by which they were appointed which accompanies this application.

4. I have not transferred, charged, or dealt with my estate or interest in the property (*except — give particulars of any dealing by the applicant with his/her estate or interest and assent to the registration of any dealing that is a burden*) and I have no knowledge of any dealing affecting it other than those disclosed in this application.

5. I apply to be registered as owner of all the property described in the said folio
(if more than one person entitled, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)

subject to the burdens set out in the first part of the Schedule hereto to the registration of which I assent, and to the unregistered right for the protection of which I apply for the entry of the following inhibition (*see Form 77*).

6. My address in the State for service of notices and my description is:-
(give address and description)

Schedule

(The Schedule is only to be divided into parts where some of the burdens have been discharged)

Part I

Particulars of burdens and rights created by the settlement that affect estate or interest of applicant.	Name of claimant (<i>Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated.</i>)	Address in the State of claimant (<i>and, where a minor or person of unsound mind, of his/her guardian, committee or trustee(s).</i>)

FORM 46

Application for registration as owner by a person entitled on the determination of the estate or interest of a registered limited owner in all cases where Form 45 is not appropriate, e.g.,

(1) where the settlement was created by deed by a registered owner,
or

(2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner and registration of the limited owner was effected prior to the commencement of the Succession Act, 1965,
or

(3) where the settlement was created by the will of a registered owner and registration of the limited owner was effected prior to the commencement of the Succession Act, 1965,
or

(4) where the settlement was created (a) by the will of a registered owner who died prior to the 1st June, 1959, or (b) by the personal representative and the persons claiming on the death of such a registered owner and registration of the limited owner is effected after the commencement of the Succession Act, 1965
(Rule 93)

LAND REGISTRY**County****Folio**

I, A.B., of _____ make oath and say:-
(see Note (1))

1. C.D. the registered limited owner of the property described in folio _____ of the register County _____ died on the _____ day of _____ (or, if the estate or interest of the limited owner determined otherwise than on death, state the facts that show it has determined).
2. The settlement under which the said C.D., was registered as limited owner is — *state deed or will creating the settlement* and under the limitations thereof I am now entitled in fee-simple in possession.
(If there were estates or interests prior to the estate or interest of the applicant under the settlement which have determined, they should be referred to and the facts stated which show that they have determined. The application must show that the applicant is entitled in possession.)
3. My estate or interest in the property is not subject to any burdens or rights created by or arising under the settlement.

or,

The settlement created the burden(s) or right(s) on my estate or interest in the property that is (or, are) set out in the Schedule hereto.

or,

The settlement created the burdens or rights on my estate or interest in the property that are set out in the Schedule hereto. Of these, those specified in Part II of the Schedule have determined or have been discharged. (I refer to the documents specified in the 2nd column of the said Schedule in evidence (*see Note (2)*) thereof.)

4. There were no trustees of the settlement.

or,

The trustees of the settlement are dead and no new trustees of it have been appointed. The last surviving trustee was and his/her personal representative is of (*or, and no representation has been raised to him/her*).

or,

The present trustees of the settlement are _____ and I/we refer to the order (*or, deed*) by which they were appointed and to their consent to my registration, which accompanies this application.

5. I have not transferred, charged, or dealt with my estate in the property (except — *give particulars of any dealing by the applicant with his/her estate or interest and assent to the registration of any dealing that is a burden*) and I have no knowledge of any dealing affecting it other than those disclosed in this application.

6. I apply to be registered as owner of all the property described in the said Folio
(*if more than one person entitled state whether taking as joint tenants or tenants in common and if taking as tenants in common state the shares each transferee is taking*)

subject to the burdens set out in Part I of the Schedule hereto to the registration of which I assent, and to the unregistered right for the protection of which I apply for the entry of the following inhibition. (*See Form 77*).

7. My address in the State for service of notices and my description is:-
(*give address and description*)

Schedule

(The Schedule is only to be divided into parts where some of the burdens have been discharged)

Part I

Particulars of burdens and rights created by the settlement that affect estate or interest of applicant	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(and, where a minor or person of unsound mind, of his/her guardian, committee or trustee(s))</i>

Part II

Particulars of burdens and rights created by the settlement that have ceased to affect estate or interest of applicant	Documents accompanying application in proof of discharge or cesser of burdens or rights <i>(see Note (2))</i>

Signature of deponent.

Sworn this the day of , 20 ,
 at , in the county of
 before me a Commissioner for Oaths *(or other qualified person)* and I know the deponent

I, X.Y., hereby certify that I know the deponent.

(or, I know X.Y., who certifies his/her knowledge of the deponent).

Signature

Signature

Consent of trustees of settlement to the registration of successor to registered limited owner, to be endorsed on application

We, G.H. and I.J. of _____, the trustees of the settlement under which C.D. was registered as limited owner on folio _____ County have read the within application of A.B., for registration as owner on the said folio.

The statements in paragraphs 1, 2, 3 and 4 of the said application are accurate.

We have no notice of any dealing by A.B. with his/her estate or interest in the property under the settlement that is not disclosed in the application (*or, as the case may be*). We consent to the registration of A.B. as owner on the said folio free from the burdens or rights created or arising under the said settlement (*or, subject only to the burdens or rights created or arising under the said settlement specified in the Schedule (or, Part I of the Schedule) to the within application, which are the only burdens or rights in the settlement that now affect the estate or interest of A.B. thereunder*).

Dated this _____ day of _____ 20 ____ .

Signed:

(To be signed by the trustees and their signature attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Note (1) — The application may also be made by the trustees of the settlement. Where made by them, appropriate modifications of the form are to be made, and the assent of the owner to the registration of any burdens affecting his/her estate or interest should be lodged.

Note (2) — Where there are trustees of the settlement and they consent in the prescribed form to the registration, no evidence of the discharge of any burden created by the settlement other than their admission of its discharge or cesser is necessary.

Note (3) — If there is more than one applicant, the form should be amended accordingly.

FORM 47

Application for registration by surviving joint tenant(s) (Rule 94)

LAND REGISTRY

County

Folio

I, _____ (hereinafter referred to as "the deponent")
of _____ make oath and say:

1. The property to which this application relates is all that and those the property comprised in folio _____ of the register County _____ which is registered in the joint names of _____ and myself, the deponent.
2. I say that, the first named registered owner, died on the _____ and I beg to refer to a copy of his/her Death Certificate (*see Note (3)*) marked with the letter "A" on which I have signed my name prior to the swearing hereof. I say that the said _____ referred to on said Death Certificate is one and the same as one of the joint registered owners of the above folio.
3. I apply for and request that the entry in the Register be amended to show that I am now the sole registered owner of the property comprised in the above folio.

Signature of deponent. _____ Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I, X.Y., hereby certify that I know the deponent. _____ (*or, I know X.Y., who certifies his/her knowledge of the deponent*).

Signature _____ Signature _____

Note (1) — If there are two or more surviving joint tenants the form should be amended accordingly.

Note (2) — Where there are no surviving joint tenants, the Affidavit should be made by the Personal Representative of the last surviving joint tenant. The Grant of Probate/Letters of Administration of said tenant will be required.

Note (3) — The death may also be proved by the production of probate or letters of administration or such other proof as the Authority deem sufficient (Rule 94(2)).

Note (4) — If the solicitor for the applicant is applying he/she should state he/she is solicitor for the surviving registered owner and sign the form, which is not required to be on affidavit in such a case.

FORM 48

Assent to the registration of a burden (Rule 97)

LAND REGISTRY

County

Folio

A.B., of _____ hereby assents to the registration of the burden specified in the Schedule (or, Part I of the Schedule) hereto as a burden on the property described in folio _____ of the register County _____ or, on the part of the property described in folio _____ of the register County _____ specified in Part II of the said Schedule).

Schedule

(The Schedule is to be divided into parts only where the burden is to be registered against part of the property described in a folio.)

Part I

To contain particulars of the burden to be registered as stated in the instrument creating it.

Part II

To contain particulars of the part of the property in the folio on which the burden is to be registered.

Dated the _____ day of _____ 20 .

Signed:

(To be signed by the person authorised by Section 69 of the Act, or Rule 96(1) to concur in the registration of the burden, or his/her solicitor. Where signed by the solicitor, he/she must state explicitly that he/she is solicitor for the person authorised to concur. Where signed personally by the person authorised to concur, his/her signature is to be attested.)

FORM 49*Charge for a principal sum (Rules 52 and 105)***LAND REGISTRY****County****Folio**

Charge dated the day of 20 .

A.B., the registered owner, (*or* the person entitled to be registered as owner) in consideration of euro (€) paid to him/her by C.D., hereby charges all the property described in folio of the register County with payment to C.D., on the day of 20 , of the principal sum of euro (€) with interest thereon at per cent per annum payable half-yearly on the day of and every year, and A.B. hereby covenants for payment of the principal sum and assents to the registration of the charge as a burden on the said property.

The address in the State of C.D. for service of notices, and his/her description are:-

(give address and description)

Signed (*or*, Signed, sealed) and delivered
by A.B.

in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by C.D.

in the presence of:-

Note (1) — Any of the following or similar (1) or other covenants or stipulations may be added to the Form, if required:-

(i) The interest secured by the charge shall be reduced to per cent in every half-year in which it is paid within days after it becomes due.

(ii) The principal sum shall not be called in until the day of 20 , unless the interest shall fail to be paid within days after it becomes due.

(iii) Where the interest is paid within days after it becomes due, the principal shall be payable by instalments of € each to be paid on the day of in every year.

(iv) The whole or any part (not less than € at any one time) of the principal may be paid on any day on which interest becomes due on giving months' notice in writing of the intention to do so, and on paying all interest that may be due at the time of such payment of principal.

Note (2) — For execution and the attestation of the execution of a charge see Rules 54 and 55.

Note (3) — Where desired, the covenants for title implied by the chargor charging “as beneficial owner” may be incorporated by inserting these words in the deed of charge after the name of the chargor. See Section 80 of the Land and Conveyancing Law Reform Act 2009.

FORM 50*Charge for future advances (Rules 52 and 105)***LAND REGISTRY****County****Folio**

Charge dated the day of 20 .

A.B., the registered owner, (*or* the person entitled to be registered as owner) hereby charges the property set out in the schedule hereto with payment to C.D. of all sums owing and due from time to time and covenanted to be paid in respect of future (*or*, present and future) advances to the said A.B. and secured by this charge, subject to such terms and conditions, covenants and obligations as are set out in the General Terms and Conditions lodged in the Land Registry under reference .

The said A.B. hereby assents to the registration of this charge as a burden on the property.

The address in the state of the said C.D. for service of notices and his/her description are:-
(*give address and description*)

Schedule*(Description of property charged)*

Signed (*or*, Signed, sealed) and delivered
by A.B
in the presence of:

Signed (*or*, Signed, sealed) and delivered
by C.D.
in the presence of:

Note (1) — Where desired, the covenants for title implied by the chargor charging “ as beneficial owner” may be incorporated by inserting these words in the deed of charge after the name of the chargor. See Section 80 of the Land and Conveyancing Law Reform Act 2009.

Note (2) — For execution and the attestation of the execution of a charge — see Rules 54 and 55.

FORM 51*Charge for present and future advances (Rules 52 and 105)***LAND REGISTRY****MORTGAGE**

Date:	
Secured Party:	
Mortgagor:	
Mortgaged Property: The property comprised in Folio ALL THAT the property known as.	County <i>(use a continuation sheet if necessary)</i>
<p>General Mortgage Conditions: This Mortgage incorporates the Loan Mortgage Conditions as if they were set out in this Mortgage in full and the Mortgagor acknowledges that the Mortgagor has been given a copy of the General Mortgage Conditions and has read them and agrees to be bound by them. The term 'Secured Liabilities' has the meaning given in the 'General Conditions'.</p>	
<p>Mortgage: As security for the payment and discharge of the Secured Liabilities, the Mortgagor as beneficial owner (and also in the case of registered land as registered owner or as the person entitled to be registered as registered owner) hereby charges in favour of the Secured Party the Mortgaged Property with the payment of the Secured Liabilities, and assents to the registration of this charge as a burden on the Mortgaged Property.</p>	
Signatures:	
Signed and Delivered as a deed:	Signed and Delivered as a deed:
Signature of witness:	Signature of witness:
Name of witness:	Name of witness:
Address of witness:	Address of witness:
Occupation of witness:	Occupation of witness: <i>(use a continuation sheet for additional signatories)</i>
Note — For execution and the attestation of the execution of a charge — see Rules 54 and 55.	

FORM 52

Specific charge for present and future advances arising on the creation of a commercial mortgage or debenture (Rules 52 and 105)

LAND REGISTRY

SPECIFIC CHARGE

Date:	
Secured Party:	
Mortgagor:	
Mortgaged Property: The property comprised in Folio ALL THAT the property known as.	County <i>(use a continuation sheet if necessary)</i>
<p>Mortgage Conditions: This Mortgage incorporates the Mortgage Conditions in Mortgage/Debenture of even date, between the parties herein, as if they were set out in this Mortgage in full. The term "Secured Liabilities" has the meaning given in the Mortgage Conditions.</p>	
<p>SPECIFIC CHARGE: As security for the payment and discharge of the Secured Liabilities, the Mortgagor as beneficial owner (and also in the case of registered land as registered owner or as the person entitled to be registered as registered owner) hereby charges in favour of the Secured Party the Mortgaged Property with the payment of the Secured Liabilities, and assents to the registration of this charge as a burden on the Mortgaged Property.</p> <p>The Mortgagor acknowledges that the charge hereby created forms one transaction with the security created in the aforesaid Mortgage/Debenture of even date for payment of the Secured Liabilities.</p>	
Signatures:	
Signed and Delivered as a deed: Signature of witness: Name of witness: Address of witness: Occupation of witness:	Present when the common seal of the mortgagor was affixed hereto: Signature of witness: Name of witness: Address of witness: Occupation of witness: (use a continuation sheet for additional signatories)
Note — For execution and the attestation of the execution of a charge — see Rules 54 and 55.	

FORM 53

Charge by personal representative for moneys that he/she is liable to pay as personal representative (Rules 52, 96 and 105)

LAND REGISTRY**County****Folio**

Charge dated the day of 20 .

A.B. the personal representative of C.D., the registered full owner, hereby charges all the property described in folio of the register County , with all moneys (*or*, all moneys not exceeding €) that the personal representative of C.D. is liable to pay.

E.F. being the applicant for registration as owner under the (*assent or transfer*) dated from A.B. the said personal representative hereby assents to the registration of the charge as a burden on the property.

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Signed (*or*, Signed, sealed) and delivered
by E.F.
in the presence of:-

Note (1) — For execution and the attestation of the execution of a charge — see Rules 54 and 55.

Note (2) — If there is more than one personal representative, the form should be amended accordingly.

FORM 54

Application for registration of a crystallised floating charge (Rule 107)

LAND REGISTRY

County

Folio

I _____ am the solicitor for A.B. _____ (insert full name and address of the applicant) who is the applicant for registration of the crystallised charge as a burden on the property comprised in folio _____ of the register County _____ .

I enclose herewith the original and duplicate (*or* attested copy)

(a) Debenture dated _____ made between C.D. of the one part and E.F. of the other part.

(b) Deed of Appointment of Receiver dated _____ made between E.F. of the one part and A.B. of the other part under which the said A.B. was appointed receiver.

C.D is the registered owner of the said folio which is the property affected by the crystallised charge.

I apply for registration of the crystallised charge as a burden on the said folio.

Dated this _____ day of _____ 20 _____ .

Signed:

FORM 55

Entry of crystallised charge to be made in the register (Rule 107(2))

“Crystallised charge arising from the appointment of _____ as receiver of _____ by Deed of Appointment dated _____ day of _____ 20____ made between _____ of the one part and _____ of the other part under Debenture dated _____ day of _____ 20____ made between _____ of the one part and _____ of the other part.”

FORM 56*Transfer of charge (Rules 52 and 105)***LAND REGISTRY****County****Folio**

Transfer dated the day of 20 .
 In consideration of euro (€) paid to him/her, the receipt of which is hereby acknowledged), A.B., the registered owner (*or*, the personal representative of the registered owner) hereby transfers to C.D. the charge for registered on the day of 20 (*or*, at Entry No.) as a burden on the property described in folio of the register County .

The address in the State of C.D. for service of notices and his/her description are:-

(give address and description)

Signed (*or*, Signed, sealed) and delivered
 by A.B.
 in the presence of:-

Signed (*or*, Signed, sealed) and delivered
 by C.D.
 in the presence of:-

Note (1) — For execution and the attestation of the execution of a transfer see Rules 54 and 55.

Note (2) — Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor — see Section 80 of the Land and Conveyancing Law Reform Act 2009.

FORM 57A

Requisition for cancellation of a charge by its registered owner (Rules 52 and 101)

LAND REGISTRY

County

Folio

Discharge dated the day of 20 .

A.B., the registered owner of a charge for registered on the day of (*or*, at Entry No.) as a burden on the property described in folio(s) of the register, County , hereby requires a note of the cancellation of the said charge, as a burden on the said property (*or*, the part of the said property specified in the Schedule hereto) to be entered in the said folio(s) of the register.

Schedule

(where necessary)

Signed (*or*, Signed, sealed) and delivered
by A.B.
in the presence of:-

Note — This form suitably adapted may be used for the cancellation of other burdens.

FORM 57B

Requisition for cancellation of a charge where its registered owner does not concur (Rules 52 and 101)

LAND REGISTRY**County****Folio**

I, A.B. of aged years and upwards make oath and say:-

I am the registered owner of the property described in folio
County .

On the day of 20 , a charge for was registered in favour of C.D. of at Entry No.

I have never made any payment of principal or interest on foot of the said charge (*or*, no payment of principal or interest on foot of the said charge has been made by me since , *or, as the case may be*). No claim was ever made against me (*or, as the case may be*) and no acknowledgement was ever given by me, in respect of the said charge (*or, as the case may be*).

The address of C.D., the registered owner of the charge is
or,

The said C.D., the registered owner of the charge died on the day of and I beg to refer to a copy of his/her Death Certificate marked with the letter "A" on which I have signed my name prior to the swearing hereof. I say that the said referred to on said Death Certificate is one and the same as the registered owner of the charge.

His/her personal representatives are E.F. and G.H. of
or,

The said C.D. the registered owner of the charge died intestate and no representation was raised to his/her estate and the following are the names and addresses of all his/her next-of-kin:-

I apply that the charge be cancelled.

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her*
know the deponent. knowledge of the deponent).

Signature

Signature

Note (1) — This form may be adapted where the applicant's predecessor in title was the registered owner at the date of the registration of the charge with additional averments that such predecessor made no payment, etc., and as to the applicant's sources of knowledge.

Note (2) — This form may also be adapted where it is claimed that the charge was paid but no receipt is available.

Note (3) — This form may also be adapted where it is claimed that a charge by way of annuity has been paid in full or where the Statute of Limitations, 1957, is invoked in respect of arrears.

Note (4) — This form suitably adapted may be used for the cancellation of other burdens.

Note (5) — If there is more than one applicant, the form should be amended accordingly.

FORM 58

Application in electronic form for cancellation of the entry of a charge (Rule 102)

LAND REGISTRY

I hereby apply for cancellation of the entry/entries set out in the Schedule hereunder.

I hereby certify that I am duly authorised to make such application.

Schedule

Description of charge(s) to be discharged must include folio number(s) and entry number(s).

Applicant:
(Name of duly authorised officer)

Date:

FORM 59A

Application for cancellation of property adjustment order by solicitor (Rule 103)

LAND REGISTRY

County

Folio

I, A.B. solicitor for
hereby certify that the property adjustment order registered as a burden at entry
no. on the above folio has been complied with in full, insofar as it affects
the property comprised in said folio, and I hereby apply for cancellation of the
said entry.

Dated the day of 20 .

Signed:

FORM 59C

Application for cancellation of property adjustment order by the parties to the proceedings (Rule 103)

LAND REGISTRY

County

Folio

Whereas there is registered as a burden at Entry No. on the above folio a property adjustment order under Section 9 or 18 of the Family Law Act 1995, (or Section 14 or 22 of the Family Law (Divorce) Act 1996) (or Section 118 or 131 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) and whereas the said order has been complied with in full insofar as it affects the property comprised in the said folio.

Now we, G.H. and I.J., the parties to the proceedings, hereby consent to, and apply for, cancellation of the said entry.

Dated this day of 20 .

Signed by the said G.H.

In the presence of

Signed by the said I.J.

In the presence of

FORM 60

Application for registration of a judgment as a judgment mortgage (Rule 110)

LAND REGISTRY

The High Court
(or Circuit Court Circuit)
(or District Court)

Record No:

County

Folio

I, *(insert name of deponent)* of the creditor within the meaning of Section 115 of the Land and Conveyancing Law Reform Act 2009 make oath and say as follows:-

1. *(insert name of judgment creditor)* did on the day of obtain a judgment in the court against *(insert name of judgment debtor)* of .
2. The Name and Title of the Action, Matter or Cause in which the said judgment was obtained is Record No.

Between:
Plaintiff
and
Defendant

3. To the best of my knowledge and belief, the said *(insert name of judgment debtor)*, at the time of swearing this affidavit has an estate or interest in the lands contained in folio of the register County .
4. I apply for registration of the said judgment as a judgment mortgage on the said folio.

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her
know the deponent.* knowledge of the deponent).

Signature

Signature

I certify that judgment was obtained in the above entitled action in the High Court (*or* Circuit Court Circuit) (*or* District Court).

Dated the day of 20

*Signed:

*by the proper officer of the court in which the judgment was obtained

Note — “The creditor within the meaning of Section 115 of the Land and Conveyancing Law Reform Act 2009” (which includes an agent for the judgment debtor or one or some of several creditors) may not be the same as the “judgment creditor” who is one of the parties to the action/matter/cause and usually but not exclusively the plaintiff (the “judgment debtor” is usually but not exclusively the defendant).

FORM 61

Entry to be made in the register of a judgment as a judgment mortgage (Rule 110(2))

A judgment mortgage in respect of a judgment obtained by (*judgment creditor*) against (*judgment debtor*) on the day of , in the High Court (*or*, in the Circuit Court Circuit) (*or* in the District Court) Record Number in a cause (or action or matter) of (*plaintiff*) -v- (*defendant*) on the interest of (*judgment debtor*) in the property.

FORM 62

*Notice of the registration in the Registry of a judgment as a judgment mortgage
(Rule 112)*

LAND REGISTRY

County

Folio

NOTICE

The Property Registration Authority,
(address of appropriate office)

Sir, (*or, Madam*),

You are hereby given notice of the registration of a judgment mortgage in respect of a judgment obtained on the day of against (*judgment debtor*) in the High Court (*or, Circuit Court* Circuit) (*or in the District Court*) Record Number in a cause (*or, action or matter*) of (*plaintiff*) v (*defendant*) as a burden on the interest of (*judgment debtor*) in the property described in folio of the register County of which is the registered owner.

You are served of this notice as judgment debtor and or as registered owner of folio .

Dated this day of 20 .

Signed:

To:
(insert name and address of registered owner or notice party)

Note (1) — For your information please note the following in relation to judgment mortgages. Where a creditor is owed money by a debtor it is open to him/her to apply to the court for a judgment. To affect registered property, a judgment given by a court has to be registered in the Land Registry and it then becomes a judgment mortgage.

Note (2) — The function of the Property Registration Authority in this matter is purely administrative. If you have any queries they should be addressed to the plaintiff.

FORM 63

Requisition by a judgment creditor for the cancellation in the register of an entry of a notice of deposit of an affidavit of judgment as a mortgage or an entry of judgment mortgage (Rule 114)

LAND REGISTRY**County****Folio**

A.B., the judgment creditor specified in an affidavit of judgment (*or*, in an application for registration of a judgment mortgage) registered on the day of at entry number as a burden on the interest of (*judgment debtor*) in the property described in folio of the register County , hereby requires the cancellation in the said folio of the entry of the notice of deposit of the said affidavit (*or*, the entry of judgment mortgage).

Dated the day of 20 .

Signed by the said
A.B.
in the presence of:

Note — This application for cancellation may also be made by the personal representative of the judgment creditor.

FORM 64*Requisition for registration of a lis pendens as a burden (Rule 119)***LAND REGISTRY****County****Folio**To the **Property Registration Authority***(address of appropriate office)*

Sir/Madam,

The memorandum hereunder written contains the particulars of a *lis pendens* registered in the Central Office of the High Court which I require to be registered as a burden on the interest of the person hereunder mentioned in the property described in folio of the register, County .

(If part only of a folio the relevant part should be described by reference to a map (Rule 56).)

Signed:

(by the applicant or by his/her solicitor who must name the party for whom he/she is acting)

Memorandum

Name of person whose interest is intended to be affected	Usual or last known place of abode of such person <i>(or registered office if company)</i>	Description of such person

Title and Record Number of action or proceedings:

High Court *(or Circuit Court)*

Between

Plaintiff

and

Defendant

Record No.

Particulars of the claim made or the relief sought in cause or matter in respect of the registered property:

Dated the day of 20 .

Note — This application is to be accompanied by the memorandum of registration of the *lis pendens* in the Central Office of the High Court [Section 121 Land and Conveyancing Law Reform Act 2009].

FORM 66

Entry of recognisance in the register (Rule 120)

A recognisance acknowledged by A.B. before C.D. on the day of
in the sum of € affects the interest of A.B. in the property.

FORM 67

Grant of a right of way by registered full owner of property for the benefit of other registered property (Rule 121)

LAND REGISTRY**County****Folio**

Grant dated the day of 20 .

In consideration of , A.B., the registered owner of the property described in folio (*insert folio no. of property of A.B.*) of the register County , hereby grants to C.D., the owner of the property described in folio (*insert folio no. of property of C.D.*) of the register County , and his/her and their licensees, full right and liberty at all times and for all purposes on foot and with or without animals or vehicles to pass and repass over the part of the property described on the said folio (*insert folio no. of property of A.B.*) forming the way leading from to and lettered (*or, tinted*) on the map annexed hereto, and A.B., hereby assents to the registration of the said right as a burden on the said part of the property lettered (*or, tinted*) on said map.

Signed (*or, Signed, sealed*) and delivered
by A.B.
in the presence of:-

Note (1) — Where the right is to be limited, or is to be subject to obligations to repair etc., the form may be adapted accordingly (Rule 52). In all cases the right of way should be shown on an application map (Rule 56).

Note (2) — Where there is a monetary consideration for the grant, a receipt clause should be incorporated in the deed.

Note (3) — For execution and the attestation of the execution of a grant see Rules 54 and 55.

FORM 68

Application for registration of easement or profit à prendre acquired by prescription (Rule 46 and Section 49A)

LAND REGISTRY**County****Folio** *(if registered land)*

I, A.B., of _____, make oath and say:-

1. I, (and my predecessors in title) have enjoyed the easement/*profit à prendre* specified in the First Schedule hereto, continuously (without interruption) and openly for upwards of _____ years without permission. *(see Note (1))*
2. *(Describe how and when the user period began and set out such facts as are relied upon in support of the applicant's claim to have established his right. The applicant must establish that there was at all material times a capable grantor and grantee, that the right was capable of forming the subject matter of a grant, that the right claimed was acquired by prescription and was not a public right of way, customary right, franchise or licence, nor acquired by express grant or reservation nor is it an easement of necessity, that there has been the requisite period of user, that the exercise of the right has been without force, without secrecy and without permission and that the grant of the right would not have been illegal).*
3. I am entitled for my own benefit to the property specified in the Second Schedule which enjoys the benefit of the right claimed *(describe how the property so benefits)*. *(Where the property is unregistered the application must be accompanied by an application for first registration pursuant to Rules 14 to 19). (see Note (2))*
4. The property over which the right is exercised is set out in the Third Schedule and the name and address *(if known)* of the owner is supplied for notice purposes. *(see Note (3))*
5. I am not aware of any question or doubt affecting the right, or any part thereof, or of any matter or thing whereby the right is, or may be impeached, affected, or called in question in any manner whatsoever.
6. There is not to my knowledge any person interested in the entitlement claimed under this application and *(or)* the servient lands who is under the age of 18 years, or is of unsound mind, *(except — give name and address of any person interested who is a minor or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any)* and no proceedings are pending in any court relating to the said entitlement *(except — give particulars of any pending action or suit)*.

7. I apply that the foregoing right be-

- (a) registered as a burden within Section 69(1)(j) of the Act, (*provided that the servient land is registered land*),
- (b) entered in the register as an appurtenance pursuant to Section 82 of the Act or, in the case of a *profit à prendre* held in gross entered in the register of ownership maintained under Section 8(b)(i) of the Act.

First Schedule

Description of easement or <i>profit à prendre</i> :
(<i>To contain a full and unambiguous description of the easement or profit à prendre by reference to an application map suitably marked see Rules 29 and 56</i>)

Second Schedule

(*see Note (2)*)

Description of dominant land owned by applicant:
(<i>By reference to folio number if the land is registered. If part only of the folio or if an application for first registration being made by reference to property edged red on the application map</i>)

Third Schedule

Description of servient land and name and address of the owner (if known):
(<i>By reference to folio number if the land is registered. If servient land is unregistered, by reference to property edged red on the application map.</i>)

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or other qualified person*) and I know the
deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her*
know the deponent. knowledge of the deponent).

Signature Signature

Note (1) — Up until the 30th November 2021, an application under Section 49 of the Act, can only be established pursuant to the law on prescription prior to the Land and Conveyancing Law Reform Act, 2009 (“the 2009 Act”) i.e. at common law, under the doctrine of lost modern grant or pursuant to the Prescription Act, 1832, applied in Ireland by the Prescription (Ir) Act, 1858. The transitional provisions of Section 38 of the 2009 Act [as extended by Section 38 of the Civil Law (Miscellaneous Provisions) Act, 2011], provide for the establishment of a claim either **already acquired** prior to the 1st December 2009 **or in the process of being acquired** under the law prior to the 2009 Act, **up until 30th November 2021**. The application should clearly demonstrate that the applicant is entitled to the easement or *profit à prendre* claimed under the law applicable prior to the commencement of Chapter 1 of Part 8 of the 2009 Act immediately before the date of application.

Note (2) — Paragraph 3 of Form 6 and the Second Schedule can be omitted where the application is for registration of a *profit à prendre* held in gross.

Note (3) — Where the owner (where known) of the land in the Third Schedule is deceased, details to be provided of his/her personal representative. If there is no personal representative, details of his/her next of kin are to be provided for service of notice.

Note (4) — If the Authority is not satisfied that there is an entitlement to the easement or *profit à prendre* or if an objection raises doubt as to the applicant’s entitlement the application may be refused. It would then be open to the applicant to make an application to the court under Section 35 of the Land and Conveyancing Law Reform Act 2009.

FORM 69

*Notice of application for registration of an easement or profit à prendre
acquired by prescription (Rule 46)*

LAND REGISTRY**County****Folio** *(if registered land)***NOTICE**

Sir, *(or, Madam)*,

You are hereby given notice that an application has been made by
for the registration of an easement *(or profit à prendre)* specified in the First
Schedule hereto (which benefits the land specified in the Second Schedule
hereto). *(see Note)*

The applicant claims to be entitled to the said easement *(or profit à prendre)* on
the basis that the relevant requirements set out in Sections 33 to 38 of the
Land and Conveyancing Law Reform Act 2009 have been complied with. The
applicant claims that he/she (and his/her predecessors in title) have enjoyed the
said easement *(or profit à prendre)* continuously (without interruption) and
openly for upwards of years without permission.

You are served of this notice as owner *(or as personal representative or next of
kin of the owner etc as appropriate)* of the land the subject of the claimed
easement *(or profit à prendre)* set out in the Third Schedule hereto *(or in case
the application affects you in any way)*.

Any objection by you to the registration applied for should be on affidavit and
should set out the grounds of your objection. Failing receipt from you,
within days from your receipt of the notice, of any sustainable objection
the application will be proceeded with without further reference to you [and
(where the servient land is registered) the said easement *(or profit à prendre)*
will be registered as a burden on the folio set out in the Third Schedule hereto].

This notice will be deemed to have been received by you within days from
the date hereof.

First Schedule

Description of easement or <i>profit à prendre</i> :

Second Schedule

(see Note)

Description of dominant land owned by applicant:

Third Schedule

Description of servient land:

Dated the day of 20 .

Signed:

To:
(Insert name and address of notice party)

Note — Omit “(which benefits the land specified in the Second Schedule hereto)” and Second Schedule if application relates to a *profit à prendre* in gross.

FORM 71

Affidavit in support of caution (Rule 122)

LAND REGISTRY

County

Folio

I, A.B., of

make oath and say:-

My interest in the property referred to in the within caution is as follows:-

(State the facts and refer to the documents (if any) giving rise to, or creating a right in favour of the cautioner in, to or over the property.)

Signature of deponent.

Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I, X.Y., hereby certify that I
know the deponent.

*(or, I know X.Y., who certifies his/her
knowledge of the deponent).*

Signature

Signature

*(To be sworn by the cautioner or with the necessary modifications, by his/her
solicitor).*

Note — In the case of a caution lodged on behalf of a statutory authority, the certificate prescribed by Section 97(6) of the Act may be in this form, suitably adapted, and signed by the solicitor to the statutory authority.

FORM 72

Notice to registered owner of entry of caution (Rule 122)

LAND REGISTRY

County

Folio

NOTICE

Property Registration Authority,
(address of appropriate office)

Sir, (*or*, Madam),

You are hereby given notice that A.B. of has registered a caution in folio of the register, County against the registration of any dealing (*or*, as the case may be) by you with the property described therein of which you are the registered owner (*or*, with the charge registered in the said folio on the day of of which you are the registered owner) until notice thereof has been served on him/her.

Short particulars of the right for the protection of which the caution has been registered are given in the Schedule hereto.

Schedule

Dated the day of 20 .

Signed:

To:
(Insert name and address of registered owner)

FORM 73

Warning notice to cautioner of dealing lodged (Rule 123)

LAND REGISTRY

County

Folio

WARNING NOTICE

Property Registration Authority,
(address of appropriate office)

Sir, *(or, Madam)*,

You are hereby given notice that the dealing specified in the Schedule hereto has been received for registration. The caution entered by you on the day of 20 against dealings by the registered owner of the property described in folio of the register County (*or, of the charge registered on the day of in folio of the register County*), until notice has been served on you, will cease to have effect after the expiration of 21 days from the service of this notice, and registration under the dealing will proceed unless an order to the contrary is made by the Property Registration Authority.

Any application by you for a stay of registration must state the grounds thereof.

This notice will be deemed to have been received by you within days from the date hereof in absence of proof to the contrary.

Schedule

Dated the day of 20 .

Signed:

To:
(Insert name and address of cautioner)

Note (1) — Notice period can be varied (see Rule 123(2)).

Note (2) — This form can be adapted as appropriate in the case of an inhibition (see Rule 135(1)).

FORM 74

Warning notice to cautioner of an application by the registered owner to cancel a caution (Rule 123)

LAND REGISTRY**County****Folio****WARNING NOTICE**

Property Registration Authority,
(address of appropriate office)

Sir, (*or*, Madam),

You are hereby given notice that the registered owner of the property described in folio _____ of the register County _____ (*or*, of the charge registered on the _____ day of _____ 20____, on the property described in folio _____ of the register County _____) has applied to the Property Registration Authority to cancel the caution entered by you against dealings by him/her. Short particulars of the grounds of his/her application are stated in the Schedule hereto. Your caution will cease to have any effect and will be cancelled in the register after the expiration of _____ days from the service of this notice unless an order to continue the caution is made by the Authority.

Any application by you to the Authority to continue the caution must state the grounds thereof.

This notice will be deemed to have been received by you within _____ days from the date hereof in absence of proof to the contrary.

Schedule

Dated the _____ day of _____ 20____.

Signed:

To:
(Insert name and address of cautioner)

Note — Notice period can be varied (see Rule 123(2)).

FORM 75

Application by cautioner for withdrawal of caution (Rule 126)

LAND REGISTRY

County

Folio

A.B. hereby applies for the withdrawal of the caution entered in his/her name on the day of against dealings by the registered owner of the property (*or*, the part of the property shown on the plan annexed hereto and) described in folio of the register County (*or*, of the charge registered on the day of on the property described in folio of the register County).

Dated the day of 20 .

Signed:

(To be signed by the cautioner or his/her solicitor, where signed by the cautioner, his/her signature is to be attested (Rule 54).)

Note — The personal representative of the cautioner may also make the application, the necessary alterations to the form being made.

FORM 76

Application to the Authority for the entry of an inhibition in a register (Rule 130)

LAND REGISTRY**County****Folio**

A.B. of _____ hereby applies to the Property Registration Authority for the entry of an inhibition against dealings with the property (or, with the part of the property specified in the Schedule hereto) described in folio _____ of the register County _____ (*or, with the charge or, burden registered on the _____ day of _____ on the property described in folio _____ of the register County _____*).

The grounds of the application are:

(refer to document creating the unregistered right, and state shortly its effect: or, if there is no document creating the right, refer to the affidavit that discloses the facts giving rise to the right).

The inhibition applied for is:

(state clearly the terms of the inhibition — see Rule 128(2) and Form 77).

The address of A.B. in the State for service of notices and his/her description are:-

(give address and description).

Schedule

Dated the _____ day of _____ 20 _____ .

Signed:

(To be signed by the applicant or his/her solicitor, where signed by the applicant, his/her signature is to be attested (Rule 54).)

FORM 77*Forms of inhibition (Rule 128)*

- i. No registration under a disposition by or transmission from the registered owner, except a transfer on sale, is to be made without prior notice to .
- ii. No registration under a disposition for value by the registered owner (of the part of the property shown as plan edged red on the registry map of the property, *or, other description identifying the part of the property with which dealings are to be restricted*) is to be made during the lives of A and B and the survivor without their consent or the consent of the survivor.
- iii. No registration is to be made under a disposition for value by the registered owner(s), except a transfer on sale, (such transfer during the lives of A and B and the survivor to be made with their or his or her consent, and no registration under a voluntary disposition is to be made except with the consent of A and B and the survivor, and after the death of the survivor, with the approval of the Property Registration Authority after inquiry into title).
- iv. No registration under any disposition (for value) by the registered owner is to be made except under order of the Property Registration Authority (after inquiry into title).
- v. Where the number of the registered owners is reduced below two, no registration under a disposition by or transmission from the surviving owner is to be made except after notice to (or, except with the consent of , or, except under order of the Property Registration Authority).
- vi. No registration under a disposition by the registered owner is to be made until (*state the time that is to elapse, or the event that is to occur, before registration may be made*).

FORM 78*Notice of an application for the entry of an inhibition (Rule 131)***LAND REGISTRY****County****Folio****NOTICE**

Property Registration Authority,
(address of appropriate office)

Sir, (*or*, Madam),

You are hereby given notice that an application has been made to the Property Registration Authority by _____ for entry in the register of an inhibition restricting dealings by _____ with the property described in folio _____ of the register, County _____.

The grounds of the application are stated in the Schedule hereto.

On the facts disclosed the Authority proposes to enter in the said folio an inhibition in the following terms: _____ and this entry will be made unless cause to the contrary is shown by you within _____ days from the service of this notice.

Any objection by you to the proposed entry should be in writing addressed to the Property Registration Authority at the above address. It should state the grounds of your objection, and the modification, if any, of the proposed inhibition that you apply for.

You are served of this notice as _____.

It will be deemed to have been received by you within _____ days from the date hereof in absence of proof to the contrary.

Schedule

Dated the _____ day of _____ 20 _____.

Signed:

To:

(Insert name and address of notice party)

FORM 79

Application to the Authority for the cancellation or modification of an inhibition on consent (Rule 133)

LAND REGISTRY

County

Folio

A.B., of _____ hereby applies to the Property Registration Authority for the cancellation (*or*, modification) in the register of the inhibition entered in folio _____ of the register County _____, on the _____ day of _____ 20____, in the following terms: (*state the inhibition as entered*)

(*as follows: state the proposed modification, or, if the application is for cancellation of the inhibition omit the words "as follows"*).

C.D., of and E.F., of _____ hereby consent to the withdrawal (*or*, modification) above applied for.

Dated the _____ day of _____ 20____.

Signed:

(To be signed by the applicant or his/her solicitor and all other parties interested in the inhibition or their solicitor, the signature of parties who sign to be attested. A solicitor who signs must state the party for whom he/she is solicitor.)

FORM 80

Application to the Authority for the cancellation or modification of an inhibition, where parties do not consent (Rule 133)

LAND REGISTRY**County****Folio**

A.B., of _____ hereby applies to the Property Registration Authority for the cancellation (*or*, modification) in the register of the inhibition entered in folio _____ of the register County _____, on the _____ day of _____, in the following terms: (*state the inhibition as entered*)
(as follows:- *state the proposed modification, or if the application is for the cancellation of the inhibition omit the words "as follows"*).

The applicant relies in support of his/her application on the facts disclosed in the following documents that accompany it: (*specify the documents and affidavits relied on*).

Dated the _____ day of _____ 20 ____ .

Signed:

(To be signed by the applicant or his/her solicitor, where signed by the applicant, his/her signature is to be attested (Rule 54).)

FORM 81

Notice of lodgment of deeds in the Registry subject to a lien thereon (Rules 43 and 151)

LAND REGISTRY

County

Folio *(if registered land)*

NOTICE

To the **Property Registration Authority**
(address of appropriate office)

The documents specified in the Schedule hereto are lodged by me (*or*, by _____) in the Registry at the request of _____ (*or*, in compliance with an order of the Property Registration Authority dated _____) for the purpose of an application by _____ for the first registration of the property (*or*, some of the property) described therein (*or*, for the conversion of the title in folio _____ of the register County _____).

The deeds were deposited by _____ with me (*or*, with _____) on the day of _____ by way of equitable mortgage to secure advances made (and to be made) to him/her, on foot whereof sums are due, and I require that no registration be made that will defeat or prejudice my lien until it is satisfied or provided for.

Schedule

Dated the _____ day of _____ 20

Signed:

(To be signed by the depositor or his/her solicitor).

FORM 82

Application for the transmission of a filed instrument to a County Registrar for production in court (Rules 156 and 157)

LAND REGISTRY

County

Folio

To the **Property Registration Authority**
(address of appropriate office)

I, A.B., Solicitor for C.D., of _____ apply that the document specified in the Schedule hereto be transmitted to the County Registrar of the County _____ of for production at the sitting of the court to be held at on the _____ day of _____ 20____, in a cause (*or*, matter) of now pending in that court.

The plaintiff (*or*, petitioner or, defendant) in the said cause (*or*, matter) is the registered owner (*or*, the personal representative of the registered owner) of the property described in folio _____ of the register County _____ to which the said document relates.

or,

(Where the registered owner or his/her personal representative is not a party to the proceedings, state the facts which show that the applicant is entitled under Rule 156 to have the document transmitted.)

Schedule

(Insert particulars of the document and give its instrument number in the Registry, or, if it has none, the reference to the proceedings in which it was lodged.)

Dated the _____ day of _____ 20____.

Signed

(To be signed by the solicitor)

FORM 83

Application by registered owner for amendment of name, address or description of registered owner (Rule 65)

LAND REGISTRY

County

Folio

I, _____ (hereinafter referred to as “the deponent”)
of _____ make oath and say:-

The property to which this Application relates is all that and those the property comprised in folio _____ of the Register County _____ of which I am the registered owner.

I apply for the amendment of my name (*or* address, *or*, description) from (*insert the name/address/description as it appears on the folio*) to read (*insert the amended name/address/description*).

(Exhibit evidence in appropriate cases e.g. change of name — marriage certificate or deed poll and confirm that the person in the said document is one and the same as the registered owner.)

Signature of deponent. Sworn this the _____ day of _____, 20____,
at _____, in the county of _____
before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I, X.Y., hereby certify that I know the deponent. (*or, I know X.Y., who certifies his/her knowledge of the deponent*).

Signature

Signature

Note (1) — If the application is made on behalf of a corporate body, it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

Note (2) — If the solicitor for the applicant is applying, he/she should state he/she is solicitor for the registered owner and sign the form which is not required to be on affidavit in such a case.

FORM 84

Notice of rectification of error in registration (Rule 7(2)(b))

LAND REGISTRY

County

Folio

NOTICE

The Property Registration Authority.
(address of appropriate office)

Sir, (*or, Madam*),

You are hereby given notice that the Property Registration Authority, under Section 32(1)(b) of the Registration of Title Act 1964 as substituted by Section 55 of the Registration of Deeds and Title Act 2006, propose to rectify an error (under the substituted Section 32(1)(c) of the Act) made in registration as follows

(error and proposed rectification to be set out in full with copy of Land Registry map if appropriate).

You are served of this notice as .

Any objection by you, to the proposed rectification, should be in writing to the Property Registration Authority at the above address before the expiration of days from the service of this notice on you. Any such objection by you to the application must state the grounds thereof.

This notice will be deemed to have been received by you within days from the date hereof in absence of proof to the contrary.

Schedule

Dated the day of 20 .

Signed:

To:
(Insert name and address of notice party)

FORM 85

Entry to be made in the register pursuant to Rule 145

“The title is subject to the provisions of the Land and Conveyancing Law Reform Act 2009.”

FORM 86

Application for registration of trustee(s) who is (are) entitled to be registered as owner(s) of registered land by virtue of the Act of 2009 (Rule 66)

LAND REGISTRY**County****Folio**

I, A.B. of
make oath and say —

1. E.F. is registered as limited owner of the lands comprised in the above folio.
2. I am trustee of a trust of land by virtue of the Land and Conveyancing Law Reform Act 2009. I am entitled to be registered as owner of the said lands by virtue of (*applicants to show how they are entitled.....*).
3. For the protection of the trusts on which I hold the property I apply for the entry of the following inhibition in the register on my registration as owner (*see Rule 49 and Form 77*):
4. I apply for registration as owner on said folio.
5. My address in the State for service of notices and my description is:-
(*give address and description*)

Signature of deponent. Sworn this the day of , 20 ,
at , in the county of
before me a Commissioner for Oaths (*or
other qualified person*) and I know the
deponent

I, X.Y., hereby certify that I (*or, I know X.Y., who certifies his/her
know the deponent. knowledge of the deponent*).

Signature

Signature

Note (1) — Section 19 of the Land and Conveyancing Law Reform Act 2009 sets out who are trustees in a Trust of Land.

Note (2) — This form is only to be used where there is a current registered limited owner.

Note (3) — If there is more than one applicant, the form should be amended accordingly.

FORM 87

Summons to attend before Property Registration Authority (Rule 175)

LAND REGISTRY

County

Folio

You are hereby required to attend at the Land Registry (*address of office*) at the hour of o'clock on the day of 20 , (to be examined in relation to — *state the purpose for which attendance is required (see Note (1)) and/or (to produce the document(s) specified in the Schedule hereto (see Note (2)).* If you wilfully neglect or refuse to attend in compliance with this summons, you will be liable for the penalty prescribed by Section 16(6) of the Registration of Title Act, 1964 as amended by Section 4 of the Registration of Deeds and Title Act 2006.

Schedule

(where necessary)

Dated the day of 20 .

Property Registration Authority

Authority Seal

Note (1) — To be omitted if the attendance is only to produce documents.

Note (2) — To be omitted if the attendance is only for examination.

FORM 88

Requisition for official search in the names index (Rule 160)

LAND REGISTRY

To the **Property Registration Authority**

(address of appropriate office)

Search in the Names Index of the County of _____, and furnish me with all folio references entered in the said index at the date of the making of the search showing an ownership in the name of _____ in that County.

Dated this _____ day of _____ 20 ____ .

Signed:

(To be signed by the applicant, whose address in the State must be given, or his/her solicitor.)

FORM 89

Requisition for official search for the registration of the ownership of a specified parcel of property in the register of ownership of freehold land or in the register of ownership of leasehold interests, or of any right the ownership of which is registered in the register maintained under Section 8(b) of the Act (Rule 160)

LAND REGISTRY

To the **Property Registration Authority**
(address of appropriate office)

I require to be furnished with the folio reference(s) in the register(s) for the County of _____ in which the ownership of the part of the townland of *(or other description on map)* shown on the annexed plan *(or, of any leasehold interest or right therein the ownership of which is registered in the register of leasehold interests or the register maintained under Section 8(b) of the Act)* has been registered.

Dated the _____ day of _____ 20__ .

Signed:

(To be signed by the applicant, whose address in the State must be given, or his/her solicitor.)

Note — The property the subject of the search should be outlined in red on an official Land Registry map or on a Land Registry Compliant map or such other map as may be acceptable to the Authority.

FORM 90

*Requisition for official search in a register for entries since first registration
(Rule 160)*

LAND REGISTRY

County

Folio

To the **Property Registration Authority**
(address of appropriate office)

I require to be furnished with a certificate of the entries made on folio
County from the day of , to the day of
20 .

Dated the day of 20 .

Signed:

*(To be signed by the applicant, whose address in the State must be given, or
his/her solicitor.)*

FORM 91*Certificate of result of official search in names index (Rule 160)***LAND REGISTRY**

After diligent search made in the Names Index for the County
 against the name of _____, I certify that at the date of this certificate, no
 ownership of property in that name appears on the said index except those in
 the folios of the register specified in the Schedule hereto.

Schedule

Folio No. of the register	Name of registered owner	Address and description of registered owner on the folio

Dated the _____ day of _____ 20 .

Signed:

To:
(Insert name and address of applicant for search)

FORM 92

Certificate of result of official search for the registration of the ownership of specified property or for entries in a register (Rule 160)

LAND REGISTRY

After diligent search in the Registry map (and/or the register) for the County of _____, I certify that the ownership of shown on the annexed plan is registered in folio _____ of the register County _____,

or,

that the ownership of a leasehold interest in (or, the right therein (*set out nature of the right*) registerable in the register maintained under Section 8(b) of the Act) shown on the annexed plan is registered in folio _____ of the register County _____,

or,

that it does not appear from the Registry map that the ownership of shown on the annexed plan (*or, of any leasehold interest therein, or, of any right therein registerable in the register maintained under Section 8 (b) of the Act*) has been registered,

or,

I certify that the entries made in folio _____ of the register County _____ since are as follows:-

or,

I certify that the properties edged and highlighted in colour with a plan reference printed therein on the enclosed extract of the Registry map form part of registered land. For a list of properties showing the plan references and folio numbers see attached 'Search Result List'.

Dated the _____ day of _____ 20 _____.

Signed:

To:
(*Insert name and address of applicant for search*)

FORM 93

Application for entry of priority entry pursuant to Section 108 of the Act (Rule 161)

LAND REGISTRY

County

Folio

I _____, as Solicitor for
(*full name and address of purchaser, lessee or chargee*), certify that he/she has
contracted to purchase (*or*),
take a lease of (*or*),
lend money on the security of a charge on
all of the property comprised in the above folio (*or*, the part of the property
comprised in the above folio shown edged red on the attached plan). (*see Note*)

I apply pursuant to Section 108 of the Act that the prescribed entry be made in
the register.

Notice of this application in Form 94 was served by ordinary prepaid
post/registered post /in person/electronic mail (*see Note*) on (*name and address
of the other party to the contract*).

Signature of Solicitor

Address

Date

Note — Strike out whichever alternatives are not applicable.

FORM 94

Notice of application for registration of a priority entry pursuant to Section 108 of the Act (Rule 161)

LAND REGISTRY

County

Folio

NOTICE

I _____, as Solicitor for
(*full name and address of purchaser, lessee, or chargee*), certify that he/she has
contracted to purchase (*or*),
take a lease of (*or*),
lend money on the security of a charge on
all of the property comprised in the above folio (*or*, the part of the property
comprised in the above folio shown edged red on the attached plan). (*see Note*)

I am applying to the Property Registration Authority, pursuant to Section 108 of the Act, for the registration of the following prescribed entry in the Register:

“The (part of the) property (shown as plan _____) is subject to the priority to be conferred by Section 108 of the Registration of Title Act 1964, as substituted by Section 66 of the Registration of Deeds and Title Act 2006.”

Signature of Solicitor

Address

Date

Note — Strike out whichever alternatives are not applicable.

FORM 95

Entry to be made pursuant to Section 108 of the Act (Rule 161)

The (part of) the property (shown as plan) is subject to the priority to be conferred by Section 108 of the Registration of Title Act 1964 as substituted by Section 66 of the Registration of Deeds and Title Act 2006.

FORM 96

Application to inspect or obtain a copy of an instrument under Rule 159 of the Land Registration Rules

LAND REGISTRY**1. Details**

Folio number		County	
Name of Registered Owner(s)			
Instrument Number			
Document / Deed Sought			

2. Application by

Name	
Address	
Reference	
E-mail address	

3. Entitlement

I am entitled to inspect/obtain a copy of the Instrument / Document scheduled above under the provisions of Rule 159 of the Land Registration Rules as indicated below.

Please see attached guidelines (*Tick the section which is applicable*)

- I am the (personal representative of the) registered owner of the abovementioned folio (See Note 1)*
- I am the solicitor for the (personal representative of the) registered owner of the abovementioned folio (See Note 3)*
- I am authorised by the (personal representative of) registered owner of the abovementioned folio (See Note 2)*
- I am authorised by an order of the court*
- I am the registered owner of the charge(a copy of which is sought) registered on the abovementioned folio*
- I am the party entitled to the benefit of the burden (a copy of the deed creating which is sought) registered on the abovementioned folio*
- I was a party to the deed scheduled above, a copy of which is sought*
- I am a person who would be entitled to inspection of a document relating to property, if its ownership was not registered and the document was in the possession of the person by law entitled to the custody thereof*
- The judgment mortgage scheduled above (a copy of which is sought) remains uncanceled on the folio*
- The lis pendens scheduled above (a copy of which is sought) remains uncanceled on the folio*
- I am devisee/beneficiary under a will or intestacy of a former registered owner of the abovementioned folio or his/her successor in title*

- I lodged the instrument under Rule 130(5)
- I am the owner of an unregistered servient tenement
- I am entitled to the benefit of a right created by an instrument filed under Rule 130(5)

or

- Under Rule 159(8) I apply to the Authority to permit me inspect the document on the following grounds

4. Application

(a) Application by Solicitor

I/We the Solicitor for the registered owner(s) or his/her personal representative(s) request

to inspect the issue of a copy of the Instrument/Document scheduled at item 1 above to me/us.

Signed (by individual Solicitor)

Name of firm

Date

(b) Application by Registered Owner/Personal Representative

I as registered owner or his/her personal representative request

to inspect the issue of a copy of the Instrument/Document scheduled at item 1 above to me/us.

Signature of Registered Owner/Personal Representative

Signature of witness

Address of witness

Date

(c) Application by other party (Please specify)

.....

Signature of witness

Address of witness

Date

Office Use Only	Date of Receipt	Fees €	
		Proof of identity produced:	
Inspection	€2.50	<input type="checkbox"/>	Driver's Licence
Copy of full Instrument	€25	<input type="checkbox"/>	Passport
Copy of part of Instrument	€6	<input type="checkbox"/>	Other (specify)

Note (1) — Where the applicant is the registered owner or his/her personal representative, the signature must be attested and evidence of identity and evidence of permanent address must be presented or lodged.

Note (2) — Where the application is by a party, other than a solicitor, acting with the authority of the registered owner, the application must contain an authority under signature of the registered owner and attested. Evidence of identity and evidence of permanent address of the applicant must be presented or lodged.

Note (3) — Where a solicitor is giving authority to another party e.g. law searcher or other party to receive a copy Instrument on their behalf, the application should state that (a) they are the solicitor for the registered owners and (b) to whom the copy instrument or part thereof is to issue.

Note (4) — The application must identify the instrument number and indicate whether access is being sought to **all** or a specific **part** of the instrument.

Note (5) — Any letter of authority must specify whether authorised access is to **all** of an instrument, a specific **deed(s)** or specific **parts** of the Instrument. The letter of authority should be an original.

Note (6) — Notice may be served on the registered owner if considered appropriate by the Authority.

Rule 159 Land Registration Rules — Inspection of documents

- (1) The registered owner of property and any person authorised by such owner, or by an order of the court or by these Rules, but no other person, may inspect a document filed in the Registry on a dealing or transaction with the property of the owner.
- (2) Any person who would be entitled to inspection of a document relating to property, if its ownership was not registered under the Act, and the document was in the possession of the person by law entitled to the custody thereof, shall be entitled to inspect the document, if filed in the Registry.
- (3) An affidavit of judgment deposited in the Registry pursuant to the Judgment Mortgage Ireland Act, 1850, as amended by the Act, or an application for registration of a judgment mortgage under Rule 110 may be inspected by any person so long as notice of its deposit or the entry of the judgment mortgage is uncanceled in a register.
- (4) A memorandum of a *lis pendens*, bond, recognisance or inquisition filed in the Registry may be inspected by any person so long as the entry relative to it remains uncanceled in a register.
- (5) An application, assent, affidavit, or transfer, made by a personal representative of a deceased owner of property that vested in the personal representative may be inspected by a devisee or other person, except a creditor, having an interest in the property under the owner's will, or, where the owner died

intestate, by a person in whom a beneficial interest in the property devolved on the intestacy, or by a person who satisfies the Authority that he/she is the successor in title of one of such persons.

- (6) An instrument filed in the Registry under Rule 130(5) may be inspected by the person by whom it was lodged or by any person who satisfies the Authority that he/she is entitled to the benefit of a right created by the instrument.
- (7) An instrument filed in the Registry under Rule 46 may be inspected by any person who satisfies the Authority that he/she is the owner or person(s) entitled to be the owner of an unregistered servient tenement property, over which a right was registered as appurtenant to a dominant tenement property under Section 49A of the Act, on the production of such proofs as may be directed by the Authority.
- (8) Any person entitled to inspect a document filed in the Registry may obtain a copy of it.
- (9) The Authority may, in special circumstances and on such terms as it shall think fit, permit a person to inspect, or obtain, a copy of a document filed in the Registry.
- (10) An application to inspect or obtain a copy under this Rule shall be made in Form 96
- (11) Before allowing inspection of a document by a person claiming under Rule 159, the Authority may make such inquiries and give such notices as it may think fit. Notice under this rule shall be in Form 97

FORM 97

Notice of application to inspect (or obtain a copy) instrument (Rule 159)

LAND REGISTRY**County****Folio****NOTICE**

The Property Registration Authority.
(address of appropriate office)

Sir, (*or, Madam*),

You are hereby given notice that _____ of _____ has applied under Rule 159 of the Land Registration Rules to inspect (*or, have applied for a copy*) Instrument Number _____ (*or, specify deed(s) or document(s) if application is in relation to part of the Instrument*)
The grounds for their application are (*set out the grounds*).

You are served of this notice as registered owner of folio _____
County _____.

Any objection by you, to the inspection or copy application sought, should be in writing to the Property Registration Authority at the above address before the expiration of _____ days from the service of this notice on you. Any objection by you to the application must state the grounds thereof.

This notice will be deemed to have been received by you within _____ days from the date hereof in absence of proof to the contrary.

Dated the _____ day of _____ 20 _____.

Signed:

To:
(Insert name and address of notice party)

FORM 98

Application for compensation out of the Central Fund under Section 120 of the Act (Rule 184)

LAND REGISTRY**County****Folio**

To the **Property Registration Authority**
(*address of appropriate office*)

1. I, A.B., of _____ hereby apply for compensation under Section 120 of the Act for loss sustained by me by reason of an error in the register (or, in the registry map) made by the Property Registration Authority, (Registrar of Titles), its or his/her officers or employees (*or, the entry in or omission from the register caused or obtained by forgery or fraud*) (*or, an error in an official search carried out by the Authority (the Registrar) or some of its or his/her officers*) (*as the case may be*).

2. The property for the loss of which I claim compensation is comprised in folio _____ of the register County _____, of which I am the registered owner (*or, as the case may be*).

3. The loss for which I claim compensation has been caused (through the error of the Authority (Registrar) or one or more of its or his/her officers or employees in — (*state the nature and particulars of the error which is alleged to have caused loss to the applicant whether of misstatement, misdescription, omission, or otherwise, and whether in the register or whether in the registry map referred to therein or, whether in an office copy of or extract from the register or registry map or in an office copy of a document or plan filed in the Registry*)),

or

 (through the entry in (*or, omission from*) the register of which entry (*or, omission*) has been caused by the (*here state the nature and full particulars of the forgery (or, fraud) which is alleged to have been the cause of the wrongful entry or omission including the names of the person(s) who perpetrated same and the circumstances, so far as they are known to the applicant, in which the forgery or fraud was committed*))

or

 (through the error in an official search (*or, the preparation of the office copy*) (*or, extract*) aforesaid carried out by the Authority (Registrar) or some of its or his/her officers or employees in the following circumstances, namely, (*here state the particulars of the requisition for the official search or office copy or extract made to the Authority (Registrar), the result of such search, requisition and other relevant matters to show the error in the search or preparation of such office copy or extract which led to the loss complained of*)).

4. I claim that by reason of (the error (*or, entry in*)) (*or, omission from*) the register (*or, the registry map*) (*as the case may be*)] particulars of which are set forth in paragraph 3 above, I have sustained loss within the meaning of Section 120 of the Act, the particulars of which loss are set forth hereunder.

5. (*Here set forth full particulars of the pecuniary loss suffered by the applicant, such as, the value of the entire estate or interest if that has been lost, or the amount by which the value of the property has been depreciated (if the loss is partial) or, in the event of a charge or other burden entirely lost, the value of such charge (or if the value of the burden or charge has been depreciated the amount by which the value of the charge or other burden has been reduced) together with particulars of any costs and expenses incurred in obtaining any rectification of the error*).

6. I rely on the following documents in support of my claim for compensation —

(Here set out particulars of the documents and other evidence relied on, such as the folio of the register, the registry map and any instrument on which the alleged error was based (as the case may be).

7. My address in the State for service of notices, orders, etc. is:-
(*give address and description*)

Signed:

Affidavit to verify the foregoing application

LAND REGISTRY

County

Folio

I, _____, of _____ the applicant in the foregoing application make oath and say as follows:-

1. I have read the foregoing application and believe the same to be true in all particulars.
2. I am advised and believe that I have a good claim for compensation under Section 120 of the Act, by reason of the facts set forth in said application.
3. There is not any person, to my knowledge or belief who has or claims any estate, right, title, or interest in or to the property mentioned in the said application, save as therein set forth.
4. To the best of my knowledge, information and belief, all material facts and all relevant documents relating to my claim for compensation are disclosed in said application.

I make this affidavit (*here state means of knowledge such as "from my own personal knowledge of the facts, and from information supplied to me by my solicitor" or as the case may be*).

Signature of deponent.

Sworn this the _____ day of _____, 20____, at _____, in the county of _____ before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent

I, X.Y., hereby certify that I know the deponent.

(*or, I know X.Y., who certifies his/her knowledge of the deponent*).

Signature

Signature

We, the Registration of Deeds and Title Rules Committee, constituted pursuant to the provisions of Section 74 of the Registration of Deeds and Title Act 2006 in exercise of the powers conferred on us by Section 126 of the Registration of Title Act, 1964, as amended by Section 72 of the Registration of Deeds and Title Act 2006, with the concurrence of the Minister for Justice and Equality, do hereby make the foregoing Rules.

DATED this 23rd day of August, 2012

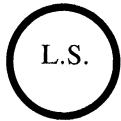
MARY LAFFOY, Judge of the High Court

FRANK TREACY, Interim Chief Executive of the Property Registration Authority

JAMES DWYER, Senior Counsel

OWEN M. BINCHY, Solicitor

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by Section 126 of the Registration of Title Act, 1964, as amended by Section 72 of the Registration of Deeds and Title Act 2006, hereby concur in the making of the foregoing Rules.



GIVEN under my Official Seal,
1 December 2012.

ALAN SHATTER,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Rules, which come into effect on the 1st day of February, 2013, consolidate and amend the Land Registration Rules 1972 to 2011 which are hereby rescinded.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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