

REGISTRATION OF TITLE ACT 1964

LONG TITLE

An Act to consolidate with amendments the law relating to the registration of the title to land. [4th july, 1964.]

be it enacted by the oireachtas as follows:—

PART I - PRELIMINARY AND GENERAL

1 Short title.

SECT 1.—This Act may be cited as the Registration of Title Act, 1964.

2 Commencement.

SECT 2.—This Act shall come into operation on such day as the Minister for Justice by order appoints.

3 Interpretation.

SECT 3.—(1) In this Act, save where the context otherwise requires— "the Act of 1891" means the Registration of Title Act, 1891; "assignment on sale" has the meaning assigned to it by section 24; "Bankruptcy Acts" means the Irish Bankrupt and Insolvent Act, 1857, the Bankruptcy (Ireland) Amendment Act, 1872, the Debtors Act (Ireland), 1872, and the Local Bankruptcy (Ireland) Act, 1888; "the central office" has the meaning assigned to it by section 7; "conveyance" has the same meaning as in the Conveyancing Acts; "conveyance on sale" has the meaning assigned to it by section 24. "Conveyancing Acts" means the Conveyancing Acts, 1881 to 1911; "the court" has the meaning assigned to it by section 18; "disposition" includes transfer and charge; "drainage charge" includes any charge payable under the Landed Property Improvement (Ireland) Act, 1847, or under the Drainage (Ireland) Act, 1842, and also any charge payable under the Drainage and Improvement of Land (Ireland) Act, 1863, or any provisional Order under the said Act duly confirmed, or under any other Act for the improvement or drainage of lands; "existing" means existing immediately before the commencement of this Act; "fee simple" includes estates held under fee farm grants and perpetuity grants; "former crown rent" has the same meaning as in the State Property Act, 1954; "freehold land" means land the full ownership of which is an estate in fee simple; "general rules" means rules under section 126; "incumbrance" has the same meaning as in the Conveyancing Acts; "judgment mortgage" means an affidavit of ownership registered under the Judgment Mortgage (Ireland) Act, 1850; "land" includes— (a) land of any tenure; (b) land covered by water; (c) houses or other buildings or structures whatsoever and parts of any such houses, buildings or structures whether divided vertically, horizontally or otherwise; (d) mines and minerals, whether held apart from the surface or not; (e) incorporeal hereditaments; "land certificate" has the meaning assigned to it by section 28; "Land Commission" means the Irish Land Commission; "land improvement charge" includes any charge for land improvement loans payable to the Commissioners of Public Works in Ireland under the Landed Property Improvement (Ireland) Act, 1847; "Land Purchase Acts" includes the Irish Church Act, 1869 and the Congested Districts Board (Ireland) Acts; "Land Registry" has the meaning assigned to it by section 7; "lease" means any contract of tenancy and includes an agreement for a lease; "leasehold interest" means an interest in land under a lease for a term of years of which more than twenty-one are unexpired at the date of registration, not being a term for securing money, with or without a covenant for renewal, and includes an interest held at a rent under a lease for a life or lives, or determinable on a life or lives, and where a lease in possession and a reversionary lease to take effect in possession upon the expiry of the first-mentioned lease are so held that the interest under both leases belongs to the same person under the same right, such leases, so far as they relate to land comprised in both leases, shall be deemed to create one continuous term in possession; "the local office" has the meaning assigned to it by section 7; "the local registrar" means the county registrar of a county acting by virtue of section 10; "mortgage" has the same meaning as in the Conveyancing Acts; "personal representative" means the executor, original or by representation, or the administrator of a deceased

person; "possession" includes the receipt of the rents and profits; "prescribed" means prescribed by general rules; "register" means a register maintained under this Act; "registered land" means land of which an owner is or is deemed to be registered under this Act; "registering authority" means the Registrar or a local registrar; "the Registrar" means the Registrar of Titles; "Registry of Deeds" means the office established by the Registration of Deeds Act, 1707; "Registry of Judgments" means the office established by the Judgments (Ireland) Act, 1844; "registry map" has the meaning assigned to it by section 84; "repealed enactments" means the Registration of Title Acts, 1891 and 1942, repealed by this Act; "right" includes estate, interest, equity and power; "Settled Land Acts" means the Settled Land Acts, 1882 to 1890; "settlement", "settled land", "tenant for life" and "trustees of the settlement" have respectively the same meanings as in the Settled Land Acts; "State bond" means a bond entered into with any person acting on behalf of the State, including, without prejudice to the generality of the foregoing, a bond entered into with the Minister for Finance under section 39 of the Finance Act, 1924 and a Crown bond; "statutory authority" means— (a) a Minister of State, (b) the Land Commission, (c) the Commissioners of Public Works in Ireland, (d) any local or public authority, or (e) any company or other body of persons established by or by direction of any enactment; "tithe rent charge" includes any annual sum payable to the Land Commission under section 32 of the Irish Church Act, 1869; "unregistered land" means land of which an owner is not registered or deemed to be registered under this Act; "will" includes codicil. (2) For the purposes of this Act an estate or interest in remainder or reversion not disposed of by a settlement and reverting to the settlor, or descending to the testator's heir, shall be an estate or interest comprised in the subject of the settlement. (3) In this Act, references to any enactment shall be construed as references to that enactment as amended or extended by any other enactment, including this Act. (4) In this Act, a reference by number to a section is to the section of this Act bearing that number unless it is indicated that a reference to some other Act is intended.

4 Expenses.

SECT 4.—The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

5 Repeals.

SECT 5.—The enactments mentioned in the Schedule are hereby repealed to the extent specified in the third column.

6 Continuance of existing officers, offices, registers, instruments and documents.

SECT 6.—(1) All registering authorities and other officers acting under the repealed enactments shall continue to act as if appointed under this Act. (2) All offices established under the repealed enactments shall continue to be used under this Act. (3) A register maintained under the repealed enactments shall form part of the appropriate register under this Act. (4) All instruments and documents made or issued under the repealed enactments shall, if in force immediately before the commencement of this Act, continue in force and have the same validity as if made or issued under this Act.

PART II - LAND REGISTRY, REGISTERS, REGISTERING AUTHORITIES AND JURISDICTION

Land Registry

7 The central and local offices.

SECT 7.—(1) There shall be a central office in the county borough of Dublin (in this Act referred to as "the central office") and a local office in each county other than Dublin (in this Act referred to as a "local office". (2) The central office shall be the office for registration of all land in the State. (3) The functions of the local offices shall be such as may be prescribed. (4) The central office and the local offices shall collectively be known as the Land Registry. Registers

8 Registers of ownership.

SECT 8.—There shall be maintained in the central office— (a) registers of— (i) ownership of freehold land, and (ii) ownership of leasehold interests, excluding incorporeal hereditaments held in gross; (b) a register of ownership of— (i) land comprising incorporeal hereditaments held in gross; (ii) such other rights in land as may be prescribed. Registering Authorities

9 The Registrar of Titles.

SECT 9.—(1) The central office shall be under the management and control of an officer who shall be called the Registrar of Titles. (2) The Registrar of Titles shall be appointed by the Government and shall hold office at the pleasure of the Government. (3) No person shall be appointed to be Registrar of Titles unless at the time of his appointment he is either a barrister-at-law or a solicitor who has practised his profession for not less than ten years. (4) For the purpose of subsection (3), service by a barrister-at-law or a solicitor in a situation in the Civil Service shall be deemed to be practice of his profession. (5) Subject to the person appointed thereto being in good health at the time of his appointment, the office of Registrar of Titles shall be a pensionable office within the Superannuation Acts for the time being in force, and there may be granted either to the Registrar of Titles on his retirement or to his personal representative on his death such superannuation and other allowances and gratuities as might under the said Acts have been granted to such Registrar of Titles if he had been appointed to an established position in the Civil Service with a certificate of qualification from the Civil Service Commissioners. (6) Every Registrar of Titles shall hold his office on such terms and conditions and shall receive, out of moneys provided by the Oireachtas, such remuneration as the Minister for Finance shall from time to time direct. (7) The Registrar of Titles shall retire on attaining the age of sixty-five years, but that age of retirement may, in the case of any particular Registrar of Titles, be extended by the Minister for Justice, with the concurrence of the Minister for Finance, to any age not exceeding seventy years. (8) The person appointed under this section to be Registrar of Titles may also be appointed by the Government to be Registrar of Deeds, and if so appointed, he shall be known as the Registrar of Deeds and Titles, but the foregoing provisions of this section shall continue to apply to him in the same manner as if he had continued to be only Registrar of Titles.

10 Local registrars.

SECT 10.—(1) Subject to the direction and control of the Registrar, every local office shall be under the management of the county registrar of the county in which the local office is situate, and the business of the local office shall be transacted in the Circuit Court Office in and for that county. (2) Every county registrar (other than the county registrar for the county borough and county of Dublin) shall be a local registrar. (3) Any county and county borough amalgamated for the purposes of the Circuit Court shall be deemed to be one county for the purposes of section 7 and this section.

11 Relations of Registrar and local registrars.

SECT 11.—Provision shall be made by general rules for determining the relations between the Registrar and the several local registrars and the control to be exercised by the Registrar over each local registrar.

12 Officers of central and local offices.

SECT 12.—(1) There shall be attached to the central office and to each local office such and so many officers and servants as the Minister for Justice shall, from time to time, with the consent of the Minister for Finance, consider to be necessary. (2) Every officer and servant attached to the central office or to any local office shall hold his position on such terms and conditions and shall receive, out of moneys provided by the Oireachtas, such remuneration as the Minister for Finance shall, from time to time, direct.

13 Exercise of powers of registering authorities.

SECT 13.—(1) All or any of the powers and duties conferred or imposed on the Registrar as such, or as Registrar of Deeds, may be exercised and performed by such other officer or officers as the Minister for Justice may authorise in that behalf. (2) All or any of the powers and duties conferred or imposed on any local registrar by or under this Act may be exercised and performed by such other officer or officers attached to the relevant local office as the Minister for Justice may authorise in that behalf.

14 Fees.

SECT 14.—(1) The Minister for Justice, with the consent of the Minister for Finance, may by order fix the fees to be taken in the Land Registry for the purposes of this Act and may revoke or amend any such order. (2) The fees shall, so far as possible, be so fixed as to produce an annual amount sufficient to discharge the salaries, remuneration and other expenses payable under and incidental to the working of this Act. (3) Any provision of this Act or of general rules requiring or authorising anything to be done or any certificate or other document to be issued by the Registrar or in or from the Land Registry shall be construed as requiring or authorising the same on payment of such fee as may be fixed by order under this Act. (4) No fee shall be payable— (a) by the Land Commission on any registration or application for registration under this Act, (b) on any application for the registration of the ownership of any person to or in whom the Land Commission has transferred or vested registered land where the Land Commission is under a statutory duty to procure such registration. (5) All fees payable under this Act shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of that Minister. (6) The Public Offices Fees Act, 1879, shall not apply to fees payable under this Act.

15 Official seals.

SECT 15.—(1) The Registrar and each local registrar shall have a separate official seal. (2) Judicial notice shall be taken of the said official seals, and any instrument purporting to be sealed with any such seal shall be admissible in evidence, and, if a copy, shall be admissible in like manner as the original.

16 Powers of Registrar.

SECT 16.—(1) Subject to general rules, the Registrar may, by summons under his seal, require the attendance of all such persons as he thinks fit in relation to the registration of any title. (2) He may, by like summons, require any person having the custody of any map, survey or book made or kept in pursuance of any enactment to produce the map, survey or book for inspection. (3) He may examine on oath any person appearing before him and administer an oath accordingly. (4) He may allow to any person summoned by him the reasonable expenses of his attendance. (5) Any expenses allowed in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration, and may be dealt with in such manner as may be prescribed. (6) If any person, after the delivery to him of a summons under this section, or of a copy thereof, and after having had a tender made to him of the expenses, if any, to which he is entitled, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books or other documents as he may be required to produce under this Act, or to answer on oath or otherwise such questions as may be lawfully put to him by the Registrar under the powers of this Act, he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

17 Proceedings by and against Registrar.

SECT 17.—The Registrar of Titles may sue and be sued by that name. Jurisdiction of the Court

18 The court.

SECT 18.—(1) The High Court and, subject to the provisions of this Act, the Circuit Court shall have jurisdiction for the purposes of this Act and " the court " shall in this Act be construed accordingly. (2) Unless the necessary parties to the proceedings sign, either before or at any time during the hearing, the form of consent prescribed by rules of court, the Circuit Court shall not have jurisdiction in relation to land the rateable valuation of which exceeds £60. (3) The jurisdiction of the Circuit Court to hear and determine any matter under this Act in relation to land shall be exercised by the judge of the circuit where the land or any part of the land is situate.

19 Appeal and reference to the court.

SECT 19.—(1) Any person aggrieved by an order or decision of the Registrar may appeal to the court and the court may annul or confirm, with or without modification, the order or decision. (2) Whenever the Registrar entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, he may make an order referring the question to the court. (3) In any proceeding under this section the court shall, if so requested by the Registrar, and may in any case, if necessary, appoint a guardian or other person to represent any infant, person of unsound mind, person absent from the State, unborn person or person as to whom it is not known whether he is alive or dead; and, if satisfied that the interests of any person so represented are sufficiently protected by the representation, may make an order declaring that he shall be conclusively bound by the decision of the court and thereupon he shall, subject to the right under this Act to appeal on special leave, be bound accordingly, as if he were a party.

20 Enforcement by High Court of order of Registrar.

SECT 20.—If any person disobeys an order of the Registrar made in pursuance of this Act, the Registrar may certify the disobedience to the High Court and thereupon the person guilty of the disobedience may, subject to his right of appeal to that Court from such order, be punished by the Court as if the order of the Registrar were the order of the Court.

21 Registering authority to obey order of court.

SECT 21.—(1) A registering authority shall obey the order of a court of competent jurisdiction in relation to registered land. (2) The Registrar may, where he considers it necessary, apply to the court which has made such order either to vary the same or to give directions as to the mode in which it is to be obeyed; and thereupon the court, after such notice, if any, as it may direct, may vary such order in such manner, or make such new order, as it may think fit.

22 Power of court in action for specific performance.

SECT 22.—Where an action is instituted for the specific performance of a contract relating to registered land or a registered charge, the court before which the action is pending may cause all or any parties who have registered rights in the land or charge, or have entered cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the order of the court in the action shall be binding on those parties or any of them.

PART III - REGISTRATION OF OWNERSHIP Compulsory Registration

23 Compulsory registration.

SECT 23.—(1) The registration of the ownership of freehold land shall be compulsory in the following cases— (a) where the land has been, or is deemed to have been, at any time sold and conveyed to or vested in any person under any of the provisions of the Land Purchase Acts or the Labourers Acts, 1883 to 1962; (b) where the land is acquired, after the commencement of this Act, by a statutory authority; (c)

) in any case to which subsection (2) of section 24 applies. (2) The registration of the ownership of a leasehold interest shall be compulsory in the following cases— (a) where the interest is acquired, after the commencement of this Act, by a statutory authority; (b) in any case to which subsection (2) of section 24 applies. (3) The provisions of this Act in relation to registration of ownership do not apply to an estate or interest in reversion, remainder or expectancy.

24 Extension of compulsory registration.

SECT 24.—(1) The Minister for Justice may by order provide that this section shall apply to any county or county borough or any portion thereof on and after a specified day, not being earlier than six months after the making of the order. (2) In an area to which this section applies the registration of ownership shall, if not already compulsory, become compulsory— (a) in the case of freehold land, upon conveyance on sale; (b) in the case of a leasehold interest, on the grant or assignment on sale of such an interest. (3) In this Part "conveyance on sale" and "assignment on sale" mean an instrument made on sale for money or money's worth by virtue of which there is conferred or completed a title in respect of which an application for registration as owner may be made, and include a conveyance or assignment by way of exchange where money is paid for equality of exchange and also include any contract, agreement, condition or covenant affecting the property comprised in the conveyance or assignment and entered into or made as part of, or in association with, such conveyance or assignment.

25 Effect of failure to register where registration compulsory.

SECT 25.—In any case in which registration becomes compulsory, a person (other than the Land Commission) shall not, under any conveyance on sale of freehold land or grant or assignment on sale of a leasehold interest executed thereafter, acquire the estate or interest purported to be conveyed, granted or assigned unless, within six months after such conveyance, grant or assignment (or at such later time as the Registrar or, in case of his refusal, the court may sanction in any particular case), he is registered as owner of such freehold land or leasehold interest but, on being so registered, his title shall relate back to the date of the execution of the conveyance or the date of the grant or assignment, and any dealings with the land before the registration shall have effect accordingly.

26 Registration by Land Commission.

SECT 26.—(1) In the case of any land to which paragraph (a) of subsection (1) of section 23 applies sold or conveyed to or vested in or deemed to be sold or conveyed to or vested in a purchaser under the Land Purchase Acts prior to the 1st day of January, 1892, the Land Commission, in order that the registration of the ownership of the lands may be effected, may transmit to the Registrar the prescribed particulars respecting the land and the name of the person appearing to them to be in possession thereof and the Registrar shall thereupon register that person as the owner of the land. (2) Subject to subsection (1), whenever the Land Commission vest land in a purchaser under the Land Purchase Acts by vesting order, or other instrument, they shall forthwith furnish to the Registrar such documents as may be prescribed for the purpose of registration and thereupon the Registrar shall register the ownership of the person named in the said instrument, in accordance with the provisions of this Act. (3) The ownership of every person so registered shall, unless the Registrar is satisfied that the grant of an absolute or qualified title is warranted, be registered with a possessory title. (4) In the case of unregistered land to which subsection (2) applies, the following provisions shall have effect— (a) such land shall, on and after the date of the instrument, be deemed to be registered land within the meaning of this Act and this Act shall apply to such land accordingly; (b) such land shall, on and after the date of the instrument, be exempt from the provisions of the Acts relating to the Registry of Deeds. General Provisions as to Registration

27 Classes of owners who may be registered.

SECT 27.—A person may be registered— (a) as full owner of freehold land, that is to say, as tenant in fee simple; (b) in the case of settled freehold land, as limited owner thereof, that is to say, as tenant in tail or tenant for life or as having under the Settled Land Acts the powers of a tenant for life; (c) as full owner of a leasehold interest, that is to say, as the person in whom the leasehold interest is vested in

possession; or (d) in the case of a settled leasehold interest, as limited owner of the interest, that is to say, as tenant for life or as having under the Settled Land Acts the powers of a tenant for life.

28 Land certificate.

SECT 28.—On registration of a person as owner of land, the Registrar shall deliver to him a certificate in the prescribed form (in this Act referred to as a "land certificate") of his title to the land.

29 Rectification on amendment of vesting order.

SECT 29.—Where an order is made under section 30 of the Land Act, 1931, amending a vesting order, the Registrar shall on the lodgment with him of an office copy of the order rectify the register in conformity with the vesting order as so amended.

30 Fraudulent dispositions and entries.

SECT 30.—(1) Subject to the provisions of this Act with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner. (2) Any entry, erasure or alteration in the register made by fraud shall be void as between all parties or privies to the fraud.

31 Conclusiveness of register.

SECT 31.—(1) The register shall be conclusive evidence of the title of the owner to the land as appearing on the register and of any right, privilege, appurtenance or burden as appearing thereon; and such title shall not, in the absence of actual fraud, be in any way affected in consequence of such owner having notice of any deed, document, or matter relating to the land; but nothing in this Act shall interfere with the jurisdiction of any court of competent jurisdiction based on the ground of actual fraud or mistake, and the court may upon such ground make an order directing the register to be rectified in such manner and on such terms as it thinks just. (2) The validity of registration of ownership of unregistered land shall not be affected by reason that the person thereby shown to be registered as owner was then dead and any person who proves to the satisfaction of the Registrar that he is entitled to the land may be registered as owner thereof.

32 Rectification of errors in registration.

SECT 32.—(1) Where any error originating in the Land Registry (whether of misstatement, misdescription, omission or otherwise, and whether in a register or in a registry map) occurs in registration— (a) the Registrar may, with the consent of the registered owner of the land and of such other persons as may appear to be interested, rectify the error upon such terms as may be agreed to in writing by the parties; (b) the court, if it is of opinion that the error can be rectified without injustice to any person, may order the error to be rectified upon such terms as to costs or otherwise as it thinks just. (2) Where an error is rectified in accordance with the foregoing provisions and the error also occurs in the land certificate delivered on the occasion of the registration, the Registrar shall issue a new land certificate in the prescribed form and cancel the old certificate and for that purpose may order any person having possession of the old certificate to deliver it to the Registrar. (3) The issue of the new certificate shall be without prejudice to any claim of lien or other claims thereon, which shall attach to it as if it were the old certificate, and shall be on such terms as to costs as the Registrar thinks just. Freehold Land

33 Classes of title which may be registered.

SECT 33.—(1) On registration of the ownership of unregistered freehold land, a person may be registered with an absolute title, a qualified title or a possessory title. (2) An application for registration may be made by such person, and shall be made in such form and be accompanied by such evidence of title, as may be prescribed. (3) The application shall be made for registration with an absolute title or with a possessory title. (4) The applicant shall be registered as owner with an absolute title where the title is

approved by the Registrar. (5) If, on an application for registration with an absolute title, it appears to the Registrar that the title can be established only for a limited period or only subject to certain reservations, the Registrar may, by an entry made in the register, except from the effect of registration any right— (a) arising before a specified date, or (b) arising under a specified instrument, or (c) otherwise particularly described in the register, and the title registered subject to any such exception shall be called a qualified title. Where the registration of ownership is not compulsory the Registrar shall not exercise his powers under this subsection without the consent of the applicant. (6) The applicant may be registered as owner with a possessory title on giving such evidence of title as may be prescribed. (7) If, on an application for registration with an absolute title, the Registrar is not satisfied that either an absolute or a qualified title would be warranted, he may register the applicant as owner with a possessory title. Where the registration of the ownership is not compulsory, the Registrar shall not exercise his powers under this subsection without the consent of the applicant. (8) If, on an application for registration with a possessory title, the Registrar is satisfied that an absolute or qualified title would be warranted, he may register the applicant as owner with such a title, whether the applicant consents or not.

34 Registration of burdens.

SECT 34.—On first registration of ownership of freehold land, the Registrar shall enter on the register all burdens which appear on examination of the title to affect the land, except those to which, though not registered, the land is subject by virtue of section 72.

35 Registration subject to, or free from, equities.

SECT 35.—Where, immediately before the commencement of this Act, the registration of ownership of freehold land was noted as being subject to any rights or equities, pursuant to subsection (3) of section 29 of the Act of 1891, the title to the land shall be deemed to be a possessory title. Where it was not so noted, the title shall, subject to section 36, be deemed to be an absolute title.

36 Effect of previous registration with qualified or possessory title.

SECT 36.—Where, immediately before the commencement of this Act, the registration of ownership of freehold land was with a qualified or possessory title, the title to the land shall be deemed to be a qualified or possessory title, as the case may be, within the meaning of this Act.

37 Effect of registration with absolute title.

SECT 37.—(1) On registration of a person as full owner of freehold land with an absolute title, an estate in fee simple in the land, together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto, shall vest in the person so registered. (2) On registration of a person as limited owner of freehold land with an absolute title, an estate in fee simple in the land, together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto, shall vest in the person so registered and the other persons entitled to the several estates and interests comprised in the subject of the settlement collectively, according to such estates and interests respectively. (3) In either case, the estate of the registered owner shall be subject to— (a) the burdens, if any, registered as affecting the land, and (b) the burdens to which, though not registered, the land is subject by virtue of section 72, but shall be free from all other rights, including rights of the State. (4) If the registered owner holds the land as trustee, nothing in this section shall affect his duties or liabilities as such trustee.

38 Effect of registration with possessory title.

SECT 38.—(1) The registration of a person as first registered full or limited owner of freehold land with a possessory title shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title 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. (2) "Right" in subsection (1) includes any rights or equities existing by reason of the interest of such owner being deemed to be a graft upon his previous interest in the land, and a reference in any other enactment to land registered subject to equities

shall include land the registration of which is subject to any such rights or equities by virtue of that subsection.

39 Effect of registration with qualified title.

SECT 39.—The registration of a person as first registered full or limited owner of freehold land with a qualified title shall have the same effect as registration with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any right appearing by the register to be excepted. Leasehold Interests

40 Classes of title which may be registered.

SECT 40.—(1) On registration of the ownership of an unregistered leasehold interest, a person may be registered with an absolute title, a good leasehold title, a qualified title or a possessory title. (2) An application for registration may be made by such person, and shall be made in such form and be accompanied by such evidence of title, as may be prescribed. (3) The application shall be for registration with an absolute title, a good leasehold title or a possessory title. (4) The applicant shall be registered as owner with an absolute title where the title both to the leasehold interest and to the freehold estate, and to any intermediate leasehold interest that may exist, is approved by the Registrar. (5) The applicant shall be registered as owner with a good leasehold title where the title to the leasehold interest is approved by the Registrar. (6) If, on an application for registration with an absolute title or a good leasehold title, it appears to the Registrar that the title, either of the lessor to the reversion or of the lessee to the leasehold interest, can be established only for a limited period, or only subject to certain reservations, the Registrar may, by an entry made in the register, except from the effect of registration any right— (a) arising before a specified date, or (b) arising under a specified instrument, or (c) otherwise particularly described in the register, and a title registered subject to any such exception shall be called a qualified title. Where the registration of the ownership is not compulsory, the Registrar shall not exercise his powers under this subsection without the consent of the applicant. (7) The applicant may be registered as owner with a possessory title on giving such evidence of title as may be prescribed. (8) If, on an application for registration with an absolute title or with a good leasehold title, the Registrar is not satisfied that the grant of an absolute, good leasehold or qualified title would be warranted, he may register the applicant as owner with a possessory title. Where the registration of the ownership is not compulsory, the Registrar shall not exercise his powers under this subsection without the consent of the applicant. (9) If, on an application for registration with a possessory title, the Registrar is satisfied that the grant of an absolute, good leasehold or qualified title would be warranted, he may register the applicant as owner with such a title, whether the applicant consents or not.

41 Registration of burdens.

SECT 41.—On first registration of ownership of a leasehold interest, the Registrar shall enter on the register all burdens which appear on examination of the title to affect the interest, except those to which, though not registered, the interest is subject by virtue of section 72.

42 Previous registration with, and without, note as to lessor's title.

SECT 42.—Where, immediately before the commencement of this Act, the registration of ownership of a leasehold interest contained a note to the effect that the title of the lessor to make the lease had been investigated and found to be good and valid, the title to the leasehold interest shall be deemed to be an absolute title. Where there is no such note, the title shall, subject to section 43, be deemed to be a good leasehold title.

43 Effect of previous registration with qualified or possessory title.

SECT 43.—Where, immediately before the commencement of this Act, the registration of ownership of a leasehold interest was with a qualified or possessory title, the title to the land shall be deemed to be a qualified or possessory title, as the case may be, within the meaning of this Act.

44 Effect of registration with absolute title.

SECT 44.—(1) On registration of a person as full owner of a leasehold interest with an absolute title, the leasehold interest, together with all implied or express rights, privileges and appurtenances attached to it, shall vest in the person so registered. (2) On registration of a person as limited owner of a leasehold interest with an absolute title, the leasehold interest, together with all implied or express rights, privileges and appurtenances attached to it, shall vest in the person so registered and the other persons entitled to the several estates and interests comprised in the subject of the settlement collectively, according to such estates and interests respectively. (3) In either case, the interest of the registered owner shall be subject to— (a) the burdens, if any, registered as affecting the interest, (b) the burdens to which, though not registered, the interest is subject by virtue of section 72, and (c) all implied and express covenants, obligations and liabilities incident to the registered interest, but shall be free from all other rights, including rights of the State. (4) If the registered owner holds the interest as trustee, nothing in this section shall affect his duties or liabilities as such trustee.

45 Effect of registration with good leasehold title.

SECT 45.—The registration of a person as first registered full or limited owner of a leasehold interest with a good leasehold title shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title of the lessor to grant the lease, but, save as aforesaid, shall have the same effect as registration with an absolute title.

46 Effect of registration with possessory title.

SECT 46.—The registration of a person as first registered full or limited owner of a leasehold interest with a possessory title shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title 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.

47 Effect of registration with qualified title.

SECT 47.—The registration of a person as first registered full or limited owner of a leasehold interest with a qualified title shall not affect or prejudice the enforcement of any right appearing by the register to be excepted, but, save as aforesaid, shall have the same effect as registration with an absolute title or a good leasehold title, as the case may be.

48 Transfer of land from leasehold to freehold register.

SECT 48.—Where a registered leasehold interest is converted under the provisions of any Act into a fee farm grant or grant in perpetuity, the Registrar shall note on the register in the prescribed manner the fact of such conversion, and provision shall be made by general rules for the transfer, on the prescribed examination of title, of land from the register of owners of leasehold interests to the register of owners of freehold land, but, until such transfer is made, the registered owner of the leasehold interest shall not, under the provisions of this Act, have any further or other title to the land than he would have had if the leasehold interest had not been so converted. Title under Statute of Limitations

49 Registration of title acquired by possession.

SECT 49.—(1) Subject to the provisions of this section, the Statute of Limitations, 1957, shall apply to registered land as it applies to unregistered land. (2) Where any person claims to have acquired a title by possession to registered land, he may apply to the Registrar to be registered as owner of the land and the Registrar, if satisfied that the applicant has acquired the title, may cause the applicant to be registered as owner of the land with an absolute, good leasehold, possessory or qualified title, as the case may require, but without prejudice to any right not extinguished by such possession. (3) Upon such registration, the

title of the person whose right of action to recover the land has expired shall be extinguished. (4) Section 24 of the Statute of Limitations, 1957, is hereby amended by the substitution, for " section 52 of the Act of 1891", of "section 49 of the Registration of Title Act, 1964". Conversion of Registered Title

50 Conversion of registered title into absolute or good leasehold.

SECT 50.—(1) In the case of land which is registered with a qualified, good leasehold or possessory title, the Registrar may, either on his own initiative or on an application by the registered owner or other person entitled, if he is satisfied as to the title, register the title as absolute or good leasehold, as the case may require or admit. (2) The following provisions shall apply to registered land, other than land registered pursuant to subsection (1) of section 23 of the Act of 1891 or section 26 of this Act: (a) where the title registered is possessory, an application for the registration of a transfer for valuable consideration or other disposition for value shall, subject to any provisions to the contrary which may be prescribed, be accompanied by all the documents of or relating to the title (including contracts, abstracts, counsel's opinions, requisitions and replies, and other like documents) in the applicant's possession or under his control, together with such affidavit as may be prescribed; and where the title registered is qualified, the application shall be accompanied by such documents, if any, as may relate to the matters excepted from the effect of registration, together with such affidavit as may be prescribed; (b) in any case to which paragraph (a) applies, the Registrar may refuse or postpone the registration until all the required documents have been submitted to him; (c) where the land has been registered for fifteen years, with a possessory title, the Registrar shall, in any case to which paragraph (a) applies, if satisfied that the registered owner is in possession and after giving such notices, if any, as may be prescribed, register the title as absolute in the case of freehold land or as good leasehold in the case of leasehold land. (3) The following provisions shall apply to land registered pursuant to subsection (1) of section 23 of the Act of 1891 or section 26 of this Act— (a) where the title registered is or is deemed to be possessory and the ownership of the land has been registered for more than thirty years, the Registrar may, on the registration of a disposition or transmission on death, if satisfied from the entries in the register or otherwise that no right adverse to or in derogation of the title of the registered owner and protected by the possessory title subsists, register the title as absolute; (b) where— (i) the title registered is or is deemed to be possessory, and (ii) the ownership of the land has been registered for more than twelve years, and (iii) an application is made for the registration of a transfer for valuable consideration or other disposition for value, and (iv) a registered transfer for valuable consideration has been made after the first registration of the land but not less than twelve years prior to the application, the Registrar may, if satisfied from the entries in the register or otherwise that no right adverse to or in derogation of the title of the registered owner and protected by the possessory title subsists, register the title as absolute; (c) the Registrar may, in any case to which paragraph (b) applies, require the applicant to produce such evidence of the title as the Registrar thinks proper and he may refuse or postpone the registration until his requirements have been complied with. (4) If any claim adverse to the title of the owner has been made, registration under this section shall not be made unless and until the claim has been disposed of. (5) Where a person other than the owner suffers loss by reason of any registration under this section, section 120 shall have effect as if an error had been made originating in the Land Registry. Transfers

51 Transfer of registered land.

SECT 51.—(1) Subject, in the case of a limited owner, to the Settled Land Acts, a registered owner of land may transfer the land or any part thereof, and the transferee shall be registered as owner of the land transferred. (2) There shall be executed on the transfer an instrument in the prescribed form, or in such other form as may appear to the Registrar to be sufficient to convey the land, but until the transferee is registered as owner of the land transferred, that instrument shall not operate to transfer the land. (3) On registration of the transferee, the Registrar shall deliver to him a land certificate. (4) Where part only of the land is transferred, the Registrar shall either allow the transferor to retain his land certificate with an entry therein as to the part transferred, or deliver to him a new land certificate in respect of the land retained by him.

52 Effect of transfer of freehold land with absolute title.

SECT 52.—(1) On the registration of a transferee of freehold land as full owner with an absolute title, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall be vested in the registered transferee an estate in fee simple in the land transferred, together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto, subject to— (a) the burdens, if any, registered as affecting the land, and (b) the burdens to which, though not so registered, the land is subject by virtue of section 72, but shall be free from all other rights, including rights of the State. (2) Where, however, the transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights subject to which the transferor held the land transferred. (3) On the registration of a transferee of freehold land as limited owner with an absolute title under a settlement, the registration shall have the same effect as in the case of a transferee registered as full owner with an absolute title, except that the estate in fee simple (together with all implied or express rights, privileges and appurtenances) conferred by the registration shall vest in the transferee and the other persons entitled to the several estates and interests comprised in the subject of the settlement collectively, according to such estates and interests respectively.

53 Effect of transfer of freehold land with possessory title.

SECT 53.—In the case of freehold land registered with a possessory title, a transfer of the land shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title of the first registered owner and subsisting or capable of arising at the time of the registration of such owner, including any rights or equities existing by reason of the interest of such owner being deemed to be a graft upon his previous interest in the land, but, save as aforesaid, such transfer shall, when registered, have the same effect as if the land were registered with an absolute title.

54 Effect of transfer of freehold land with qualified title.

SECT 54.—In the case of freehold land registered with a qualified title, a transfer of the land shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any right appearing by the register to be excepted.

55 Effect of transfer of leasehold interest with absolute title.

SECT 55.—(1) On the registration of a transferee of a leasehold interest as full owner with an absolute title, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall vest in the registered transferee the leasehold interest so transferred, together with all implied or express rights, privileges and appurtenances attached to it, subject to— (a) the burdens, if any, registered as affecting the interest, (b) the burdens to which, though not registered, the interest is subject by virtue of section 72, and (c) all implied and express covenants, obligations and liabilities incident to the interest transferred, but free from all other rights, including rights of the State. (2) Where, however, the transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights subject to which the transferor held the interest transferred. (3) On the registration of a transferee of a leasehold interest as limited owner with an absolute title under a settlement, the registration shall have the same effect as in the case of a transferee registered as full owner with an absolute title, except that the leasehold interest (together with all implied or express rights, privileges and appurtenances) conferred by the registration shall vest in the transferee and the other persons entitled to the several interests comprised in the subject of the settlement collectively, according to such interests respectively.

56 Effect of transfer of leasehold interest with good leasehold title.

SECT 56.—In the case of a leasehold interest registered with a good leasehold title, a transfer of the interest shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title, save that it shall not affect or prejudice the enforcement of any right affecting or in derogation of the title of the lessor to grant the lease.

57 Effect of transfer of leasehold interest with possessory title.

SECT 57.—In the case of a leasehold interest registered with a possessory title, a transfer of the interest shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered owner and subsisting or capable of arising at the time of the registration of that owner but, save as aforesaid, the transfer shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title.

58 Effect of transfer of leasehold interest with qualified title.

SECT 58.—In the case of a leasehold interest registered with a qualified title, a transfer of the interest shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title, save that the transfer shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) appearing by the register to be excepted.

59 Saving of consent to alienation, etc.

SECT 59.—(1) Nothing in this Act shall affect the provisions of any enactment by which the alienation, assignment, subdivision or sub-letting of any land is prohibited or in any way restricted. (2) It shall be the duty of the Registrar to note upon the register in the prescribed manner the prohibitive or restrictive provisions of any such enactment; but such provisions shall be, though not registered, burdens on the land under section 72.

60 Defeasance of registered owner's estate.

SECT 60.—(1) In case of the defeasance of the estate or interest of a registered owner of land, that is to say, where— (a) under a power of sale conferred by a mortgage effected before the first registration of the land, or (b) under a deed poll executed in pursuance of the Lands Clauses Acts or in pursuance of any statutory provision to the same effect, or (c) under a sale in execution of any judgment or order of a court, or (d) under a power of appointment, or (e) under a vesting order, or (f) under any enactment, or (g) in any other case not provided for by this Act, and which may be prescribed, the ownership of the land passes to another person otherwise than by transfer from the registered owner or from his personal representatives, then, subject to general rules, the Registrar shall, on the application of that person and on production of the prescribed evidence, register him as owner of the land. (2) Unless the Registrar is satisfied that the application is made with the concurrence of the registered owner or, in case of his death, if he is full owner, of his personal representatives, and if he is not full owner, of such persons as may be prescribed, the Registrar shall, subject to general rules, before registering the applicant as owner of the land, give notice of the application to the registered owner or, in case of his death, if he is full owner, to his personal representatives, and, if he is not full owner, to such persons as may be prescribed; and the Registrar may, if he thinks fit, decline to register the applicant as owner of the land, except in pursuance of an order of the court. Transmissions

61 Transmission of registered land from limited owner and on death.

SECT 61.—(1) Where land of which the owner is registered as limited owner under a settlement passes to another person on the determination of the estate or interest of the limited owner, the person to whom the land so passes may be entered in the register as full or limited owner of the land, as the case may require, on application made in the prescribed manner. (2) On the death of a sole registered full owner of land, or of the survivor of several registered full owners of land not being registered as tenants in common, (which owner or survivor is in the succeeding provisions of this section referred to as the deceased owner), the personal representatives of the deceased owner shall alone be recognised by the Registrar as having any rights in respect of the land, and any registered dispositions by them shall have the same effect as if they were the registered owners of the land. (3) (a) An application for registration made by a person who claims to be by law entitled to the land of a deceased registered full owner, accompanied, in case he is not the personal representative, by an assent or transfer in the prescribed form, shall authorise the Registrar to register such person as the full owner or limited owner of the land, as the case may be. (b) It shall not be the duty of the Registrar, nor shall he be entitled, to call for any information as to why any assent or transfer is made and he shall be bound to assume that the personal representative is acting in relation to the application, assent or transfer correctly and within his powers. (4) Where a person is registered as the full owner or limited owner of land under subsection (3), the costs incurred in connection with the registration shall be borne by that person. (5) Where the High Court or the Circuit Court makes an order under subsection (4) of section 20 of the Administration of Estates Act, 1959, vesting registered land in any person, it may also order that that person be registered as owner of that land. (6) (a) Nothing in this Act or in the Administration of Estates Act, 1959, shall operate to require the Registrar to register as the owner of land a person in his capacity as personal representative. (b) The Registrar may enter on the register a note setting out the fact of the death of a registered owner of land and the names of his personal representatives. (7) Where, on the application of any person claiming to be registered as owner of registered land in succession to a deceased full owner of such land, the court is satisfied— (a) that at least six years have elapsed since the death of the deceased full owner, and (b) that the personal representatives of such owner are dead or out of the jurisdiction, the court may, if it thinks fit, notwithstanding anything in the Administration of Estates Act, 1959, or this Act, dispense the applicant from the necessity of raising representation to the deceased full owner or of giving notice to his personal representatives and may order that the applicant be registered as owner of the land. (8) Subsections (2) to (6) apply only in cases of death on or after the 1st day of June, 1959. (9) Subsection (2) of section 37 of the Act of 1891, as amended by section 27 of and the Second Schedule to the Registration of Title Act, 1942, shall continue to apply in cases of death before the 1st day of June, 1959, notwithstanding the repeal of those provisions. Charges

62 Creation and effect of charge on registered land.

SECT 62.—(1) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise, and the owner of the charge shall be registered as such. (2) There shall be executed on the creation of a charge, otherwise than by will, an instrument of charge in the prescribed form (or an instrument in such other form as may appear to the Registrar to be sufficient to charge the land, provided that such instrument shall expressly charge or reserve out of the land the payment of the money secured) but, until the owner of the charge is registered as such, the instrument shall not confer on the owner of the charge any interest in the land. (3) A mortgage by way of conveyance with a proviso for redemption or by way of demise or sub-demise shall not of itself operate to charge registered land or be registrable as a charge on registered land. (4) Any power, howsoever conferred, to borrow or lend money on the security of a mortgage shall be construed as including power to do so on the security of a registered charge. (5) On registration of the owner of the charge the Registrar shall deliver to him a certificate of charge in the prescribed form. (6) On registration of the owner of a charge on land for the repayment of any principal sum of money with or without interest, the instrument of charge shall operate as a mortgage by deed within the meaning of the Conveyancing Acts, and the registered owner of the charge shall, for the purpose of enforcing his charge, have all the rights and powers of a mortgagee under a mortgage by deed, including the power to sell the estate or interest which is subject to the charge. (7) When repayment of the principal money secured by

the instrument of charge has become due, the registered owner of the charge or his personal representative may apply to the court in a summary manner for possession of the land or any part of the land, and on the application the court may, if it so thinks proper, order possession of the land or the said part thereof to be delivered to the applicant, and the applicant, upon obtaining possession of the land or the said part thereof, shall be deemed to be a mortgagee in possession. (8) On registration of the owner of a charge by way of annuity, the owner of the charge shall have such remedies for recovering and compelling payment of the annuity as are described in section 44 of the Conveyancing Act, 1881, as affected by section 6 of the Conveyancing Act, 1911. (9) If the registered owner of a charge on land sells the land in pursuance of the powers referred to in subsection (6), his transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration on a transfer for valuable consideration by a registered owner. (10) When a transferee from the registered owner of the charge is registered, under subsection (9), as owner of the land, the charge and all estates, interests, burdens and entries puerne to the charge shall be discharged. (11) When it is expressed in the instrument of charge that any person covenants for repayment of the principal sum charged, there shall be implied a covenant by that person with the registered owner for the time being of the charge to pay the sum charged and interest (if any) thereon at the time and rate specified in the instrument of charge, and also a covenant, if the sum or any part thereof is unpaid at the time so specified, to pay interest half-yearly at the specified rate on so much of the principal sum as for the time being remains unpaid.

63 Saving for mortgages registered as charges.

SECT 63.—(1) A charge registered prior to the commencement of this Act shall not be void or be deemed ever to have been void— (a) by reason only that it was expressed to have been created by way of mortgage, or (b) by reason only that the consent of the Land Commission or the Commissioners of Public Works or such other consent as may be provided for by any enactment was not obtained to any demise or sub-demise expressed to have been created by any such mortgage; and the registration of the charge as a burden on registered land shall not be invalid or be deemed ever to have been invalid for either of these reasons. (2) In this section "mortgage" includes both a mortgage by demise or sub-demise and a mortgage by conveyance or assignment with a proviso for redemption.

64 Transfer of charge.

SECT 64.—(1) The registered owner of a charge may transfer the charge to another person as owner thereof, and the transferee shall be registered as owner of the charge. (2) There shall be executed on the transfer of a charge an instrument of transfer in the prescribed form, or in such other form as may appear to the Registrar to be sufficient to transfer the charge, but until the transferee is registered as owner of the charge, that instrument shall not confer on the transferee any interest in the charge. (3) The Registrar shall deliver to the registered transferee a certificate of charge in the prescribed form. (4) On registration of the transferee of a charge, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and the transferee shall— (a) have the same title to the charge as a registered transferee of land under this Act has to the land, under a transfer for valuable consideration or without valuable consideration, as the case may be; and (b) have for enforcing his charge the same rights and powers in respect of the land as if the charge had been originally created in his favour.

65 Discharge of registered charge.

SECT 65.—(1) The Registrar shall note on the register the satisfaction of a registered charge or of any part of such a charge on registered land, or of the release of any part of registered land from a registered charge, either at the request of the registered owner of the charge, or on proof in such manner as is hereinafter mentioned, or in such other manner as may be prescribed, and thereupon the charge shall to the extent so noted cease to operate. (2) For the purposes of this section, the receipt of the registered owner for the time being of a charge shall be sufficient proof of the satisfaction of the charge, or of any part of the charge, and a release signed by the registered owner for the time being of a charge shall be sufficient proof of the release of any part of registered land subject to that charge.

66 Transmission, etc., of charge.

SECT 66.—The provisions of this Act with respect to the transmission of registered land and the defeasance of the estate or interest of the registered owner shall apply, with the prescribed modifications, to transmissions and defeasances in the case of registered charges on land.

67 Restriction on custody of land certificate by registered owner of a charge.

SECT 67.—(1) The registered owner of a charge shall not, merely by reason of his being such owner, be entitled to the possession of the land certificate in respect of the registered land which is subject to the charge. (2) Every stipulation in relation to a registered charge on land (whether made before or after the creation of the charge) whereby the custody of the land certificate in respect of such land is to be given to the registered owner of such charge shall be void. Other Interests in Registered Land

68 Creation and effect of subordinate rights and interests.

SECT 68.—(1) Subject to the provisions of this Act, the registered owner of land shall alone be entitled to transfer or charge the land by registered disposition, and the registered owner of a charge shall alone be entitled to transfer the charge by registered disposition. (2) Nothing in this Act shall prevent a person from creating any right in or over any registered land or registered charge, but all such rights shall be subject to the provisions of this Act with respect to registered transfers of land or charges for valuable consideration. (3) An unregistered right in or over registered land (not being a burden to which the land is subject by virtue of section 72) shall not affect the registered owner of a charge created on the land for valuable consideration.

69 Burdens which may be registered as affecting registered land.

SECT 69.—(1) There may be registered as affecting registered land any of the following burdens, namely— (a) any incumbrance on the land existing at the time of the first registration of the land; (b) any charge on the land duly created after the first registration of the land; (c) any rentcharge (not being a rentcharge to which, though not registered, the land is subject under section 72) or fee farm or other perpetual rent issuing out of the land; (d) any power to charge land with payment of money, whether created or arising before or after the first registration of the land; (e) any trust for securing money created or arising after the first registration of the land; (f) any lien on the land for unpaid purchase money, (g) any lease where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds twenty-one years, or where the term is for any less estate or interest but the occupation is not in accordance with the lease; (h) any judgment or order of a court, whether existing before or after the first registration of the land; (i) any judgment mortgage, recognizance, State bond, inquisition or lis pendens, whether existing before or after the first registration of the land; (j) any easement, profit à prendre or mining right created by express grant or reservation after the first registration of the land; (k) any covenant or condition relating to the use or enjoyment of the land or of any specified portion thereof; (l) any estate in dower; (m) any burden to which section 54 of the Forestry Act, 1946, relates; (n) any right of the Land Commission or a local authority to lay pipe-lines for whatsoever purpose and any right ancillary thereto; (o) a power to appoint an estate or interest in the property exercisable within a period not exceeding a life or lives in being and twenty-one years thereafter; (p) a power of distress or entry; (q) a right in the nature of a lien for money's worth in or over the property for a limited period not exceeding life, such as a right of support or a right of residence (whether an exclusive right of residence or not); (r) a burden created by statute or under a statutory power that is not one of the burdens to which, though not registered, registered land is subject under section 72; (s) any such other matter as may be prescribed. (2) A burden may be registered under this section on the application of the registered owner of the land or of any person entitled to or interested in the burden but, if the application is made without the concurrence of the registered owner of the land or such other person as may be prescribed, the burden shall not be registered except in pursuance of an order of the court. (3) Any covenant or condition registered under this section may be modified or discharged by order of the court on proof to the

satisfaction of the court that the covenant or condition does not run with the land, or is not capable of being enforced against the owner of the land, or that the modification or discharge thereof will be beneficial to the persons principally interested in the enforcement thereof, and may, with the consent of all persons interested in the enforcement thereof, be modified or discharged by the Registrar without any such order. (4) The Registrar may, on the prescribed evidence and subject to the prescribed conditions, modify or cancel any entry under this section of a burden not being such a covenant or condition as aforesaid.

70 Registration of ownership of burdens.

SECT 70.—The ownership of such of the burdens capable of being registered under section 69 as may be prescribed shall, on such registration, be registered in such register maintained under this Act as may be appropriate.

71 Registration of judgment mortgages.

SECT 71.—(1) The registration of the affidavit required by section 6 of the Judgment Mortgage (Ireland) Act, 1850, for the purpose of registering a judgment as a mortgage shall, in the case of registered land, be made in the prescribed manner and with such entries as may be prescribed. (2) In an affidavit registered after the commencement of this Act, the land shall be sufficiently described by reference to the number of the folio of the register and the county in which the land is situate. (3) The affidavit shall be expressed to be made by the creditor specified in section 6 of the said Act of 1850 or by a person authorised to make it by section 3 of the Judgment Mortgage (Ireland) Act, 1858. (4) Registration of an affidavit which complies with the said sections and this section shall operate to charge the interest of the judgment debtor subject to— (a) the burdens, if any, registered as affecting that interest, (b) the burdens to which, though not so registered, that interest is subject by virtue of section 72, and (c) all unregistered rights subject to which the judgment debtor held that interest at the time of registration of the affidavit, and the creditor shall have such rights and remedies for the enforcement of the charge as may be conferred on him by order of the court.

72 Burdens which are without registration to affect registered land.

SECT 72.—(1) Subject to subsection (2), all registered land shall be subject to such of the following burdens as for the time being affect the land, whether those burdens are or are not registered, namely— (a) estate duty, succession duty, former crown rents, tithe rentcharges and payments in lieu of tithe or tithe rentcharge; (b) land improvement charges and drainage charges; (c) annuities or rentcharges for the repayment of advances made under the provisions of any of the Land Purchase Acts on account of purchase money; (d) rights of the Land Commission or of any person under a vesting order, vesting flat, final list or transfer order made or published under the Land Purchase Acts; (e) rights of the Land Commission upon the execution of an order for possession issued under section 37 of the Land Act, 1927; (f) rights of the public or of any class of the public; (g) customary rights, franchises and liabilities arising from tenure; (h) easements and profits à prendre, unless they are respectively created by express grant or reservation after the first registration of the land; (i) tenancies created for any term not exceeding twenty-one years or for any less estate or interest, in cases where there is an occupation under such tenancies; (j) the rights of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where, upon enquiry made of such person, the rights are not disclosed; (k) in the case of land registered with a possessory, qualified or good leasehold title, all rights excepted from the effect of registration; (l) a perpetual yearly rent (in this section referred to as the superior rent) which is superior to another such rent (in this section referred to as the registered rent) registered as a burden on registered land and which, as between the said registered land and the registered rent, is primarily payable out of the registered rent in exoneration of such land; (m) the covenants and conditions contained in the deed or other document creating the superior rent, in so far as those covenants and conditions affect such land; (n) a purchase annuity payable in respect of a cottage which is the subject of a vesting order under the Labourers Act, 1936; (o) restrictions imposed by section 21 of the Labourers Act, 1936, on the mortgaging or charging of cottages purchased under that Act; (p) rights acquired or in course of being acquired under the Statute of Limitations, 1957; (q) burdens to which section 59 or 73 applies. (2)

Where it is proved to the satisfaction of the Registrar that any land registered or about to be registered is exempt from, or has ceased to be subject to, any estate duty, succession duty, former crown rent, tithe rentcharge, payment in lieu of tithe or tithe rentcharge, land improvement charge, drainage charge or annuity or rentcharge for the repayment of any advance made on account of purchase money as hereinbefore is mentioned, the Registrar may enter on the register notice of the fact. (3) Where the existence of any such burdens is proved to the satisfaction of the Registrar, he may, with the consent of the registered owner or applicant for registration, or in pursuance of an order of the court, enter notice thereof on the register.

73 Mines, minerals, and mining rights.

SECT 73.—(1) A person may be registered as owner of land with or without all or any of the mines and minerals therein, or as owner of any mines and minerals. (2) A person registered as owner of land shall not, merely by virtue of such registration, be deemed to be owner of the mines and minerals therein. (3) Where a person is registered as owner of land, but the registration does not extend to all the mines and minerals therein, all such powers of working, way leaves or rights of way, rights of water and drainage and other powers, easements, rights and privileges for or incident to or connected with mining purposes, as are for the time being subsisting over the land, and are not created by express grant or reservation after the first registration of the land, shall be, though not registered, burdens on the land under section 72.

74 Priority of registered burdens.

SECT 74.—Subject to any entry to the contrary on the register, burdens which are registered as affecting the same land, and which if unregistered would rank in priority according to the date of their creation, shall, if created or arising since the first registration of the land, rank according to the order in which they are entered on the register and not according to the order in which they are created or arise, and shall rank in priority to any other burden affecting the land and created or arising since the first registration of the land, not being a burden to which, though not registered, the land is subject under section 72.

75 Priority of registered charge for future advances.

SECT 75.—(1) Where a registered charge is expressed to be created on any land for the purpose of securing future advances (whether with or without present advances), the registered owner of the charge shall be entitled in priority to any subsequent charge to the payment of any sum due to him in respect of such future advances, except any advances which may have been made after the date of, and with express notice in writing of, the subsequent charge. (2) In this section "future advances" includes sums from time to time due on an account current, and all sums which by agreement or the course of business between the parties are considered to be advances on the security of the charge.

76 Power of charging to be exercised by registered charge.

SECT 76.—Where a power to charge registered land, or a trust for securing money on registered land, is registered as a burden on the land, it may be exercised or executed by the creation of a registered charge and not otherwise, and the person empowered under any such power or trust to charge the land with the payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority.

77 Powers with respect to statutory charges.

SECT 77.—(1) Where a person has, under or by virtue of any enactment, a charge on registered land for the payment of any money, or a power to charge registered land with the payment of any money, he shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land. (2) Registration of a charge under this section shall have the same effect as, and make unnecessary, registration thereof in pursuance of any other enactment.

78 Term of years vested in trustee for raising money out of registered land.

SECT 78.—Where a term of years is vested, whether before or after the passing of this Act, in a trustee or other person for the purpose of raising money out of registered land, such vesting shall operate as a trust for securing money on registered land or as a power to charge registered land, as the case may be, and may be registered as a burden on such land, and, where so registered, may be exercised or executed by the creation of a registered charge and not otherwise and the person empowered in any such trust or power to charge the land with payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority.

79 Term of years vested in trustee for raising money, or mortgage, prior to first registration.

SECT 79.—(1) Where, prior to the first registration of land, a term of years is vested, whether before or after the passing of this Act, in a trustee or other person for the purpose of raising money out of the land, such vesting shall, on the first registration of the land, operate as a trust for securing money on registered land or as a power to charge registered land, as the case may be, and may be registered as a burden on the land, and, where so registered, may be exercised or executed by the creation of a registered charge and not otherwise, and the person empowered in any such trust or power to charge the land with payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority. (2) Where, prior to first registration, land has become subject to any mortgage, mortgage by demise or sub-demise or term of years to secure money actually raised, such mortgage, mortgage by demise or sub-demise or term of years shall, on the first registration of the land (if registered with an absolute, qualified or good leasehold title) or (if registered with a possessory title) on the conversion of the title into an absolute or good leasehold title, operate as a charge on the land and shall be registered only as a charge thereon.

80 Provisions as to incumbrances created or issued by company and not registered or protected.

SECT 80.—(1) Where a company registered under the Companies Act, 1963, is registered as owner of land registered under this Act or as owner of a registered charge, the Registrar shall not be concerned with, and a person claiming under a registered disposition for valuable consideration shall not be affected by, any mortgage, charge, debenture, debenture stock, trust deed or other incumbrance created or issued by the company, unless such incumbrance is registered as a burden or protected by caution or inhibition under this Act. (2) No compensation shall be payable under section 120 by reason of a purchaser's acquiring any interest under a registered transfer from the company free from any such incumbrance not so registered or protected.

81 Right of residence.

SECT 81.—A right of residence in or on registered land, whether a general right of residence on the land or an exclusive right of residence in or on part of the land, shall be deemed to be personal to the person beneficially entitled thereto and to be a right in the nature of a lien for money's worth in or over the land and shall not operate to create any equitable estate in the land.

82 Note of rights appurtenant to land.

SECT 82.—Where, on an application by the registered owner or other person entitled, the existence of rights, privileges and appurtenances belonging, appurtenant or attached to registered land is proved to the satisfaction of the Registrar, he shall make an entry in the register showing the existence of such rights, privileges and appurtenances. Register of Incorporeal Hereditaments and Other Rights

83 Register of ownership.

SECT 83.—Provision may be made by general rules for registration in the register provided for by paragraph (b) of section 8 and, where necessary, for adapting or applying, with or without modification, the provisions of this Act for the purposes of such registration. Registry Maps and Boundaries

84 Ordnance Survey maps to be kept in central office.

SECT 84.—(1) There shall be kept in the central office the latest available Ordnance Survey maps for the State. (2) Provision may be made by general rules for marking or defining on such maps (in this Act referred to as "registry maps") in the prescribed manner the lands the title to which has been registered under this Act, and for reference in the register to such maps, and such maps shall be open to public inspection at such times, in such manner, and upon such terms as shall be prescribed. (3) The Registrar shall have and be deemed always to have had power to adopt, in any particular case, for the purposes of registration, any map which he considers satisfactory and such map, when so adopted, shall, for the purposes of this Act and of the repealed enactments, be and be deemed always to have been a registry map.

85 Description of registered land.

SECT 85.—Registered land shall be described by the names of the denominations on the Ordnance Survey maps in which the lands are included, or by reference to such maps, in such manner as the Registrar thinks best calculated to secure accuracy, but, except as provided by this Act, the description of the land in the register or on such maps shall not be conclusive as to the boundaries or extent of the land.

86 Entry of boundaries in certain cases.

SECT 86.—Where the boundaries of any registered land have been ascertained and defined by any conveyance executed by any of the Commissioners for Sale of Incumbered Estates in Ireland, or of the judges of the Landed Estates Court, or of the Land Judges, under the provisions of any of the Landed Estates Court Acts, or of the Landlord and Tenant (Ireland) Act, 1870, or by any conveyance or vesting order executed or made by the Land Commission under any of the provisions of the Land Purchase Acts, in every such case the Registrar may, if he thinks fit, after the prescribed notices, enter such boundaries on the register as conclusive, and they shall thereupon be conclusive upon all parties.

87 Entry of boundaries by agreement.

SECT 87.—(1) The Registrar may at any time, on the application of the registered owners of adjoining lands, or of the registered owner of land and an owner of adjoining unregistered land, and on the prescribed conditions being complied with, settle and enter on the register as conclusive the boundaries between those lands or any parts thereof, with such alterations, if any, as may from time to time be agreed upon. (2) An entry in pursuance of this section shall be conclusive only as between the parties to the application and their respective successors in interest, and shall not operate to confirm the title to the lands the boundaries whereof are settled.

88 Settlement of boundaries on transfer.

SECT 88.—(1) On the transfer of part of any registered land, the Registrar, on the prescribed conditions being complied with, may enter on the register as conclusive the boundaries between the part transferred and the part not transferred. (2) If on any transfer of registered land any question arises as to the boundaries or extent of the land transferred, the Registrar shall, on the application of the transferor or transferee, have jurisdiction to decide the question as between them, and for that purpose may, if it seems expedient, adopt the decision of any person agreed on by them or appointed by the Registrar.

89 Meaning of owner of unregistered land in regard to boundaries.

SECT 89.—For the purposes of the provisions of this Act with respect to boundaries, the owner of unregistered land is the person who is in possession thereof claiming to be entitled to the first estate of

freehold or to a leasehold interest therein, or a receiver over such estate or interest appointed by a court of competent jurisdiction, and acting under the order of such court. Supplementary Provisions

90 Powers of person entitled to be registered as owner of land or charge.

SECT 90.—Where a person on whom the right to be registered as owner of registered land or of a registered charge has devolved by reason of the death of the owner or the defeasance of the estate or interest of such owner or by reason of an instrument of transfer made in accordance with the provisions of this Act, desires to— (a) transfer or charge the said land or create a lien thereon by deposit of the land certificate (or, where that person is the Land Commission, exercise any other rights of ownership, including enforcement of the right to vacant possession), or (b) transfer or charge the said charge or create a lien thereon by deposit of the certificate of charge, before he is himself registered as owner of the land or charge, he may do so subject to any burdens or rights affecting his interest which would have been entered on the register if he had himself become the registered owner and subject also to the provisions of this Act with regard to registered dealings for valuable consideration, and in the like manner and with the same effect as if he were the registered owner at the time of execution of the transfer, charge or deposit, as the case may be.

91 Undivided shares and co-owners.

SECT 91.—(1) The owner of any one or more undivided shares in any land or a charge may be registered with the addition of the prescribed entries in the register for the purpose of showing the share which he holds in the land or charge. (2) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land or of a charge on land, and where two or more persons are so registered they shall be deemed to be joint tenants, unless there is an entry in the register to the effect that they are tenants in common. (3) On the registration of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made in the register to the effect that, when the number of those owners is reduced below a certain specified number, no registered disposition of the land or charge is to be made except by order of the court. (4) On the registration of two or more persons as owners of the same land or of the same charge, if the Registrar is satisfied that any number of those owners less than the whole are entitled to make a registered disposition of the land or charge, he shall make an entry in the register to that effect, and such number of those owners shall have power to make a registered disposition of the land or charge without an order of the court notwithstanding the foregoing provisions of this section.

92 Notice of trusts.

SECT 92.—(1) Subject to the provisions of this Act, notice of a trust shall not be entered in the register. (2) None of the following persons shall, by reason merely of the receipt by the Registrar of an instrument relating to land for the purpose of a registration, be affected with notice of any trust contained in or arising out of matters contained in such instrument: (a) the Registrar; (b) a registered transferee for valuable consideration of the land; (c) a registered owner of a charge created for valuable consideration on the land; (d) a person claiming an interest created for valuable consideration in a registered burden on the land. (3) In this section "trust" includes express, implied and constructive trusts.

93 Discovery of instruments and facts affecting title.

SECT 93.—(1) Where— (a) an application is made for the registration of the owner of any land in respect of which an examination of title is required, or (b) the Registrar has occasion, in the course of his duties, to investigate the title to registered land or to a burden on registered land, an affidavit shall be produced to the effect that, to the best of the deponent's knowledge and belief, all deeds, wills, instruments of title and incumbrances affecting the title, and all facts material to the title, have been disclosed to the Registrar. (2) The Registrar may require any person making an affidavit in pursuance of this section to state in the affidavit what means he has had of becoming acquainted with the several matters referred to in the section; and if the Registrar is of opinion that any further evidence is necessary

or desirable, he may refuse to effect the registration, or to make or cancel any entry in the register, until such further evidence is produced.

94 Production of deeds.

SECT 94.—Where— (a) an application is made for the registration of an owner of land, or (b) the Registrar has occasion, in the course of his duties, to investigate the title to registered land or to a burden on registered land, if any person has in his possession or custody any deeds, wills or instruments affecting the title, to the production of which the applicant or any trustee for him is entitled or the production of which the Registrar considers, on any such occasion, to be necessary for the purpose of such investigation, the Registrar may require that person to show cause, within a time limited, why he should not produce such deeds, wills, or instruments, or any of them; and, unless cause is shown to the satisfaction of the Registrar within the time limited, he may order that the deeds, wills or instruments, or any of them shall be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as he thinks fit.

95 Deeds to be marked with notice of registration.

SECT 95.—Subject to general rules, the Registrar may, if he thinks fit, before registering a person as owner of land, require him to produce such documents of title as will in the opinion of the Registrar, when stamped or otherwise marked, give notice to any purchaser or other person dealing with the land of the fact of the registration, or otherwise to satisfy the Registrar that the fact of the registration cannot be concealed from a purchaser or other person dealing with the land, and may stamp or otherwise mark any documents so produced. Cautions and Inhibitions

96 Caution against first registration of land.

SECT 96.—(1) Any person claiming such an interest in unregistered land as entitles him to object to a disposition thereof being made without his consent, or claiming to be an incumbrancer on unregistered land, may, if claiming otherwise than under an instrument registered in the Registry of Deeds, on producing an affidavit in the prescribed form of his interest, lodge a caution with the Registrar to the effect that the cautioner is entitled to notice of any application that may be made for registration of an owner of the land. (2) Thereupon, an owner of the land shall not be registered until notice has been served on the cautioner to appear and oppose, if he thinks fit, the registration, and the prescribed time has elapsed since the date of the service of the notice, or the cautioner has entered an appearance, whichever first happens. (3) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

97 Caution against registered dealings.

SECT 97.—(1) Any person entitled to any right in, to, or over registered land or a registered charge, may, on producing an affidavit in the prescribed form of his right, lodge a caution with the Registrar to the effect that no dealing with the land or charge is to be had on the part of the registered owner until notice has been served on the cautioner. (2) Thereupon the Registrar shall not, without the consent of the cautioner, register any dealing with the land or charge, as the case may be, until he has served notice on the cautioner, warning him that his caution will lapse after the expiration of the prescribed time. (3) After the expiration of that time, the caution shall lapse unless an order to the contrary is made by the Registrar and on the caution so lapsing the land or charge may be dealt with as if the caution had not been lodged. (4) If, before the expiration of that time, the cautioner, or some other person on his behalf, appears and gives, if required by the Registrar, sufficient security to indemnify every person against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Registrar may, if he thinks fit, delay registering any dealing with the land or charge for such further period as he thinks just. (5) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt to any person damaged thereby. (6) In the case of a caution lodged on behalf of a statutory authority, a certificate in the prescribed form may be accepted, at the discretion of the Registrar, in lieu of an affidavit.

98 Inhibition of registered dealings.

SECT 98.—(1) The court or, subject to an appeal to the court, the Registrar, on the application of any person interested in any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or Registrar thinks expedient, make an order or, in the case of an application to the Registrar, an entry, inhibiting for a time, or until the occurrence of an event to be named in the order or entry, or except with the consent of or after notice to some specified person, or generally until further order or entry, any dealing with any registered land or registered charge. (2) The Registrar, on the application of the person who has obtained an order of the court under the provisions of this section, shall make an entry of the order on the register in the prescribed manner. (3) The court or Registrar may annex to any such order or entry any terms or conditions they think fit, and may discharge any such order or cancel any such entry, and generally may exercise such powers as the justice of the case requires; but nothing herein contained shall empower the Registrar to discharge an order made by the court. (4) (a) Nothing in this section shall authorise any restrictions to be imposed on the powers of a tenant for life, or a person having the powers of a tenant for life, under the Settled Land Acts. (b) Any entry made under this section may be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested therein. Settled Land

99 Provisions as to limited owners.

SECT 99.—(1) Where a person is registered as limited owner under a settlement, the names of the trustees of the settlement, if any, shall be entered in the register. (2) The registration of a person as limited owner of settled land shall not— (a) confer on the person so registered, as against any person claiming under the settlement, any greater powers of dealing with the land than those of a tenant for life under the Settled Land Acts; nor (b) confer on the assignee, devisee or personal representative or assignee or trustee in bankruptcy of the limited owner any greater estate or interest than he would otherwise have; nor (c) take away from any trustee under the settlement any powers of dealing with the land which he would otherwise have. (3) Where a person is by operation of law or otherwise assignee of a person registered as limited owner of land, the name of the assignee shall, on his application, be entered in the register with the addition of the word "assignee", or of such other words as may be prescribed. In default of such entry the registration of the limited owner shall continue to have effect as if there had been no assignment. (4) The registered owner of a charge which is registered as a burden on the estate of a registered limited owner shall not be, and shall be deemed never to have been, as such an assignee of the estate of such limited owner within the meaning of this section; but nothing in this subsection shall operate to prevent the application of section 50 of the Settled Land Act, 1882, to any such charge. (5) Where a new trustee is appointed, the Registrar shall, on application, and on production of the prescribed evidence, enter his name accordingly. (6) The provisions of this Act with respect to the registration of limited owners shall not apply in the case of settled land within the meaning of section 63 of the Settled Land Act, 1882, unless the settlement confers on the limited owner the powers conferred by the Settled Land Act, 1882, on a tenant for life, or an order made under the Settled Land Act, 1884, is in force at the time of the application for registration. (7) Where such an order is made with respect to registered land, it shall be to the effect that the person who is to exercise the powers of a tenant for life of the land in pursuance of that section shall be registered as limited owner of the land subject to such inhibitions (if any) as may be considered expedient, and it shall not be necessary to register the order as a *lis pendens*. (8) A person shall not be affected with notice of the trusts of any settlement by reason of any person being registered as limited owner under the settlement or by reason of any reference to the settlement being entered on the register. Trustees

100 Power for trustee to apply to court for directions.

SECT 100.—(1) Where a trustee or other person acting in a fiduciary capacity is in doubt as to the person who ought to be registered under this Act, or as to any other matter with respect to which he is required or authorised to act under this Act, he may apply to the court for directions. (2) The costs, charges and expenses properly incurred by a trustee or other person acting in a fiduciary capacity (including a limited owner exercising powers under the Settled Land Acts or this Act) in or in connection with any proceeding

or application required or authorised by this Act, or by any rules under this Act, shall be deemed to be costs, charges, and expenses properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, the Registrar be finally ascertained and declared by the Registrar. Persons under Disability

101 Infants.

SECT 101.—(1) Where the registered owner of land or a charge is an infant, he shall be so described in the register, but that description may be removed on the prescribed application. (2) An infant may for all or any of the purposes of this Act be represented by such person as may be prescribed or appointed by the court.

102 Persons of unsound mind.

SECT 102.—(1) In the case of a lunatic so found by inquisition, the committee of his estate may represent him for all or any of the purposes of this Act. (2) A person of unsound mind not so found by inquisition may be represented for all or any of the purposes of this Act by his committee or guardian (if any) appointed under the Lunacy Regulation (Ireland) Act, 1871, or, if no such committee or guardian is so appointed, by a guardian appointed by the court. (3) A person of weak mind who is temporarily incapable of managing his affairs may be represented for all or any of the purposes of this Act by his guardian (if any) appointed under section 103 of the Lunacy Regulation (Ireland) Act, 1871, or, if no such guardian is so appointed, by a guardian appointed by the court. Bankruptcy

103 Provisions as to bankruptcy of registered owner.

SECT 103.—(1) Where a petition of bankruptcy or a petition for arrangement is presented, the registrar of the court shall furnish the Registrar with notice of the presenting of the petition and the Registrar shall thereupon cause an entry to be made in the register inhibiting, for a period of three months from the date of the petition, any dealing with any registered land or charge which appears to be affected. (2) Where any doubt arises as to the identity of the debtor or where the existence of a charge registered in the name of the debtor cannot readily be ascertained, the Registrar shall, as soon as possible after receiving notice of the presenting of the petition and after making such inquiries and giving such notices (if any) as he deems necessary, take such action in the matter as he thinks advisable. (3) Where notice of the presenting of a petition has been given under this section and— (a) the petition is afterwards dismissed or not proceeded with, or (b) the registered owner is adjudicated a bankrupt and the adjudication is afterwards annulled, or (c) in the case of an arrangement, if no vesting of registered land or a registered charge takes place by virtue of the arrangement, the registrar of the court shall furnish the Registrar with notice to that effect and the Registrar shall thereupon cancel any entry made under subsection (1). (4) Where registered land or a registered charge becomes by law vested in assignees or trustees for the benefit of the creditors of the registered owner, the assignees or trustees shall be entitled to be registered as owners of the land or charge or, in the case of settled land, as assignees of the registered owner. On such registration the Registrar shall cancel any entry made under subsection (1). Stamp Duties

104 Stamp Duties.

SECT 104.—Before registering a purchaser as first registered owner of land and before registering any disposition of registered land, it shall be the duty of the Registrar to ascertain that all such stamp duties have been satisfied as would be payable if the land had been conveyed by an unregistered disposition to the purchaser or the disposition to be registered had been an unregistered disposition. Certificates and Notices

105 Certificates.

SECT 105.—(1) Subject to general rules, the land certificate or certificate of charge granted on the registration of an owner of land, or of a charge on land, shall be produced to the Registrar on any subsequent transaction in relation to the land or charge requiring registration, as the case may be, and

shall be either cancelled or so altered as to be brought into conformity with the register. (2) Subject to general rules, the Registrar may, on the application of the registered owner, or of any person appearing to the Registrar to be entitled to require the production of a land certificate or certificate of charge, order any person in whose custody the certificate may be to produce the certificate to the Registrar for the purpose of any dealing with the registered land or charge which can be effected without the consent of the person having the custody of the certificate. (3) The production of a certificate under this section shall not alter the right to the custody of the certificate, and shall not affect any lien of any person thereon. (4) A land certificate or certificate of charge shall be prima facie evidence of the several matters therein contained. (5) Subject to any registered rights, the deposit of a land certificate or certificate of charge shall, for the purpose of creating a lien on the land or charge to which the certificate relates, have the same effect as a deposit of the title deeds of unregistered land or of a charge thereon.

106 Addresses and notices.

SECT 106.—(1) Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other capacity, shall furnish to the Registrar a place of address in the State. (2) Subject to general rules, every notice by this Act required to be given to any such person shall be served by the Registrar and shall be served personally, or sent through the post in a registered letter marked outside in the prescribed manner and directed to the person at the address so furnished to the Registrar, and, unless returned, shall, in the absence of proof to the contrary, be deemed to have been received by the person addressed within such period as may be prescribed. (3) A registered purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof, unless he had knowledge of such omission or non-receipt before registration. Searches and Priority

107 Searches of registers and maps.

SECT 107.—(1) Any entry in, or index to, a register and any registry map may be inspected by any person at such times and on such conditions as may be prescribed. (2) Any person may apply to the Registrar to make an official search in a register or registry map and to issue a certificate of the result of the search.

108 Priority given by certificate of official search.

SECT 108.—(1) Where the Registrar is satisfied that the person to whom a certificate of the result of an official search is issued has entered into a contract to purchase, take a lease of, or lend money on the security of a charge on, the land to which the certificate relates, the Registrar shall, at the request of that person, make an entry in the register in the prescribed form. (2) In any such case, an application for registration of the instrument to complete the contract shall, provided the application is in order and is delivered at the central office within a period of fourteen days after the date of issue of the certificate, rank in priority before any other application for registration made in respect of the land within that period.

PART IV - DEVOLUTION ON DEATH AND DESCENT ON INTESTACY

109 Application of Part IV.

SECT 109.—This Part applies to all registered land.

110 Devolution of registered land.

SECT 110.—The law relating to the devolution of real estate on death shall apply to all registered land as it applies to real estate.

111 Succession to beneficial interest in registered land on intestacy.

SECT 111.—All registered land which devolves upon the personal representatives of a deceased person shall on intestacy be distributed as if it were personal estate.

112 Abolition of rules of descent in relation to registered freehold land.

SECT 112.—(1) All existing rules, modes and canons of descent and of devolution by special occupancy are hereby abolished in relation to all registered freehold land except in so far as they may apply to the descent of an entailed estate. (2) Dower, tenancy by the curtesy and escheat are hereby abolished in relation to such land.

113 Saving for deaths before commencement of this Act.

SECT 113.—(1) The preceding provisions of this Part apply only in cases of death after the commencement of this Act. (2) The provisions of Part IV of the Act of 1891 shall, in cases of death before such commencement, continue to apply to all land which was subject to the provisions of that Part immediately before such commencement.

114 Meaning of "heirs".

SECT 114.—In relation to registered freehold land, the following provisions shall have effect— (a) "heir" or "heirs" used as a word of limitation in any enactment, deed or instrument passed or executed either before or after the passing of this Act shall have the same effect as if this Act had not been passed; (b) "heir " or "heirs" used as a word of purchase in any enactment, deed or instrument passed or executed before the commencement of this Act shall bear the same meaning as if this Act had not passed; (c) "heir" or "heirs" used as a word of purchase in any enactment, deed or instrument passed or executed after the commencement of this Act shall, unless a contrary intention appears, be construed to mean the person or persons, other than a creditor, who would be beneficially entitled to the personal estate of the ancestor if the ancestor had died intestate; (d) subject as aforesaid, references to the heirs of any person in any enactment, deed or instrument passed or executed either before or after the passing of this Act, shall be construed to refer to his personal representatives.

PART V - MISCELLANEOUS PROVISIONS

115 Avoidance of certain stipulations in contracts for sale or charge of registered land.

SECT 115.—Every stipulation in a contract for the sale or charge of registered land or for the transfer of a registered charge whereby the purchaser or intending chargeant or the intending transferee (as the case may be) is precluded from making requisitions in relation to burdens generally or any particular burden which, by virtue of section 72, may affect the land shall be void.

116 Exemption of land from registration in Registry of Deeds.

SECT 116.—(1) The registration under this Act of the ownership of any estate or interest in land shall, on and after the date of registration, exempt that estate or interest from the provisions of the enactments relating to the Registry of Deeds; and a deed or other document relating to that estate or interest and executed or coming into operation on or after that date shall not, unless it also relates to unregistered land, require to be registered in the Registry of Deeds. The registration of such ownership shall not, however, have the effect of exempting from registration in the Registry of Deeds any deed or document relating to the title to any other estate or interest in the land other than a deed or document creating such estate or interest. (2) Where the ownership of any estate or interest in land is registered under this Act a memorial of the registration, in the prescribed form, shall be given to the Registrar of Deeds, who shall forthwith register the memorial in the Registry of Deeds without any fee or duty being charged for so doing. (3) When the registration in the Registry of Deeds of any deed or other document within a certain period or

otherwise is required by any enactment, registration of the title under such deed or other document (within the same period, where registration within a certain period is required) shall be a compliance with the provisions of that enactment.

117 Exemption from registration elsewhere of burdens registered under this Act.

SECT 117.—(1) Registration of a burden under this Act shall have the same effect as, and make unnecessary, registration of any deed or document relating to such burden, in the Registry of Deeds. In the case of a leasehold interest the ownership of which is not registered under this Act such exemption shall extend only to the lease itself and not to any other deed or document relating to the title to the leasehold interest. (2) (a) Registration in the prescribed manner of a judgement, order, inquisition, recognizance or State bond as a burden under this Act shall have the same effect as and make unnecessary, for any purpose as regards the land, the registration thereof in the Registry of Judgements; (b) No such judgement, order, inquisition, recognizance or bond shall, after the expiration of five years from the date of such registration, affect any registered land as to purchasers, mortgagees or creditors, unless and until it is re-registered in the prescribed manner under this Act within five years before the execution of the conveyance, settlement, mortgage, lease, or other instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued, and so re-registered at the expiration of every succeeding five years.

118 Indemnity of registering authority.

SECT 118.—A registering authority shall not, nor shall any person acting under his authority or under any order or general rule made in pursuance of this Act, be liable to any action, suit or proceeding for or in respect of any act or matter bona fide done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

119 Penalties for fraud.

SECT 119.—(1) If any person commits any of the following offences, that is to say— (a) in the course of any proceedings before the Registrar or the court in pursuance of this Act, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of, any document or fact, or (b) fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of, any entry erasure or alteration in the register, or (c) in any affidavit required or authorised to be made for any purpose under this Act, or under any order or general rules made in pursuance of this Act, wilfully makes a false statement in any material particular, he shall be guilty of a misdemeanour, and if convicted on indictment shall be liable to imprisonment for any term not exceeding two years, or to a fine not exceeding five hundred pounds. (2) No proceeding or conviction for any offence declared by this Act to be a misdemeanour shall affect any remedy to which any person aggrieved by the offence may be entitled. (3) Nothing in this Act shall entitle any person to refuse to make a complete discovery in any legal proceeding, or to answer any question or interrogatory in any civil proceeding; but no such discovery or answer shall be admissible in evidence against that person in any criminal proceeding under this Act.

120 Compensation for error, forgery or fraud in relation to registration.

SECT 120.—(1) This section applies to loss sustained by any person by reason of— (a) the rectification by the court of any such error in registration as may be rectified under subsection (1) of section 32, or (b) any error originating in the Land Registry (whether of misstatement, misdescription, omission or otherwise, and whether in a register or in a registry map) which occurs in registration and is not rectified under the said subsection (1), or (c) any entry in or omission from a register or registry map caused or obtained by forgery or fraud, or (d) any error in an official search carried out by a registering authority or any of his officers, or (e) the inaccuracy of any office copy of or extract from a register or registry map, or of any office copy of or extract from any document or plan filed in the Land Registry. (2) Where any person sustains loss to which this section applies, and the loss is not caused or substantially

contributed to by the act, neglect or default of himself or his agent, that person and also any person deriving title from him shall be entitled to compensation for that loss in accordance with this section. (3) In the case of rectification of an error by the court under subsection (1) of section 32, the costs and expenses incurred by the applicant in obtaining the rectification shall be deemed to be a loss to which this section applies. (4) All compensation payable under this section shall be paid out of moneys provided by the Oireachtas. (5) The following provisions shall apply to every claim for compensation under this section: (a) the claim shall be made in the prescribed manner to the Registrar and notice thereof shall be given to the Minister for Finance; (b) the Registrar shall determine the claim and such determination shall be final unless either the Minister for Finance or the claimant is dissatisfied with that determination, in which case either party may appeal to the court; (c) no claim shall be entertained by the Registrar after the expiration of a period of six years from the time when the right to compensation accrued unless, on the expiration of such period the person entitled to claim was under disability, in which case the claim shall not be entertained after the expiration of two years from the termination of the disability, but the determination of the Registrar to refuse or allow a claim under this paragraph shall be subject to appeal to the court; (d) for the purposes of paragraph (c), the right to compensation shall be deemed to have accrued— (i) in regard to any estate or interest in possession, on the date of the registration which occasioned the loss in respect of which compensation is claimed, or (ii) in regard to any estate or interest in remainder or reversion, on the date when such estate or interest would, but for such registration as aforesaid, have fallen into possession; (e) the compensation shall include the costs incurred by the claimant in establishing his claim. (6) Where compensation is paid under this section to any person— (a) the compensation (other than costs) shall be applicable in discharge of any incumbrances affecting the estate or interest of that person in the land or charge in respect of which the compensation is payable; (b) the Minister for Finance shall have the same right to recover the amount of such compensation from any person who caused or derived advantage from the loss as the person who suffered the loss would have had if the loss were an injury caused to him by the first mentioned person.

121 Inhibition in consequence of discovery of error.

SECT 121.—(1) Whenever it appears to the Registrar that an error which may be capable of rectification has been made in registration, the Registrar may enter in the register such inhibition against dealings with the land or the burden affected by such error as he thinks proper for the purpose of protecting the Central Fund against claims for compensation in respect of losses occasioned by registrations made after such error is discovered and before it is rectified. (2) An inhibition entered in the register under this section shall not affect any registration actually pending in the central office when such inhibition is entered nor prevent the completion of such registration. (3) Whenever the Registrar enters an inhibition under this section, he shall send notice of such inhibition and of the error because of which it was entered to all persons who appear from the register to be affected by such error and to such other persons (if any) as may be prescribed.

122 Owner of land with possessory title not a trustee under Statute of Limitations, 1957.

SECT 122.—(1) Where a person is registered as owner of land with a title which is or is deemed to be a possessory title, neither he nor any person claiming through him shall, by reason only of the registration, be, in respect of that land, a trustee for the purposes of the Statute of Limitations, 1957. (2) Subsection (1) is in substitution for paragraph (c) of subsection (2) of section 2 of the Statute of Limitations, 1957, repealed by this Act.

123 Effect of words of transfer.

SECT 123.—(1) An instrument of transfer of freehold registered land without words of limitation, or any equivalent expression, shall pass the fee simple or other the whole interest which the transferor had power to transfer in the land unless a contrary intention appears in the instrument. (2) An instrument of transfer of freehold registered land to a corporation sole by his corporate designation without the word "successors" shall pass to the corporation the fee simple or other the whole interest which the transferor had power to transfer in the land unless a contrary intention appears in the instrument. (3) In an instrument of transfer of registered land a resulting use or trust for the transferor shall not be implied

merely by reason that the property is not expressed to be transferred to the use or benefit of the transferee. (4) This section applies only to instruments of transfer executed after the commencement of this Act.

124 Power of Peace Commissioners to take affidavits.

SECT 124.—An affidavit to be made or used in any proceedings before the Registrar may be sworn before a Peace Commissioner who shall have power to administer the oath for that purpose.

125 Registration of land below high-water mark.

SECT 125.—Where application is made for the registration of an owner of land and it appears to the Registrar that the land comprises foreshore, within the meaning of the Foreshore Act, 1933, the Registrar shall send notice in writing thereof to the Minister for Transport and Power.

126 Power to make rules and orders.

SECT 126.—(1) The committee constituted by section 73 of the Courts of Justice Act, 1936, shall continue to be styled the Registration of Title Rules Committee. (2) The Registration of Title Rules Committee, with the concurrence of the Minister for Justice, may make general rules for carrying into effect the objects of this Act, and in particular, without limiting the foregoing power, in respect of all or any of the following matters: (a) the conduct of the business in the central and local offices, and the powers and duties of the Registrar and local registrars, and of all officers and persons attached to the central office and the local offices; (b) the relations between the central office and the local offices; (c) the conduct of transfers and the publication of information relating to transfers; (d) the making, keeping, and indexing of the registers and the authentication and preservation of documents relating to title; (e) the procedure to be observed, the precautions to be taken, the notices to be given and the evidence to be adduced in all proceedings in connexion with registration, and the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land proposed to be registered; (f) the procedure to be adopted in connexion with registration on exchange of holdings; (g) the form in which and conditions under which entries in the register are to be made and may be modified or cancelled; the order in which entries relating to the same land are to be made, and the correction of clerical errors in the registers or registry maps or in any document connected with registration; (h) the form and contents of any instrument, certificate, memorial, affidavit or other document required or authorised to be used or given under or for the purposes of this Act; (i) the conditions under which a new land certificate or certificate of charge may be given in place of a certificate lost, defaced or destroyed; (j) the custody of any instruments from time to time coming into the hands of any officer of the Land Registry; (k) the inspection of and making of copies of or extracts from any register or document in the custody of the Land Registry; (l) the costs and fees to be charged by or allowed to solicitors or other persons in or incidental to or consequential on registration, or any other matter required to be done for the purpose of carrying this Act into execution, or otherwise in discharge of the duties imposed by or under this or any other Act on a registering authority, with power to require those costs and fees to be payable by commission, percentage, or otherwise; (m) the taxation of costs and the persons by and to whom costs are to be taxed and paid; (n) the entering into security for the costs of appeal under this Act; and (o) any matter by this Act directed or authorised to be prescribed, or for which general rules are by this Act directed or authorised to be made. (3) Provision shall be made by general rules for the registration, without cost to the parties interested, of all titles recorded under the Record of Title (Ireland) Act, 1865, and care shall be taken in such rules to protect any rights acquired in pursuance of such recording. Until registration, that Act shall apply thereto as if this Act had not been passed. (4) (a) Every office under the control of the Registrar as such, or as Registrar of Deeds, shall be open to the public on such days and during such hours as the Minister for Justice may from time to time by order appoint. (b) The Registry of Deeds Office (Ireland) Holidays Act, 1883, is hereby repealed. (c) Notwithstanding section 2, this subsection shall come into operation on the passing of this Act.

SECT 127.—Nothing in this Act shall affect the right of the State to any property as bona vacantia.

Section 5. SCHEDULE REPEALS Session and Chapter or Number and YearShort TitleExtent of
 Repeal10 & 11 Vict. c. 32.Landed Property Improvement (Ireland) Act, 1847.Section 21, in so far as
 provides for the registration of a release, in relation to registered land, in the Registry of Deeds.34 & 35
 Vict. c. 100.Glebe Loan (Ireland) Amendment Act, 1871.Section 13, in so far as it provides for the
 registration of a release, in relation to registered land, in the Registry of Deeds.38 & 39 Vict. c.
 82.National School Teachers Residences (Ireland) Act, 1875.In section 5, the second paragraph, in so far
 as it provides for the registration of a release, in relation to registered land, in the Registry of Deeds.54 &
 55 Vict. c. 66.Registration of Title Act, 1891.The whole Act.3 Edw. 7 c. 37.Irish Land Act,
 1903.Subsection (6) of section 3.No. 42 of 1923.Land Act, 1923.Sections 58 to 60, and subsection (2) of
 section 63.No. 19 of 1927.Land Act, 1927.Sections 51 and 52.No. 11 of 1931.Land Act, 1931.Subsection
 (3) of section 30. Section 31.No. 38 of 1933.Land Act, 1933.Section 48.No. 48 of 1936.Courts of Justice
 Act, 1936.Section 74.No. 26 of 1939.Land Act, 1939.Section 7.No. 26 of 1942.Registration of Title Act,
 1942.The whole Act.No. 6 of 1957.Statute of Limitations, 1957.Paragraph (c) of subsection (2) of section
 2. In paragraph (d) (inserted by section 26 of the Administration of Estates Act, 1959) of subsection (2) of
 section 2, the words " or subsection (1) of section 86 of the Act of 1891". In section 24, the words and to
 section 52 of the Act of 1891".No. 8 of 1959.Administration of Estates Act, 1959.Paragraph (a) of section
 9. Section 22.