

S.I. No. 568/2007 — Land Registration Rules 2007

S.I. No. 568 of 2007

LAND REGISTRATION RULES 2007

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 7th August, 2007.

1. (1) These Rules may be cited as the Land Registration Rules, 2007.

(2) These Rules and the Land Registration Rules 1972 to 2006 may be cited together as the Land Registration Rules 1972 to 2007.

(3) These Rules and the Land Registration Rules 1972 to 2007 shall be construed together as one.

2. These Rules shall come into operation on the 1st day of September 2007.

Registration of a caution where deeds are deposited to create a lien.

3. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 44 of those Rules:

“44. Where, on the conversion of a possessory or qualified title, it appears that a lien created by deposit of the title deeds to the property prior to its first registration is a right affecting it, and no burden created after the deposit is registered, the Authority shall register a caution restricting all dealings with the property without prior notice to the party with whom the deeds have been deposited.”

4. Rule 57 of the Land Registration rules 1972 is amended by the deletion of the words “and the name of his solicitor, if it is to be re-issued to his solicitor” at paragraph (e) of subrule (1).

5. Rule 103 of the Land Registration Rules 1972 is amended by the substitution of the following for paragraph (d) of subrule (1):

“(d) concurrence in the registration of the following burdens shall be given by the Authority

(i) a burden created under a statute or statutory power or under a power registered as a burden or under a trust for securing money registered as a burden,

(ii) a burden created by trustees in exercise of a power under a settlement under which a limited owner is registered,

(iii) any burden specified in paragraph (h) or (i) of sub-section (1) of section 69 of the Act.

(iv) a lien registered as a burden pursuant to section 73 of the Act of 2006.”

Certificates already issued.

6. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 158 of those Rules:

“158. Nothing in these Rules shall invalidate any document issued as a land certificate, certificate of title or certificate of charge by the Registry prior to the coming into operation of these Rules.”

Authentication of entry on certificate.

7. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 160 of those Rules:

“160. Every entry made in a certificate after its first issue shall have been authenticated by affixing the authentication seal thereto.”

Application for order for production of certificate.

8. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 164 of those Rules:

“164. (1) An application to the Authority under section 105 (2) of the Act for an order for the production of a certificate shall be in Form 94 and shall be signed by the applicant or his solicitor.

(2) On receipt of the application, the Authority shall send notice to the person against whom the order is sought, requiring him to state whether he has the custody of the certificate, and, if he has, whether he claims that the dealing for which production is required is one that cannot be registered without his consent and the grounds of his claim.

(3) Where the person having the custody of the certificate claims that the dealing cannot be registered without his consent, the Authority shall, subject to an appeal to the court, determine the question and, for that purpose, may appoint a day and time for the parties to attend before it.

(4) In default of a reply to the notice within the time specified therein, where it appears to the Authority from the statements in the application and the documents lodged for the purpose of the registration for which the certificate is required, that the dealing is one that can be effected without the consent of the person having the custody of the certificate, the Authority shall make the order sought.”

Certificate containing unofficial entries to be cancelled.

9. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 169 of those Rules:

“169. Where an entry not made in the Registry and authenticated in accordance with previous Rules or any erasure or other defacement appears on a certificate or part of the certificate has been detached and the certificate is produced to the Authority the certificate shall be retained in the Registry and cancelled.”

Power to dispense with production of certificate.

10. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 170 of those Rules:

“170. Where the Authority is satisfied that any certificate is lost or destroyed, it may, on an application for registration for the purpose of which the certificate is required, on causing to be published by the applicant at the applicant's expense such notice in local or other papers and after making such inquiries and taking such indemnity as it may deem necessary, dispense with its production.”

Priority entry.

11. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 191 of those Rules:

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

(2) An application under this rule shall be in Form 104.”

Effect of priority entry.

12. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 192 of those Rules:

“192. (1) Where an intending purchaser, lessee or chargee has registered a priority entry an application by him for registration of the instrument to complete the purchase, lease or charge shall enjoy the priority specified in subsection (2) of section 108 of the Act, provided that the application is in order under these Rules and is delivered at the Registry within a period of 21 days after the date of the priority entry.

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

(3) The notice of such application shall be in Form 105.”

Entry under section 108 of the Act.

13. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 193 of those Rules:

“193. The entry in the register pursuant to section 108 of the Act shall be as set out in Form 106.”

Priority where two or more priority entries are made.

14. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 194 of those Rules:

“194. Where two or more priority entries pursuant to section 108 are made, such entries shall, so far as relates to the priority thereby conferred, take effect in the order in which the applications therefor were received in the Registry or were, pursuant to rule 61, deemed to be delivered.”

15. Form 17 of the Schedule of Forms to the Land Registration Rules 1972 is amended by the deletion of the following words from paragraph 3:

“I apply that it be re-delivered to the transferee (or, transferor, or, to me as

Solicitor for the transferee, or, the transferor, or, A.B., or C.D., the Solicitor for A.B.)”

16. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 68 in that Schedule:

“

FORM 68

Charge for future advances (rules 52, 113)

LAND REGISTRY

County Folio

CHARGE dated

AB the registered owner (or, the person entitled to be registered as owner),

Hereby charges the property set out in the schedule hereto with payment to CD of all sums owing and due from time to time and covenanted to be paid in respect of advances, whether present or future, to the said AB and secured by this charge and assents to the registration of this charge as a burden on the property.

The address in the State of the said CD for service of notice

is

Schedule

(Description of property charged)

Signed, sealed and

delivered by A.B.

in the presence of:

Signed, sealed and

delivered by C.D.

in the presence of:

.”

17. Form 95 of the Schedule of Forms to the Land Registration Rules 1972 is amended by the insertion of the words “failing such application” between the words “and” and “the” in the second paragraph.

18. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 104 in that Schedule:

“

FORM 104

Application for entry of priority entry pursuant to section 108 of the Act (Rule 191)

LAND REGISTRY

County Folio

I, as Solicitor for

(Full name of purchaser, lessee or chargee), certify that he has contracted to

(a) purchase (or) take a lease of (or), lend money on the security of a charge on

all of the property comprised in the above folio (or, the part of the property comprised in the above folio shown edged red on the attached plan).

(a) Strike out alternatives not applicable

I apply pursuant to section 108 of the Act that the prescribed entry be made in the Register.

Notice of this application in Form 105 was served by ordinary prepaid post/ registered post / in person on [*name and address of the other party to the contract*].

Signature of Solicitor

Address

Date.

.”

19. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 105 in that Schedule:

“

FORM 105

Notice of application for registration of a priority entry pursuant to section 108 of the Act (Rule 191)

LAND REGISTRY

County Folio

I, as Solicitor for

(Full name and address of purchaser, lessee or chargeant), certify that he has contracted to

(a) purchase (or) take a lease of (or), lend money on the security of a charge on

all of the property comprised in the above folio (or, the part of the property comprised in the above folio shown edged red on the attached plan).

(a) Strike out alternatives not applicable

I am applying to the Property Registration Authority, pursuant to section 108 of the Act, for the registration of the following prescribed entry in the Register:

“The [part of] the property [shown as plan] is subject to the priority to be conferred by section 108 of the Registration of Title Act 1964 , as substituted by section 66 of the Registration of Deeds and Title Act 2006 ”

Signature of Solicitor

Address

Date..

To: *(name and address of, or solicitor for, the other party to the contract).*”

20. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 106 in that Schedule:

“

FORM 106

Entry to be made pursuant to section 108 of the Act (Rule 191)

The [part of] the property [shown as plan] is subject to the priority to be conferred by section 108 of the Registration of Title Act 1964 as substituted by section 66 of the Registration of Deeds and Title Act 2006 .

.”

21. (1) Rules 155, 156, 157, 161, 166, 167, subrule (5) of Rule 168, Rules 171, 172, and 173 of the Land Registration Rules 1972 and Rule 5 of the Land Registration Rules 1986 are rescinded.

(2) Forms 92, 93, 104A, and 105A of the Schedule of Forms to the Land Registry Rules 1972 are deleted.

We, the Registration of Deeds and Title Rules Committee, constituted pursuant to the provisions of section 74 of the Registration of Deeds and Title Act 2006 in exercise of the powers conferred on us by section 126 of the Registration of Title Act, 1964 , as amended by section 72 of the Registration of Deeds and Title Act 2006 , with the concurrence of the Minister for Justice, Equality and Law Reform, do hereby make the foregoing Rules.

DATED this 27th day of July, 2007.

MARY LAFFOY, Judge of the High Court.

GERARD McCAUGHEY, Chairman of the Property Registration Authority

CATHERINE TREACY, Chief Executive of the Property Registration

Authority

JAMES DWYER, Senior Counsel.

OWEN M. BINCHY, Solicitor.

I, BRIAN LENIHAN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 126 of the Registration of Title Act, 1964 , as amended by section 72 of the Registration of Deeds and Title Act 2006 , hereby concur in the making of the foregoing Rules.

GIVEN under my Official Seal,

27 July 2007

BRIAN LENIHAN.

Minister For Justice, Equality And Law Reform.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Rules, which come into effect on 1st day of September 2007, provide for the amendment of the Land Registration Rules 1972 to 2006.

The Rules provide for the amendment of Rules 44, 57, 103, 158, 160, 164, 169, 170, 191, 192, 193, 194 of the Land Registration Rules 1972 and Forms 17, 68, 95, 104, 105 and 106 of the Schedule of Forms to those Rules and for the rescinding of Rules 155, 156, 157, 161, 166, 167, subrule (5) of Rule 168, Rules 171, 172, and 173 of those Rules, Forms 92, 93, 104A, and 105A of that Schedule and Rule 5 of the Land Registration Rules 1986.

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