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S.I. No. 230/1972 — Land Registration Rules, 1972.

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LAND REGISTRATION RULES, 1972.

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WE, the Registration of Title Rules Committee, constituted pursuant to the provisions of section 73 of the Courts of Justice Act, 1936 , by virtue of the powers conferred upon us by section 126 of the Registration of Title Act, 1964 , with the concurrence of the Minister for Justice, do hereby make the following Rules.

Dated this 31st day of August, 1972.

MAURICE J. L. MacGOWAN

FRANCIS J. LANIGAN

DESMOND L. McALLISTER

I concur in the making of these Rules.

Dated this 19th day of September, 1972.

DESMOND O'MALLEY,
Minister for Justice.

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(2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner who died on or after the 1st June, 1959 and registration of the limited owner is effected after the commencement of the [Succession Act, 1965](#)

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Application for registration as owner by a person entitled on the determination of the estate or interest of a registered limited owner

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- (1) where the settlement was created by deed by a registered owner;
 - (2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner and registration of the limited owner was effected prior to the commencement of the [Succession Act, 1965](#) ;
 - (3) where the settlement was created by the will of a registered owner and registration of the limited owner was effected prior to the commencement of the [Succession Act, 1965](#) ; or
 - (4) where the settlement was created (a) by the will of a registered owner who died prior to the 1st June, 1959 or (b) by the personal representative and the persons claiming on the death of such a registered owner and registration of the limited owner is effected after the commencement of the [Succession Act, 1965](#)

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PRELIMINARY

Commencement.

1. (1) These Rules shall come into operation on the 2nd day of October, 1972 and may be cited as the Land Registration Rules, 1972.
- (2) The Land Registration Rules, 1966, and the Land Registration (Solicitors' Costs) Rules, 1970, are hereby rescinded.

Interpretation.

2. (1) In these Rules—

"the Act" means the [Registration of Title Act, 1964](#) ; and words or expressions defined in the Act have the same meaning as in the Act, where the context so admits;

"the Act of 1891" or the "1891 Act" means the Registration of Title Act, 1891;

"the Registry" means the Land Registry;

"the Registrar" means the Registrar of Titles;

"local registrar" means the county registrar of a county acting as a registering authority by virtue of section 10 of the Act;

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

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

"local authority" includes a county council, county or other borough council, urban district council, the commissioners of any town, and any public body or person established by or in pursuance of any statute to perform any of their functions;

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

"prescribed fee" means the appropriate registration fee fixed by the Minister for Justice by order under section 14 of the Act.

(2) The [Interpretation Act, 1937](#) , shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of the Oireachtas, except so far as it may be inconsistent with the Act or with these Rules.

PART I THE REGISTERS AND THE REGISTRY OFFICES

Form and contents of registers.

3. (1) The registers shall be kept in folios. Every folio shall bear a distinguishing number and shall be authenticated by the Registry seal being affixed thereto. Every folio of a register hereafter to be opened shall consist of three parts.

(2) There shall be entered in the first part of a folio—

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

(b) such entries as are authorised by the Act or these Rules relative to—

(i) easements and rights for the benefit of the property;

(ii) the inclusion of mines and minerals in, or their exclusion from, the property;

(iii) the boundaries of the property;

(iv) at the Registrar's discretion, Land Commission references and notes regarding issue of land certificates and copy maps

(3) There shall be entered in the second part of a folio—

(a) the name and description of the owner of the property and his address in the State for service of notices;

(b) such entries as are necessary relative to—

(i) the classes of owners and titles that are registered pursuant to sections 27 and 33 or 40 of the Act;

(ii) the devolution of the property;

(iii) the matters referred to in sections 91, 99 and 101 of the Act;

(iv) the issue of land certificates;

(c) cautions and inhibitions restricting the registration of dispositions of the property;

(d) a note under section 61 (6) (b) of the Act of the death of the registered owner and of the names of his personal representatives.

(4) There shall be entered in the third part of a folio—

(a) the burdens the registration of which is authorised by section 69 of the Act;

(b) (i) the ownership of a registered charge, where it is not registered in the register maintained under section 8 (b) of the Act and, where the Registrar permits, sub-charges on a registered charge and their ownership;

(ii) such entries as are necessary relative to the issue of certificates of charge;

(c) notice of the exemption from or existence of the burdens specified in Section 72 (2) of the Act;

(d) cautions and inhibitions against registration of dealings with a registered burden the ownership of which is not registered in the register maintained under section 8 (b) of the Act.

(5) A plan of the property comprised in a folio may be filed in the Registry by being attached to part 3 of the folio.

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

Authentication contents and cancelations of entries.

4. (1) Entries and cancelations of entries in a folio of a register shall be authenticated in such manner as the Registrar shall direct.

(2) Every entry shall be clearly expressed and shall state with precision the particular property or interest in the property that it is intended to affect; and no entry shall refer to matters that are not the subject of registration under the Act.

(3) Cancellation of an entry shall be made so that the entry shall remains legible.

Adjoining properties of an owner in two or more counties.

5. (1) Where a registered owner of property in a county is the registered owner of adjoining property situate in another county, registration of his ownership of the property in either county and of the burdens thereon may, for the purpose of saving expense and facilitating transactions therewith, be made by reference to its registration in the folio of the property in the other county.

(2) Where registration by reference is so made, the folio in which the ownership and burdens are entered shall contain a description of all the property of which the ownership is registered therein.

Revision of folios of registers.

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

(2) The Registrar may order any person in whose custody a land certificate or certificate of charge may be to produce it to him for the purposes of the revision, which shall be deemed to be a dealing with the property that can be effected without the consent of the person having the custody of the certificate, and the provisions of section 105 (3) of the Act shall apply to any certificate so produced.

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

Formal alterations of register and cancellation of determined entries.

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

Correction of clerical and other errors.

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

(b) Any other error in a register or registry map originating in the Registry may be corrected with the consent of the registered owner of the property (or his solicitor) which is affected by such error or correction and of such other persons as appear to the Registrar to have an interest.

Revision of descriptions of property.

9. The description of property in the registers shall be revised by the Registrar from time to time and made conformable with its description on the registry map as and when revised.

Indexes.

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

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

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

(4) The index of names kept in a local office shall not include the names of the registered owners of rights in the register maintained under section 8 (b) of the Act; and the index of lands shall not be kept in a local

office.

Closing of register in respect of charges.

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

Duplicates of registers to be kept in local offices.

12. Duplicates of the register of ownership of freehold land and the register of ownership of leasehold interests in a county shall be kept and maintained in the local office of the county.

Functions of local offices.

13. (1) There shall be kept in each local office such books, forms and files, for the transaction of the business of the office, as the Registrar may from time to time direct.

(2) Each local registrar shall be responsible for—

(a) the registration in the registers of his office of the entries therefor transmitted from the central office;

(b) the maintenance of the registers and indexes of his office;

(c) the safe custody of the registers and other records of his office, the inspection and delivery of copies thereof where such inspection or delivery is authorised by these Rules, the assessment and collection of the prescribed fee for an inspection made or copy delivered and the fees so collected;

(d) the receipt in accordance with these Rules of documents that may be received in his office for the purposes of a registration, the assessment and receipt of the prescribed fee for the transaction for which the document is presented and the transmission to the central office within the prescribed time of the documents and fee so received.

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

Application for first registration.

Applications for first registration.

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

(2) Subject to paragraph (3), every application or instrument for first registration of ownership which is sent to or lodged in the Registry (other than one in respect of which it is provided by statute that no fee shall be payable) shall be accompanied by the prescribed fee.

(3) In any case in which registration is compulsory—

(a) an application or instrument unaccompanied by the prescribed fee for the registration applied for may be received for registration, if accompanied by an undertaking in writing by a solicitor to pay the prescribed fee, or, if the application is made by the applicant in person, by such deposit as the Registrar may direct in addition to an undertaking in writing by the applicant to pay the prescribed fee;

(b) no registration shall be made under an application or instrument sent or delivered without the prescribed fee until the fee is paid. If the fee is not paid within one month of the receipt of the application or instrument, the proceedings shall be treated as abandoned and the documents lodged by the applicant shall be re-delivered to him.

Documents to accompany application for registration of ownership of freehold property.

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

(a) a concise statement of the title giving in chronological order a summary of the documents and the events and facts on which the applicant's claim to the property is based,

(b) all original deeds and all documents in the applicant's possession, or under his control, relating to the property, including opinions of counsel, abstracts of title, contracts for and conditions of sale, searches, requisitions and replies, and other like documents, and the evidence by affidavit, statutory declaration, or otherwise, proving the facts stated and necessary to be proved to establish the title,

(c) a plan of the property the ownership of which is sought to be registered, or of the property affected by the incorporeal hereditaments the ownership of which is sought to be registered, drawn on the current largest scale map published by Ordnance Survey, unless there is a plan thereof on some muniment of title sufficient to identify it on the registry map, or unless the application otherwise sufficiently identifies the property aforesaid on the registry map,

(d) a schedule in duplicate of all documents lodged with the application.

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

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

16. An application for registration of the ownership of a leasehold interest or of the ownership of a right

(other than an incorporeal hereditament held in gross), to which rule 19 (3) or 22 does not apply, shall, unless the Registrar otherwise directs, be accompanied by the following documents—

(a) where the application is by or on behalf of the original lessee or grantee or the personal representative of either of them, and registration with an absolute title is not required, the lease or grant and, unless the application otherwise sufficiently identifies the property subject thereto on the registry map, a plan of the property drawn on the current largest scale map published by Ordnance Survey,

(b) except in cases to which sub-paragraph (a) applies, the documents specified in rule 15 (1) (a), (b) and (d) and, unless the application otherwise sufficiently identifies the property subject thereto on the registry map, a plan of the property drawn on the current largest scale map published by Ordnance Survey.

Application for first registration based on possession.

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

Examination of title.

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

Modification of examination of title.

19. (1) Save as aforesaid and as otherwise provided in this rule, the title to be shown by the applicant may commence with a disposition of the property made not less than 30 years prior to the date of the application that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(2) Where the market value of the property the subject of the application is shown to the satisfaction of the Registrar not to exceed £8,000, the title to be shown by the applicant may commence—

(a) with a disposition of the property made not less than 20 years prior to the date of the application that would be a good root of title on a sale under a contract limiting only the length of title to be shown or

(b) with a conveyance or assignment on sale made not less than 12 years prior to the date of the application that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(3) On a sale where the purchase money of the property does not exceed £8,000, the Registrar may, if he thinks fit, register a title as absolute or good leasehold on production of a certificate by a solicitor, at the expense of the applicant in Form 3, adapted as the case may require.

(4) Where property is acquired by a statutory authority and the purchase money or compensation paid therefor does not exceed £8,000,

(a) the Registrar may dispense with the official examination of the title and may register the statutory authority with absolute title or good leasehold title on a certificate of title by the solicitor for such authority in Form 3 adapted as the case may require;

(b) the application shall be signed by the solicitor for the statutory authority and shall be accompanied by a plan of the property drawn on the current largest scale map published by Ordnance Survey.

(5) Where the title of an applicant has been examined—

(a) by the conveyancing counsel of a court on a sale or purchase of the property under an order of the court or

(b) by a practising barrister on a sale or mortgage of the property,

the Registrar may dispense with, or modify as he thinks fit, the official examination of title.

(6) Where, in the course of the investigation of a title, the applicant so requests, or it appears desirable to the Registrar that the title should be referred to counsel for his opinion, the Registrar may, with the consent and at the expense of the applicant, agree that the title be referred to counsel for his opinion generally or on any of the following specific matters—

(a) whether he is satisfied as to the identity of the property in the title deeds with the property the subject of the application;

(b) whether the applicant is to be registered as full owner or as limited owner, and the class of title with which he is to be registered;

(c) if the applicant is entitled as trustee, what inhibition is required for the protection of the trusts;

(d) if the applicant is to be registered as full owner the burdens (if any) specified in section 69 of the Act that affect the property and their priority inter se;

(e) if the applicant is to be registered as limited owner, the documents constituting the settlement, the trustees for the purposes of the Settled Land Acts, the burdens under section 69 of the Act that have priority to the settlement and their priority inter se;

(f) whether the evidence produced discharges his requisitions on the title. The opinion of counsel may be furnished in Form 3 adapted as the case may require.

Application by Land Commission for registration with possessory title.

20. (1) An application by the Land Commission under section 26 (1) of the Act for the first registration of a person as owner with a possessory title shall be in Form 4 and shall be accompanied by a plan of the

property drawn on the current largest scale map published by Ordnance Survey.

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

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

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

(2) An application by a local authority for the first registration of a purchaser of property under section 92 of the Housing Act, 1966 , shall be made by lodging in the Registry the Transfer Order prescribed by section 90 (3) of that Act.

(3) An application for first registration under this rule shall be accompanied by a plan of the property drawn on the current largest scale map published by Ordnance Survey.

Documents to be lodged on registration procured by Land Commission.

22. The document to be transmitted by the Land Commission to the Registrar

(a) when the Land Commission have acquired property under their statutory powers or sold property to a purchaser under the Land Purchase Acts on or after 1 January, 1892, the documents to be transmitted by the Land Commission to the Registrar in order that he may be registered as owner, shall be in the form of the vesting order, vesting fiat, final list or transfer order, under or by virtue of which the property is vested in the Land Commission or the purchaser, as the case may be, and may, except in the case of a transfer order, be an official copy of such instrument. The document shall be accompanied by a plan of the property drawn on the current largest scale map published by Ordnance Survey.

Transfers to registers of recorded property.

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

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

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

Registration of recorded property

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

(a) all charges, incumbrances, leases and other rights on the record that are burdens within the meaning of section 69 of the Act shall be entered as burdens in the register in their priority as recorded;

(b) notice of the existence of any of the burdens specified in section 72 of the Act that are on record shall be entered in the register;

(c) the person appearing on the record as entitled to the property shall be entered in the register as full or limited owner with absolute title according to his estate therein as shown by the record.

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

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

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

Property acquired under the Land Purchase Acts and on exchange.

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

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

Notice of statutory restrictions.

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

Entries relative to mines and minerals.

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

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

Memorial for Registry of Deeds.

29. Except as is otherwise provided in the Land Purchase Acts, the memorial for the Registry of Deeds of the registration of property under the Act shall be in Form 6, or in special circumstances in such modified form thereof, or in such other form as the Registrar may direct. It shall be sealed with the Registry seal and shall be transmitted to the Registry of Deeds for registration at the beginning of the day on which the property is entered in a register of the Registry and prior to the registration on that day of a memorial in the Registry of Deeds lodged by any member of the public.

Flat, floor, cellar, tunnel, mines and minerals; or foreshores.

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

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

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

Cautions against first registration

Form of caution and affidavit in support of it.

31. (1) A caution requiring notice of an application for the first registration of the ownership of property, other than a caution under [section 43](#) of the [Agricultural Credit Act, 1947](#) , shall be in Form 7.

(2) A caution under [section 43](#) of the [Agricultural Credit Act, 1947](#) , requiring notice of an application for first registration shall be in Form 8.

(3) The affidavit of interest in support of the caution shall be in Form 9 and shall be made by the cautioner or his solicitor.

(4) A cautioner may at any time, by writing signed by himself or his solicitor, withdraw his caution or consent to a registration.

Time for objection and form of notice on cautioner.

32. The time to be stated in the notice to be served on a cautioner under section 96 of the Act, within which he may appear and oppose an application for first registration, shall be 10 days. The notice shall be in Form 10.

Conversion of possessory title into absolute title where the property has been purchased under the Land Purchase Acts

Application where ownership registered 30 years.

33. Where the ownership of property purchased under the Land Purchase Acts has been registered for 30 years, the Registrar may convert a possessory title into an absolute title on application by the registered owner or his personal representative in Form 11 with such modifications as the case may require.

Application where ownership registered 12 years under transfer for value.

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

Application where property acquired by a statutory authority or on sale and value does not exceed £8,000.

35. (1) Where property purchased under the Land Purchase Acts and registered with a possessory title has been acquired on sale or by a statutory authority and the purchase money compensation or value thereof does not exceed £8,000, the Registrar may, on an application by the Solicitor for applicant certifying that he has investigated the title prior to first registration and that on such investigation no adverse rights, restrictive covenants or incumbrances were disclosed, convert the title into an absolute title.

(2) The application shall be in Form 15, with such modifications therein as the case may require.

Other applications for conversion of possessory title.

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

(2) Where the Registrar so permits, the title to the tenancy

(a) may commence with a disposition thereof made not less than 20 years prior to the date of the application

or

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

(3) The application shall be made by affidavit in Form 13 or 14, with such modifications therein as the case may require, according as the applicant does or does not rely on opinion of counsel.

Examination of or modification of examination of title to interests protected by registration with a possessory title.

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

(2) The Registrar may dispense with or modify as he thinks fit the official examination of title. In particular he may do so—

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

or

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

or

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

Conversion of possessory title into absolute or good leasehold title where the property has not been purchased under the Land Purchase Acts

Conversion of registered title in cases under subsection (1) or (2) of section 50 of the Act.

38. (1) In a case to which paragraph (a) of subsection (2) of section 50 of the Act applies, the applicant shall lodge all the documents specified in that paragraph together with an affidavit in Form 16, adapted where necessary, unless the Registrar otherwise directs.

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

(3) An application to convert a possessory title into an absolute title, in a case to which paragraph (a) of subsection (2) of section 50 of the Act does not apply, shall be made on affidavit in Form 1 (adapted). The application shall be accompanied by an affidavit in Form 16.

Notice, advertisement and enquiries before such conversions.

39. Before conversion of a possessory title in a case to which the foregoing rule applies, the Registrar

(a) may serve such notices as he may consider necessary, including notices to owners of neighbouring property, who, he may have reason to think, may be entitled to enforce restrictive conditions affecting the property;

(b) may, at the applicant's expense (unless an order to the contrary is made by him), insert notice of the intended conversion in *Iris Oifigiúil* and in such other newspapers (if any) as he may direct;

(c) may make such enquiries on the property or elsewhere as he may consider necessary.

Conversion of Qualified title into absolute or good leasehold title

Application for conversion of qualified title.

40. An application to convert a qualified title into an absolute or good leasehold title shall be made in writing and shall be accompanied by evidence of the title of the registered owner to the estate or interest excepted in the register from the effect of registration or by such other evidence as the applicant relies on in proof that the estate or interest so excepted has been extinguished or has otherwise ceased to affect the property. The application shall be accompanied by an affidavit of discovery in Form 16, with such modifications as the case may require.

General provisions as to the conversion of possessory or Qualified titles

Notice of intended conversion to be given.

41. Before the conversion of a possessory title consequential on an examination of title, the Registrar shall, if he considers it necessary—

(a) give notice of the intended conversion to the registered owner, if he is not the applicant for, or a consenting party to, the proposed conversion,

(b) where a burden is ascertained to have priority over a registered burden, give notice to the owner or reputed owner of the registered burden of the priority so ascertained and of the proposed registration of the burden,

(c) at the applicant's expense, give such notice of the intended conversion, or of proposed entries or cancellation of entries consequential on the examination of title, as he may think proper.

How burdens ascertained entered on conversion.

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

(a) a burden ascertained to affect the property shall be entered in the register in the same manner as a burden created after first registration; but no ownership of the burden shall be registered until the title of the person claiming such ownership has been shown to the satisfaction of the Registrar;

(b) where the burden is ascertained to be in priority to a registered burden, a note of such priority shall be made in the register.

How register made conformable with titles ascertained.

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

Issue of land certificate in substitution for deeds deposited as a lien.

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 land certificate issued in respect of the property may, with the consent of the registered owner and the depositor, be issued to the depositor in substitution for the title deeds as the evidence of his lien by way of equitable mortgage on the property.

Other examinations of title

Other examinations of title outside register.

45. An application to examine the title of—

(a) the lessor of a leasehold interest the ownership of which is registered with a good leasehold title, for the purpose of noting that the title is converted to an absolute title,

or

(b) a grantor of a registered incorporeal hereditament of freehold tenure, for the purpose of noting that the registered title is converted to an absolute title,

or

(c) the grantor of a fee-farm grant or grant in perpetuity made under the provisions of any enactment in conversion of a registered leasehold interest, for the purpose of having the property

transferred from the register of ownership of leasehold interests to the register of ownership of freehold property,

or

(d) any person to a mortgage or charge registered as a burden the ownership of which is not registered, for the purpose of having it withdrawn from the register or of having its owner registered,

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

Title acquired by possession to registered property

Title to registered property acquired by possession.

46. Pursuant to section 49 of the Act, any person claiming to have acquired a title by possession to registered property may apply for his registration as owner in Form 5 with such modifications therein as the case may require, whereupon the Registrar, if satisfied that the said person has acquired the title, may register the applicant as full owner with absolute, good leasehold, possessory or qualified title, as the case may require.

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

Form of affidavit or discovery.

47. An affidavit of discovery made pursuant to section 93 of the Act shall be in Form 16. Unless the Registrar permits otherwise, the affidavit shall be made by the applicant. Where made by any person other than the applicant, the deponent shall state his means of knowledge.

Registration of tenants in common.

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

Registration of trustee owner.

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

Notice to be given of proposed registration.

50. Unless the Registrar otherwise directs, no registration consequential on an examination of title shall be

completed until the applicant, and such other persons as the Registrar may direct, have been notified of the registration proposed.

Date of registration.

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

PART III DEALINGS WITH REGISTERED PROPERTY

General

Form of instruments.

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

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

Applications or instruments in improper form.

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

Evidence of execution of instruments.

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

Evidence of execution of instrument by attorney.

55. (1) Where an application or instrument is executed by attorney, the power of attorney, or an office copy thereof, shall be produced to the Registrar; and, in cases not within sections 8 and 9 of the Conveyancing Act, 1882, evidence shall also be given that the principal was alive at the time of the execution of the instrument and that the power was then unrevoked.

(2) The power of attorney or an office copy thereof shall be filed in the Registry.

Identification of part of registered property transferred.

56. An instrument dealing with part of the property in a folio of the register shall be accompanied by a plan drawn on the current largest scale map published by Ordnance Survey and referred to in the instrument, or on such Ordnance Survey map signed by the grantor and by the grantee or his solicitor showing the part dealt with, unless such part is clearly defined on the registry map and may be identified thereon from the description in the instrument. Such plan shall be filed in the Registry and form part of the instrument.

Application by solicitor for registration of dealing.

57. (1) Every application or instrument sent to or delivered at the Registry for registration by a solicitor shall be accompanied by a statement signed by him setting out—

- (a) the names of all the parties to the transaction for whom he acts as solicitor,
- (b) the amount of Land Registry fees sent,
- (c) the documents sent,
- (d) the ownership or other entries for the registration of which he applies,
- (e) the name of the person who had the custody of a land certificate or certificate of charge lodged for the purposes of registration and the name of his solicitor, if it is to be re-issued to his solicitor.

(2) The statement may be in Form 17.

Evidence of the sealing of deeds.

58. The Registrar shall be entitled to assume that every deed expressed to be sealed by the parties (other than a corporate body) executing same shall have in fact been so sealed notwithstanding that the deed bears no trace of such sealing at the time of lodgment in the Registry.

Presentation of dealing for registration.

59. (1) Applications and instruments may be sent to or delivered at the central office or the local office of the county in which the property is situate. An application or instrument sent to or delivered at a local office shall be transmitted by the local registrar to the central office by post on the day of its receipt.

(2) An application or instrument in respect of registered property with the proper Revenue stamp impressed thereon, and accompanied by the prescribed fee for the registration applied for and otherwise prima facie in order for registration, may be received for registration except as provided in paragraph (3).

(3) If the production of a land certificate or certificate of charge (other than a certificate in the custody of the Land Commission) is required under these Rules for the purpose of a registration, the instrument or application shall not be received unless the certificate is or has been produced for the purpose of the registration sought or an application under rule 164 is lodged therewith for an order for the production of the certificate; or an application is lodged under sub-rule 4 of this rule or rule 170 of these Rules. Where an application for an order for the production of the certificate is refused, the receipt of the instrument or application for registration shall be cancelled and the proceedings thereunder treated as abandoned.

(4) Where the Registrar is satisfied that a land certificate or certificate of charge is lost and has not been deposited for the purpose of creating a lien he may dispense with the production of such certificate and receive the instrument or application for registration. Before dispensing with the production of such certificate the Registrar may give such notice of the proposed registration and take such indemnity as he may deem necessary.

Dealings to be accompanied by prescribed fee.

60. Every application or instrument in respect of registered property sent to or lodged in the Registry shall be accompanied by the prescribed fee.

Priority of dealings received for registration.

61. (1) Save as is otherwise provided in these Rules, applications and instruments shall rank for priority of registration in the order in which they are received in the central office.

(2) Applications and instruments affecting the same property received from a local office on any day by the same post shall rank for the purposes of priority in the order in which they have been received by the local registrar at the local office; subject thereto, all applications and instruments received through the post on any day prior to the opening of the central office to the public on that day shall be deemed to be delivered at the same time and immediately before the opening of the office to the public on that day; and all applications and instruments received through the post after the opening of the office to the public shall be deemed to be delivered at the same time and immediately before the closing of the office to the public on that day.

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

Notice in register of pending registration.

62. Notice of every application or instrument received for registration shall, pending registration, be entered in or attached to the folio of the register to which it relates in such manner as the Registrar may direct.

Date of registration.

63. Except as otherwise provided by statute, or as provided in rules 51, 65 (3) and 191, registration shall be completed as of the day on which the instrument or application is received for registration.

Registrar may refuse registration or may require amendment of instrument or application in certain cases.

64. (1) Where it appears to the Registrar that an application or instrument is not expressed so as to indicate with sufficient precision the property or part of the property in the register to which it relates or the ownership, burden or notice to be entered in the register, or refers to matters which are not the subject of registration under the Act, or that the instrument or other document or the execution thereof is defective, or that an assent, declaration or affidavit presented with it does not disclose the facts required by these Rules to be stated in regard to the registration applied for, he may refuse to make any registration thereunder either absolutely or except with such modifications as he shall approve. Where he is of opinion that the registration may be effected on the defect or omission being corrected, he may notify the applicant and may require him to rectify it by amendment and re-execution of the instrument or by lodgement of a supplemental application, assent, affidavit or instrument, as the case may be, within a time, not less than 21 days, to be stated in the notice.

(2) Where an applicant does not comply with a notice sent under this rule within the time stated therein, the Registrar may treat the application for registration as abandoned, and thereupon its receipt for the purposes of the registration applied for shall be cancelled and the documents lodged by the applicant shall be re-delivered to him.

Amendment of instrument and priority of amended instrument.

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

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

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

Adjudication of sufficiency of stamp on instrument.

66. (1) Where a question arises whether an instrument bears the proper Revenue stamp, and the solicitor for the applicant gives a written undertaking that he will, within a time fixed by the Registrar, furnish evidence that the instrument is sufficiently stamped, the instrument may be returned to the solicitor for the purpose of procuring such evidence and the entry of the instrument for registration may be made or continued. If such instrument is subsequently, within the time fixed, lodged, with the evidence that it is sufficiently stamped, registration shall be completed as of the date of the lodgement of the original application.

(2) Where the written undertaking has not been complied with within the time fixed, the entry of the instrument for the purposes of the registration applied for shall be cancelled.

Registration of a tenant in common.

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

Registration of trustee owner.

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

Transfers

Forms of transfer.

69. A transfer shall be made by an instrument in one of the forms of transfer in the Schedule of Forms.

Subdivision of property subject to restrictions.

70. An application for registration, on a sub-division of property which is subject to a statutory restriction against sub-division without the consent of the Land Commission, shall be accompanied by—

(a) the consent of the Land Commission to the sub-division;

(b) where the consent of the Land Commission to the sub-division is conditional, evidence that the conditions in such consent have been complied with, including—

(i) a certificate of the Land Commission of compliance with the conditions in the consent as to payment, or payment and redemption, as the case may be, of the land purchase annuity, insurance of buildings (if required), and with any other conditions of the compliance with which the Land Commission must be satisfied,

(ii) the consent of the necessary parties to the consolidation of the property with any other property, if such consolidation is required by the Land Commission;

(c) The plan of the property drawn on the current largest scale map published by Ordnance Survey referred to in such consent.

If the subdivision is effected by transfer, the deed of transfer may be in Form 22.

Registration of transferee who is a trustee.

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

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

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

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

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

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

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

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

74. (1) On an application for registration of a purchaser as owner under a transfer on sale from the personal representative of a full owner of property, the purchaser may apply for cancellation of every entry of notice of a deposit of an affidavit of judgment as a mortgage on the estate or interest of a person who has a beneficial interest in the property under the will or on the intestacy of the deceased owner or under [section 111 of the Succession Act, 1965](#) .

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

(3) The provision of rule 121 shall apply, mutatis mutandis, to such application and notice.

Registration under a settlement.

75. On a transfer by way of settlement [other than a transfer to which subsection (3) (inserted therein by [section 54 of the Succession Act, 1965](#)) of section 61 of the Act applies], no person shall be registered as limited owner thereunder without service of notice of the application for his registration on the trustees (if any) of the settlement (whether trustees for the purposes of the Settled Land Acts or not), unless the trustees concur in the application.

Registration under grant reserving rent.

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

Registration of companies.

77. (1) A company within the meaning of the [Companies Act, 1963](#), that applies for registration under a transfer shall produce a certificate by the Registrar of Companies of its incorporation.

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

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

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

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

78. (1) Where, in a case to which section 60 of the Act applies, the ownership of registered property passes to another person under a disposition in defeasance of the estate or interest of the registered owner, then, subject to any objection received in reply to a notice sent as prescribed by rule 79 registration of the transferee shall be made on the production of the following evidence—

(a) where the disposition is made by a person in the exercise of a statutory power or a power registered as a burden, the appointment, deed poll or other instrument by which the power is exercised and, subject to rule 83, such evidence as a purchaser could require if the property was unregistered, showing that the power is exercisable, and has been exercised, by the person in whom it is vested;

(b) where the disposition is made by a person other than the registered owner in execution of a judgment, order, decree or process of court, the disposition executed by the person appointed by the court to execute it, accompanied by an office copy of the order of the court appointing him;

(c) where the property is transferred by statute, an application in writing for registration in which the statute relied on is referred to, and, subject to rule 84, the evidence relied on in proof that the conditions have arisen or that the events have happened that transfer the property by virtue of the statute.

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

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

79. (1) The notice of an application for registration in defeasance of the estate or interest of a registered owner referred to in section 60 of the Act shall not be given where the estate or interest is overreached by statute, a Land Judge's conveyance, a vesting order of a court or of the Land Commission, a transfer by the

Land Commission in exercise of its statutory powers or a transfer executed by a person appointed by a court for that purpose in execution of its judgment, order or decree.

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

(a) to the personal representative or,

(b) where there is no personal representative, to the person or persons claiming to be entitled, whether under the will of the deceased, on his intestacy or under [section 111 of the Succession Act, 1965](#) .

(3) Where the registered owner is a limited owner, registration on an application under the said section 60 may be made with the concurrence of the limited owner and the trustees of the settlement, whether trustees for the purposes of the Settled Land Acts or not. If they do not concur, or if there are no trustees, notice shall be given in cases other than those specified in paragraph (1) of this rule—

(a) to the limited owner, if living, and

(b) to the trustees, if any, or, if there are none, to such persons appearing from the settlement or any inhibition protecting claims thereunder to be entitled to estates or interests the subject of the settlement, as the Registrar may direct.

(4) The applicant for registration shall furnish to the Registrar the particulars necessary for the service of the notices prescribed by this rule.

Cancellation of burdens on transfer overreaching the estate or interest of registered owner.

80. (1) On the registration of an owner under section 60 of the Act, otherwise than as provided by rule 72, the following registered burdens and notices shall be cancelled in the register—

(a) where the transfer is made by statute or in exercise of a statutory power, the burdens and notices from which the property would be discharged by the statute or the exercise of the statutory power, if the property were unregistered;

(b) where the transfer is made in exercise of a power registered as a burden, the burdens and notices that rank in priority after the power;

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

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

Notice of cancellation of burdens on transfer overreaching the estate or interest of registered owner.

81. On the cancellation of a burden under rule 80 (1) (a) or (b), the Registrar shall give notice of its discharge to its registered owner (if any).

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

82. (1) The assignees in bankruptcy of a registered owner who has been adjudicated a bankrupt may be registered as owners in his place, or, where he is a registered limited owner, as assignees of his estate or interest, on production in the Registry of an office copy of the certificate of the vesting of the estate and effects in the assignees, endorsed as prescribed by this rule.

(2) The trustee of a bankrupt registered owner appointed under the Bankruptcy (Ireland) Amendment Act, 1872, may be registered as owner in place of the bankrupt or, where he is a registered limited owner, as assignee of his estate or interest, on production in the Registry of an office copy of the certificate under section 90 of the said Act of 1872, endorsed as prescribed by this rule.

(3) The trustees of an arranging debtor who is a registered owner and has had a resolution or agreement approved and confirmed by the court under sections 347 and 349 of the Irish Bankrupt and Insolvent Act, 1857, may be registered as owners in his place or, where he is a registered limited owner, as assignees of his estate or interest, on production in the Registry of an office copy of the order of the court approving and confirming the resolution or agreement, endorsed as prescribed by this rule.

(4) A person (other than the Official Assignee in Bankruptcy) appointed assignee or trustee in place of a registered assignee or trustee of a bankrupt or arranging debtor who has ceased from any cause to be assignee or trustee may be registered in place of such registered assignee or trustee, on production of the certificate of his appointment as creditors' assignee or trustee, or an office copy thereof.

(5) A bankrupt whose trustee, appointed under the Bankruptcy (Ireland) Amendment Act, 1872, or assignees are registered as owners of his registered property may be re-registered as owner or, where he is a limited owner, the entry of the assignees or trustee as assignees of his limited estate or interest may be cancelled, on production in the Registry of the revesting deed.

(6) An arranging debtor whose trustees are registered as owners of his registered property may be re-registered as owner or, where he is a limited owner, the entry of the trustees as assignees of his limited estate or interest may be cancelled, on production in the Registry of an office copy of the order of the court under section 65 of the said Act of 1872, endorsed as prescribed by this rule.

(7) Every order, certificate, resolution or agreement or office copy thereof, produced for the purposes of a registration referred to in this rule, shall have endorsed thereon a certificate by the Official Assignee in Bankruptcy or the trustee identifying the bankrupt or arranging debtor named in the order or certificate with the registered owner named in a specified folio of the register whose property is sought to be transferred. Where the application is for the re-registration of the person who was the bankrupt or arranging debtor, it shall be accompanied by, in the case of a bankruptcy, the revesting deed or, in the case of an arrangement, an office copy of the order of the court under section 65 of the said Act of 1872 or, where applicable, the written consent of the trustee to the re-registration.

Registration of transferee of local authority under section 6 of the Small Dwellings Acquisition Act, 1899, s.

11 (2) of the [Housing \(Loans and Grants\) Act 1962](#) , or sections 39 (5) or 107(6) of the [Housing Act, 1966](#) .

83. On the registration of a transferee as owner under a transfer by a local authority in exercise of its powers under section 6 of the Small Dwellings Acquisition Act, 1899, or under regulations made under [section 11 \(2\) of the Housing \(Loans and Grants\) Act, 1962](#) , or under [section 39 \(5\) or 107 \(6\) of the Housing Act, 1966](#) , no evidence shall be required of the breach of any of the statutory conditions specified in section 3 of the Small Dwellings Acquisition Act, 1899), or in such regulations or of the happening of any event giving rise to the power of the local authority to sell.

Registration of local authority under section 5 of the Small Dwellings Acquisition Act, 1899, section 11 (4) of the [Housing \(Loans and Grants\) Act, 1962](#) , section 24 of the [Labourers Act, 1936](#) , or sections 39 (5) or 107 (6) of the [Housing Act, 1966](#) .

84. Registration of a local authority as owner of property that has vested in it under section 5 of the Small Dwellings Acquisition Act, 1899, or under [section 11 \(4\) of the Housing \(Loans and Grants\) Act, 1962](#) , or under [section 24 of the Labourers Act, 1936](#) , or under [section 39 \(5\) or 107 \(6\) of the Housing Act, 1966](#) , in defeasance of the estate or interest of its registered owner, shall be made on an application by the solicitor to the local authority in Form 33. No evidence, other than the certificate therein contained, shall be required of the possession of the property by the local authority.

Registration of dispositions of recorded property.

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

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

Registration of new trustees of friendly society.

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

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

Transmission on death before the 1st day of June, 1959, of a registered full owner of freehold property that did not vest in his personal representative

Application for registration by a devisee of freeholds.

87. (1) An application for registration as owner by a devisee or a successor in title of an unregistered devisee of a registered full owner of freehold property that did not vest in the personal representative of the owner shall be in Form 34.

(2) Where the will under which the applicant claims charges the property with the payments of debts or contains a general charge on it for legacies that are payable primarily out of the general personal estate, registration shall not be made except with the concurrence of the testator's personal representative or after notice to him; provided that the Registrar may dispense with such concurrence or notice when he is satisfied that, by reason of lapse of time or otherwise, no claim by the personal representative subsists.

(3) Notice to the personal representative shall be in Form 35.

Application for registration by heir, widow or husband.

88. (1) An application for registration as owner by the person entitled as heir, widow or husband, on the death intestate of a registered full owner of freehold property that did not vest in the personal representative of the owner, shall be in Form 36.

(2) The application shall be accompanied by—

(a) the letters of administration granted on the death of the owner, or an office copy thereof, or, if a grant has not been obtained, evidence to satisfy the Registrar of the death and intestacy;

(b) if the applicant claims as heir, a pedigree verified by a member of the family, accompanied by certificates or other sufficient evidence of the marriages, births and deaths stated in the pedigree;

(c) if the applicant claims under the Intestates' Estates Act, 1890, or the Intestates' Estates Act, 1954, evidence that the owner left no issue and that the net value of his real and personal estate did not exceed £500 or, if the death occurred after the 1st June, 1954, £4,000, as the case may be;

(d) if the applicant claims as tenant by the curtesy, evidence that there was issue capable of inheriting and born alive.

Transmission on death occurring before the 1st day of June, 1959, of (a) a registered full owner of property that vested in his personal representative under Part IV of the Registration of Title Act, 1891 and (b) a registered full owner of a leasehold interest

Assent by personal representative to a devise ; and application of devisee for registration.

89. (1) An assent by a personal representative to a devise of property shall be in Form 37 except where he is the sole personal representative and sole devisee of the property.

(2) An application by a devisee for registration as owner under the assent shall be in Form 38, 39 or 40.

(3) An application by a sole devisee for registration as owner of property that is vested in him as the sole personal representative of the testator or by two or more devisees who are his personal representatives shall be in Form 41 or 42.

(4) An application under this rule shall be accompanied by the probate or letters of administration with will annexed or an office copy thereof.

Transfer by personal representative to devisee or successor.

90. (1) A transfer of property to a devisee or his successor in title by the personal representative in whom it is vested may be in Form 43 or 44.

(2) On an application for registration as owner under such a transfer, there shall be lodged an affidavit by the personal representative in Form 45 relative to the burdens and other rights created by the will of the testator together with the probate or letters of administration with will annexed or an office copy thereof.

Application for registration by a person other than the personal representative entitled on intestacy.

91. An application for registration as owner by a person entitled to property of an intestate registered full owner or by a successor in title of such person shall, where he is not the sole personal representative, be made by presenting a transfer of the property to him from the personal representative. The transfer may be in Form 46. There shall be lodged with the transfer an affidavit by the personal representative in Form 45 relative to the persons who became entitled to the property of the intestate, together with the letters of administration or an office copy thereof.

Application for registration by personal representative entitled on intestacy.

92. An application for registration as owner by a person who claims to be entitled to property of an intestate registered full owner that is vested in him as the personal representative of such owner shall be in Form 47.

Power of Registrar on a registration on transmission on death.

93. On an application for registration as owner by a devisee or other person entitled to the property of a deceased registered full owner who died prior to the 1st June, 1959, or by the successor of such a person who is not registered, and, on an application for registration of a burden created by a personal representative, the Registrar—

(a) shall be entitled to assume that the personal representative acted correctly and within his powers in making the transfer, assent or other disposition, in the absence of any evidence to the contrary in the disposition or any document lodged therewith for the purposes of the registration applied for;

(b) may give notice of the application to any person appearing to have a burden or other right in, to or over the property under the will or intestacy whose claim is not stated by the personal representative to have been satisfied or discharged and is not being registered as a burden or being protected by an inhibition, and, on application for a stay of the registration by any person served with a notice, he shall have all the powers conferred by rule 134 (3) and (4) and may either stay registration or register with such inhibition as he may direct;

(c) may, if he thinks fit, enter in the register such inhibition as he may deem appropriate for the

protection of any right in, to or over the property notwithstanding that the applicant has not applied for the entry of an inhibition.

Transmission on death of a registered full owner of property where the death occurs on or after the 1st day of June, 1959

Assent by personal representative on death testate to registration of person entitled ; application of person entitled for registration.

94. (1) An assent by a personal representative to the registration of a person who claims to be by law entitled to the property of a deceased registered full owner who died testate shall be in Form 48 or 49 except where the personal representative claims to be entitled to the property.

(2) An application by a person who claims to be by law entitled to the property of a deceased registered full owner who died testate shall be in Form 50, 51 or 52.

(3) An application for registration as owner by personal representative claiming to be entitled to property on the death testate of a registered full owner shall be in Form 53 or 54.

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

Transfer by personal representative on death testate to person entitled.

95. (1) A transfer of property to a person who claims to be by law entitled to the property of a deceased registered full owner who died testate by the personal representative shall be in Form 55 or 56.

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

Application for registration by a person, other than the personal representative entitled on intestacy.

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

(a) by presenting an application in Form 59 or 60 accompanied by an assent of the personal representative of such owner in Form 57 or 58 or

(b) by presenting a transfer of the property to him from the personal representative. The transfer shall be in Form 61 or 62.

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

Application for registration by personal representative entitled on intestacy.

97. (1) An application for registration as owner by a personal representative who claims to be entitled to property of an intestate registered full owner shall be in Form 63.

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

Transmission on death of owner of charge or other burden

Application for registration on death of registered owner of charge or other burden.

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

Note of death of registered owner

Note of death of registered owner

99. On the death testate or intestate of a registered owner of property who is not registered as a limited owner or as a joint tenant, his personal representatives may, on lodgement in the Registry of the original or an office copy of the probate or letters of administration, as the case may be, together with a certificate of the solicitor acting in the matter or, if the Registrar so requires, an affidavit identifying the deceased named in the probate or letters of administration with the registered owner of the property, have a note entered on the register setting out the fact of such death and the names of such personal representatives.

Other transmissions

Application for registration of successor of limited owner

100. (1) On the determination of the estate or interest of a limited owner, an application for registration by a person claiming under the settlement shall be in Form 64 or 65, as the case may require. Where Form 65 is appropriate and the settlement is created by will, the original or an office copy of the will and probate or letters of administration with will annexed shall be lodged. Where Form 64 is appropriate, the assent or transfer already filed in the Registry under which the limited owner was registered shall suffice.

(2) Save in cases where Form 64 is appropriate, the applicant shall not be registered except with the concurrence of the trustees (if any) of the settlement (whether trustees for the purposes of the Settled Land Acts or not) or after notice to them.

(3) The application may also be made by the trustees of the settlement in Form 64 or 65, as the case may require, with the necessary modifications and with the assent of the owner to be registered to the registration of any burdens affecting his estate or interest.

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

Application for registration by survivors or survivor of joint tenants.

101. (1) Where one of two or more persons registered as joint owners dies, his name shall be withdrawn from the register on proof of his death.

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

Court orders

Registration pursuant to court order.

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

Burdens generally

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

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

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

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

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

How assent to registration of burden is to be given.

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

(2) The assent may be given in the instrument creating the burden. Otherwise, it shall be in Form 66 or included in Form 17.

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

How burden may be entered.

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

Owner of burden not entitled to custody of certificate of owner of the property.

106. The owner of a registered burden shall not as such be entitled to the custody or delivery of the land certificate or certificate of charge of the property on which his burden is registered.

Note in register where statutory priority for burden claimed.

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

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

Instrument creating two or more burdens and priority thereof.

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

Note in register on registration of charge actually raised under a settlement.

109. On the registration of a charge actually raised within the meaning of section 20 (2) (ii) of the Settled Land Act, 1882, by an instrument executed in exercise of a power in a settlement under which a limited owner is registered, an entry shall be made in the register to the effect that, as between the charge and any other burden arising under the settlement, the charge ranks in the priority it has under the settlement.

Note in register on registration of voluntary burden where a certificate has been issued.

110. (1) On the registration of a burden created by a voluntary disposition by a registered owner or of any burden specified in paragraph (h) or (i) of section 69 (1) of the Act on property in respect of which a land certificate or certificate of charge has been issued, a note shall be entered in the register to the effect that the burden ranks in priority after any lien on the property existing and created by deposit of the certificate prior to the registration of the burden, unless it is shown to the satisfaction of the Registrar that no such lien exists.

(2) Where the Registrar entertains a doubt as to whether, from the terms of the instrument creating a burden, the disposition is voluntary or for valuable consideration, he may send notice to the person having custody of the certificate requiring him to state whether he claims that such lien ranks in priority to the burden created by such instrument and the grounds of such claim.

(3) Where the person having custody of the certificate claims that such lien ranks in priority to the burden, the Registrar shall send notice of the claim to the person entitled to the burden.

(4) In default of a claim by the person having custody of the certificate that such lien ranks in priority to the burden, or of an admission of the priority of such lien by the person entitled to the burden, as the case may be, the Registrar may refuse to register the burden except in pursuance of a court order.

Evidence on which a burden may be cancelled or modified.

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

(a) Where the ownership of the burden is registered, the concurrence of its registered owner or his personal representative shall be required. No modification that would prejudice the rights of the owner of the property that the burden affects or of the owner of any other registered burden shall be made without the concurrence of that owner.

(b) Where the ownership of the burden is not registered or where the registered owner of the burden does not concur in the proposed cancellation or modification, the right of the applicant to the cancellation or modification applied for shall be proved to the satisfaction of the Registrar; and the cancellation or modification shall be made only after such inquiries and notices as the Registrar may direct.

(c) Where the burden is a covenant or condition relating to the use or enjoyment of property, the concurrence of all persons appearing to the Registrar to be interested in the enforcement thereof shall be required.

(2) The application may be in Form 71A or 71B, as the case may be, adapted to suit the facts of the particular case.

Where burden may be cancelled as extinguished.

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

Charges

Forms of charge, transfer of charge and release.

113. (1) A charge for the payment of money, and a transfer and release thereof, shall be made by instruments in such one of Forms 67 to 72 as may be applicable.

(2) A charge by way of annuity shall be made by instrument in Form 72 and its release may be made in Form 71A or 71B, as the case may be, adapted to suit the facts of the particular case.

Registration of charge created by a company.

114. Where, on the registration of a charge created by a company within the meaning of the [Companies Act, 1963](#), a certificate has not been produced to show that the charge has been registered in accordance with the requirements of section 99 of that Act, a notice to that effect shall be entered in the register.

Sub-charges.

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

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

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

Meaning of " future advances " in register and the registration of a charge for same.

116. (1) Where a charge is registered to secure future advances, the expression "future advances" in the register shall have the same meaning as that expression has in section 75 of the Act.

(2) Where a charge for securing future advances to an unlimited amount, other than a charge which is exempted from ad valorem duty by statute, is registered, an entry shall be made in the register, and in any certificate of charge issued in respect of the charge, of the amount that the ad valorem duty impressed on the instrument of charge extends to cover, and neither the register nor the certificate of charge shall be admissible as evidence that the charge secures any advances in excess of that amount, except as provided in section 88 of the Stamp Act, 1891.

Dealing with mortgage created prior to first registration where registered.

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

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

(3) A certificate of charge may be issued in respect of such a charge the ownership of which is registered.

Judgment mortgages

Registration of affidavit of judgment mortgage.

118. (1) Registration of an affidavit for the purpose of registering a judgment as a burden on registered property shall be effected by the deposit in the Registry of the copy affidavit required by section 6 of the Judgment Mortgage (Ireland) Act, 1850, as amended by section 71 of the Act, and the entry of notice of the deposit in the register of the property that the judgment creditor seeks to charge.

(2) The notice in the register of the deposit shall be in Form 74, with such variation as the Registrar may, in special circumstances, direct.

Evidence on entry of notice of deposit of affidavit of judgment.

119. (1) The registered property of the judgment debtor that the judgment creditor seeks to charge shall be identified by a statement in the affidavit to the effect that the property described in it that the judgment debtor is seized or possessed of or has disposing power over is the property, or a defined part of the property, in a specified folio of the register, or by a certificate of the judgment creditor or his solicitor to the like effect endorsed on the copy affidavit deposited.

(2) No entry of notice of the deposit of an affidavit as a burden shall be made unless the affidavit—

(a) purports 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, and

(b) specifies

(i) the folio of the register and the county in which the property is situate;

or

(ii) the county and barony, or the town and county of a city, and parish, or the town and parish, in which the property to which it relates is situate.

Notice of deposit of affidavit.

120. (1) Notice of the deposit of an affidavit of judgment in the Registry and of the entry made in the register on its deposit shall be sent from the Registry to the registered owner of the property and to the other persons (if any) whose estate or interest therein the affidavit purports to charge and whose address in the State for service of notices is disclosed in the register or the affidavit.

(2) The notice shall be in Form 75.

Application to cancel notice of deposit of affidavit on grounds of invalidity of judgment mortgage.

121. (1) Where an entry of notice of the deposit of an affidavit of judgment is made in the register of any property, a registered owner, or any other person interested, who claims that the deposit and the notice thereof in the register do not create a valid burden may apply to the Registrar for the cancellation of the notice.

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

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

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

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

(6) The costs of proceedings in the Registry under this rule shall be those prescribed in Part VI of the Schedule of Costs to these Rules. Where the entry is cancelled, the prescribed costs of the applicant shall be paid by the judgment creditor. Where it is not cancelled, the prescribed costs of the judgment creditor shall be paid by the applicant. The Registrar shall, on application, make an order for the payment of the costs.

Cancellation of notice of deposit of affidavit of judgment validly registered.

122. Subject to an inhibition in the register to the contrary, an entry of notice of the deposit of an affidavit of judgment may be cancelled on production in the Registry of the certificate specified in section 9 of the Judgment Mortgage (Ireland) Act, 1850, of the satisfaction of the judgment, decree or order in respect of which the affidavit was deposited, or of a requisition by the judgment creditor or his personal representative, in Form 76, for its discharge.

Other burdens

Lease.

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

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

Rentcharge.

124. (1) A rentcharge may be created by an instrument in Form 73.

(2) An application for registration of a rentcharge as a burden shall be made by lodging in the Registry the grant or the rent owner's part thereof, with a duplicate or attested copy. The entry in the register shall give the date of and parties to the grant, the rent, and particulars of the property affected sufficient to identify it on the registry map.

Power to charge and trust to raise money.

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

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

Lien for unpaid purchase money.

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

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

Judgment or court order.

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

Lis Pendens

128. (1) An application for the registration of a lis pendens as a burden shall be made in Form 77. It shall be signed by the applicant or his solicitor and shall have subscribed thereto a certificate of the existence of the cause or proceeding signed by the proper officer of the court in which it is pending.

(2) The entry of a lis pendens in the register shall be in Form 78, with such variation thereof as the Registrar may, in special circumstances, direct.

(3) An application for the discharge of a lis pendens shall be made by lodging in the Registry a certificate signed by the proper officer of the court in which the lis pendens may be that it has been duly vacated pursuant to order of the court, or by lodging an order of the court directing its cancellation on the register, or by lodging a transfer of the property made in pursuance of an order for sale by the court in which the lis pendens may be, or by lodging a consent by all persons appearing to be interested in the cause or proceedings to the cancellation of the lis pendens in the register.

Recognisances, bonds and judgments.

129. (1) An application for registration of a recognisance or other matter referred to in section 117 (2) (a) of the Act as a burden shall be made by lodging in the Registry the memorandum prescribed by section 11 of the Judgments (Ireland) Act, 1844, together with evidence that the person whose estate or interest is sought to be affected is either the registered owner or, in the case of settled land, another person having an estate or interest in the property under the settlement against whom registration is applied for. The memorandum shall be signed by the applicant or his solicitor and shall have subscribed thereto a certificate of the existence of the recognisance or other matter by the proper officer of the court in which it was obtained or by some other duly authorised person.

(2) The entry in the register of a recognisance shall be in Form 79. The entry in the register of the other matters referred to in the said section 117 (2) (a) of the Act shall be in a like form, with such variation as the case may require and the Registrar allows.

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

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

Easement or profit à prendre.

130. (1) Every application for the registration of an easement or profit à prendre as a burden shall be accompanied by a plan drawn on the current largest scale map published by Ordnance Survey showing the part of the property described in the register over which the right is to be exercised, unless it can be otherwise clearly identified in the registry map from the description in the instrument creating the right. Where the application is for registration of a right of way, it may be made in Form 80, with such modifications therein as the case may require.

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

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

Cautions and inhibitions against registration of dispositions

Form of caution, affidavit or certificate in support and notice.

131. (1) A caution against dealings by a registered owner shall be in Form 81. The caution shall be signed by the cautioner or his solicitor and shall contain an address in the State for service of notices on the cautioner.

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

(3) The affidavit in support of the caution shall be in Form 82 and shall state the facts that show the unregistered right in, to or over the registered property in respect of which the caution is lodged. The certificate under section 97 (6) of the Act may be in Form 82 (suitably adapted) signed by the solicitor to the statutory authority.

(4) Notice of the entry of a caution shall be sent by the Registrar to the registered owner of the property to which it relates. The notice shall be in Form 83.

Warning notice to cautioner.

132. (1) Whenever

(a) an application in writing for the discharge of a caution is made by the registered owner of the property affected or

(b) a dealing of which the cautioner requires notice is presented for registration without the consent of the cautioner,

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

(2) The time to be specified in a warning notice shall be 7 days or such other period as the Registrar may, in the special circumstances of a case, direct.

(3) The notice shall be in Form 84 or 85.

Application by registered owner for discharge of caution.

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

Procedure on appearance by cautioner to a warning notice.

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

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

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

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

Withdrawal of caution or consent of cautioner to dealing.

135. (1) A caution may be withdrawn at any time either as against the whole or any part of the property to which it relates. The application for its withdrawal may be in Form 86 and shall be signed by the cautioner or his solicitor or the personal representative of the cautioner or his solicitor; and, where the withdrawal is against part only of the property affected by the caution, it shall identify the part to which the withdrawal

relates, by reference, where necessary, to a plan.

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

Lapse of caution.

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

Form of inhibition.

137. (1) An inhibition for the protection of an unregistered right or interest may be in the terms of one of the clauses in Form 88, which may be modified or adapted as may be requisite for restricting the registration of dealings that would defeat, postpone or prejudice the right or interest claimed.

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

Entry of inhibition on consent.

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

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

Application for inhibition where there is no consent.

139. (1) An application to the Registrar for the entry of an inhibition, other than one the entry of which is authorised on the consent prescribed by rule 138, may be in Form 87.

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

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

- (a) the personal representative of a registered owner of property,
- (b) the heir, devisee or other person entitled on the death of a full owner,
- (c) the owner of an estate or interest in property the subject of a settlement under which a limited owner is registered

or

- (d) any person claiming a right in or to a registered burden the ownership of which is not registered, the application shall state the facts showing that the applicant has an unregistered right or interest in the property that is enforceable against such person.

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

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

Procedure on application for inhibition.

140. (1) The Registrar may refuse to enter an inhibition applied for unless modified in such manner as he shall direct.

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

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

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

(4) The notice shall be in Form 89.

Procedure on objection to inhibition.

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

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

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

Modification or discharge of registered inhibition.

142. (1) An application to modify or discharge an inhibition entered in the register otherwise than by an order of a court shall be in Form 90 or 91.

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

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

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

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

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

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

Procedure on lodgment of dealing inhibited without notice to specified persons.

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

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

Inhibition under order of court.

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

Other entries

Entry of notice of certain burdens that affect without registration.

146. (1) Notice of the existence of any burden specified in section 72 (2) of the Act shall be given by an entry in the register to the effect that the property specified is subject to the burden.

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

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

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

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

(2) Notice of the exemption of specified property from estate duty shall be entered in the register—

(a) on production of the certificate prescribed by section 11 of the Finance Act, 1894, or

(b) on proof to the satisfaction of the Registrar that the duty (if any) has ceased to be a burden on the property under the provisions of section 12 of the Customs and Inland Revenue Act, 1889.

The notice shall be to the effect that the property was exempt from the duty at the date of the entry.

(3) Notice of the exemption of specified property from succession duty shall be entered in the register on production of the certificate prescribed by section 51 of the Succession Duty Act, 1853. The notice shall be to the effect that the property was exempt from the duty at the date of the entry.

Entry of conclusiveness of a boundary of property.

148. Every entry in the register of the conclusiveness of a boundary shall be made by stating therein the physical boundary of the property along a specified line on the registry map and the part of it that is the ascertained line of the boundary, as, for instance, that the face or centre of the fence or wall or the centre or a specified side of a stream or drain along the line shown on the map is the boundary and is conclusive as between the adjoining owners, or as against all persons, as the case may be.

Entry of boundary ascertained by Land Judge's conveyance.

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

Entry of boundary by agreement.

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

(a) a plan drawn on the current largest scale map published by Ordnance Survey showing the land adjoining the boundary to be defined and indicating the site of the boundary by a line in colour.

(b) a consent in writing by the owners referring to the plan and stating in the manner prescribed by rule 148 the physical boundary along the line indicated on the plan and the part of it that they agree is the boundary.

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

Settlement of boundary on transfer.

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

Entry of name of new trustee of a settlement.

152. (1) The name of a new trustee of a settlement under which a limited owner is registered shall be entered in the register on production in the Registry of the deed, or an office copy of the order, appointing the trustee, with such evidence as may be necessary to show that the appointment is properly made, as, for instance, evidence that the appointor is the person authorised to make the appointment and that there is a vacancy in the trusteeship.

(2) Where the appointment is by deed, the deed or an attested copy thereof shall be filed for reference.

Removal of description of infancy.

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

Entry in register on conversion of a registered renewable lease.

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

PART IV MISCELLANEOUS

Land Certificates

Form and contents of land certificate.

155. (1) A land certificate, on first issue shall be in the form of the relevant folio of the register and may, where the Registrar permits, include a copy of a filed plan. It shall certify, in Form 92 (with such modifications as the case may require), the ownership registered and the burdens, notices of burdens, cautions and inhibitions appearing in the register on the date of issue.

(2) A land certificate, on first issue, may be a facsimile of the relevant folio of the register and may where the Registrar permits include a copy of a filed plan (which shall for the purpose of section 105 (4) of the Act be deemed to be a part of the certificate), with, in a case to which paragraph (3) of this rule applies, such omissions as the Registrar may deem necessary. On re-issue, such certificate may be suitably amended by the addition of such entries as may be necessary to make it conformable with the register.

(3) Where owners of property are registered as tenants in common, separate land certificates may be issued to each owner certifying his ownership of his undivided share or shares in the property as appearing in the register. The ownership of the shares of more than one tenant in common shall not be certified in one land certificate.

(4) Every land certificate shall be authenticated by the affixing of the Registrar's official seal.

Certificates of charge

Form of certificate of charge in certain cases.

156. (1) A certificate of the ownership of a registered charge shall be called a certificate of charge.

(2) On the registration of a joint-stock banking company, building society, industrial or provident society or trustees of a friendly society as owners of a charge, the Registrar may issue the instrument of charge with an endorsement thereon certifying the registration of the charge as a burden in the register of the property affected and the ownership of the charge; and the instrument so endorsed shall be for all purposes the certificate of charge.

(3) Where the instrument of charge is issued as a certificate, a duplicate thereof or an attested copy shall be lodged and filed for reference.

(4) On a transfer of the charge, the instrument issued under this rule shall be retained in the Registry and the endorsement thereon cancelled; but the transferee shall be entitled to a certificate of charge in the form prescribed by rule 157 on payment of the prescribed fee.

Form and contents of certificate of charge.

157. (1) Except as provided in rule 156, a certificate of charge shall be in Form 93, with such modifications as the Registrar in the special circumstances of any case may direct. It shall be authenticated by the Registrar's official seal being affixed thereto.

(2) The certificate shall certify the registration of the charge and its ownership and shall contain particulars of the property charged and the burdens, notices of burdens, cautions and inhibitions appearing in the register as affecting the charge on the date of issue.

(3) The certificate may have a duplicate or an office copy of the instrument of charge annexed to it; and the particulars of the charge may be given in the certificate by reference to the duplicate or office copy.

(4) Where owners of a charge are registered as tenants in common of the charge, separate certificates of charge may be issued to each owner certifying his ownership of his undivided share or shares in the charge as appearing in the register. The ownership of the shares of more than one tenant in common shall not be certified in one certificate.

Certificates generally

Certificates already issued.

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 and any such certificate may be re-issued with such entries therein as may be necessary to make the certificate conformable with the register.

Certificate not to certify ownership of burdens.

159. A land certificate or certificate of charge issued in respect of property shall not be deemed to certify the ownership of any burden appearing thereon nor shall anything in these Rules oblige the Registrar to enter ownership of or any dealing affecting any such burden on such certificate except an entry of its release or discharge or any entry affecting its priority.

Authentication of entry on certificate.

160. The last entry made in each part of every certificate shall, on its first issue, be authenticated by affixing thereto an authentication seal kept in the Registry for the purpose. Every entry made in a certificate after its first issue shall be authenticated by affixing the authentication seal thereto.

The date of issue of certificate.

161. (1) Every certificate shall have an entry thereon showing the date on which it was issued or last examined and made conformable with the register in accordance with these Rules. The date on which a certificate was originally issued, or was last examined and re-issued, shall be called its " date of issue ".

(2) On being lodged in the Registry for the purpose and on payment of the prescribed fee, a certificate shall at any time be made conformable with the register in accordance with these Rules and re-issued.

Production of a certificate on registration.

162. (1) Production to the Registrar of every certificate shall be required for the registration of a dealing with the property whose ownership it certifies, when the dealing is—

- (a) by the registered owner,
- (b) with the consent of the registered owner,
- (c) by the personal representative of the registered owner by way of transmission or otherwise,
- (d) a transmission under a settlement under which a limited ownership is registered,
- (e) a registration in respect of which any enactment requires such production.

(2) Production of the certificate on the registration of any other dealing with the property the ownership of which it certifies shall not be required.

Production of certificate of charge on sale by owner of charge.

163. On the registration of a transferee under a transfer of property by the registered owner of a charge thereon in exercise of his power of sale, his certificate of charge (if any) shall be produced.

Application for order for production of certificate.

164. (1) An application to the Registrar 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 Registrar 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 Registrar 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 him.

(4) In default of a reply to the notice within the time specified therein, where it appears to the Registrar, 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 Registrar shall make the order sought.

(5) The costs of proceedings in the Registry under this rule shall be those prescribed in Part VII of the Schedule of Costs to these rules and the Registrar shall, on application, make an order for payment of such costs by—

(a) the person having custody of the certificate, who, being bound to produce it, neglects or refuses to do so or

(b) the applicant for such order, where the Registrar refuses to make an order for production of the certificate.

Power to dispense with production of certificate in certain cases.

165. (1) Where it is proved to the satisfaction of the Registrar that a certificate is in the custody of a person not residing in the State who refuses or neglects to produce it or of a person whose address cannot be ascertained, or that the certificate has been lost, he may dispense with the production of the certificate—

(a) on the registration of a dealing with the property that can be effected without the consent of the person having its custody,

(b) on the registration of any dealing with the property, where it is proved to his satisfaction that the certificate is not deposited with the person having its custody for the purpose of creating a lien on the property.

(2) Before dispensing with the production of a certificate under this rule, the Registrar may give such notice of the proposed registration, and take such indemnity as he may deem necessary.

On registration of dealing, certificate to be made conformable with register or substitute certificate issued.

166. (1) On the registration of a dealing with property where the certificate issued in respect of such property is produced, the certificate shall, before re-issue, be made conformable with the register in

accordance with these Rules.

(2) The Registrar may issue a new certificate in substitution for a certificate produced to him. On the issue of the new certificate, the old certificate shall be cancelled.

Power to issue new certificate in certain cases.

167. Subject to such notices and inquiries (if any) as he may deem expedient, the Registrar may issue a new certificate to a registered owner of property whose registration without production of the certificate issued in respect thereof is authorised by these Rules.

Deposit in Registry of certificate for specified registrations.

168. (1) A certificate may be deposited in the Registry by the holder thereof for the purposes of the registration of such transactions as are specified in a notice by him to the Registrar accompanying the certificate.

(2) The notice shall be in Form 95 and shall specify a time within which the transaction or transactions are to be registered.

(3) The Registrar shall give a receipt in Form 96 for a certificate so deposited; and where the instruments are not presented for registration at the Registry within the time specified in the notice, the certificate shall be re-delivered to the person who deposited it.

(4) No registration of dealings with the property, other than those specified in the notice, shall be made while the certificate is in the Registry without the consent of the person who deposited it, except a registration that under the Act or these Rules may be made without his consent.

(5) On completion of the registration authorised by the notice, the certificate shall be re-delivered to the person who deposited it.

Certificate containing unofficial entries to be cancelled.

169. Where an entry not made in the Registry and authenticated in accordance with these 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 Registrar, the certificate shall be retained in the Registry and cancelled, and a new certificate shall not be issued except on payment of the prescribed fee and after such notices and inquiries (if any) as the Registrar may direct; and he may postpone the issue thereof for a period to be specified.

Power to issue new certificate where certificate lost and to dispense with production of certificate.

170. (1) Where it is proved to the satisfaction of the Registrar that any certificate has been lost or destroyed, he may issue a new certificate after causing to be published by the applicant at the applicant's expense such notice in local or other papers, making such inquiries and taking such indemnity as he may deem necessary.

(2) Where the Registrar is prima facie satisfied that any certificate is lost or destroyed, he 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 he may deem necessary, dispense with its production. He may also dispense with the production of any certificate notwithstanding that a new certificate is not being issued in substitution therefor.

Record to be kept of outstanding certificates.

171. (1) A record shall be kept in the Registry of every outstanding certificate to property for which a new certificate is issued under rule 167 or 170 of these Rules.

(2) The record shall be open to public inspection on payment of the prescribed fee.

Note of issue of certificate to be made in register.

172. Wherever a land certificate or certificate of charge is issued to a registered owner or any other person, a note that such certificate has been so issued shall be entered in the register of the property to which such certificate relates.

Authorised statement on certificates.

173. A certificate may have endorsed thereon a short statement of its purport and effect and of the procedure on registration.

Registry maps.

Registry maps.

174. (1) Registry maps shall be maintained for the plans of property described in the registers.

(2) The Registry map shall include—

(a) general and/or index maps showing thereon the position and extent of every registered property,

(b) individual plans of registered properties (otherwise known as filed plans) which may be annexed to the folios of the register in which such properties are registered or may be filed separately in the Registry,

(c) plans referred to in rule 30,

(d) any map adopted under the provisions of section 84 (3) of the Act.

(3) The maps maintained for property in all areas shall as far as possible, be on the 25 inch or such larger

scale adopted for a specified area as the Registrar may direct. Where this is not feasible maps may be maintained for such areas and on such scale as the Registrar allows.

(4) Where a map on a particular scale is adopted for a specified area, all plans of property in that area shall be shown on the scale adopted for the area.

Contents of registry maps.

175. (1) There shall be shown on the appropriate registry maps—

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

(2) Every plan shall be defined on the registry map by an edging in colour or otherwise as the Registrar may deem convenient in a particular case and shall have a number or symbol thereon; and the property described in each folio shall be identified therein by a reference to its plan or plans on the registry map.

Revision of description in registers and revision of maps.

176. (1) (a) Where, owing to a revision of the Ordnance Survey maps, a change is made in the description of a denomination of land in such maps, the Registrar shall revise the description in the registers of any property affected by the change so as to make the description in the registers conform with the description on the revised Ordnance Survey maps.

(b) When for any reason a Registry map becomes defaced or destroyed the Registrar may cause a new map to be prepared and substituted for such defaced or destroyed map.

Infants

Persons who may represent infants.

177. (1) An infant may be represented for all or any of the purposes of the Act by his guardian (if any) appointed by a court of competent jurisdiction or, if there is no guardian so appointed by his parents or by a person who is his guardian under the provisions of the [Guardianship of Infants Act, 1964](#) , or by trustees under the provisions of [section 57](#) of the [Succession Act, 1965](#) .

(2) Where it appears to the Registrar in the course of any proceeding under the Act that the person representing an infant has an interest adverse to, or conflicting with, the interest of the infant or that it is in the interest of the infant that some other person should be appointed to represent him, he may refuse to

proceed until another person is appointed to represent the infant in the proceedings.

Appointment of person to represent infant.

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

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

Persons of unsound mind

Appointment of person to represent person of unsound mind.

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

Deeds and documents

Lodgment of documents subject to lien.

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

(2) A person lodging a document under this rule subject to a lien created by its deposit shall lodge therewith a claim for the lien in Form 97 signed by himself or his solicitor.

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

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

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

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

- (a) an instrument dealing with registered and unregistered property,
- (b) a subsisting settlement, an instrument containing subsisting trusts, an instrument appointing trustees of a subsisting settlement or of an instrument containing subsisting trusts,
- (c) a subsisting lease, a fee-farm grant or counterpart lease or fee-farm grant.

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

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

(4) The Registrar may also direct the destruction of closed folios or any documents filed in the Registry when they have been superseded by entries in the register or have ceased to be of any effect, or he may, if such documents appear to him to be of historical interest, transmit them to the Public Record Office for filing.

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

Delivery of documents relating to unregistered property.

182. Documents in the Registry relating to unregistered property only may, in default of application by and after notice to the person who lodged them or his personal representatives, be delivered to the person appearing to the Registrar to be entitled to the custody thereof on his application therefor.

Endorsement of documents delivered.

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

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

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

Transmission of documents to court.

185. The Registrar may transmit a document filed in the Registry to a local registrar for production in court on the hearing of a cause or matter relating to the property the subject of the document—

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

Application or transmission of document to a local registrar.

186. (1) An application for transmission of a document to a local registrar shall be in Form 98 and shall be lodged in duplicate. Where the application is made by a person other than the registered owner of the property the subject of the document, notice of it and of the transmission of the document shall be given to the owner.

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

Local registrar custodian of document transmitted.

187. (1) The local registrar shall hold any document transmitted to him under the foregoing rule solely for its production on the hearing of the cause or matter for which it is requisitioned and, except the court otherwise directs, shall not permit its inspection by any person other than those authorised by rule 188, until it is admitted in evidence by the court.

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

Inspection of documents

Inspection of filed documents and obtaining copies thereof.

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

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

(3) An affidavit of judgement deposited in the Registry pursuant to the Judgment Mortgage Ireland Act, 1850, as amended by the Act, may be inspected by any person so long as notice of its deposit is uncanceled in a register.

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

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

(6) An instrument filed in the Registry under Rule 139 (5) may be inspected by the person by whom it was lodged or by any person who satisfies the Registrar that he is entitled to the benefit of a right created by the instrument.

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

(8) The Registrar may, in special circumstances and on such terms as he shall think fit, permit a person to inspect a document filed in the Registry.

Inquiries prior to inspection.

189. Before allowing inspection of a document by a person claiming inspection under rule 188, the Registrar may make such inquiries and give such notices as he may think fit.

Searches in the registers and registry maps

Official search.

190. (1) Any person may apply to the Registrar to make an official search and to certify—

(a) whether a named person is entered on the names index of a county, and if so, the folio reference of the register in which the name of such person appears;

(b) whether the ownership of a parcel of land, to be identified by a plan drawn on the current largest scale map published by Ordnance Survey, is entered in the register of ownership of freehold land or whether the ownership of any leasehold interest or right in or to or over the parcel is entered in the register of ownership of leasehold interests or in the register maintained

under section 8 (b) of the Act; or

(c) as to the entries made in a register or registry map since first registration of the property comprised therein or during any specified period subsequent thereto.

(2) The requisition for the search shall be in Form 99, 100 or 101, as the case may require.

(3) The certificate of the result of the search shall be in Form 102 or 103, as the case may require.

Priority search.

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 Registrar to make an official search in respect of the property, to issue a certificate of the result of the search and to make an entry in the register pursuant to section 108 of the Act.

(2) An application for a search under this rule shall be in duplicate in Form 104 or 105, as the case may require.

(3) A certificate of the result of a search under this rule shall be in Form 104A or 105A, as the case may require.

(4) A search under this rule may be referred to as a priority search.

Effect of priority search.

192. (1) Where an intending purchaser, lessee or chargee has obtained a certificate of the result of a priority search, 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, is delivered at the central office within a period of fourteen days after the date of issue of the certificate and is accompanied by the certificate (which shall be retained in the Registry).

(2) An application for registration made by any other person after the date of the certificate 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.

Entry under section 108 of the Act.

193. The entry in the register pursuant to section 108 of the Act shall consist of an inhibition in Form 106.

Priority where two or more certificates are issued.

194. Where two or more certificates of the result of a priority search are issued and in operation pursuant to these Rules, such certificates 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.

Solicitor or other person not liable for error in official search.

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

Application by telegram or telephone for search.

196. (1) A solicitor may apply by telegram or telephone, and any other person may apply by telegram, to the Registrar at the central office or to the appropriate local registrar to ascertain whether an entry has been made in a specified folio of a register affecting—

(a) the ownership of the property entered therein since the date of the issue of the land certificate, or other date to be specified, or

(b) the ownership of a specified charge since the date of the issue of the certificate of charge, or other date to be specified.

(2) The applicant shall give the following particulars—

(a) the county in which the property is situate, the folio number of the register in which it is entered and the name of the registered owner;

(b) where the application relates to an entry affecting a charge, a description of the charge sufficient to identify it in the register of the property charged;

(c) the date from which the required search is to be made;

(d) the name and address of the person to whom the answer is to be sent.

(3) Where the application is by telephone, it shall be confirmed by letter sent on the same day to the Registrar or to the appropriate local registrar, as the case may be. The prescribed fee, together with a sum to cover the cost of the telephone reply, shall be sent with the letter.

(4) Where the application is by telegram, the prescribed fee shall be sent by money order with the telegram and the reply shall be prepaid.

Replies to application for search by telegram or telephone.

197. (1) A search applied for by telephone or telegram shall be made forthwith and the result—"Yes" or "No"—shall be sent by telephone or telegram, as the case may be, to the applicant, repeating the county and folio number of the register, the date from which the search begins and, in the case of a charge, its description.

(2) The result, if sent by telephone, shall be confirmed in writing sent on the same day from the central

office or local office of the Registry, as the case may be.

(3) The Registrar or the appropriate local registrar may refuse to make a search applied for by telephone, where the applicant has not remitted the sums payable on a previous application by him by telephone.

Searches by public.

198. (1) Any person, on payment of the prescribed fee, may search in the registry maps, the index of names, the index of property and the folios of the registers, in the hours during which the Registry is open to the public. Copies of maps or folios or extracts from folios may be obtained on payment of the prescribed fee.

(2) Where a filed plan is annexed to a folio it shall not for the purpose of inspection or for obtaining a copy of such folio be deemed to be a part of the folio.

Proceedings in the registry

Proceedings not to abate.

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

Evidence in proceedings.

200. Evidence in any proceeding in the Registry may be given by affidavit or, except where the Act prescribes an affidavit, by statutory declaration, and the Registrar may, if he thinks fit, take evidence viva voce before him on oath and may administer the oath.

Affidavits and statutory declarations in proceedings.

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

(2) An affidavit for use in proceedings in the Registry shall be entitled as in Form 1 or 11, as the case may require, and shall comply generally with the provisions relative to form, jurat, interlineations, alterations and erasures in the Rules of the Superior Courts concerning affidavits for use in the High Court.

Form of notices issued.

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

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

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

Service of notices.

203. Every notice required by the Act or these Rules to be given to any person may be sent through the post in an unregistered letter, unless the Registrar directs that it be sent by registered letter or that personal service be made.

Service through the post.

204. Every notice sent through the post shall, in the absence of evidence to the contrary, be deemed to have been received by the person to whom it is addressed within three days, exclusive of the day of posting, or, if the address is not within the State, within such time to be stated in the notice as the Registrar may determine; and the time fixed by the notice for taking any step thereunder shall be calculated accordingly.

Procedure on return of notice sent by post.

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

Personal service of notice, summons or order.

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

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

How questions determined.

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

Summons by Registrar.

208. (1) A summons by the Registrar under section 16 of the Act shall be in Form 18.

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

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

Powers of Registrar under sections 16 and 94 of the Act.

209. The Registrar shall have the powers conferred on him by sections 16 and 94 of the the Act in all proceedings in the Registry for the registration of an ownership of property or a burden thereon or which involve an examination of title outside the registers.

Costs of proceedings before Registrar.

210. (1) The costs of any proceedings on a hearing before the Registrar shall be in his discretion and he may direct by and to whom they are to be paid.

(2) Subject to the provisions of section 100 (2) of the Act, and unless the parties otherwise agree, the costs shall be taxed in accordance with the procedure specified in rule 239.

Enforcement of order for costs.

211. An order by the Registrar for the payment of costs may be enforced in the manner provided by section 20 of the Act for the enforcement of orders of the Registrar.

Recording of decisions of Registrar.

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

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

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

Reference of questions to court.

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

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

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

General powers of Registrar.

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

Power to treat proceedings as abandoned.

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

PART V COMPENSATION PAYABLE OUT OF THE CENTRAL FUND

To whom application for compensation is to be made.

216. Every application for compensation out of the Central Fund (under section 120 of the Act) shall be made in writing to the Registrar in Form 107 and shall be accompanied by two copies thereof.

Contents of application for compensation.

217. Every application for compensation shall be signed by the claimant or his solicitor and shall contain—

- (a) particulars of the property for the loss of which compensation is claimed,
- (b) particulars of the error, forgery or fraud on which the claim is based,
- (c) particulars of the loss,
- (d) an address in the State to which all notices and communications to the claimant may be sent,

and shall be verified by the affidavit of the claimant or, by leave of the Registrar, of some person on behalf of the claimant having knowledge of the facts.

Service of application on parties interested.

218. On the filing of an application for compensation in the Registry, the claimant shall serve copies of the application on the Minister for Finance, the Chief State Solicitor and on such other person (if any) as the Registrar may direct.

Notice to admit or dispute claim to be given by Minister for Finance.

219. The Minister for Finance shall, within two calendar months from the date of the service on him of such notice, give notice to the Registrar and the claimant of his intention to admit, either in whole or in part, or to dispute the claim.

Where claim admitted, order allowing compensation to be made.

220. Where the Minister for Finance,

(a) admits the claim

or

(b) admits part only of the claim and the claimant is satisfied to accept the part so admitted in full satisfaction of his demand,

the Registrar shall make an order allowing the claim or the part thereof so admitted and accepted (as the case may be) and shall measure such sum for costs as he considers just and shall direct to whom the amount of the compensation awarded and such costs are to be paid.

Procedure on application for compensation if claim is disputed.

221. Where the Minister for Finance disputes the claim for compensation or where the applicant is not satisfied to accept in full satisfaction a part of the claim admitted by the Minister for Finance, the Registrar, on receipt from the applicant of a notice to that effect, shall serve notice in Form 108 on the Minister for Finance, the Chief State Solicitor, the applicant and all other persons (if any) appearing to be interested in the application, fixing the day and hour for the parties (or their solicitors or counsel) to attend before the Registrar for the hearing of and adjudication on the application for compensation.

Hearing and determination of claim by Registrar.

222. (1) On the day mentioned in the last preceding rule, the Registrar shall hear the parties interested in the application (or their solicitors or counsel) and may, where he thinks fit, receive evidence orally or on affidavit. The Registrar shall determine the claim and shall embody his adjudication thereon in a formal order.

(2) Such order shall specify the amount of the compensation to be paid and the person to whom it is to be paid or shall dismiss the claim for compensation; and the order shall direct by whom the costs (if any) of the application and proceedings thereon are to be paid and the persons to whom such costs are to be paid, when taxed and ascertained.

(3) A copy of the order of the Registrar adjudicating on the claim may be bespoken by the Minister for Finance, the Chief State Solicitor and the claimant or other person entitled to receive the compensation (or his solicitor).

PART VI REGISTRATIONS IN THE REGISTER MAINTAINED UNDER SECTION 8 (b) OF THE ACT; AND EXCHANGES OF HOLDINGS UNDER [SECTION 46](#) OF THE [LAND ACT, 1923](#)

Register under section 8 (b) of the Act to be kept in central office only.

223. The register maintained under section 8 (b) of the Act shall be kept and maintained in the central office only.

Rights in land which may be registered.

224. It is hereby prescribed pursuant to section 8 (b) (ii) of the Act that the ownership of the following rights in land may be entered in the register maintained under section 8 (b)—

- (i) any lease of incorporeal hereditaments held in gross;
- (ii) any charge, whenever created, registered as a burden;
- (iii) any judgement mortgage registered as a burden.

Incorporeal hereditaments held in gross.

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

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

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

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

Application of the Act to incorporeal hereditaments held in gross.

226. Subject to rule 225, the provisions of the Act relating to the registration of the title to property and the burdens affecting registered property, except those to which section 73 applies, shall apply to registration in the register maintained under section 8 (b) of the Act of the ownership of all incorporeal hereditaments held in gross pursuant to the provisions of the said Act and these Rules, with the following modifications:

(a) " Land comprising incorporeal hereditaments held in gross " shall be substituted for "land" or "lands" or "free-hold land ", where these expressions occur in such provisions and the context so requires.

(b) The burdens specified in paragraphs (j), (m), (n) and that part of the burden specified at (q), namely, "or a right of residence (whether an exclusive right of residence or not) " of subsection (1) of section 69 and paragraphs (b), (h), (n) and (o) of subsection (1) of section 72 shall be excluded from those sections in their application to such hereditament, but the conditions, estates, rights and interests, if any, specified in the grant creating the hereditament shall be included therein as burdens to which, though not registered, such a registered hereditament is subject.

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

227. The provisions of the Act relating to the registration of the title to land (except those relative to the registration of limited ownerships, to the transfer of land and to burdens which are, without registration, to affect registered land) and the provisions of section 64 relative to the transfer of charges shall apply to registration, in the register maintained under section 8 (b) of the Act, of the title to the rights in land specified at (ii) and (iii) of rule 224, with the following modifications—

(a) "right", or "a right", or "rights", or "the rights", or "a registered right", or "the registered right", shall be substituted, as the context may require, for "land", or "lands", or "freehold land", or "registered land" and, in the provisions of the Act relating to charges, "right" shall be substituted for "charge";

(b) "owner" shall be substituted for "full owner" in the said provisions;

(c) the person who may be registered as the owner of such a right shall be the person in whom the right is vested absolutely, whether for his own benefit or as a trustee, and section 27 shall be read as modified accordingly;

(d) "the right" shall be substituted for the words "of freehold land with an absolute title" and for the words "an estate in fee simple in the land together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto", in section 37 (1);

(e) the title conferred by registration on the owner of such a right shall not affect or prejudice the enforcement of any other right affecting the land on which the registered right is a burden that ranks in priority to or is in derogation of the registered right and subsisting or capable of

arising at the time of the first registration thereof;

(f) the registration of an owner of a judgment mortgage shall not be a warranty that it is a valid burden on the property described in the register as affected by the right;

(g) all the burdens in section 72, except succession duty and estate duty, shall be excluded from that section in its application to such a registered right, and "any other right" specified in paragraph (e) hereof shall be included therein as burdens to which, though not registered, such a registered right is subject.

Exchanges under [section 46](#) of the [Land Act, 1923](#) .

228. Where an exchange is made pursuant to [section 46](#) of the [Land Act, 1923](#) , with the Land Commission of property (in this rule and in rule 229 and 230 called "the original holding") for property (in this rule and in rules 229 and 230 called "the new holding") the vesting order or other instrument effecting the transfer of the new holding shall state whether or not the land is subject to a land purchase annuity and shall refer to the folio number of the register of the original holding.

Effect of registration on exchange.

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

(2) A nominee appointed by the Land Commission under its statutory powers may be registered as full owner with a possessory title.

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

Registration with possessory title.

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

Notices to be given.

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

PART VII SOLICITORS' COSTS

Interpretation.

232. In this part of these Rules—

"the Act of 1881" means the Solicitors' Remuneration Act, 1881;

"the Order of 1884" means the Solicitors' Remuneration General Order, 1884, made pursuant to the Act of 1881 and dated the 16th day of April, 1884;

"the Order of 1951" means the Solicitors' Remuneration General Order, 1951, made pursuant to the Act of 1881 and dated the 11th day of December, 1951;

"the Order of 1960" means the Solicitors' Remuneration General Order, 1960, made pursuant to the Act of 1881 and dated the 5th day of August, 1960.

Orders of 1884 and 1960, as varied, to apply.

233. The remuneration of a solicitor for conveyancing or other business with registered property, not being business in any action, or transacted in any court or in the chambers of any judge or master, shall be regulated by the Orders of 1884 and 1960 as varied by these Rules.

Sales, purchases and charges.

234. (1) The following provisions shall apply in respect of sales, purchases and charges completed:

(i) Where the property is registered with a possessory title that cannot be converted into an absolute title except after the examination of title prescribed by rules 36 and 37 of these Rules

(a) the remuneration of the solicitor for the vendor or person charging the property shall be the charges set out in Part I of the Schedule of Costs to these Rules, provided that such title shall have been shown as would enable the purchaser or chargee to have the title registered as absolute;

(b) the remuneration of the solicitor for the purchaser or chargee shall be the charges set out in Part I of the Schedule of Costs to these Rules, provided that an application to convert the possessory title is made when registration of the ownership or of the charge is applied for and effect is given to the investigation of the title made on the sale or charge by the registration of the title as absolute. The remuneration shall cover all charges in connection with the conversion of the title. If such conversion is not applied for and obtained, the remuneration shall be two-thirds of the foregoing remuneration.

(ii) Where—

(a) the property is registered with a possessory title that cannot be converted except after the examination of title prescribed by rules 36 and 37 of these Rules, and such title as would enable the purchaser or chargee to have the title converted shall not have been

shown, or

(b) the property is not registered with a possessory title or is registered with a possessory title that may be converted on an application under rule 33, 34 or 35 of these Rules,

the remuneration shall be half the charges set out in Part I of the Schedule of Costs to these Rules. The conversion of a title on an application under rule 33, 34 or 35 shall be deemed to be part of the business in connection with the sale or charge and the solicitor obtaining the conversion shall also be entitled to the remuneration therefor prescribed by rule 236 (1) (ii) of these Rules.

(2) In respect of all sales, purchases or charges, completed or not completed, for which the remuneration prescribed by the foregoing provisions of this rule is not chargeable, the remuneration shall be the charges prescribed by clause 2 (c) of the Order of 1884 amended by the Order of 1960 as varied by rules 236 and 241 of these Rules.

Leases and fee-farm grants.

235. The following provisions shall apply in respect of leases, fee-farm grants and agreements therefor:

(i) The remuneration for leases or agreements for leases at rack rent (other than mining leases or leases for building purposes or agreements therefor) shall be the charges set out in Part II of the Schedule of Costs to these Rules.

(ii) The remuneration for conveyances in fee or for any other freehold estate reserving a rent (not being a fee-farm grant under the Renewable Leasehold Conversion Act, 1849, or the Church Temporalities Acts) or for building leases reserving rent or other long leases not at rack rent or agreements therefor or mining leases or licences or agreements therefor shall be the charges set out in Part III of the Schedule of Costs to these Rules. Where a conveyance or lease is partly in consideration of a money payment or premium and partly in consideration of a rent, then, in addition to the remuneration hereby prescribed in respect of the rent, there shall be payable a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium, such further remuneration to be ascertained as prescribed in rule 234 of these Rules.

Other business.

236. (1) The following provisions shall apply in respect of the transactions specified therein:

(i) For all charges on any transfer (except a transfer on sale) by a registered owner or his personal representative or on a transfer by a registered trustee to another trustee or to a beneficiary, including charges for instructions and for the drawing, engrossing, execution and completion of the instrument and any consent, affidavit or statement required in connection therewith, and for the registration of the ownership and burdens (if any) created and the discharge of the burdens (if any) discharged, to give effect to the transfer, the remuneration to the solicitor for the transaction completed shall be the charges set out in Part IV of the Schedule of Costs to these Rules.

(ii) For all charges in connection with an application for the conversion of a possessory title on an application under rule 33, 34 or 35 of these Rules, the remuneration to the solicitor who obtains the conversion shall be the charges set out in Part V of the Schedule of Costs to these Rules.

(iii) On a transfer by a registered owner (except a transfer on sale) or on a transmission on the

death of such an owner, the conversion of a possessory title that may be effected on an application under rule 33 or 34 of these Rules shall be deemed to be part of the business of the solicitor in connection with the transfer or transmission and, if obtained when registration under the transfer or transmission is applied for, the charge therefor prescribed in subparagraph (ii) ante shall be chargeable as part of the charges for such business.

(iv) The costs of an applicant or a judgment creditor for which an order of the Registrar may issue under rule 121 (6) of these Rules in connection with an application under the said rule for the cancellation of a notice in the register of a deposit of an affidavit of judgment as a mortgage shall be those prescribed in Part VI of the Schedule of Costs to these Rules. These costs shall be exclusive of any costs of or incidental to an application to the court on a reference under rule 121 (5) of these Rules.

(2) Except as prescribed by the foregoing provisions hereof, the remuneration for business with registered property to which clause 2 (c) of the Order of 1884 applies shall be the amount of the charges prescribed by the said clause 2 (c) amended by the Order of 1960 as varied by these Rules.

Rescission of rule 11 of Part I of Schedule 1 to the Order of 1884.

237. It is hereby declared that rule 11 of the Rules to Part I of Schedule 1 to the Order of 1884, which was rescinded by clause 3 of the Order of 1951, is also rescinded as far as these Rules are concerned.

Meaning of " value " in Parts IV and V of the Schedule of Costs.

238. "Value" in Parts IV and V of the Schedule of Costs to these Rules means fifty times the rateable valuation of the property.

Taxation.

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

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

Certain amendments of Order of 1960 not to apply.

240. The amendments effected by paragraphs 3 (d) and 4 (c) of the Order of 1960 shall not apply to registered property.

Instruction fee.

241. The following instruction fee shall be substituted for the instruction fee in the Schedule to the Order of 1960 :

"Such fees for instruction as, having regard to the care and labour required, the number and lengths of the papers to be perused and the other circumstances of the case, may be fair and reasonable".

Amendment.

242. In Note 6 of the Schedule to the Order of 1960, the word "later" shall be substituted for the word "earlier".

SCHEDULE OF COSTS

PART I

Scale of charges on sales, purchases and mortgages

	For the first £1,000	For the second and third £1,000	For the fourth and each subsequent £1,000 up to £10,000	For each subsequent £1,000
(1)	(2)	(3)	(4)	
VENDOR'S SOLICITOR:—	£4·00	£3·00	£1·50	£0·75
	per £100	per £100	per £100	per £100

For all charges including charges for negotiation by solicitor, connected with the sale of property by private contract or by auction, including preparation of contract and conditions of sale, deducing title and furnishing necessary searches, and perusing and completing conveyance.	In case of private contracts where negotiation for the sale has been conducted without the aid of a solicitor, a reduction of £1 shall be made on Column Nos. 1 and 2; £0·50 on Column No. 3 and £0·25 on Column No. 4.
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PURCHASER'S SOLICITOR:—	£4·00	£3·00	£1·50	£0·75
	per £100	per £100	per £100	per £100

For all charges connected with purchase of property, whether by private contract or by public auction including perusal of contract or conditions of sale, investigating title and searches, and preparing, completing and registering conveyance.	Subject to the same reductions as last item.
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MORTGAGOR'S SOLICITOR:—

For all charges connected with	£3·00	£2·00	£1·00	£0·50
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loan, deducing title, furnishing searches, perusing and completing conveyance.	per £100	per £100	per £100	per £100
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MORTGAGEE'S SOLICITOR:—

For all charges connected with loan, including investigation of title and searches, and preparing, completing and registering mortgage or other security deed.	£4·00 per £100	£3·00 per £100	£1·50 per £100	£0·75 per £100
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PART II

Scale of charges as to leases or agreements for leases at rack rent (other than mining leases or leases for building purposes or agreements for the same)

Lessor's Solicitor:

For preparing, settling and completing lease and counterpart:—

Where the rent does not exceed £100	£15 per cent. on the rental but not less in any case than £6.
Where the rent exceeds £100 but does not exceed £500	£15 in respect of the first £100 of rent and £5 per cent. in respect of each subsequent £100 of rent or any part thereof.
Where the rent exceeds £500	£15 in respect of the first £100 of rent, £5 in respect of each £100 of rent up to £500, and £2 per cent. in respect of every subsequent £100 or part thereof.

Lessee's Solicitor:

For perusing draft and completing (no sum of less than £1 yearly to be taken into account in any case) ..	One half of the amount payable to the Lessor's solicitor but not less in any case than £4·20.
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In case the lease is registered a charge of £4 to the solicitor registering same.

PART III

Scale of charges as to certain fee-farm grants, building leases reserving rent and other long leases not at rack rent, etc.

Vendor's or lessor's solicitor—for preparing, settling, and completing conveyance and duplicate, or lease and counterpart:—

Amount of Annual Rent	Amount of Remuneration
Where it does not exceed £5	£10
Where it exceeds £5 and does not exceed £50	The same payment as on a rent of £5, and also 40 per cent. on the excess beyond £5.
Where it exceeds £50, but does not exceed £150	The same payment as on a rent of £50, and 20 per cent. on the excess beyond £50.
Where it exceeds £150	The same payment as on a rent of £150, and 10 per cent. on the excess beyond £150.

Where a varying rent is payable the amount of annual rent is to mean the largest amount of annual rent.

Purchaser or lessee's solicitor—for perusing draft and completing One half of the amount payable to the Vendor's or Lessor's solicitor.

In case the Lease is registered, a charge of £4 to the solicitor Registering same.

PART IV

Scale of charges for transfer (except a transfer on sale) by a registered owner or his personal representative

Value of property transferred	Remuneration
Not exceeding £100	£4·05
.. ..	
Exceeding £100 but not exceeding £200	£5·55
Exceeding £200 but not exceeding £300	£7·05
Exceeding £300 but not exceeding £400	£8·05
Exceeding £400 but not exceeding £500	£9·25
Exceeding £500 but not exceeding £600	£11·00
Exceeding £600 but not exceeding £700	£12·70
Exceeding £700 but not exceeding £800	£14·40

Exceeding £800 but not exceeding £900	£16·10
Exceeding £900 but not exceeding £1,000	£17·80
Exceeding £1,000 but not exceeding £3,000	£17·80 on the first £1,000 and £1·10 on each subsequent £100 or part of £100.
Exceeding £3,000 but not exceeding £10,000	£39·90 on the first £3,000 and £0·50 on each subsequent £100 or part of £100.
Exceeding £10,000	£74·00 on the first £10,000 and £0·30 on each subsequent £100 or part of £100.

PART V

Scale of charges for applications for conversion of possessory titles etc. under rules 33, 34 and 35

Value of property	Remuneration
Not exceeding £250	£3·05
Exceeding £250 and not exceeding £500	£4·05
Exceeding £500	£6·05

PART VI

Judgment Mortgages

Costs payable under rule 121 (6)

Costs to applicant:	
(a) if cancellation made without objection by judgment creditor	£2·00
(b) if cancellation made after objection by judgment creditor	£4·05
Costs to judgment creditor:	
On objection by him to cancellation when cancellation refused	£4·05

PART VII

Certificates

Cost of proceedings in the Registry under Rule 164 (5)	£5·00
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SCHEDULE OF FORMS

FORM 1

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

LAND REGISTRY

County

I, A.B., of make oath and say—

1. I am entitled for my own benefit (or, as trustee under deed dated etc., or, as tenant for life under settlement dated etc., or, as the case may be) to the property set out in the first part of the Schedule hereto which is subject to the mortgages, charges, leases, tenancies, restrictive covenants and incumbrances specified in the second part of the said Schedule (or, which is not subject to any mortgage, charge, lease, restrictive covenant or incumbrance).
2. I am in undisputed possession (or, receipt of the rents and profits) of the property and there is no person in occupation of it, or any part of it, adversely to my estate therein.
3. I refer to the statement of my title lodged with this application (to the opinion of counsel thereon (a)), to a map of the property drawn on the current largest scale map published by Ordnance Survey or other map referred to in rule 15 (1) (c) and to the schedule of documents lodged herewith, which is a list of all documents relating to the title in my possession or under my control. The facts specified in the statement of my title are true and accurate and the map correctly shows the boundaries of the property.
4. (b) For the protection of the trusts on which I hold the property I apply for the entry of the following inhibition in the register on my registration as owner (see rule 49 and Form 88).
5. I hereby apply for registration in the Register of Freeholders as full owner (or, as limited owner) with absolute (or, possessory) title of the property described in the first part of the Schedule hereto.

Signature of Sworn this the day of 19 , at
deponent.
 in the county of before me a Commissioner for Oaths

(or other qualified person) and I know the deponent (or, I know E.F., who certifies his knowledge of the deponent),
Signature

I. E.F.,
hereby certify
that I know
deponent.
Signature

(a) to be inserted only when opinion of counsel is relied on under rule 19.

(b) to be inserted only when applicant is a trustee— see rule 49.

Schedule

PART 1.

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

PART 2.

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

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

NOTE (2)—An affidavit of discovery in Form 16 should be lodged with this application or the averments thereof may be included in this application.

FORM 2

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

LAND REGISTRY

County

I, AB., of make oath and say—

1. I am entitled for my own benefit (or, as trustee under deed dated

or, as tenant for life under settlement dated or, as

the case may be) to the lessee's interest in the lease referred to in paragraph 5 which lease is subject to the mortgages, charges, subleases, tenancies, restrictive covenants and incumbrances stated in Part 2 of the Schedule hereto (or, which is not subject to any mortgage, charge, sublease, tenancy, restrictive covenant or incumbrance).

2. As in Form 1, paragraph 2.

3. As in Form 1, paragraph 3, unless rule 16 (a) applies; if it does, omit reference to statement of title.

4. Where necessary, as in Form 1, paragraph 4.

5. I hereby apply for registration as full owner (or, as limited owner) with good leasehold (or, possessory or, absolute title) of the leasehold interest in the property described in Part 1 of the Schedule hereto demised by lease dated the day of from C.D. to E.F. for a term of

at a rent of £ .

(Jurat as in Form 1)

Schedule

(As in Form 1)

NOTE (1)—An affidavit of discovery in Form 16 should be lodged with the application or the averments

property.

4. The purchase money of (or, the compensation for) the property did not exceed £8,000. The whole of it has been paid to the person (or, persons) entitled thereto or authorised to give receipts therefor.

5. I apply for the registration of the applicant as full owner with absolute title, (or, good leasehold title) and for the registration as burdens of the following rights appearing from the said conveyance (or, instrument) to affect the ownership—).

Dated the day of 19

Signature

FORM 4

Application by Land Commission under section 26 (1) of the Act for first registration with possessory title (rule 20)

(Heading as in Form 1)

The Land Commission pursuant to section 26 (1) of the Act hereby apply for the first registration with possessory title of—insert name, address and description of person to be registered—as full owner of the property the particulars of which are specified in the Schedule hereto being the property shown on the Ordnance Survey map accompanying this application edged in thereon and numbered

Dated the day of 19 .

(To be signed by the solicitor to the Commission).

Schedule

PART 1

Particulars of property

Coll. No.	County	Barony	Townland	Area
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PART 2

Particulars of acquisition of property

Title of matter in which property sold	The tenancy of purchaser as stated in his purchase agreement	Date and short particulars of vesting instrument i.e., whether conveyance, vesting order, or fiat, and name of person in whom property was vested	Purchase money	Revised Annuity
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NOTE—the certificate required by rule 20 (2) is to be endorsed on the application.

FORM 5

Application for registration where title is based on possession (rules 17 and 46)

I, A.B., of , make oath and say :—

1. I, (and my predecessors in title) have been in sole and exclusive beneficial occupation of the (describe the property) for upwards of years last past, and/or in sole receipt of the rents and profits thereof and no acknowledgment has been given by me (us) in favour of any person in respect of same or any part thereof.
2. (Describe how the occupation began and set out such facts as are relied upon in support of the applicant's claim to have established his title, e.g., deliberate squatting with intention to acquire the property; taking possession as one of the next-of-kin of a deceased owner against the personal representative of such owner, other next-of-kin, etc.; the persons against whom he claims to have acquired his title, departures or dispossessions, relevant deaths; next-of-kin, addresses for service of notices, etc.).

3. I am entitled for my own benefit to the fee simple interest in the property (or, otherwise as the case may be) and I am not aware of any contract or agreement for sale, or of any mortgage, charge, lease, agreement for lease, restrictive covenant, or incumbrance (or, except as stated in the said conveyance or, in the Schedule hereto) affecting the property, or any part thereof, and I declare that there is no person in possession or occupation of the property or any part thereof adversely to my estate or interest therein.

4. I am not aware of any question or doubt affecting the title to the property, or any part thereof, or of any matter or thing whereby the title is, or may be impeached, affected, or called in question in any manner whatsoever.

5. As in paragraph 5 Form 16.

6. (Where necessary) I say that I am an Irish citizen and am a qualified person within the meaning of [Section 45](#) of the [Land Act, 1965](#) .

7. I apply to be registered as full owner with an absolute (or, qualified or, possessory) title.

(Jurat as in Form 1)

Schedule (where necessary)

NOTE (2)—This form may be adapted where application is made for registration under section 49 of the Act.

NOTE (1)—Where application is made under rule 17 or in respect of part of property in a folio under rule 46 a map of the property drawn on the current largest scale published by Ordnance Survey should be lodged. The map should be referred to in the application as correctly showing the boundaries of the property.

NOTE (3)—In appropriate cases evidence will be required that the applicant is a " qualified person " or, if not, the written consent of the Land Commission will be required. (See [section 45](#) of the [Land Act, 1965](#)).

FORM 6

Memorial for Registry of Deeds of the registration of property in the Land Registry (rule 29)

To the Registrar of Deeds.

A memorial of the registration in the Land Registry of the ownership of the person named in the first column of the Schedule hereto in the freehold property the particulars whereof are set out in the second column of said Schedule (or, in the leasehold interest under lease dated from AB to CD of the lands the particulars whereof are set out in the second column of the said Schedule for a term of years at a rent of £) (or, in a rentcharge of £ created by grant dated the from AB to CD out of the property the particulars whereof are set out in the second column of the said Schedule).

The ownership was registered on the day of 19 in the folio of the register of owners of freehold property (or, in the folio of the register of leasehold interests or, in the folio of the register maintained under section 8 (b) of the Act) specified in the third column of the said Schedule.

Dated the day of 19 .

Registry Seal.

Schedule

(1)	(2)	(3)
Name, address and description of registered owner	Townland, barony and county, or parish and town or city in which property is situate	Folio No. of register in which the ownership appears

FORM 7

Caution against first registration (rule 31 (1))

LAND REGISTRY

To the Registrar of Titles.

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

Dated the day of 19 .

(To be signed by A.B. or his Solicitor).

Schedule

(To contain particulars of the property by reference to a plan on an Ordnance Survey map, on the current largest scale published by Ordnance Survey, or, if the property is being sold in Land Commission Proceedings, by a reference to the Land Commission matter and the particulars of the property and of the purchasing tenant in that matter).

FORM 8

Caution against registration of dealings in favour of Agricultural Credit Corporation Limited on first registration or thereafter (rule 31 (2))

LAND REGISTRY

To the Registrar of Titles.

Notice is to be given to A.B. of of any application for the registration of a dealing in favour of the Agricultural Credit Corporation Limited with the property (or, the leasehold interest under lease dated etc., in the property) in the County of specified in the Schedule hereto on or after the first registration thereof.

Dated the day of 19 .

(Execution and Schedule as in Form 7)

FORM 9

Affidavit of interest in support of caution against first registration, to be endorsed on caution (rule 31 (3))

LAND REGISTRY

I, A.B., of make oath and say :—

1. I am (or, C.D., for whom I am solicitor, is) interested in the property (or, leasehold interest, or, rentcharge) referred to in the within caution. The following are the particulars or my (or, his) interest.

2. (State concisely in short paragraphs the documents or facts which show that the cautioner has an incumbrance on the property, or is entitled to object to a disposition of it without his consent).

(Jurat as in Form 1)

FORM 10

Notice to cautioner of application for first registration (rule 32)

Land Registry,

Chancery Street, Dublin.

Sir, (or, Madam),

Take Notice that E.F., of has applied to be registered as owner of the property (or, leasehold interest, or, rentcharge) referred to in your caution lodged in the Land Registry on the day of . If you intend to oppose his application, you are required to do so in writing sent to the Registrar at the above address before the expiration of 10 days from the service of this notice on you. If you do not oppose it, the application will be proceeded with.

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

Dated the day of 19 .

To A.B., of

FORM 11

Application for the conversion of possessory title registered for 30 years (rule 33)

LAND REGISTRY

County Folio

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

1. The property to which this application relates is part(s) of the townland(s)

a.

r.

p.

of area described in Folio of the register County

2. I was registered as owner of said property (under a transfer from or, under a devise in the will of, or, as the case may be).

or,

(I am the first registered owner of said property; and prior to its purchase by me under the Land Purchase Acts, I was tenant of it for upwards of years and I have been in undisputed possession since the year).

3. I am (or, the persons entitled under the settlement under which I am registered as limited owner are) absolutely entitled to the property (or, I am entitled to the property as—if the applicant is an express trustee under any deed or will made before the first registration of the property state the fact and give particulars of the deed or will) and there is not to my knowledge any mortgage charge, lease, agreement, incumbrance, restrictive covenant or trust, affecting the property or any part of it and created before (insert date of first registration) except as above stated.

4. As in paragraph 3—Form 16.

5. As in paragraph 5—Form 16.

6. I am in actual occupation of all the property and no person has a right of residence therein, a right to receive an annuity thereout or a right of maintenance or support or other privilege thereout under any agreement, settlement, or deed, or a right under any devise or intestacy made or arising prior to (insert date of first registration) (except as stated in paragraph 3); and I have no knowledge of any deed, will, settlement, or other document affecting the property or any part of it, or of anything prior to the day of (i.e., date of first registration) whereby my title to it may be affected or called in question in any manner whatever.

7. I apply that the possessory title in the register of the property be converted into absolute title.

(Jurat as in Form 1)

FORM 12

Application for conversion of possessory title registered over 12 years, where the applicant claims under a transfer for valuable consideration registered not less than 12 years prior to the application (rule 34)

(Heading as in Form 11)

I, A.B., of , make
oath and say—

1. As in Form 11 paragraph 1.

2. The said property was purchased by me (or, E.F.) from C.D. in the year, and by transfer, dated the day of was transferred to me (or, E.F.) on sale and I (or, E.F.) was registered as full owner thereunder on the day of or, the said property was transferred to me, on the occasion of my marriage with C.D. by deed, dated , under which I was registered as limited owner (or, as the case may be). (Facts must be stated showing that the applicant claims under a registered transfer for value to himself or a predecessor in title).

3. I am (or, the persons entitled under the settlement under which I am registered as limited owner are) absolutely entitled to the property and there is not to my knowledge any mortgage, charge, lease, agreement, incumbrance, restrictive covenant or trust affecting the property or any part of it created prior to (insert date of first registration) (except as stated in paragraph 7).

4. As in paragraph 3.—Form 16.

5. As in paragraph 5,—Form 16.

6. I am in actual occupation of all the property and no person has to my knowledge any right therein or thereout under any agreement, settlement, or deed, or under any devise, or intestacy made or arising prior to (insert date of first registration) (except as stated in paragraph 7); and I have no knowledge of any deed, will, settlement or other document affecting the property or any part of it or of anything prior to (insert date

of first registration) whereby my title to it may be affected or called in question in any manner whatever. I have not (nor to the best of my knowledge and belief have my predecessors in title) given any acknowledgement of title to the said property to any person.

7. I have no deeds or other documents relating to the property in my possession or control (except the following which are lodged with this application, viz.,).
8. I apply that the possessory title in the register of the property be converted into an absolute title.

(Jurat as in Form 1)

FORM 13

Application for conversion of possessory title where the title to the tenancy existing prior to first registration has not been investigated by counsel (rule 36)

(Heading as in Form 11)

I, A.B., of , make
oath and say—

1. As in Form 11, paragraph 1.
2. I am (or, C.D., is) the registered full (or, limited) owner of the property on the said folio (and I refer to the consent (a) of the said C.D., to this application lodged herewith).
3. By settlement, dated the , made on the marriage of C.D., and E.F., (or, by conveyance, dated , or, by his will, dated ,) A.B., who was then the tenant of the property, conveyed, (or, devised) same to

(State concisely the terms of the disposition that is the root of title, and the subsequent documents, facts, and events, that show the title claimed. Where the documents disclose any charge or other burden, proof must be given of its discharge, where its existence is not admitted).

4. The deeds and other documents set out in the accompanying Schedule, dated the , are all the deeds and

documents affecting the property in my possession or control.

5. I am (or, C.D. is) in possession of all the property and no person other than myself is in occupation of the property or any part thereof [save who is (or, are) in occupation of a. r. p. thereof under].

6. I apply that the possessory title in the register of the property be converted into an absolute title (and that the following incumbrances be entered in the register thereof as burdens. Set out the burdens created prior to first registration that applicant admits are subsisting).

(Jurat as in Form 1)

NOTE—An affidavit of discovery in Form 16 must also be filed before the possessory title is converted. It may be lodged with the evidence tendered in discharge of the rulings on title issued from the Registry. If desired, the averments of the affidavit of discovery may be incorporated in the application.

(a) See rule 41 (a).

FORM 14

Application for conversion of possessory title where the title to the tenancy existing prior to first registration has been investigated by counsel (rules 36, 37)

(Heading as in Form 11)

I, A.B., of , make
oath and say—

1. As in Form 11, paragraph 1.

2. I am the purchaser of the property from the registered owner thereof whose transfer to me is lodged with this application.

or,

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

3. On the occasion of my purchase (or, of the loan, or, as the case may be) the title to the tenancy in the property existing prior to its first registration was investigated by a practising barrister, and I refer to his opinion thereon and to the abstract of title, contract, searches, requisitions, replies, deeds, and other documents, and evidence, produced on the occasion of the sale (or, loan) which are set out in the accompanying Schedule, dated

The documents specified in the said Schedule are all the documents relating to the property and the title to it in my possession or under my control.

4. I have no knowledge of any deed, will, settlement or other document relating to the property prior to its first registration other than those disclosed or of anything whereby my title or the title of the registered owner may be affected or called in question in any manner.

5. (Where applicable) I am in actual occupation of all the property.

6. I apply that the possessory title in the register of the property be converted into absolute title, (and that the following incumbrances appearing from counsel's opinion to affect the property be entered in the register as burdens, viz.,).

(Jurat as in Form 1)

NOTE—see Note to Form 13.

FORM 15

Application for the conversion of possessory title on a certificate of solicitor where the compensation, purchase money, does not exceed £8,000 (rule 35)

(Heading as in Form 11)

1. I, , am the Solicitor for (insert full and correct description of applicant).

2. As in Form 11, paragraph 1.

3. I have investigated the title to the tenancy in the property existing prior to its first registration, and I

certify that no incumbrances, restrictive covenants or rights adverse to the said applicant exist on or arise in respect of the said tenancy in the property, the fee simple in which was transferred to the applicant by transfer (or, other instrument), dated the day of 19 , and for which the purchase money (or, compensation) paid did not exceed £8,000.

4. I apply that the possessory title in the register of the property be converted into an absolute title.

Dated the day of 19

Signature

FORM 16

Affidavit of discovery (rule 47)

(Heading as in Forms 1 or 11)

I, A.B., of make oath and say—

1. The property to which this affidavit refers is (describe clearly the property the subject of the application; where it is registered, the Folio No. of the register should be stated).

2. There is not to my knowledge any mortgage, charge, lease, lien, agreement, restrictive covenant, incumbrance or trust affecting the property specified in paragraph 1, the subject of my application (or, of the application of) or any part thereof, that has not been disclosed in the proceedings in the Registry on the application, and there is no person in possession or occupation of any part of the property adversely to my (or, his) estate therein.

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

4. The contracts, abstracts, counsel's opinions, requisitions, replies, deeds, wills and other documents referred to or lodged with said application and produced in the proceedings thereunder are all the documents in my possession or under my control (or, in the possession of or under his control) relating to the said property.

5. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 21 years, or is of unsound mind, except (give name and address of any person interested

who is a minor or of unsound mind and of his guardian or committee, or trustees under section 57 of the Succession Act, 1965, if any) and no proceedings are pending in any court relating to the said property (except—give particulars of any pending action or suit).

(Jurat as in Form 1)

NOTE—The averments of this affidavit may be incorporated in the application for first registration or application to convert a possessory title, etc., if desired.

FORM 17

Application by solicitor for registration of ownership, burdens or other entries, under documents presented by him (rule 57)

LAND REGISTRY

County

Folio

To the Registrar of Titles.

1. I, as Solicitor for transferee (or, here insert the names of all the parties to the transaction for whom Solicitor acts) apply for registration in the above mentioned Folio of the ownership and/or burden(s) (or, caution, or inhibition, or, other entry applied for) arising under the documents set out in the Schedule hereto, and I hereby assent to the registration of such burdens as burdens on the property in the above Folio.

2. I send herewith registration fee stamps for £ for the registration(s).

*3. The Land Certificate (or, certificate of title or certificate of charge) now produced for the purposes of the registration(s) applied for was in the custody of the registered owner (or, A.B.) 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.).

4. I request that the returnable documents lodged be sent to me by post.

Dated the day of 19 .

Signature of Solicitor

Schedule

(To contain a list of the documents delivered by the Solicitor for the purposes of the registration).

NOTE—If a Land Certificate has been issued and its production is required for the purpose of the registration (see rule 162), it must be lodged with the application, or an application under rule 164 in Form 94 for the production of the Land Certificate must be lodged (rule 59 (3)).

*omit if no certificate issued.

FORM 18

Summons to attend before Registrar (rule 208)

(Heading as in Forms 1 or 11 as the case may require)

You are hereby required to attend before me at the Land Registry. Chancery Street, Dublin at the hour of o'clock on the day of 19 , (a) (to be examined in relation to—state the purpose for which attendance is required) and/or ((b) to produce the document(s) specified in the Schedule hereto). If you wilfully neglect or refuse to attend in compliance with this summons, you will be liable for the penalty in that behalf prescribed by [section 16 \(6\) of the Registration of Title Act, 1964](#) .

Dated the day of 19 .

Registry Seal

Registrar of Titles.

Schedule (where necessary)

(a) to be omitted if the attendance is only to produce documents.

(b) to be omitted if the attendance is only for examination.

FORM 19

Transfer of freehold property by a registered full owner (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . A.B., the registered owner, in consideration of (the receipt of which is hereby acknowledged) hereby transfers all the property described in folio of the register County to C.D.

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

It is hereby certified, etc. (b)

Signed, sealed and delivered (Signature of A.B.)

by A.B. in presence of:— (Seal)

NOTE (1)—The relevant certificates required by the Finance Acts and the [Land Act, 1965](#) , may be added to the Form in appropriate cases.

NOTE (2)—Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he must in order to protect the lien apply for its registration as a burden—see rule 126. Where the purchase money is paid the usual receipt clause may be embodied in the transfer.

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

NOTE (4)—Where desired, the covenants for title implied by the transferor transferring " as beneficial owner " or " as settlor " or " as mortgagee " may be incorporated by inserting these words in the transfer after the name of the transferor—see section 7 of the Conveyancing Act, 1881.

(a) give address and description.

(a) See Note (1).

FORM 20

Affidavit of attesting witness (rule 54)

(Headings as in Form 11)

1, of, make oath

and say—

1. I am an attesting witness to the execution of the within deed by party thereto.

2. I was present and saw the said deed signed, sealed, and delivered by the

said , who is personally known to me.

(Jurat as in Form 1)

NOTE—(4) Where the executing party is a marksman, it must be stated in this affidavit, or in the attestation clause to the deed, that the deed was read over to and understood by him.

FORM 21

Transfer of freehold property by a registered full owner, where the registered owner of a charge joins to release the charge (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of pounds (£) paid, as to £ , to A.B., and as to £ , to E.F., (the receipt of which is hereby acknowledged).

1. A.B., the registered owner, hereby transfers all the property described in Folio of the register County to C.D.

2. E.F., the registered owner of the charge for £ , registered on the

day of 19 , (or, registered at entry No.

on the said folio), hereby releases the said property from said charge and assents to its cancellation as a burden thereon in the said folio.

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

4. It is hereby certified, etc., (a).

(Execution as in Form 19)

NOTE—See Note (1) to Form 19.

(a) See Note.

FORM 22

Transfer of part of freehold property by a registered full owner (rules 52, 69, 70)

(Heading as in Form 11)

As in Form 19 substituting for the words " all the property described in folio of the register
County " the words " the part of the property described in folio of the register County specified
in the Schedule hereto ".

Schedule

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

NOTE (1)—Where the property is part of an agricultural holding within the meaning of [section 12](#) of the [Land Act, 1965](#) , the consent of the Land Commission to the subdivision must be lodged in the Registry with the transfer— see rule 70.

NOTE (2)— See Note (1) to Form 19.

FORM 23

Voluntary transfer of freehold property by a registered full owner with a power of revocation (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of the affection of A.B., the registered owner, for his C.B.—

1. A.B., hereby transfers all the property described in folio of the register County to E.F. to the use of C.B.
2. It is hereby declared that A.B., shall have power at any time hereafter by deed (or, by will expressly referring to this power) to revoke the use hereby limited to C.B., and to limit and appoint the property to such other uses, whether for the benefit of himself or any other person, as he may think fit.
3. C.B., hereby assents to the registration of the said power of revocation as a burden on the property.
4. The address of C.B., in the State for service of notices and his description are:
5. It is hereby certified, etc, (a).

(Execution by A.B. and C.B. as in Form 19)

NOTE (1)—A power of revocation in a transfer of the fee simple is only effective where the transfer is made by the limitation of a use under the Statute of Uses that can be revoked. The transfer must, therefore, be made by the registered owner to a third person to the use of the person to be registered as owner.

NOTE (2)—See Note (1) to Form 19.

(a) See Note (2)

FORM 24

Transfer of freehold property on a sale by a registered limited owner in exercise of his powers under the Settled Land Acts, the purchase money being paid to the trustees of the settlement (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of pounds (£) said to E.F., and G.H.—

- 1. A.B., the registered limited owner, in exercise of his statutory powers hereby transfers all the property described in folio of the register County to C.D.
- 2. E.F., and G.H., the trustees for the purposes of the Settled Land Acts of the settlement under which A.B., is the registered limited owner, hereby acknowledge that they have received the said sum of £ .
- 3. The address of C.D., in the State for service of notices and his description are—
- 4. It is hereby certified, etc. (a)

(Execution by A.B., and the trustees as in Form 19).

NOTE (1).—See section 51 (1) of the Act and section 10 of the Settled Land Act, 1890.

NOTE (2).—See Note (1) to Form 19.

(a) See Note (2).

FORM 25

Transfer of freehold property by a registered owner of a charge in exercise of his power of sale (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of pounds (£) paid to him (the receipt of which is hereby acknowledged) A.B., the registered owner of the charge registered on the day of 19 (or, at Entry No.) in exercise of his power of sale hereby transfers all the property described in folio of the register County to C.D., discharged from the said charge and from all other burdens entered in the said folio of the register over which the said charge ranks in priority.

The address of C.D., in the State for service of notices and his description are—It is hereby certified, etc.
(a).

(Execution as in Form 19)

NOTE (1).—On the registration of the transferee all registered burdens that rank in priority to the charge of the owner exercising his power of sale will be left on the register. All registered burdens ranking in priority after his charge will be cancelled.

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

NOTE (3).—See Note (1) to Form 19.

(a) See Note (3).

FORM 26

Transfer of freehold property by a registered full owner to two persons as joint tenants (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of A.B., the registered owner, hereby transfers all the property described in folio of the register County to C.D., and E.F.

The address in the State of the transferees for service of notices and their description are—

It is hereby certified, etc, (a).

(Execution as in Form 19)

NOTE (1).—This Form should be used when it is intended that the property shall vest in the survivor of the transferees.

NOTE (2).—Where there is money consideration for the transfer a receipt clause should be incorporated in the transfer.

NOTE (3)—See Note (1) to Form 19.

(a) See Note (3).

FORM 27

Transfer of freehold property to two persons who are trustees for sale (rules 52, 69, 71)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of

1. A.B., the registered owner, hereby transfers all the property described in folio of the register County
to C.D. and E.F.

2. C.D., and E.F., hereby consent to and apply for the entry of the following inhibition in the register on
their registration;—No registration under a disposition for value by the registered owners, or the survivor of
them, except a transfer on sale, is to be made (a).

3. The address in the State of C.D., and E.F., for service of notices and their descriptions are:—

4. It is hereby certified, etc. (b).

(Execution by the parties as in Form 19)

NOTE (1)—The trusts of the purchase money and of the property pending the sale should be declared by a
separate deed to be retained by the trustees.

NOTE (2)—This Form may be used with an appropriate inhibition for the transfer of property by the
personal representative of an owner to the trustees of a will, or for a transfer to trustees on any trusts. For
inhibition see Form 88 and rule 137.

NOTE (3)—See Note (2) to Form 26.

NOTE (4)—See Note (1) to Form 19.

(a) See section 68 of Settled Land Act, 1882, and section 6 of Settled Land Act, 1884.

(b) See Note (4).

FORM 28

Transfer of freehold property to two persons as tenants in common (rules 52, 67, 69)

(Heading as in Form 11)

As in form 26 adding after the letters "E.F." the words "as tenants in common in equal shares (or, in the following shares, as to C.D., two thirds, and as to E.F., one third, or, as the shares may be)".

NOTE (1)—This form should be used when the intention is that on the death of each transferee, his share shall devolve on his personal representative.

NOTE (2)—See Notes to Form 26.

FORM 29

Transfer of freehold property by a registered owner creating rights in favour of himself and others (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . In consideration of , A.B., the registered owner, hereby transfers all the property described in folio of the register County to C.B., (a) subject to the following rights therein and thereover—

1.—(b) The right of A.B. and E.B., his wife, during their respective lives to the exclusive use and occupation of (insert particulars of the part of the property that the parties are to be exclusively entitled to during their lives, e.g., an exclusive use of a field or haggard. As regards an exclusive right of residence in a room or rooms, however, see note (1)).

2. The right of A.B., and E.B., his wife during their respective lives (c) to reside in the dwellinghouse on the property and to be supported and maintained on and out of the land in the manner following (insert the particulars (if any) of the maintenance agreed on and the alternative payments, if any, in case of disagreement).

3.—(d) A power for A.B., or his personal representative to charge the property with such sum or sums, not exceeding in all £ , as he may be called on to pay and shall pay within six years from the date hereof in discharge of any debts due by A.B., at that date.

4. A charge for £ , payable to (insert particulars of charge and of its terms, as agreed on for any member of the family).

5.—(e) C.B., hereby assents to the registration of the rights specified in paragraphs 1, 2, 3 and 4, hereof as burdens on the property (and hereby assents to the entry of the following inhibition : No registration under any disposition for value by the registered owner of the property specified in clause 1 hereof is to be made during the lives of A.B. and E.B. without their consent or the consent of the survivor of them).

6. The address in the State of C.B., for service of notices and his description are—

7. It is hereby certified, etc., (f)

(Execution by A.B., and C.B., as in Form IT> 19).

NOTE (1)—A general right or exclusive right of residence on property will be registered as a burden—Section 81 of the Act. Otherwise, an exclusive right to the use and possession of specified property is a trust which cannot be registered as a burden (section 92 of the Act). It must be protected by inhibition (rule 68).

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

NOTE (3)—See Note (2) to Form 26.

NOTE (4)—See Note (1) to Form 19.

(a) See Note (1):

(b) See Note (1): omit where the general right of residence in clause 2 is given.

(c) See Note (1): omit if clause 1 is inserted.

(d) See Note (2).

(e) See Rule 103.

(f) See Note (4).

FORM 30

Settlement of freehold property by a registered full owner on the marriage of his child (rules 52, 69)

(Heading as in Form 11)

Settlement made the day of 19 , on an intended marriage between B. and C. In consideration of the marriage

(and of) A., the registered owner, hereby transfers all the property described in Folio of the register County to E. and F. (herein called the trustees) to the use of A. until the marriage, and thereafter upon the trusts and uses following—

1. To permit the exercise by A. and D. his wife, of the rights and privileges hereinafter stated and subject thereto,
2. To the use of B. for his life, with remainder,
3. To the use of C. for her life, with remainder,
4. To the use of the children or remoter issue of the marriage for such estates and interests and subject to such charges for any one or more of them as B. and C. by deed, or the survivor of them by deed or will shall appoint, and in default of and subject to any appointment to all the children who shall attain 21 years in equal shares as tenants in common, and in default of children or issue,
5. To the use of A.
6. A. and D., his wife, during their lives, and the survivor during his or her life, shall be permitted to reside

in the dwellinghouse on the property and shall be supported and maintained on and out of the property in the manner following: (insert particulars of maintenance agreed on).

7. The trustees shall by registered charge raise in priority to the trusts of this settlement a sum of

£ , the said sum to be raised and applied as follows: (insert terms relative to the time for raising the money, and for the application of it when raised by the charge).

8. B. and C. and the survivor of them shall have power to appoint new trustees of this settlement.

9. The trustees shall be trustees for the purposes of the Settled Land Acts, 1882 to 1890.

10. The trustees hereby assent to the registration of B. as limited owner.

11. B hereby assents to the registration of the rights in paragraphs 6 and 7 as burdens on his limited estate.

12. The address in the State of the trustees for service of notices and their descriptions are—

The address in the State of B. for service of notices and his description are—

13. It is hereby certified, etc. (a)

(Execution by A. and B. and the trustees as in Form 19).

NOTE (1)—The clauses in italics are illustrative only. The Form may be adapted to any uses or trusts by inserting after the words "thereafter upon the trusts and uses following" paragraphs stating the trusts agreed on. A book of precedents should be consulted.

NOTE (2)—See Note (2) to Form 26.

NOTE (3)—See Note (1) to Form 19.

(a) See Note (3).

FORM 31

Transfer by a registered full owner of a leasehold interest (rules 52, 69)

(Heading as in Form 11>)

Transfer dated the day of 19 . A.B., the registered owner, in consideration
of hereby transfers all the leasehold interest described in folio of the register
County to C.D. The address in the State of C.D., for service of notices and his description are
—

It is hereby certified, etc. (a)

(Execution as in Form 19)

NOTE (1)—Where desired, the usual covenants by an assignee for payment of the rent and performance of the covenants in the lease may be inserted.

NOTE (2)—The preceding Forms of transfer of freehold property may be adapted to similar transfers of leaseholds.

NOTE (3)—See Note (2) to Form 26.

NOTE (4)—See Note (1) to Form 19.

(a) See Note (4)

FORM 32

Transfer by a registered full owner of a rentcharge (rules 52, 69)

(Heading as in Form 11)

Transfer dated the day of 19 . A.B., the registered owner, in consideration of hereby transfers all
the rentcharge described in folio of the register County to C.D.

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

It is hereby certified, etc. (a)

(Execution as in Form 19)

NOTE (1)—The preceding Forms of transfer of freehold property may be adapted to similar transfers of incorporeal hereditaments of freehold tenure in the register maintained under section 8 (b) of the Act.

NOTE (2)—See Note (2) to Form 26.

NOTE (3)—See Note (1) to Form 19.

(a) See Note (3)

FORM 33

Application by a local authority to be registered as owner of property vested in it under section 5 of the Small Dwellings Acquisition Act, 1899, section 24 of the Labourers Act, 1936, section 11 (4) of the Housing (Loans and Grants) Act, 1962, or section 39 (5) or 107 (6) of the Housing Act, 1966 (rule 84)

(Heading as in Form 11)

I, A.B., Solicitor to the Corporation of (or, give accurate description of authority) hereby apply for the registration of the said Corporation (or, as the case may be) as full owner of all the property described in

folio of the register County which has been vested in it under section 5 of the Small Dwellings Acquisition Act, 1899, [or, under section 24 of the Labourers Act, 1936, or, under section 11 (4) of the Housing (Loans and Grants Act) 1962, or [section 39](#) (5) of the [Housing Act, 1966](#) , or [section 107](#) (6) of the [Housing Act, 1966](#)] and I hereby certify that possession of the said property has been obtained by the Corporation (or, as the case may be) under a decree of the Circuit Court (or, order of the District Court) dated the day of 19 , in proceedings in that Court entitled (insert title of proceedings)

Dated the day of 19 .

Signature

(Heading as in Form 11)

estate is not sufficient for the payment of the debts and legacies payable primarily out of that estate, but charged also on the property devised to me. The deficiency of the personal estate for these payments is estimated by him at £ . I have by instrument dated the created a power for the personal representative of C.B., to raise out of the property by registered charge such sums, not exceeding in all £ , as may hereafter be ascertained to be necessary to meet the deficiency. I assent to the registration of the power created by said instrument, which accompanies this application, as a burden on the property, (and I apply for an entry in the register inhibiting the registration of any charge created under said power without prior notice to me).

or,

The address of B.D., the personal representative of the testator, for service of notice in respect of the debts and legacies charged on the property devised to me that are payable out of the personal estate is . I claim that the personal estate is sufficient for their payment.

4. (Except as stated in the preceding paragraph) the property devised to me is not subject to any burden created by said will.

or,

(Besides the debts and legacies payable primarily out of the personal estate that were charged also on the property) the property devised to me is charged by said will with the charges and other burdens set out in the Schedule hereto and I assent to their registration as burdens (except those that are therein stated to be not subsisting).

5. I apply to be registered as full owner of the property subject to the burdens to the registration of which I have assented and to the subsisting unregistered right set out in the Schedule hereto, for the protection of which I assent to the registration of the following inhibition:—(See Form 88).

6. My address in the State for service of notices and my description are—

(Jurat as in Form 1)

Schedule

First Part

Particulars of subsisting burden(s) or right(s)	Name of claimant (If an infant or person of unsound mind, that fact to be stated with name of guardian or committee)	Address in the State of claimant (or his guardian or committee)
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Second Part

Particulars of burdens not subsisting	Name of claimant (If an infant or person of unsound mind, that fact to be stated with name of guardian or committee)	Documents relied on in proof of discharge of burden
--	--	--

NOTE: If the devisee is a tenant for life or a trustee the terms of his application should be modified in the manner shown in Form 39 or 40 on application for registration by like owners of property that vests in the personal representative.

FORM 35

Notice to the personal representative of a deceased registered full owner of an application for registration by a devisee of freehold property that did not vest in the personal representative of the owner (rule 87)

(Heading as in Form 11)

Sir,

You are hereby given notice that A.B., of _____, as devisee of C.D., has applied to be registered as owner of the freehold property described in folio _____ of the register County _____ of which C.D., was the registered full owner.

If you, as the personal representative of C.D., have any claim against the freehold property in respect of the debts or legacies charged thereon by his will but payable primarily out of his personal estate, you are required to notify the Registrar of your claim and of your estimate of the sum, if any, necessary to be raised out of the property in aid of the personal estate.

In default of any claim being made by you within _____ days from the service of this notice, the application will proceed without further notice to you.

Your reply to this notice should be sent to the Registrar, Land Registry, Chancery Street, Dublin.

FORM 36.

Application for registration by the heir, widow or husband of an intestate registered full owner of freehold property that did not vest in his personal representative (rule 88)

(Heading as in Form 11)

I, A.B., of , make oath and say—

1. C.D., the registered full owner of the property described in folio of the register County

, died intestate on the day of 19 and letters of administration of his personal estate were granted to on the day of (or, if no representation has been raised, refer to the evidence of death and intestacy relied on).

2. The said C.D., was registered as owner of the property described in the said folio under a transfer of it to him (or, under a devise of it to him in the will of) (state facts showing that the intestate is " The purchaser " from whom title is to be traced), and I am his eldest son or, as the case may be. He died a widower, (or, his wife, E.F., of survives him). I refer to the pedigree in proof of my title, and the documents verifying it, that accompany this application

or,

I am the husband of the said C.D. having had issue by her capable of inheriting her freeholds.

or,

I am the widow of the said C.D. who died leaving no issue, and the net value of his real and personal estate does not exceed £4,000 (where the death occurs before 1st June, 1954. £500). I refer to the evidence in proof thereof that accompanies this application.

3. I have not transferred, charged, or dealt with said property in any way (except—give particulars of any charge or other dealing by the applicant).

4. I apply to be registered as full owner of said property (or, if applicant is the husband of deceased and entitled as tenant by the curtesy, as limited owner) (and I assent to the registration of the dower of the widow of C.D., (and of the burden stated in paragraph 3 hereof) as burdens thereon)).

(Jurat as in Form 1)

NOTE—If the applicant is the personal representative and widow of the registered owner who died leaving no issue and the net value of his real and personal estate did not exceed £4,000 (where the death occurs before 1st June, 1954, £500) the reference to proof of the amount of the property in paragraph 2 may be omitted.

FORM 37

Assent by personal representative to a devise to another entitled thereto in the case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

I, A.B., of

make oath and say—

1. C.D., the registered full owner of the property described in folio of the register, County died on the day of 19 , and probate of his will dated the day of was, (or, letters of administration with his will dated annexed thereto were) granted to me on the day of 19 .

2. By his will the said owner devised all the property described in the said folio (or, the part of the property described in the said folio specified in the Schedule or, First Schedule hereto) to E.F., in the words following: (Insert the words in the will devising the property).

or,

All the property described in said folio is included in the residuary devise to E.F., in the will of the said owner.

3. I, as personal representative, make no claim against the said property for any money for the discharge of the funeral and testamentary expenses, or the debts of the said owner (and the legacies charged by his will on both real and personal] estate that are primarily payable out of his general personal estate).

or,

The general personal estate of the said owner is not sufficient to discharge in full his funeral and testamentary expenses and debts (and the legacies charged on his real and personal estate for which his general estate is primarily liable). The sum raiseable out of the property described in the said folio to

provide for the deficiency is £ , (or, is estimated by me at a sum not exceeding £), and by instrument of charge dated the day of 19 , I have created a charge on the property to secure my liabilities as personal representative of C.D., to the extent of the said sum (a)

4. I have set out in the Schedule hereto (or, the second Schedule hereto) the names of all persons entitled under the will to any burden or other right in, to, or over the said property, except those whose claims are primarily payable out of the general personal estate in exoneration of the said property, with short particulars of their burden or right, and their addresses in the State for service of notices. (The burdens or rights of the persons named in the Second Part of said Schedule have been satisfied or discharged or have terminated). No person named in the said Schedule is an infant or person of unsound mind (except where therein stated).

or,

No person is entitled under the will to any burden or other right in, to, or over the property except the devisee.

5. (b) I assent to the devise of the property specified in paragraph 2 thereof (subject to the burdens and rights affecting same hereinbefore referred to), and to the registration of E.F., as full owner (or, as limited owner) thereof.

(Jurat as in Form 1)

(First) Schedule (where necessary)

(To contain a description of the part of the property in the folio that was devised, identifying it by reference to a map drawn on the current largest scale published by Ordnance Survey unless the part can be identified on the registry map from the verbal description)

(Second) Schedule (where necessary)

(c) First Part

Particulars of subsisting burden(s) or right(s)	Name of claimant in will (Where an infant, or person of unsound mind, that fact with name of guardian or committee to be stated)	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian or committee)
---	--	--

Second Part

Particulars of burden(s) or right(s) not subsisting	Name of claimant in will (Where an infant or person of unsound mind, that fact to be stated with name of guardian or committee to be started)	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian or committee)
---	---	--

It is hereby certified, etc., (d).

NOTE (1)—See section 87 (1) of the Registration of Title Act, 1891. When it is necessary to create a charge to provide for a deficiency in the personal estate, an instrument of charge must be executed, stamped and lodged with the assent. See Form 69. But in such a case the transaction can best be carried out by a transfer in Form 43 instead of a transfer and an instrument of charge. This charge should only be created when the personal estate is insufficient to discharge the debts and the legacies (if any) charged on both the real and personal estate for which the personal estate is primarily liable.

NOTE (2)—If the devise is to trustees on trusts that do not constitute a settlement under which a limited owner may be registered, the personal representative must assent to the registration of the trustee devisees as full owners with an appropriate inhibition; he cannot assent to the registration of a beneficiary under the trust. If a beneficiary under the trust is to be registered the transaction may be carried out by a transfer from the personal representative and trustees in Form 44.

NOTE (3)—Where the assent is executed after 9th March, 1965 (i.e. the date of passing of the [Land Act, 1965](#)) the relevant certificate(s) required by section 45 of the Act should in appropriate cases be inserted.

- (a) See Note (1).
- (b) See Note (3)
- (c) this Schedule is only to be divided into parts where some of the burdens have been discharged and some subsist.
- (b) See Note (3).

FORM 38

Application by a devisee entitled for registration as full owner of property on the assent of the personal

representative in the case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

- 1. I, E.F., am the devisee referred to in the within assent (or, the assent annexed hereto) of the personal representative of C.D.
- 2. I assent to the registration of the burden(s) referred to in paragraph(s) 3 and 4 of the assent (except those that are therein stated to have been released or discharged or to have terminated).
- 3. I apply to be registered as full owner of the property (subject to the burdens to the registration of which I have herein assented) (and to the subsisting unregistered right referred to in said assent for the protection of which I assent to the entry of the following inhibition):

(See Form 88)

4. My address in the State for service of notices and my description are:—

Dated the day of 19 .

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

NOTE—On registration of the devisee, notice of his application may be sent to every person having a burden or right that is not stated in the assent to have been discharged or satisfied or to have terminated, unless the consent of such person to the registration applied for accompanies the application or its registration is assented to—rule 93.

FORM 39

Application by a devisee entitled as tenant for life, or as having the powers of a tenant for life, for registration as limited owner on the assent of the personal representative in the case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

- 1. I, E.F., am the devisee referred to in the within assent (or, the assent annexed hereto) of the personal

representative of C.D. the registered full owner of the property described in folio of the register, County

2. The property subject to the settlement created by the will of the said owner under which I am (insert estate of applicant under the settlement as, for instance, tenant for life) is not subject to any burden or right created by said will ranking in priority to the settlement created by it.

or,

(a) I have set out in the Schedule hereto particulars of all the charges, burdens, or rights created by the will of C.D., on the said property that have priority to the uses and trusts of the settlement created by the said will, and I assent to their registration as burdens on the property (except those of them stated in the assent of the personal representative to have been discharged or satisfied or to have terminated) and I assent to the following inhibition being entered on the folio for the protection of the said unregistered rights. (See Form 88).

3. My limited estate is not subject to any charge, burden or right arising under the settlement created by the said will (except—insert particulars of any burden or right forming part of the settlement that affects the limited estate—to the registration of which as a burden on my limited estate I assent) [and/or I assent to the following inhibition being entered on the folio for the protection of the said unregistered right. (See Form 88).]

4. I apply to be registered as limited owner of the said property [subject to the burdens and rights thereon (and on my limited estate therein) to the registration of which I have herein assented, and to the entry of an appropriate inhibition on the folio for the protection of said unregistered rights. (See Form 88)].

5. My address in the State for service of notices and my description are—

Dated the day of 19

(Execution as in Form 38)

Schedule

Particulars of all burdens and/or rights created by the will that rank in priority to the settlement in it	Name of claimant in the will
---	------------------------------------

(b) Consent of trustees of the settlement (to be endorsed on the application)

We, G.H., and I.J., the trustees of the settlement created by the will of C.D., hereby assent to the registration of E.F., as limited owner of the property within referred to and to the registration as burdens thereon of those burdens to the registration of which as burdens on the property he has within assented and to the registration of the inhibition to which he has within assented. Our address in the State for service of notices is—

Dated the day of 19 .

(Execution as in Form 38)

NOTE (1)—The only burdens that should be entered in the Schedule to the application are the burdens created by the will that would not be over-reached on a sale by the limited owner under the Settled Land Acts. See Settled Land Act, 1882, section 20 (2). Charges under the will that form part of the settlement, i.e., burdens that would be over-reached by a sale by the limited owner under the Settled Land Acts, may be registered on the limited estate of the owner, where they affect it. They cannot be registered as burdens on a subsequent estate in the settlement until that estate vests in possession.

NOTE (2) Where there are no trustees of the settlement (as defined in section 95 (1) of the Registration of Title Act, 1891) the executors proving the will are trustees thereof, and can give the necessary consent to the registration of the limited owner— [section 26 of the Registration of Title Act, 1942](#) .

NOTE (3)—Application for registration of a limited owner may also be made by the trustees of the settlement. If they apply, this Form is to be used with the necessary modifications, notice being given to the limited owner.

(a) See Note (1).

(b) See Note (2).

FORM 40

Application by trustee devisees for registration as full owners of property on the assent of the personal representative in the case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

1. We, G.H. and I.J., are—as in paragraph 1 of Form 39.

2. The property devised to us is not subject to any burden or right under the will ranking in priority to the trusts on which we hold.

or,

As in alternative clause in Form 39, paragraph 2, substituting the words "the trust on which we hold" for the words "the uses and trusts of the settlement created by the said will".

3. We apply to be registered as full owners of the property (subject to the burdens thereon to the registration of which we have herein assented).

4. We apply for and assent to the entry of the following inhibition in the register on our registration—insert restriction or restrictions appropriate for the protection of the trusts of the will including the right referred to at paragraph 2 (See Form 88).

5. Our addresses in the State for service of notices and our descriptions are—

Dated the day of 19 .

(Execution as in Form 38)

(Schedule, where necessary, as in Form 39)

FORM 41

Application by a person entitled as sole devisee for registration as owner of property that is vested in him as sole personal representative in case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

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

1. As in Form 37, paragraph 1.

- 2. Insert the clause in Form 37, paragraph 2, applicable.
- 3. (a) Insert the appropriate clause in Form 37, paragraph 4 or Form 39, paragraph 2.
- 4. I, as personal representative, make no claim against the said property for any money for the discharge of the funeral and testamentary expenses or the debts of said owner (or, the legacies charged by his will on both real and personal estate that are primarily payable out of his general personal estate) and I apply as devisee for registration as full (or, as limited) owner of the property (subject to the burdens set out in the first part of the Second Schedule hereto, and to the rights for the protection of which I apply for the entry on the folio of an appropriate inhibition:—(See Form 88).
- 5. My address in the State for service of notices and my description are—
 - (a) See Note.

(Jurat as in Form 1)

(Schedule(s), where necessary, as in Form 37).

NOTE—The modifications and additions from Form 39 referred to in paragraph 3 are to be adopted when applicant is entitled as sole limited owner.

FORM 42

Application by one or more personal representatives to whom property is devised upon trust for sale or other trusts requiring his/their registration in the case of death before the 1st June, 1959 (rule 89)

(Heading as in Form 11)

I/We

of make oath

and say—

1. I/We are the executor(s) (or, the administrator(s) with will annexed) of C.D., deceased, the registered full owner of the property comprised in the above-mentioned folio of the register who died on the day of 19 . Probate was (or, letters of administration with said will annexed were) granted to me/us on the day of 19 .

2. By his said will the said owner devised all the property described in the said folio (or, the part of the property described in the said folio specified in the Schedule or, the First Schedule hereto) to me/us in the words following— (Insert the words in the will devising the property)

or,

All the property described in the said folio is included in the residuary devise to me/us in the will of the said owner.

3. The property devised to me/us is not subject to any burden or right under the said will ranking in priority to the trusts in which I/we hold.

or,

I/We have set out in the Schedule (or, the Second Schedule hereto) particulars of all the charges, burdens, and rights created by the said will on the said property that have priority to the trusts on which I/we hold and I/we assent to their registration as burdens on the said property (except those of them stated therein to have been discharged or satisfied or to have terminated).

4. I/we apply to be registered as full owner(s) of the property (subject to the burdens thereon to the registration of which I/we have assented).

5. I/we apply for and assent to the entry of the following inhibition in the register on my/our registration— (insert restriction or restrictions appropriate for the protection of the trusts of the will and said rights—Form 88).

6. As in Form 41, paragraph 4.

7. My/Our address(es) in the State for service of notices and my/our descriptions(s) are—

(Schedule(s) (where necessary) as in Form 37)

(Jurat as in Form 1)

FORM 43

Transfer of property of a testate registered full owner by his personal representative to a devisee entitled in case of death before the 1st June, 1959 (rule 90)

(Heading as in Form 11)

Transfer dated the day of 19 .

A.B., the personal representative of C.D., the registered full owner, hereby—

1.—(a) Charges all the property described in folio of the register, County with any sums that the personal representative of C.D., is liable to pay.

2. Transfers all the property described in the said folio to E.F., as the devisee entitled thereto under the will of C.D., free from all the burdens and rights created thereon by the said will which have been satisfied or discharged or have terminated (or, subject to the burdens(s) and right(s) created by the said will that are specified in the Schedule hereto and free from all other burden(s) or right(s) thereunder which have been satisfied or discharged or have terminated).

3. E.F., hereby assents to the registration of the burden(s) in the said Schedule (and the said charge in favour of the personal representative) as burden(s) on the property (and to the entry of an inhibition for the protection of the right(s) in the said Schedule in the following terms—See Form 88).

4. The address of E.F., in the State for service of notices and his description are—

5. It is hereby certified, etc. (b).

(Execution as in Form 19)

Schedule

Subsisting burdens and rights under the will of C.D.	Name of person entitled under the will to the burdens or rights (Where an infant or person of unsound mind that fact and name of guardian or committee to be stated)
--	--

NOTE (1)—The transfer must be accompanied by an affidavit by the personal representative as prescribed by rule 90 (2). Form 45.

NOTE (2)—See section 87 (1) of the Registration of Title Act, 1891. This charge should only be created where the personal estate is insufficient to discharge the debts, and the legacies (if any) charged on both the real and personal estate, for which the personal estate is primarily liable.

NOTE (3)—This form is to be used with appropriate modifications where the personal representative is transferring to the successor of the devisee entitled or to trustee devisees to whom property is devised on trust for sale requiring their registration. The form should in such case include an application for the entry of an appropriate inhibition to protect the trusts on which they hold.

NOTE (4)—This form may be adapted where the personal representative transfers the property to a devisee entitled to be registered as limited owner under the will. In this case the transfer should include recitals in relation to the burdens created by the will to the effect of relevant paragraphs 2 or 3 of Form 39.

NOTE (5)—See Note (1) to Form 19.

(a) See Note (2).

(b) See Note (5).

FORM 44

Transfer of property of a testate registered full owner by his personal representative, at the direction of trustee devisees, to a beneficiary who has become entitled under the trusts of the will in case of death before the 1st June, 1959 (rule 90)

(Heading as in Form 11)

Transfer dated the day of 19 .

1. A.B., the personal representative of C.D., the registered full owner, by the direction of E.F., and G.H. the trustee devisees of the said owner, hereby transfers all the property described in folio of the register, County to I.J., free from the burdens and rights created thereon by the said will that rank in priority to the trusts on which it was devised to E.F., and G.H., all of which burdens and rights have been satisfied or discharged or have terminated (or, subject to the burden(s) and right(s) created by the said will specified in

the Schedule hereto that rank in priority to the trusts on which it was devised to E.F. and G.H., and free from all other burdens or rights thereunder that rank in priority to the said trusts and which have been satisfied or discharged or have terminated).

2. E.F., and G.H., as the devisees of the said property on the trusts therein hereby declare that I.J., is now entitled to the said property free from the trusts, other than the trust for him subject to which they held it.

3. As in Form 43 paragraph 3 (where necessary).

4. As in Form 43 paragraph 4.

5. It is hereby certified, etc. (a).

(Execution by A.B., E.F., and G.H., as in Form 19).

(Schedule (where necessary) as in Form 43).

NOTE (1)—If the executors are also the trustees, the form should be modified accordingly.

NOTE (2)—See Note (1) to Form 19.

(a) See Note (2).

FORM 45

Affidavit by personal representative (1) of a testate registered full owner relative to burdens or other rights created by the will of the testator in case of death before the 1st June, 1959 (rule 90)

or,

(2) in the case of property subject to Part IV of the 1891 Act only, in respect of which the registered owner has died intestate, relative to the persons by law entitled to the property on the intestacy in case of death before the 1st June, 1959 (rule 91)

(Heading as in Form 11)

I, A.B., make oath and say—

1. C.D., the registered full owner of the property described in folio of the register, County died testate (or, intestate) on the day of 19, and probate of his will was (or, letters of administration with his will annexed, or, letters of administration of his estate were) granted to me on the day of 19 .

Testate Owner.

2. I have set out in the Schedule hereto the names of all persons entitled under the will to any estate, burden or other right in, to, or over the property described in the said folio, except those whose claims are payable primarily out of the general personal estate of the testator in exoneration of the said property, with short particulars of their interests and their addresses in the State for service of notices. None of them is an infant or person of unsound mind, except where stated in the said Schedule.

or,

Intestate Owner, see Note.

I have set out in the Schedule hereto the names of all persons who, subject to the liabilities of the intestate, became by law entitled to his property on his death, their relationship to the intestate, and their addresses in the State for services of notices. None of them is an infant or person of unsound mind except where stated in the said Schedule.

3. I as personal representative make no claim against the said property for any money for the discharge of the funeral, and testamentary (or, administration) expenses or the debts of the said owner (or the legacies charged by his will on both real and personal estate that are primarily payable out of his personal estate).

(Jurat as in Form 1)

Schedule

Name of claimant under the will or intestacy (where an infant or person of unsound mind, state that fact and name of guardian or committee)	Where owner died testate, the estate, burden or right of claimant under the will; where owner died intestate, the relationship of claimant to owner	Address of claimant in the State (or, where an infant or person of unsound mind, of his guardian or committee)
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NOTE—Care should be taken to set out in the Schedule the names of persons who would become entitled under the provisions of the [Legitimacy Act, 1931](#) , and the Adoption Acts, 1952 and 1964.

FORM 46

Transfer of property (subject to Part IV of the 1891 Act) of an intestate registered full owner by his personal representative to the person entitled under the intestacy in case of death before the 1st June, 1959 (rule 91)

(Heading as in form 11)

Transfer dated the day of 19 .

A.B., as administrator of C.D., the registered full owner hereby—

1. (a) Charges all the property described in folio of the register County with any money that the administrator of C.D., is liable to pay.

2. Charges all the property described in the said folio with the burdens and rights specified in the Schedule hereto, which are hereby created in discharge (or, part discharge) of the rights of the persons named in the second column of the said Schedule as persons entitled to the assets of C.D., on his death intestate.

3. Transfers all the property described in the said folio to E.F., as the person entitled thereto on the death intestate of C.D., free from the rights of all other persons entitled to the assets of the said intestate (but subject to said charge and to the burdens and rights specified in the Schedule).

4. E.F., hereby assents to the registration of the burdens in the said Schedule (and the said charge in favour of the personal representative) as burdens on the property and to the entry of an appropriate inhibition on the folio for the protection of the unregistered rights specified in the Schedule.

5. The address of E.F., in the State for service of notices and his description are—

6. It is hereby certified, etc. (b)

(a) See Note (1).

(b) See Note (3).

(Execution as in Form 19)

(Schedule where necessary)

Particulars of burden(s) and/or rights to be registered	Name of person to be registered as owner of burden and his address in the State. (Where an infant or person of unsound mind, that fact to be stated with name of guardian or committee (if any))
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NOTE (1)—See section 87(1) of the Registration of Title Act, 1891. This charge should only be created if there are undischarged claims for which the administrator is liable.

NOTE (2)—This form is to be used with the appropriate modifications where the personal representative is transferring to the successor of the person entitled under the intestacy.

NOTE (3)—See Note (1) to Form 19.

FORM 47

Application for registration by a person who is personal representative and who claims to be entitled to property subject to Part IV of the 1891 Act of an intestate owner in the case of death before the 1st June, 1959 (rule 92)

(Heading as in Form 11)

I, A.B., make oath and say—

1. C.D., the registered full owner of the property described in folio of the register, County died intestate on the day of 19 , and letters of administration of his personal estate were granted to me on the day of 19 .

2. I have set out in the Schedule hereto the names of all the persons who, subject to the liabilities of the intestate, became entitled to his property on his death, their relationship to the intestate and their addresses in the State for service of notices. None of them is an infant or person of unsound mind except where stated in the said Schedule.

3. I have discharged or satisfied the claim of every person named in the said Schedule by payments or appropriations out of assets of C.D., other than the said property (and/or by charges and other burdens on or rights in the said property created by me by deed dated the day of 19 , which accompanies this application).

or,

The claim of every person in the said Schedule has been satisfied, and I beg to refer to the deed/deeds, particulars whereof are set out in the third column of the said Schedule whereby the several persons entitled as aforesaid have released their respective claims to the property which said deed/deeds accompany this application and (are intended to be filed in the Registry), (or, if the are—

deed/deeds relate to other property in addition to registered land, copies of which deed/deeds are intended to be filed in the Registry).

or,

(a) As the only child of the said C.D., I am the only person entitled to the assets of C.D.

or,

I am the widow of C.D., who died without leaving issue and the net value of his real and personal estate does not exceed £4,000 (where the death occurred before the 1st June. 1954, £500).

or,

The debts, funeral and administration expenses of C.D., which have been paid by me exceed in amount the value of his assets, and the discharge of such liabilities has left no assets available for distribution amongst the persons entitled thereto.

4. I, as personal representative, make no claim against the said property for any money for the discharge of the funeral and administration expenses or the debts of said owner.

5. I apply to be registered as full owner of the said property (subject to the burdens and rights created by the deed/deeds hereinbefore referred to. I assent to the registration of the said burdens and to the entry of the following inhibition to protect the subsisting unregistered rights: (See form 88)).

6. My address in the State for service of notices and my description are:

Schedule

Name of Claimant under the intestacy (where an infant or person of unsound mind state that fact and the name of the guardian or committee)	The relationship of claimant to deceased owner	Address of claimant in the State (or, where an infant or person of unsound mind, of his guardian or committee)
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(Jurat as in Form 1)

NOTE—In framing this paragraph regard should be had to the provisions of the [Legitimacy Act, 1931](#) , and the Adoption Acts, 1952 and 1964.

(a) See Note.

FORM 48

Assent by personal representative(s) to the registration of a person entitled as full owner where a registered owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

I/we A.B. of make oath and say:—

1. C.D. the registered full owner of the property described in folio of the register, County died on the day of 19 , and probate of his will dated the day of 19 , was (or, letters of administration with his will dated 19 , annexed thereto were) granted to me/us on the day of 19 .
2. I/we assent to the registration of E.F. as full owner (subject to the charges and to the burdens and rights set out in the Schedule hereto).

See Notes (1). and (2).

(Jurat as in Form 1)

Schedule (where necessary)

Particulars of burdens and/or rights. (It should be stated in the case of each right or burden how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the register should be clearly indicated)	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (or where an infant or person of unsound mind, of his guardian or committee or trustee)
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It is Hereby certified, etc. (a).

NOTE (1)—Deeds or wills (other than probate of the will of the registered owner) should not be lodged.

It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the Registrar. The effect of all the deeds and wills must be set out correctly in the prescribed Form. See section 61 (3) of the Act and [section 54 \(2\) of the Succession Act, 1965](#) .

NOTE (2)—See [section 20 \(2\) of Administration of Estates Act, 1959](#) , and, in cases of deaths after the commencement of the [Succession Act, 1965](#) , section 52 (2) of that Act. Where the property is vested in trustees on trusts that do not constitute a settlement under which a limited owner may be registered, the personal representative should assent to the registration of the trustees as full owners with an appropriate inhibition.

Where the trustees hold the property on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any powers authorised, e.g., powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Registrar to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve him in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of infants or persons of unsound mind) their committees or guardians or trustees under [section 57 of the Succession Act 1965](#) .

NOTE (3)— See Note (3) to Form 37.

NOTE (4)—Where the personal representative authorises the registration of a charge for the repayment of a principal sum of money, the interest and terms relating to its repayment should be clearly set out. It must be

shown clearly, in the case of such a charge created by deed, when the repayment of the charge may be enforced by the exercise of his power of sale by the registered owner of the charge.

(a) See Note (3).

FORM 49

Assent by personal representative(s) to the registration of a person entitled as limited owner where a registered full owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

I/We A.B. of make oath and say:—

1. As in paragraph I, Form 48

2. I/We assent to the registration of E.F. as limited owner (subject to the burdens and rights set out in the first and second schedules hereto) and on the determination of his/her estate to the registration of G.H. as full owner.

or,

I/We assent to the registration of E.F. as limited owner (subject to the burdens and rights set out in the first and second schedules hereto) and on the determination of his/her estate to the registration of G.H. his wife, as limited owner and on the determination of the estate of the said G.H. to the registration as full owners (as joint tenants or tenants in common in equal shares, as the case may require) of such of the children of E.F. and G.H. as they shall jointly appoint or in default of such joint appointment as the survivor of them shall appoint, and in default of appointment to the registration of all the children of E.F. and G.H. as full owners as tenants in common in equal shares and in default of such children I/we assent to the registration of [here insert name(s) of the person(s) entitled to the estate or interest whether disposed of by the settlement or not]

or,

See Note (6).

as the case may be.

3. The property is limited to the said E.F. for his own life, or, for the life of X.Y., or, as the case may be, with remainder to G.H.

or,

See Notes.

The property is limited to the said E.F. for his own life or, for the life of X.Y. or, as the case may be, with remainder to G.H. his wife for life with remainder to such of the children of E.F. and G.H. as they shall jointly appoint or in default of such joint appointment as the survivor of them shall appoint, and in default of appointment to all the children of E.F. and G.H. as tenants in common in equal shares, and in default of such children the property is limited to [here insert the name(s) of the person(s) entitled to the estate or interest whether disposed of by the Settlement or not]

See Note (6).

or,

as the case may be.

4. I/we have set out in the first Schedule hereto the burdens or rights that rank in priority to the settlement,

or,

There are no burdens or rights that rank in priority to the settlement.

5. I/We have set out in the second Schedule hereto the burdens or rights that affect the limited ownership of E.F.

or,

There are no burdens or rights that affect the limited ownership of E.F.

6. I/We have set out in the third Schedule hereto the burdens or rights that affect the interests limited in remainder after the determination of the estate of E.F.

or,

There are no burdens or rights that affect the interests limited in remainder after the determination of the estate of E.F.

7. and are the trustees of the settlement for the purpose of the Settled Land Acts 1882 to 1890 (or, there are no trustees of the settlement for the purpose of the Settled Land Acts 1882 to 1890).

See Note (8).

8. The following persons (trustees or as the case may be) are empowered to raise by registered charge in priority to the trusts of the settlement the sum of £ to be raised and applied as follows: —(Insert terms relative to the time for raising the money, and for application of it when raised).

9. The following powers are expressly conferred upon the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts 1882 to 1890:—

 e.g. (i) He may with this consent of the trustees of the settlement grant leases for any purpose, and for any term at a rent which need not necessarily be the best rent that can reasonably be obtained.

 (ii) He may etc. (here set out in separate paragraphs other powers conferred on the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts 1882 to 1890).

10. The said E.F. (or, as the case may be) has the power to appoint new trustees of the settlement (or, the statutory powers of appointing new or additional trustees are applicable).

11. The following power is expressly conferred upon (settlor)—Power for (settlor) at any time thereafter by deed (or by will expressly referring to the power) to revoke the uses limited by the settlement, (or to as the case may be) and to limit and appoint the property to such other uses for the benefit of himself or any other person as he may think fit.

(Jurat as in Form 1)

First Schedule (where necessary)

Particulars of burdens and/or rights ranking in priority to the settlement (It should be stated in the case of each right or burden how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian,
--	---	---

register should be clearly stated) Succession Act, 1965, committee or
to be stated) trustee)

Second Schedule (where necessary)

Particulars of burdens and/or rights affecting the limited ownership (It should be clearly stated in the case of each right or burden how it was created, e.g. by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated)	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965 , to be stated)	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Third Schedule (where necessary)

Particulars of burdens and/or rights affecting the remainder interest (if successive remainder interests, the burdens or rights on each should be set out separately and it should be stated in the case of each right or burden how it was created e.g. by will or by deed. The priority in which burdens are to be entered in the Register should be clearly stated)	Name of claimant (where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965 , to be stated)	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Third Schedule (where necessary)

It is hereby certified, etc. (a).

NOTE (1) Deeds or wills (other than probate of the will of the registered owner) should not be lodged. Having regard to the terms of section 61 (3) of the Act, as inserted therein by [section 54 \(2\) of the Succession Act, 1965](#) , the utmost care should be taken by the personal representative, before executing an assent, to be satisfied as to the legal effect of the devise and/or the settlement (as the case may be). As it is the responsibility of the personal representative to administer the estate of the registered owner correctly, such administration is no concern of the Registrar. The effect of all the limitations, powers and burdens that will affect the property on registration must be set out correctly in the prescribed form. The Registrar will not construe the will of the registered owner or any deed or settlement (whether made with the concurrence

of the personal representative as such or not) so that if the effect of such limitations, etc., is incorrectly set out (e.g., if any of the burdens or powers are excluded from the prescribed form), it may be necessary to apply to the court for an order rectifying the register or for an order permitting the exercise of such powers.

NOTE (2)—THE WORDS OR TERMS OF THE WILL, DEED OR SETTLEMENT SHOULD NOT BE INSERTED OR RECITED IN THE ASSENT OF THE PERSONAL REPRESENTATIVE. ONLY THE EFFECT THEREOF AND THE REGISTRATION REQUIRED SHOULD BE SET OUT.

NOTE (3)—The only burdens that should be entered in the first Schedule are the burdens created by the will, deed or settlement created on the death of the registered owner, as the case may be, that would not be overreached on a sale by the limited owner under the Settled Land Acts. See Settled Land Act, 1882, section 20 (2). Burdens that form part of the settlement, i.e., burdens that would be overreached by a sale by the limited owner under the Settled Land Acts, may be registered on the limited ownership where they affect it, and they should be entered in the second Schedule. They cannot be registered as burdens on a subsequent estate comprised in the settlement until that estate vests in possession.

NOTE (4)—Where there are no trustees of a settlement created by the will of a registered owner, the personal representatives proving the will are trustees thereof (see [section 18 \(4\) of the Administration of Estates Act, 1959](#) and, in cases of death after the commencement of the [Succession Act, 1965](#), section 50 (3) of that Act).

NOTE (5)—see Note (3) to Form 37.

NOTE (6)—It is imperative that in the event of failure of limitation, failure of issue, partial intestacy or other contingency the personal representative assent to the registration of the persons(s) entitled in such cases. See also section 3 (2) of the Act and section 2 (2) of the Settled Land Act, 1882.

NOTE (7)—See Note (4) to Form 48.

NOTE (8)—If the settlement appoints only one trustee for the purposes of the Settled Land Acts but authorises receipt by him of capital money this fact should be stated. If one trustee only for the purposes of the Settled Land Acts is appointed and such trustee is not so authorised no reference to the fact should be made. It will be necessary to appoint trustees for the purpose of receiving capital money (see section 39 (1) of the Settled Land Act, 1882).

(a) See Note (5).

FORM 50

Application by a person who claims to be entitled to be registered as full owner on the assent of the personal representative(s) where a registered full owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

1. I, E.F., am the person entitled referred to in the within assent (or the assent annexed hereto) of the personal representative of C.D.

2. (I assent to the registration of the burden(s) referred to in paragraph 2 of the assent).

3. I apply to be registered as full owner of the property (subject to the burdens to the registration of which I have herein assented) (and to the subsisting unregistered right referred to in said assent for the protection of which I assent to the entry of the following inhibition):

(See Form 88)

4. My address in the State for service of notices, and my description are:—

(Execution as in Form 51)

FORM 51

Application by a person who claims to be entitled to be registered as limited owner on the assent of the personal representative(s) where a registered full owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

1. I, E.F., am the person entitled referred to in the within assent (or, assent annexed hereto) of the personal representative of C.D. I apply to be registered as limited owner of the said property (subject to the burdens and rights set out in the first and second Schedules to said assent, to the registration of which I hereby assent and I apply for entry of the following inhibition for the protection of said rights—See Form 88).

2. My address in the State for service of notices and my description are:—

Dated the day of 19 .

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

See notes to Form 49.

FORM 52

Application by trustees for registration as full owners of property on the assent of the personal representative(s) where a registered full owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

1. We, G.H. and I.J., are—as in paragraph 1 of Form 50.
2. (We have set out in the Schedule hereto particulars of all the charges burdens and rights affecting the property that have priority to the uses and trusts on which we hold and we assent to the registration of such burdens and to the entry of an inhibition to protect such rights).
3. We apply to be registered as full owners of the property (subject to such burdens).

See Note.

4. We apply for and assent to the entry of the following inhibition in the register on our registration—insert restriction appropriate for the protection of rights aforesaid—See Form 88.
5. Our addresses in the State for service of notices and our descriptions are:—

Dated the day of 19 .

(Execution as in Form 51)

Schedule (where necessary)

NOTE—Where the Trustees hold on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers, e.g., powers of sale and charging the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Registrar to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of an inhibition be phrased in such a

manner as would involve him in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or, (in the case of infants or persons of unsound mind) their committees or guardians or trustees under [section 57](#) of the [Succession Act, 1965](#) .

FORM 53

Application for registration by a personal representative who claims to be entitled to be registered as full owner where a registered full owner dies testate on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

I, A.B., of make oath and say—

1. As in Form 48, paragraph 1.

2. I apply for and assent to my registration as full owner of the property (subject to the burdens set out in the Schedule hereto, to the registration of which I hereby assent) (and subject to the subsisting unregistered rights referred to in said Schedule for the protection of which I assent to the entry of the following inhibition):

(See Form 88)

3. My address in the State for service of notices and my description are:—

(Jurat as in Form 1)

Schedule (where necessary)

(As in Form 48)

NOTE (1)—This Form should be modified in accordance with Form 49 when applicant is entitled as limited owner.

NOTE (2)—See Note (3) to Form 5.

FORM 54

Application by one or more personal representatives to whom property is devised upon trust for sale or other trusts requiring his/their registration on the death testate of a registered full owner on or after the 1st June, 1959 (rule 94)

(Heading as in Form 11)

I/We

of

make oath and say—

1. As in Form 48, paragraph 1.

2. I/we have set out the Schedule (or, the Second Schedule hereto) particulars of all the charges and other burdens and rights that have priority to the trusts on which I/we hold and I/we assent to the registration of such burdens on the said property and to the entry of the following inhibition to protect the said unregistered rights:—

3. I/we apply to be registered as full owners of the property (subject to the burdens thereon to the registration of which I/we have assented).

4. I/we apply for and assent to the entry of the following inhibition in the register (insert restriction appropriate for the protection of the unregistered rights aforesaid—Form 88).

See Note.

5. My/our address(es) in the State for service of notices and my/our description(s) are:—

(Schedule(s) (where necessary) as in Form 37)

(Jurat as in Form 1)

NOTE—Where the personal representatives hold the property on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of

them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the personal representatives of any authorised powers, e.g., powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Registrar to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve him in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of infants or persons of unsound mind), their committees or guardians or trustees under [section 57](#) of the [Succession Act, 1965](#) .

FORM 55

Transfer by the personal representative(s) to a person entitled to be registered as full owner where a registered full owner dies testate on or after the 1st June, 1959 (rule 95)

(Heading as in Form 11)

Transfer dated the day of 19 . A.B., the personal representative(s) of C.D., the registered full owner, hereby—

See Note (1).

1. Transfer(s) all the property described in the said folio to E.F. (subject to the charges and to the burden(s) and right(s) that are specified in the Schedule hereto).

2. E.F. hereby assents to the registration of the said charges and the burden(s) in the said Schedule as burden(s) on the property (and to the entry of an inhibition for the protection of the right in the said Schedule in the following terms—See Form 88).

3. The address of E.F. in the State for service of notices and his description are:—

4. It is hereby certified, etc. (b).

(Execution as in Form 19)

Schedule (where necessary)

Particulars of burdens and/ or rights (It should be stated in the case of each right or burden how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965 , to be stated)	Address in the State of claimant (or, where an infant or person of unsound mind, of his guardian, committee or trustee)
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NOTE (1)—See Note (1) to Form 48.

NOTE (2)—This Form is to be used with appropriate modifications where the personal representative is transferring to the successor of the person entitled whether under the will or under [section 111](#) of the [Succession Act, 1965](#) , or where the property is vested in trustees (by the will or by deed after the death of the registered owner) on trusts requiring their registration. The form should in such case include an application for the entry of an appropriate inhibition to protect the trusts on which they hold. (See Form 88). Where the trustees hold the property on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers e.g. powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Registrar to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve him in an enquiry into the manner in which the trusts are being administered. Normally the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of infants or persons of unsound mind) their committees or guardians or trustees under section 57 of the Succession Act, 1965.

NOTE (3)—See Note (1) to Form 19.

NOTE (4)—See Note (4) to Form 48.

(b) See Note (3)

FORM 56

Transfer by the personal representative(s) to a person entitled to be registered as limited owner where a registered full owner dies testate on or after the 1st June, 1959 (rule 95)

(Heading as in Form 11)

I/We A.B. as personal representative(s) of C.D. the registered full owner hereby: —

1. Transfer(s) all the property in said folio to (for example, X for his life subject to the burdens and rights set out in the first and second schedules hereto with remainder to Y for his life subject to the burdens and rights set out in the third schedule hereto with remainder to Z subject to the burdens and rights set out in the third schedule hereto). (The property should be here transferred to give the exact effect of the settlement.)

2. I/we have set out in the first Schedule hereto the burdens or rights that rank in priority to the settlement,

or,

there are no burdens or rights that rank in priority to the settlement.

3. I/we have set out in the second Schedule hereto the burdens or rights that affect the limited ownership of X.

or,

there are no burdens or rights that affect the limited ownership of X.

4. I/we have set out in the third Schedule hereto the burdens and rights that affect the interests limited in remainder after the determination of the estate of X.

or,

there are no burdens or rights that affect the interests limited in remainder after the determination of the estate of X.

5. and are the trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890 (or, there are no trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890).

6. The following persons (trustees or as the case may be) are empowered to raise by registered charge in priority to the trusts of the settlement the sum of £ to be raised and applied as follows:—(Insert terms relative to the time for raising the money, and for the application of it when raised).

7. The following powers are expressly conferred upon the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts, 1882 to 1890:—

- e.g. (i) He may with the consent of the trustees of the settlement grant leases for any purpose, and for any term at a rent which need not necessarily be the best rent that can reasonably be obtained.
- (ii) He may, etc. (here set out in separate paragraphs any other powers conferred on the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts, 1882 to 1890).

8. The said X (or, as the case may be) has the power to appoint new trustees of the settlement (or, the statutory powers of appointing new or additional trustees are applicable).

9. The following power is expressly conferred upon (settlor):—Power for (settlor) at any time thereafter by deed (or by will expressly referring to the power) to revoke the uses limited by the settlement (or to , as the case may be) and to limit and appoint the property to such other uses for the benefit of himself or any other person as he may think fit.

10. It is hereby certified, etc.

(Execution as in Form 19)

First Schedule (where necessary)

Particulars of burdens and/ or rights ranking in priority to the settlement. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Second Schedule (where necessary)

Particulars of burdens and/ or rights affecting the limited ownership. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Third Schedule (where necessary)

Particulars of burdens and/ or rights affecting the remainder interest (if successive remainder interests the burdens and/or rights on each should be set out separately). It should be stated in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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I, X, hereby assent to the registration of the burden(s) in the first and second Schedules as burden(s) on the property and I apply for the entry of the following inhibition to protect the rights set out in the said Schedules:—(See Form 88).

My address in the State for service of notices and my description are—

(Execution as in Form 51)

NOTE (1)—Deeds and wills (other than probate of the will of the registered owner) should not be lodged. Having regard to the terms of section 61 (3) of the Act, as inserted therein by [section 54 \(2\) of the Succession Act, 1965](#), the utmost care should be taken by the personal representative before executing a transfer to be satisfied as to the legal effect of the devise and/or settlement (as the case may be). As it is the responsibility of the personal representative to administer the estate of the registered owner correctly such administration is no concern of the registrar. The effect of all the limitations, powers and burdens that will affect the property on registration must be set out correctly in the prescribed form. The Registrar will not construe the will of the registered owner or any deed or settlement (whether made with the concurrence of the personal representative as such or not) so that if the effect of such limitations, etc., is incorrectly set out (e.g. if any of the burdens or powers are excluded from the prescribed form) it may be necessary to apply to the court for an order rectifying the register or for an order permitting the exercise of such powers.

NOTE (2)—THE WORDS OR TERMS OF THE WILL, DEED OR SETTLEMENT SHOULD NOT BE INSERTED OR RECITED IN THE TRANSFER BY THE PERSONAL REPRESENTATIVE. ONLY THE EFFECT THEREOF SHOULD BE SET OUT.

NOTE (3)—The only burdens that should be entered in the first Schedule are the burdens created by the will, deed or settlement created after the death, of the registered owner, as the case may be, that would not be overreached on a sale by the limited owner under the Settled Land Acts. See Settled Land Act, 1882 (section

20 (2)). Burdens that form part of the settlement, i.e. burdens that would be overreached by a sale by the limited owner under the Settled Land Acts, may be registered on the limited ownership where they affect it, and they should be entered in the second schedule. They cannot be registered as burdens on a subsequent estate comprised in the settlement until that estate vests in possession.

NOTE (4)—Where there are no trustees of a settlement created by a will of a registered owner, the personal representatives proving the will are trustees thereof, (see [section 18 \(4\) of the Administration of Estates Act, 1959](#) , and, in cases of death after the commencement of the [Succession Act, 1965](#) , section 50 (3) of that Act).

NOTE (5)—³See Note (1) to Form 19.

NOTE (6)—See Note (4) to Form 48.

NOTE (7)—In appropriate cases the property may be transferred to nominal trustees to uses.

NOTE (8)—See Note (8) to Form 49.

FORM 57

Assent by personal representative(s) to the registration of a person entitled as full owner where a registered full owner dies intestate on or after the 1st June 1959 (rule 96)

(Heading as in Form 11)

I/we A.B. of make oath and say—

1. C.D. the registered full owner of the property described in folio of the register, County died intestate on the day of 19 , and letters of administration of his estate were granted to me/us on the day of 19 .

2. I/we assent to the registration of as full owner of the property (subject to the charges and to the burdens and rights created by a deed/deeds dated)

(Such deed/deeds should not be lodged).

Schedule as in Form 48 (where necessary)

(Jurat as in Form 1)

It is hereby certified, etc. (a)

NOTE (1)—Deeds or wills should not be lodged. It is the responsibility of the personal representative to administer the estate of the registered owner correctly. Such administration is no concern of the registrar. The effect of all the deeds and wills must be set out correctly in the prescribed Form lodged with the grant of representation to the estate of the registered owner. See section 61 (3) of the Act and [section 54 \(2\) of the Succession Act, 1965](#) .

NOTE (2)—The right to dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the [Succession Act, 1965](#) .

NOTE (3)—See Note (3) to Form 37.

NOTE (4)—See Note (4) to Form 48.

(a) See Note (3).

FORM 58

Assent by personal representative(s) to the registration of a person entitled as a limited owner where a registered full owner dies intestate on or after 1st June, 1959 (rule 96)

(Heading as in Form 11)

I/we A.B. of make oath and say:—

1. C.D. the registered full owner of the property described in folio of the register, County died intestate on the day of 19 , and letters of administration of his estate were granted to me on the day of 19

2. I/we assent to the registration of E.P. as limited owner and on the determination of his/her estate to the registration of G.H. as full owner. (The property is limited to the said E.F. for his own life or for the life of X.Y. (or, as the case may be) with remainder to G.H.).

or,

I/we assent to the registration of E.F. as limited owner (subject to the burdens and rights set out in the first and second schedules hereto) and on the determination of his/her estate to the registration of G.H. his wife as limited owner and on the determination of the estate of the said G.H. to the registration as full owners (as joint tenants or tenants in common in equal shares, as the case may require) of such of the children of E.F. and G.H. as they shall jointly appoint or in default of such joint appointment as the survivor of them shall appoint and in default of appointment to the registration of all the children of E.F. and G.H. as full owner as tenants in common in equal shares and in default of such children I/we assent to the registration of [here insert the name(s) of the person(s) entitled to the estate or interest whether disposed of by the settlement or not]. (The property is limited to the said E.F. for his own life or for the life of X.Y. (or, as the case may be) with remainder to G.H. his wife for her life with remainder to such of the children of E.F. and G.H. as they shall jointly appoint or in default of such joint appointment as the survivor of them shall appoint, and in default of appointment to all the children of E.F. and G.H. as tenants in common in equal shares), and in default of such children the property is limited to [here insert the name(s) of the person(s) entitled to the estate or interest whether disposed of by the settlement or not].

See Note (5).

See Note (5).

3. I/We have set out in the first Schedule hereto the burdens or rights that rank in priority to the settlement.

or

There are no burdens or rights that rank in priority to the settlement,

4. I/We have set out in the second Schedule hereto the burdens or rights that affect the limited ownership of E.F.,

or,

There are no burdens or rights that affect the limited ownership of E.F.

5. I/We have set out in the third Schedule hereto the burdens or rights that affect the interests limited in remainder after the determination of the estate of E.F.,

or,

There are no burdens or rights that affect the interests limited in remainder after the determination of the estate of E.F.

6.and..... are the trustees of the settlement for the purpose of the Settled Land Acts, 1882 to 1890 (or, there are no trustees of the settlement for the purpose of the Settled Land Acts, 1882 to 1890).

7. The following persons (trustees or as the case may be) are empowered to raise by registered charge in priority to the trusts of the settlement the sum of £..... the said sum to be raised and applied as follows: —

(Insert terms relative to the time for raising the money, and for the application of it when raised).

8. The following powers are expressly conferred upon the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts 1882 to 1890:—

- e.g. (i) He may with the consent of the trustees of the settlement grant leases for any purposes, and for any term at a rent which need not necessarily be the best rent that can reasonably be obtained.
- (ii) He may etc. (here set out in separate paragraphs any powers conferred on the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts, 1882 to 1890).

9. The said E.F. (or, as the case may be) has the power to appoint new trustees of the settlement (or, the statutory powers of appointing new or additional trustees are applicable).

10. The following power is expressly conferred upon (settlor):—

Power for (settlor) at any time thereafter by deed (or by will expressly referring to the power) to revoke the uses limited by the settlement (or to , as the case may be) and to limit and appoint the property to such other uses for the benefit of himself or any other person as he may think fit

(Jurat as in Form 1)

First Schedule (where necessary)

Particulars of burdens and/ or rights ranking in priority to the settlement. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees	Address in the State of claimant (and, where an infant or person of unsound mind,
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burdens are to be entered in the register should be clearly stated under section 57 of the Succession Act, 1965, to be stated) of his guardian, committee or trustee)

Second Schedule (where necessary)

Particulars of burdens and/ or rights affecting the limited ownership. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Third Schedule (where necessary)

Particulars of burdens and/ or rights affecting the remainder interest (if successive remainder interests the burdens and/or rights on each should be set out separately). It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of the claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
---	---	--

It is hereby certified, etc. (a)

NOTE (1)—Deeds or wills should not be lodged. The grant of representation to the estate of the registered owner and the assent only should be lodged. Having regard to the terms of section 61 (3) of the Act, as inserted therein by [section 54 \(2\) of the Succession Act, 1965](#) , the utmost care should be taken by the personal representative before executing an assent to be satisfied as to the legal effect of the deed or settlement. As it is the responsibility of the personal representative to administer the estate of the registered owner correctly, such administration is no concern of the Registrar. The effect of all the limitations, powers and burdens that will affect the property on registration must be set out correctly in the prescribed form. The Registrar will not construe any deed or settlement (whether made with the concurrence of the personal representative as such or not) so that if the effect of such limitations etc, is incorrectly set out (e.g. if any of the burdens or powers are excluded from the prescribed form), it may be necessary to apply to the court for

an order rectifying the register or for an order permitting the exercise of such powers.

NOTE (2)—THE WORDS OR TERMS OF THE DEED OR SETTLEMENT SHOULD NOT BE INSERTED OR RECITED IN THE ASSENT OF THE PERSONAL REPRESENTATIVE. ONLY THE EFFECT THEREOF AND THE REGISTRATION REQUIRED SHOULD BE SET OUT.

NOTE (3)—The only burdens that should be entered in the first Schedule are the burdens created by the deed or settlement after the death of the registered owner that would not be overreached on a sale by the limited owner under the Settled Land Acts. See Settled Land Act, 1882, section 20 (2). Burdens that form part of the settlement, i.e. burdens that would be overreached by a sale by the limited owner under the Settled Land Acts, may be registered on the limited ownership where they affect it, and they should be entered in the second Schedule.

They cannot be registered as burdens on a subsequent estate comprised in the settlement until that estate vests in possession.

NOTE (4)—See Note (3) to Form 37.

NOTE (5)—It is imperative that in the event of failure of limitation, failure of issue, partial intestacy or other contingency the personal representatives assent to the registration of the person(s) entitle in such cases. See also section 3 (2) of the Act and section 2 (2) of the Settled Land Act, 1882.

NOTE (6)—See Note (4) to Form 48.

NOTE (7)—See Note 8 to Form 49.

(c) See Note (4).

FORM 59

Application for registration by a person who claims to be entitled to be registered as full owner where a registered full owner dies intestate on or after the 1st June, 1959 (rule 96)

I, (Heading as in Form 11)

of

am the person referred to in the within assent (or, the assent annexed hereto) of A.B., the personal representative of C.D.

1. I assent to the registration of the charges and the burdens and to the entry of the following inhibition to protect the other rights referred to in the said assent of A.B. (See Form 88) and I apply to be registered as full owner of the said property.

2. My address in the State for service of notices and my description are—

(Execution as in Form 51)

FORM 60

Application for registration by a person who claims to be entitled to be registered as limited owner on the assent of the personal representative(s) where a registered full owner dies intestate on or after the 1st June, 1959 (rule 96)

(Heading as in Form 11)

I, E.F., am the person referred to in the within assent (or, the assent annexed hereto) of A.B. the personal representative of C.D.

1. I (assent to the registration of the burdens referred to in said assent of A.B. and) apply to be registered as limited owner of the said property (subject to the said burdens) (and I apply for the entry of the following inhibition to protect the rights referred to in the said assent: —) (See Form 88).

2. My address in the State for service of notices, and my description are—

(Execution as in Form 51)

NOTE:—See Notes to Form 58.

FORM 61

Transfer by the personal representative(s) to a person entitled to be registered as full owner where a registered full owner dies intestate on or after the 1st June, 1959 (rule 96)

(Heading as in Form 11)

Transfer dated the day of 19 .

A.B., the administrator(s) of C.D. the registered full owner hereby—

- 1. Transfer(s) all the property described in the said folio to E.F. (subject to the said charge and to the burdens and other right(s) (b) specified in the Schedule hereto).
- 2. E.F. hereby assents to the registration of the said charge and the burden(s) specified in the said Schedule as burdens on the property, (and to the entry of the following inhibition to protect the subsisting unregistered right(s) specified in the Schedule: (See Form 88),
- 3. The address of E.F. in the State for service of notices and his description are—
- 4. It is hereby certified, etc. (c)

(Execution as in Form 19)

Schedule (where necessary)

Particulars of burdens and/ or rights. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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NOTE (1)—See Note (1) to Form 57.

NOTE (2)—These burdens may be created in discharge of the claims of beneficiaries who have not been otherwise provided for.

NOTE (3)—This form is to be used with the appropriate modifications where the personal representative is transferring to the successor of the person entitled under the intestacy.

NOTE (4)—See Note (1) to Form 19.

NOTE (5)—The right of dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the [Succession Act, 1965](#) .

NOTE (6)—See Note (4) to Form 48.

(b) See Note (2).

(c) See Note (4).

FORM 62

Transfer by the personal representative(s) to a person entitled to be registered as limited owner in pursuance of a settlement where a registered full owner dies intestate on or after the 1st June, 1959 (rule 96)

(Heading as in Form 11)

I/we A.B. as personal representative(s) of C.D, the registered owner hereby

1. Transfer(s) all the property in said folio to (for example, X for his life subject to the burdens and rights set out in the first and second schedules hereto with remainder to Y for his life subject to the burdens and rights set out in the third schedule hereto with remainder to Z subject to the burdens and rights set out in the third schedule hereto). (The property should be here transferred to give the exact effect of the settlement. This form may also be used in a case where the devolution of the property is not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the Succession Act, 1965; in such a case the property could be transferred to the tenant by the curtesy for his life with remainder to the heir-at-law).

See Notes.

2. I/we have set out in the first Schedule hereto the burdens or rights that rank in priority to the settlement,

or,

There are no burdens or rights that rank in priority to the settlement.

3. I/we have set out in the second Schedule hereto the burdens or rights that effect the limited ownership of X,

or,

There are no burdens or rights that affect the limited ownership of X.

4. I/we have set out in the third Schedule hereto the burdens or rights that affect the interests limited in remainder after the determination of the estate of X,

or,

There are no burdens or rights that affect the interests limited in remainder after the determination of the estate of X.

5. and are the trustees of the settlement for the purpose of the Settled Land Acts, 1882 to 1890 (or, there are no trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890).

6. The following persons (trustees or as the case maybe) are empowered to raise by registered charge in priority to the trusts of the settlement the sum of £

to be raised and applied as follows:— (Insert terms relative to the time for raising the money, and for the application of it when raised).

7. The following powers are expressly conferred upon the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts, 1882 to 1890.

e.g. (i) He may with the consent of the trustees of the settlement grant leases for any purpose, and for any term at a rent which need not necessarily be the best rent that can reasonably be obtained.

(ii) He may, etc. (here set out in separate paragraphs any powers conferred on the limited owner by the settlement in extension of those conferred on him by the Settled Land Acts, 1882 to 1890).

9. The said X (or, as the case may be) has the power to appoint new trustees of the settlement (or, the statutory powers of appointing new or additional trustees are applicable).
10. The following power is expressly conferred upon (settlor) by the settlement: —Power for (settlor) at any time thereafter by deed (or by will expressly referring to the power) to revoke the uses limited by the settlement (or to as the case may be) and to limit and appoint the property to such other uses for the benefit of himself or any other person as he may think fit.
11. It is hereby certified, etc.

(Execution as in Form 19)

First Schedule (where necessary)

Particulars of burdens and/ or rights ranking in priority to the settlement. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee, or trustee)
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Second Schedule (where necessary)

Particulars of burdens and/ or rights affecting the limited ownership. It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee, or trustee)
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Third Schedule (where necessary)

Particulars of burdens and/or rights affecting the remainder interest (if	Name of claimant (Where an infant or	Address in the State of
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successive remainder interests the burdens and/or rights on each should be set out separately). It should be stated, in the case of each right or burden, how it was created e.g. by will or by deed. The priority in which the burdens are to be entered in the register should be clearly stated	person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
---	---	--

I, X hereby assent to the registration of the burden(s) in the first and second schedule(s) as burden(s) on the property (and I apply for the entry of the following inhibition to protect the rights set out in the said schedules:—). My address in the State for service of notices and description are—

(Execution as in Form 51)

NOTE (1)—Deeds or wills should not be lodged. The grant of representation to the estate of the registered owner and the prescribed transfer only should be lodged. Having regard to the terms of section 61 (3) of the Act, as inserted therein by [section 54 \(2\) of the Succession Act, 1965](#), the utmost care should be taken by the personal representative, before executing a transfer, to be satisfied as to the legal effect of the deed or settlement. As it is the responsibility of the personal representative to administer the estate of the registered owner correctly, such administration is no concern of the Land Registry. The effect of all the limitations, powers and burdens under the settlement must be set out correctly in the prescribed form. The Registrar will not construe any settlement (whether made with the concurrence of the personal representative as such or not) so that if the effect of such limitations etc. is incorrectly set out (e.g. if any of the burdens or powers are excluded from (the prescribed form), it may be necessary to apply to the court for an order rectifying the register or for an order permitting the exercise of such powers.

NOTE (2)—THE WORDS OR TERMS OF THE DEED OR SETTLEMENT SHOULD NOT BE INSERTED OR RECITED IN THE TRANSFER BY THE PERSONAL REPRESENTATIVE. ONLY THE EFFECT THEREOF SHOULD BE SET OUT.

NOTE (3)—The only burdens that should be entered in the first Schedule are the burdens created by the deed or settlement after the death of the registered owner that would not be overreached on a sale by the limited owner under the Settled Land Acts. See Settled Land Act, 1882 (section 20 (2)). Burdens that form part of the settlement, i.e. burdens that would be overreached by a sale by the limited owner under the Settled Land Acts, may be registered on the limited ownership where they affect it, and they should be entered in the second Schedule. They cannot be registered as burdens on a subsequent estate comprised in the settlement until that estate vests in possession.

NOTE (4)—See Note (1) to Form 19.

NOTE (5)—Note (4) to Form 48.

NOTE (6)—See Note (8) to Form 49.

FORM 63

Application for registration by a personal representative who claims to be entitled to be registered as full owner on the death intestate of a registered full owner on or after the 1st June, 1959 (rule 97)

(Heading as in Form 11)

I, A.B. make oath and say—

1. C.D., the registered full owner of the property described in folio of the register, County , died intestate on the day of , 19 , and letters of administration of his estate were granted to me on the day of 19 .

2. I am entitled to be registered as full owner of the said property (subject to the burden(s) and right(s) created by the deed/deeds dated)

(The deed/deeds should not be lodged in the Registry).

(I assent to the registration of the said burden(s) and to the entry of the following inhibition to protect the subsisting unregistered right(s): See Form 88) and I hereby apply for and assent to my registration as full owner.

3. My address in the State for service of notices and my description are:—

Schedule (where necessary)

Particulars of burdens and/or rights. It should be stated, in the case of each right or burden, how it was created e.g. by deed. The priority in which the burdens are to be entered in the register should be clearly stated.	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965 , to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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(Jurat as in Form 1)

NOTE (1)—This form may be adapted in accordance with Form 58 when applicant is entitled as sole limited owner.

NOTE (2)—The right to dower may still arise in the case of the devolution of property not subject to the provisions of Part IV of the Registration of Title Act, 1891, where the registered owner died prior to the commencement of the [Succession Act, 1965](#) .

NOTE (3)—See Note (3) to Form 5.

NOTE (4)—See note (4) to Form 48.

FORM 64

Application for registration as owner by a person entitled on the determination of the estate or interest of a registered limited owner—

(1) where the settlement was created by the will of a registered owner who died on or after the 1st June, 1959, and registration of the limited owner thereunder is made after the commencement of the Succession Act, 1965,

or,

(2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner who died on or after the 1st June, 1959, and registration of the limited owner is effected after the commencement of the Succession Act, 1965, (rule 100).

(Heading as in Form 11)

I, A.B. of make oath and say—

1. C.D., the registered limited owner of the property described in folio of the register, County died on the day of 19 . (If the estate or interest of the limited owner determined otherwise than on death, state the facts that show it has determined).

See Note (1).

2. The provisions of the settlement under which the said C.D. was registered as limited owner are set out in Instrument being the assent or, transfer under which the limited owner was registered) and under such provisions I am now entitled in fee-simple in possession (or, as tenant for life in possession).

3. My estate or interest in the property is not subject to any burdens or rights (other than those specified in Instrument):—

or,

The settlement created the burdens or rights on my estate or interest in the property that are set in the third Schedule to Instrument and in the Schedule hereto. Of these, those specified in the second part of the Schedule hereto have determined or have been discharged. (I refer to the receipts/releases specified in the 2nd column of the said Schedule in evidence (b) thereof). I assent to the registration of the other burdens in the said Schedule as burdens on my estate or interest in the property.

4. There were no trustees of the settlement.

or,

The trustees of the settlement are dead and no new trustees of it have been appointed. The last surviving trustee was and his personal representative is of (or, and no representation has been raised to him).

or,

The present trustees of the settlement are and I refer to the order (or, deed) by which they were appointed which accompanies this application.

5. I have not transferred, charged, or dealt with my estate or interest in the property (except—give particulars of any dealing by the applicant with his estate or interest and assent to the registration of any dealing that is a burden) and I have no knowledge of any dealing affecting it other than those disclosed in this application.

6. I apply to be registered as full owner (or, as limited owner) of all the property described in the said folio subject to the burdens set out in the first part of the Schedule hereto to the registration of which I assent, and to the unregistered right for the protection of which I apply for the entry of the following inhibition. (See Form 88).

(Jurat as in Form 1)

(c) Schedule

Part I

Particulars of burdens and rights created by the settlement that affect estate or interest of applicant	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 57 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustees)
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Part II

Particulars of burdens and rights created by the settlement that have ceased to affect estate or interest of applicant	(d) Documents accompanying application in proof of discharge or cesser of burdens or rights
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NOTE (1)—The application may also be made by the trustees of the settlement. Where made by them, appropriate modifications of the form are to be made, and the assent of the owner to the registration of any burdens affecting his estate or interest should be lodged.

NOTE (2)—Where there are trustees of the settlement and they endorse on the application an admission of the discharge or cesser of any burden created by the settlement, no further evidence of its discharge or cesser is necessary.

(b) See Note (2).

(c) The Schedule is only to be divided into parts where some of the burdens have been discharged.

(d) See Note (2)

Application for registration as owner by a person entitled on the determination of the estate or interest of a registered limited owner in all cases where Form 64 is not appropriate, e.g.,

- (1) where the settlement was created by deed by a registered owner;
- (2) where the settlement was created by the personal representative and the persons claiming on the death of a registered owner and registration of the limited owner was effected prior to the commencement of the Succession Act, 1965;
- (3) where the settlement was created by the will of a registered owner and registration of the limited owner was effected prior to the commencement of the Succession Act, 1965; or
- (4) where the settlement was created (a) by the will of a registered owner who died prior to the 1st June, 1959. or (b) by the personal representative and the persons claiming on the death of such a registered owner and registration of the limited owner is effected after the commencement of the Succession Act, 1965 (rule 100)

(Heading as in Form 11)

(a) I, A.B. of make oath and say—

1. C.D., the registered limited owner of the property described in folio of the register County died on the day of 19 (or, if the estate or interest of the limited owner determined otherwise than on death, state the facts that show it has determined).

2. The settlement under which the said C.D., was registered as limited owner is—state deed or will creating the settlement and under the limitations thereof I am now entitled in fee-simple in possession (or, as tenant for life in possession).

(If there were estates or interests prior to the estate or interest of the applicant under the settlement which have determined, they should be referred to and the facts stated which show that they have determined. The application must show that the applicant is entitled in possession).

3. My estate or interest in the property is not subject to any burdens or rights created by or arising under the settlement.

or,

The settlement created the burden(s) or right(s) on my estate or interest in the property that is (or, are) set

out in the Schedule hereto,

or

The settlement created the burdens or rights on my estate or interest in the property that are set out in the Schedule hereto. Of these, those specified in the second part of the Schedule have determined or have been discharged. (I refer to the documents specified in the 2nd column of the said Schedule in evidence (b) thereof).

4. There were no trustees of the settlement

or,

The trustees of the settlement are dead and no new trustees of it have been appointed. The last surviving trustee was and his personal representative is of (or, and no representation has been raised to him).

or,

The present trustees of the settlement are and I refer to the order (or, deed) by which they were appointed and to their consent to my registration, which accompanies this application.

5. I have not transferred, charged, or dealt with my estate in the property (except—give particulars of any dealing by the applicant with his estate or interest and assent to the registration of any dealing that is a burden) and I have no knowledge of any dealing affecting it other than those disclosed in this application.

6. I apply to be registered as full owner (or, as limited owner) of all the property described in the said Folio subject to the burdens set out in the first part of the Schedule hereto to the registration of which I assent, and to the unregistered right for the protection of which I apply for the entry of the following inhibition. (See Form 88).

7. My address in the State for service of notices and my description are—

(Jurat as in Form 1)

(c) Schedule

Part I

Particulars of burdens and rights created by the settlement that affect estate or interest of applicant	Name of claimant (Where an infant or person of unsound mind, that fact with name of guardian or committee or trustees under section 47 of the Succession Act, 1965, to be stated)	Address in the State of claimant (and, where an infant or person of unsound mind, of his guardian, committee or trustee)
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Part II

Particulars of burdens and rights created by the settlement that have ceased to affect estate or interest of applicant	(d) Documents accompanying application in proof of discharge or cesser of burdens or rights
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Consent of (e) trustees of settlement to the registration of successor to registered limited owner, to be endorsed on application.

We, E.D. and G.H. of _____, the trustees of the settlement under which C.D. was registered as limited owner on folio _____ County _____ have read the within application of A.B. for registration as owner on the said folio.

The statements in paragraphs 1, 2, 3 and 4 of the said application are accurate.

We have no notice of any dealing by A.B. with his estate or interest in the property under the settlement that is not disclosed in the application (or, as the case may be). We consent to the registration of A.B. as full owner (or, as limited owner) on the said folio free from the burdens or rights created or arising under the said settlement (or, subject only to the burdens or rights created or arising under the said settlement specified in the Schedule (or, Part I of the Schedule) to the within application, which are the only burdens or rights in the settlement that now affect the estate or interest of A.B. thereunder).

Dated the _____ day of _____ 19 .

(Execution as in Form 51)

NOTE (1)—The application may also be made by the trustees of the settlement. Where made by them, appropriate modifications of the form are to be made, and the assent of the owner to the registration of any burdens affecting his estate or interest should be lodged.

NOTE (2)—Where there are trustees of the settlement and they consent in the prescribed form to the registration, no evidence of the discharge of any burden created by the settlement other than their admission of its discharge or cesser is necessary.

(a) See Note (1).

(b) See Note (2).

(c) The Schedule is only to be divided into parts where some of the burdens have been discharged.

(d) See Note (2).

(e) See Note (2) to Form 39 and Note (4) to Form 49.

FORM 66

Assent to the registration of a burden (rule 104)

(Heading as in Form 11)

A.B., of hereby assents to the registration of the burden specified in the Schedule (or, Part I of the Schedule) hereto as a burden on the property described in folio of the register County

(or, on the part of the property described in folio

of the register County specified in Part II of the said Schedule).

Dated the day of 19 .

(To be signed by the person authorised by section 69 of the Act, or rule 103 (1) to concur in the registration of the burden, or his Solicitor. Where signed by the Solicitor he must state explicitly that he is Solicitor for the person authorised to concur. Where signed personally by the person authorised to concur, his signature is to be attested).

(a) Schedule

Part I

To contain particulars of the burden to be registered as stated in the instrument creating it.

Part II

To contain particulars of the part of the property in the folio on which the burden is to be registered.

NOTE—The Schedule is to be divided into parts only where the burden is to be registered against part of the property described in a folio.

FORM 67

Charge for a principal sum (rules 52, 113)

(Heading as in Form 11)

Charge dated the day of 19

A.B., the registered owner, in consideration of pounds (£) paid to him by C.D., hereby charges all the property described in folio of the register County with payment to C.D., on the day of 19 , of the principal sum of pounds (£) with interest thereon at per cent. per annum payable half-yearly on the day of and every year, and A.B. hereby covenants for payment of the principal sum and assents to the registration of the charge as a burden on the said property. The address in the State of C.D. for service of notices, and his description are—

It is hereby certified, etc. (a)

(Execution as in Form 19)

NOTE (1)—Any of the following or similar stipulations may be added to the Form, if required:—

(i) The interest secured by the charge shall be reduced to per cent in every half-year in which it is paid within days after it becomes due.

(ii) The principal sum shall not be called in until the day of 19 , unless the interest shall fail to be paid

within days after it becomes due.

- (iii) Where the interest is paid within days after it becomes due, the principal shall be payable by instalments of £ each to be paid on the day of in every year.
- (iv) The whole or any part (not less than £ at any one time) of the principal may be paid on any day on which interest becomes due on giving months' notice in writing of the intention to do so, and on paying all interest that may be due at the time of such payment of principal.

NOTE (2)—See Note (1) to Form 19.

FORM 68

Charge for future advances (rules 52, 113, 116)

(Heading as in Form 11)

Charge dated the day of 19 , A.B., the registered owner, hereby charges all the property described in folio of the register County with payment to C.D. of future advances not exceeding in all pounds (£) with interest, etc., as in Form 67.

(Execution as in Form 19)

FORM 69

Charge by personal representative for moneys that he is liable to pay as personal representative (rule 113)

(Heading as in Form 11)

Charge dated the day of 19 , A.B. the personal representative of C.D., the registered full owner, hereby charges all the property described in folio of the register County, with all moneys (or, all moneys not exceeding £) that the personal representative of C.D. is liable to pay.

(Execution as in Form 19)

NOTE:— The assent prescribed by rule 103 (1) (c) to the registration of this charge must accompany it.

FORM 70

Transfer of charge (rules 52, 113)

(Heading as in Form 11)

Transfer dated the day of 19 , In consideration of pounds (£) paid to him, the receipt of which is hereby acknowledged), A.B., the registered owner (or, the personal representative of the registered owner) hereby transfers to C.D. the charge for registered on the day of 19 (or, at Entry No.) as a burden on the property described in folio of the register County . The address in the State of C.D. for service of notices and his description are— It is hereby certified, etc. (a)

(Execution as in Form 19)

NOTE—See Note (1) to Form 19.

(a) See Note

FORM 71A

Requisition for discharge of a charge by its registered owner (rules 52, 111 and 113)

(Heading as in Form 11)

Discharge dated the day of 19 . A.B., the registered owner of a charge for £ registered on the day of (or, at Entry No.) as a burden on the property described in folio(s) of the register, County , hereby requires a note of the discharge (or, satisfaction) of the said charge, as a burden on the said property (or, the part of the said property specified in the Schedule hereto) to be entered in the said folio(s) of the register.

(To be signed by the registered owner of the charge and signature attested).

(Schedule where necessary)

NOTE:—This form suitably adapted may be used for the discharge of other burdens.

FORM 71B

Requisition for discharge of a charge where its registered owner does not concur (rules 52, 111 and 113)

(Heading as in Form 11)

I, A.B. of aged years and upwards make oath and say:—

1. I am the registered owner of the property described in Folio County

2. On the day of 19 , a charge for the sum of £ was registered in favour of C.D. of at
Entry No.

3. I have never made any payment of principal or interest on foot of the said charge (or, no payment of principal or interest on foot of the said charge has been made by me since , or, as the case may be). No claim was ever made against me (or, as the case may be) and no acknowledgement was ever given by me, in respect of the said charge (or, as the case may be).

4. The address of C.D., the registered owner of the charge is

or,

The said C.D., the registered owner of the charge died on the day of . His personal representatives are E.F. and G.H. of

or,

The said C.D. the registered owner of the charge died intestate and no representation was raised to his estate and the following are the names and addresses of all his next-of-kin:—

5. I apply that the charge be cancelled.

(Jurat as in Form 1)

NOTE (1)—This Form may be adapted where the applicant's predecessor in title was the registered owner at the date of the registration of the charge with additional averments that such predecessor made no payment, etc., and as to the applicant's sources of knowledge.

NOTE (2)—This Form may also be adapted where it is claimed that the charge was paid but no receipt is available.

NOTE (3)—This Form may also be adapted where it is claimed that a charge by way of annuity has been paid in full or where the [Statute of Limitations, 1957](#) , is invoked in respect of arrears.

FORM 72

Charge by way of annuity (rules 52, 113)

(Heading as in Form 11)

Charge dated the day of 19 .

1. A.B.. the registered owner of the property described in folio of the register, County , hereby—

(a) grants to C.D. an annuity of pounds (£) for his life (or, for years) from the day of

19 , to accrue from day to day but to be paid free from all deductions, except income tax, by half-yearly (or, quarterly, or monthly) payments on the day of in every year;

(b) charges all the said property with the said annuity and assents to its registration as a burden thereon.

2. The address in the State of C.D. for service of notices and his description are—

3. It as hereby certified, etc. (a)

(Execution as in Form 19)

NOTE (1)—A covenant for payment of the annuity may be inserted, if desired.

NOTE (2)— See Note (1) to Form 19.

(a) See Note (2).

FORM 73

Grant of perpetual rentcharge out of freehold property (rule 124)

(Heading as in Form 11)

Grant dated the day of 19 , A.B., the registered owner, in consideration of hereby grants to C.D. in fee-simple a perpetual yearly rentcharge of pounds (£) to issue out of all the property described in folio of the register, County and to accrue from day to day but to be paid, free from all deductions except income tax, by half-yearly payments on the day of and the day of in every year, the first payment to be made on the day of , and A.B; hereby assents to the registration of the said rentcharge as a burden on the said property. The address in the State and description of C.D. are—

It is hereby certified, etc. (a)

(Execution as in Form 19)

NOTE (1)—A covenant for payment of the rentcharge may be added, if desired.

NOTE (2)—Registration of the rentcharge will not be evidence of the ownership thereof unless ownership is registered in the register maintained under section 8 (b) of the Act.

NOTE (3)—See Note (1) to Form 19.

(a) See Note (3).

FORM 74

Entry to be made in the register on deposit in the registry of an affidavit of judgement as a judgement

mortgage (rule 118)

An office copy of an affidavit by _____ of a judgement (or, an order) obtained by A.B. against C.D. on the day of _____ 19____, in the High Court (or, in the Circuit Court _____ Circuit) in a cause (or, matter) of A.B. v. C.D. has been deposited in the Registry as a burden on the interest of C.D. in the property. The amount owing on the said judgement (or, order) is stated to be £ ____.

FORM 75

Notice of the deposit in the registry of an affidavit of judgement as a judgement mortgage (rule 120)

Land Registry
Chancery Street,
Dublin.

Sir, (or, Madam),

You are hereby given notice that an affidavit of a judgement (or, an order) obtained on the ____ day of ____ 19____ against C.D. in the High Court (or, Circuit Court _____ Circuit) in a cause (or, matter) of _____ has been deposited in this Registry as a burden on the interest of C.D. in the property described in folio ____ of the register County ____ of which _____ is the registered owner and notice of the deposit has been entered in the said folio. The amount stated to be due on the judgement is £ ____.

To

FORM 76

Requisition by a judgement creditor for the discharge in the register of an entry of a notice of deposit of an affidavit of judgement as a mortgage (rule 122)

(Heading as in Form 11)

A.B., the judgement creditor specified in an affidavit of judgement deposited in the Registry on the day of _____ as a burden on the interest of C.D. in the property described in folio ____ of the register County _____, hereby requires the discharge in the said folio of the entry of the notice of deposit of the said affidavit.

Dated the day of 19.

(To be signed by the judgement creditor and his signature attested).

To the Registrar of Titles.

NOTE.—This discharge may also be given by the personal representative of the judgement creditor.

FORM 77

Requisition for registration of a lis pendens as a burden (rule 128)

(Heading as in Form 11)

Sir,

The memorandum hereunder written contains the particulars of a lis pendens in the High Court (or, Circuit Court Circuit) which I require to be registered as a burden on the interest of the person hereunder mentioned in the property described in folio of the register, County

*Signature.

Memorandum

Name of person whose interest is intended to be affected	Usual or last known place of abode of such person	Title, trade, or profession of such person
--	---	--

Title of cause or matter:

Particulars of the claim made or the relief sought in cause or matter in respect of the registered property:

I certify that the lis pendens described in the above memorandum is in existence.

Dated the day of 19 .

*Signature

To: The Registrar of Titles.

*Name of Solicitor with name of party for whom he is acting.

*of the proper officer of the court in which the lis pendens is.

FORM 78

Entry of lis pendens in the register (rule 128)

Proceedings affecting the interest of C.D. in the property are pending in the High Court (or, Circuit Court Circuit in a cause (or, matter) of)

FORM 79

Entry of recognisance in the register (rule 129)

A recognisance acknowledged by A.B. before C.D. on the day of in the sum of £ affects the interest of A.B. in the property.

FORM 80

Grant of a right of way by registered full owner of property for the benefit of other registered property (rule 130)

(Heading as in Form 11)

Grant dated the day of 19 . In consideration of A.B., the registered owner of the property described in folio (insert folio No. of property of A.B.) of the register County , hereby grants to C.D., his heirs and assigns, the owners of the property described in folio (insert folio No. of property of C.D.) of the register of said County, and his and their licensees, full right and liberty at all times and for all purposes on foot and with or without animals or vehicles to pass and repass over the part of the property of described on the said folio (insert folio No. of property of A.B.) forming the way leading from to and lettered (or, tinted) on the map annexed hereto, and A.B., hereby assents to the registration of the said right as a burden on the said part of the property lettered (or, tinted) on said map.

(Execution as in Form 19)

NOTE (1)—Where the right is to be limited, or is to be subject to obligations to repair etc., the Form may be adapted accordingly (rule 52). In all cases the way should be shown on a section of an Ordnance Survey map annexed to the deed.

NOTE (2)—See Note (2) to Form 26.

FORM 81

Requisition for caution against dealings by a registered owner (rule 131)

(Heading as in Form 11)

A.B. hereby requires that no dealing (or, no dealing in favour of or, no charge, or, as the case may be) by the registered owner with the property described in folio of the register County , (or, with the part of the property described in folio of the register County , edged in red on the map annexed hereto) be registered until notice has been served on him.

The address in the State of A.B. for service of notices and his description are—

Dated the day of 19 .

(To be signed by the cautioner or his Solicitor. Where signed by cautioner, his signature is to be attested. (Rule 54)).

NOTE:—Where the caution is to be limited to dealings in favour of a named person or to a particular class of dealings, the requisition must state so specifically.

FORM 82

Affidavit in support of caution (rule 131)

(Heading as in Form 11)

I, A.B., of make oath and say:—

1. My interest in the property referred to in the within caution is as follows:—

(State the facts and refer to the documents (if any) giving rise to, or creating a right in favour of the cautioner in, to or over the property).

(Jurat as in Form 1)

(To be sworn by the cautioner or with the necessary modifications by his Solicitor).

FORM 83

Notice to owner of entry of caution (rule 131)

Land Registry,
Chancery Street,
Dublin.

Notice

Sir, (or, Madam),

You are hereby notified that A.B. of has registered a caution in folio of the register,
County against the registration of any dealing (or, as the case may be) by you with the property
described therein of which you are the registered owner (or, with the charge registered in the said folio on
the day of of which you are the registered owner) until notice thereof has been served on him.

Short particulars of the right for the protection of which the caution has been registered are given in the Schedule hereto.

Dated the day of 19 .

To:

Schedule



FORM 84

Warning notice to cautioner of dealing lodged (rule 132)

(Heading as in Form 11)

WARNING NOTICE

Sir, (or, Madam),

You are hereby given notice that the dealing specified in the Schedule hereto has been received for registration. The caution entered by you on the day of against dealings by the registered owner of the property described in folio of the register County (or, of the charge registered on the day of in folio of the register County), until notice has been served on you, will cease to have effect after the expiration of days from the service of this notice, and registration under the dealing will proceed unless an order to the contrary is made by the Registrar. Any application by you for a stay of registration must state the grounds thereof.

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

Dated the day of 19 .

To:

Schedule

FORM 85

Warning notice to cautioner of an application by the registered owner to discharge caution (rule 132)

(Heading as in Form 11)

WARNING NOTICE

Sir, (or, Madam),

You are hereby given notice that the registered owner of the property described in folio

of the register County (or, of the charge registered on the day of 19 , on the property described in folio of the register County) has applied to the Registrar to discharge the caution entered by you against dealings by him. Short particulars of the grounds of his application are stated in the Schedule hereto. Your caution will cease to have any effect and will be discharged in the register after the expiration of days from the service of this notice unless an order to continue the caution is made by the Registrar. Any application by you to the Registrar to continue the caution must state the grounds thereof.

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

Dated the day of 19 .

To:

Schedule



FORM 86

Application by cautioner for withdrawal of caution (rule 135)

(Heading as in Form 11)

A.B. hereby applies for the withdrawal of the caution entered in his name on the

day of against dealings by the registered owner of the property (or, the part of the property shown on

the plan annexed hereto and) described in folio of the register County

(or, of the charge registered on the day of on the property described in folio of the register County).

Dated the day of 19 .

(To be signed by the cautioner or his Solicitor) (where signed by the cautioner, his signature is to be attested—rule 54)

NOTE—The personal representative of the cautioner may also make the application, the necessary alterations in the form being made.

FORM 87

Application to the Registrar for the entry of an inhibition in a register (rule 139)

(Heading as in Form 11)

A.B. of hereby applies to the Registrar for the entry of an inhibition against dealings with the property (or, with the part of the property specified in the Schedule hereto) described in folio of the register County (or, with the charge or, burden registered on the day of on the property described in folio of the register County).

1. The grounds of the application are: refer to document creating the unregistered right, and state shortly its effect: or, if there is no document creating the right, refer to the affidavit that discloses the facts giving rise to the right.
2. The inhibition applied for is: state clearly the terms of the inhibition—see rule 137 (2)
3. The address of A.B. in the State for service of notices and his description are—

Dated the day of 19 .

(To be signed by the applicant or his Solicitor)

Schedule

FORM 88

Forms of inhibition (rule 137)

- (i) No registration under a disposition by or transmission from the registered owner, except a transfer on sale, is to be made without prior notice to

- (ii) No registration under a disposition for value by the registered owner (of the part of the property shown as plan edged red on the registry map of the property, or, other description identifying the part of the property with which dealings are to be restricted) is to be made during the lives of A. and B. and the survivor without their consent or the consent of the survivor.

- (iii) No registration is to be made under a disposition for value by the registered owner(s), except a transfer on sale, (such transfer during the lives of A and B and the survivor to be made with their or his or her consent, and no registration under a voluntary disposition is to be made except with the consent of A and B and the survivor, and after the death of the survivor, with the approval of the Registrar after inquiry into title).

- (iv) No registration under any disposition (for value) by the registered owner is to be made except under order of the Registrar (after inquiry into title).

- (v) Where the number of the registered owners is reduced below two, no registration under a disposition by or transmission from the surviving owner is to be made except after notice to (or, except with the consent of , or, except under order of the Registrar).

- (vi) No registration under a disposition by the registered owner is to be made until—state the time that is to elapse, or the event that is to occur, before registration may be made.

- (vii) No registration of the ownership of the interest limited to B. by the settlement is to be made without the consent of C or his personal representative.

- (viii) No registration of ownership under the settlement is to be made after the termination of the interest of the registered limited owner except after notice to (or, with the consent of).

- (ix) No registration of the ownership of, or of a burden on, the interest limited to B by the settlement under a disposition thereof for value is to be made without the consent of A or his personal representative (or, except after notice to).

FORM 89

Notice of an application for the entry of an inhibition (rule 140)

(Heading as in Form 11)

Sir, (or, Madam),

An application has been made to the Registrar by _____ for entry in the register of an inhibition restricting dealings by _____ with the property described in folio _____ of the register, County _____. The grounds of the application are stated in the Schedule hereto.

On the facts disclosed the Registrar proposes to enter in the said folio an inhibition in the following terms: _____ and this entry will be made unless cause to the contrary is shown by you within _____ days from the service of this notice.

Any objection by you to the proposed entry should be in writing addressed to the Registrar, Land Registry, Chancery Street, Dublin. It should state the grounds of your objection, and the modification, if any, of the proposed inhibition that you apply for.

This notice is sent to you as

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

Dated the _____ day of _____ 19 ____.

To:

Schedule

FORM 90

Application to the Registrar for the discharge or modification of an inhibition on consent (rule 142)

(Heading as in Form 11)

A.B., of hereby applies to the Registrar for the discharge (or, modification) in the register of the inhibition entered in folio

of the register County , on the day of

19 , in the following terms: state the inhibition as entered (as follows: state the proposed modification, or, if the application is for discharge of the inhibition omit the words "as follows").

And C.D., of and E.F., of

hereby consent to the withdrawal (or, modification) above applied for.

Dated the day of 19 .

(To be signed by the applicant or his Solicitor and all other parties interested in the inhibition or their Solicitor, the signature of parties who sign to be attested. A Solicitor who signs must state the party for whom he is Solicitor).

FORM 91

Application to the Registrar for the discharge or modification of an inhibition, where parties do not consent (rule 142)

(Heading as in Form 11)

A.B., of hereby applies to the Registrar for the discharge (or, modification) in the register of the inhibition entered in folio of the register County , on the day of , in the following terms:—state the inhibition as entered (as follows:—state the proposed modification, or if the application is for the discharge of the inhibition omit the words "as follows"). The applicant relies in support of his application on the facts disclosed in the following documents that accompany it:—specify the documents and affidavits relied on.

Dated the day of 19 .

(To be signed by the applicant or his Solicitor)

FORM 92

Land certificate: form of certification (rule 155)

LAND REGISTRY

County Folio

This is to certify that the ownership of the property within described, which is registered in folio of the register County is as within stated; and that the burdens, notices of burdens, cautions, and inhibitions, within set forth, appear in the register as affecting the property.

Registry Seal.

Certificate issued on the day of 19 .



FORM 93

Certificate of charge (rule 157)

LAND REGISTRY

County Folio

This is to certify that a charge for £ repayable with interest at is registered as a burden on the property within described and that the owner within named is the registered owner of the charge subject to the burdens, notices of burdens, cautions and inhibitions within stated.

(A duplicate (or, an office copy) of the instrument of charge is annexed hereto).

Registry Seal.

Certificate issued on the day of 19 .

The property on which the charge is registered.

Part II

The registered owner of the charge.

Part III

*The burdens and notices of burdens appearing in the register as affecting the charge.

NOTE—Cautions and inhibitions affecting dispositions of the charge are to be entered in the part of the certificate in which its ownership is stated. Cautions and inhibitions affecting a burden on the charge are to be entered in the part of the certificate in which the burden appears.

*where there is no burden or notice on the charge when the certificate is issued "None" will appear in this part.

FORM 94

Application for order for production of land certificate or certificate of charge (rule 164)

(Heading as in Form 11)

To the Registrar of Titles.

1. I am (the Solicitor for A.B.) the applicant for registration in folio of the register County , under the instrument specified in the Schedule hereto.
2. The land certificate (or, certificate of charge) of the property, the production of which in the Registry is required for the purpose of the registration applied for, is in the custody of (insert name, description, and address, of the person who has the custody).
3. I apply that an order be made under section 105 (2) of the Registration of Title Act, 1964 . for the production of the certificate by the said for the purposes of the above-mentioned registration which I am advised can be made without his consent.

Dated the day of 19 .

Signed

Schedule

(To contain particulars of the document(s) under which registration is applied for).

NOTE—When signed by the applicant his signature is to be attested (rule 54).

FORM 95

Notice to accompany a certificate deposited in the registry for the purpose of a specified registration (rule 168)

(Heading as in Form 11)

To the Registrar of Titles.

The land certificate (or, certificate of charge) of the property described in folio

of the register, County which accompanies this notice is deposited in the Registry for the purposes of the registration(s) to be applied for under the instrument(s) specified in the Schedule hereto.

Registration under the instrument(s) is to be applied for within from the date hereof and the certificate is to be re-delivered to—(insert name and address of person having the custody of the certificate or his Solicitor, to whom it is to be re-delivered).

Dated the day of 19 .

(To be signed by the holder of the certificate or his Solicitor; where signed by the Solicitor, the name of the holder for whom he acts is to be stated).

Schedule

FORM 96

Official receipt for a certificate deposited in the Registry for a specified registration (rule 168)

(Heading as in Form 11)

Received from the land certificate (or, certificate of charge), of the property described in folio of the register County , for the purpose of the registration(s) to be applied for under the instrument(s) specified in the Schedule hereto.

Dated the day of 19 .

Schedule

FORM 97

Notice of lodgment of deeds in the Registry subject to a lien thereon (rule 180)

(Heading as in Form 1 or 11)

To the Registrar of Titles.

NOTICE

The documents specified in the Schedule hereto are lodged by me (or, by) in the Registry at the request of (or, in compliance with an order of the Registrar dated

) for the purpose of an application by for the first registration of the property (or, some of the property) described therein (or, for the conversion of the possessory title in folio of the register County). The deeds were deposited by with me (or, with) on the day of by way of equitable mortgage to secure advances made (and to be made) to him, on foot whereof sums are due, and I require that no registration be made that will defeat or prejudice my lien until it is satisfied or provided for.

Dated the day of 19 .

(To be signed by the depositor or his Solicitor).

Schedule

FORM 98

Application for the transmission of a filed instrument to a local registrar for production in court (rules 185, 186)

(Heading as in Form 11)

To the Registrar of Titles.

I, A.B., Solicitor for C.D., of apply that the document specified in the Schedule hereto be transmitted to the local registrar of the County of for production at the sitting of the court to be held at on the day of 19 , in a cause (or, matter) of now pending in that court.

The plaintiff (or, petitioner or, defendant) in the said cause (or, matter) is the registered owner (or, the personal representative of the registered owner) of the property described in folio of the register County to which the said document relates.

or,

(Where the registered owner or his personal representative is not a party to the proceedings, state the facts which show that the applicant is entitled under rule 185 to have the document transmitted).

Dated the day of , 19 .

(To be signed by the Solicitor).

Schedule

(Insert particulars of the document and give its instrument number in the Registry, or, if it has none, the reference to the proceedings in which it was lodged).

FORM 99

Requisition for official search in the names index (rule 190)

LAND REGISTRY

To the Registrar of Titles.

Search in the Names Index of the County of _____, and furnish me with all folio references entered in the said index at the date of the making of the search showing an ownership in the name of _____ in that County.

Dated this _____ day of _____ 19 ____.

(To be signed by the applicant, whose address in the State must be given, or his Solicitor).

FORM 100

Requisition for official search for the registration of the ownership of a specified parcel of property in the register of ownership of freehold land or in the register of ownership of leasehold interests, or of any right the ownership of which is registered in the register maintained under section 8 (b) of the Act (rule 190)

LAND REGISTRY

To the Registrar of Titles.

I require to be furnished with the folio reference(s) in the register(s) for the County of _____

, in which the ownership of the part of the townland _____ of (or other description on Ordnance Survey map) shown on the annexed plan (or, of any leasehold interest or right therein the ownership of which is registered in the register of leasehold interests or the register maintained under section 8 (b) of the Act) has been registered.

Dated the _____ day of _____ 19 ____.

(To be signed by the applicant, whose address in the State must be given, or his Solicitor).

NOTE—A description from the Ordnance Survey map must be given. A city or town in a County is part of the County. The plan annexed to the requisition should be drawn on a section of the Ordnance Survey map of the district.

FORM 101

Requisition for official search in a register for entries since first registration (rule 190)

LAND REGISTRY

(Heading as in Form 11)

I require to be furnished with a certificate of the entries made on folio County from the day
of 19 , to the day of 19 .

Dated the day of 19 .

(To be signed by the applicant whose address in the State must be given, or his Solicitor).

FORM 102

Certificate of result of official search in names index (rule 190)

LAND REGISTRY

After diligent search made in the names index for the County

against the name of , I certify that at the date of this certificate no ownership of property in that
name appears on the said index except those in the folios of the register specified in the Schedule hereto.

Dated this day of , 19 .

Schedule

Folio No. of the register	Name of registered owner	Address and description of registered owner on the folio
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FORM 103

Certificate of result of official search for the registration of the ownership of specified property or for entries in a register (rule 190)

LAND REGISTRY

After diligent search in the registry map (and/or the register) for the County of , I certify that the ownership of shown on the annexed plan is registered in folio of the register County (or, that the ownership of a leasehold interest in (or, a rent charge out of) shown on the annexed plan is registered in folio of the register County (or, that it does not appear from the map that the ownership of shown on the annexed plan (or, of any leasehold interest therein, or, of any right therein registrable the register maintained under section 8 (b) of the Act) has been registered),

or,

I certify that the entries made in folio of the register County

since are as follows:—

or,

I certify that the following are the folio numbers of the property comprised in registry map plan O.S. County

Dated the day of 19 .

FORM 104

Application for official search pursuant to section 108 of the Act in respect of all the property registered in a folio (rules 191 and 192)

(Heading as in Form 11)

1. as Solicitor for (Full name of purchaser, lessee or chargee), certify that he has contracted to

(a) purchase (or),

take on lease (or),

lend money on the security of a charge on

all of the property comprised in the above Folio, and I hereby apply for a search to be made against the property to ascertain whether any entry has been made in the register since the day of 19 , (here insert date from which the required search is to be made).

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

Signature of Solicitor applying—

Address—

Date of signature—

(a) Strike out alternatives not applicable.

FORM 104A

Certificate of result of official search made pursuant to section 108 of the Act in respect of all property registered in a folio (rule 191)

(Heading as in Form 11)

It is hereby certified that the search applied for has been made in the folio of the register within referred to with the following result:— (here the entries on the register since the date stated in the application should be shown).

An entry has been made in the register in Form 106.

Signed the day of 19 .

FORM 105

Application for official search pursuant to section 108 of the Act in respect of part of the property registered
in a folio (rules 191, 192)

(Heading as in Form 11)

I, as Solicitor for—(full names of purchaser, lessee, or chargee) certify that he has contracted to

(a) purchase (or),

take on lease (or),

lend money on the security of a charge on

(e.g. the property shown edged red on the attached plan being part of the property comprised in the above folio), and I hereby apply for a search to be made against the said property to ascertain whether any entry has been made on the register affecting the part specified since the day of 19 , (here insert the date from which the required search is to be made).

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

Signature of Solicitor applying—

Address—

Date of Signature—

(a) Strike out alternatives not applicable.

FORM 105A

Certificate of result of official search made pursuant to section 108 of the Act in respect of part of the property registered in a folio (rule 191)

It is hereby certified that the search, applied for has been made in respect of part of the lands shown as plan (O.S.) in the folio of the register within referred to with the following result:—(here the entries on the register since the date stated in the application should be shown).

An entry has been made in the register in Form 106.

Signed the day of 19 .

FORM 106

Inhibition to be entered pursuant to section 108 of the Act (rule 193)

All dealings with the property (or, that part of the property shown edged red on plan on the Registry Map (O.S.)) are inhibited for a period of 14 days after (here insert date of issue of certificate of official search).

FORM 107

Application for compensation out of the Central Fund under section 120 of the Act (rule 216)

(Heading as in Form 11)

To the Registrar of Titles:

1. I, A.B., of hereby apply for compensation out of the Central Fund for loss sustained by me by reason of an error in the register (or, in the registry map) made by the registering authority or by his officers (or, the entry in or omission from the register caused or obtained by forgery or fraud) (or, an error in an official search carried out by the registering authority or some of his officers) (as the case may be).

2. The property for the loss of which I claim compensation is that part of the lands

of containing A. R. P. statute measure , comprised in folio of the register County , of which I am the registered full owner (or, as the case may be).

Here state particulars of misstatement, the misdescription, omission, or otherwise.

3. The loss for which I claim compensation has been caused (through the error of the registering authority or one or more of his officers in—(state the nature and particulars of the error which is alleged to have caused loss to the applicant whether of misstatement, misdescription, omission, or otherwise, and whether in the register or whether in the registry map referred to therein) or, whether in an office copy of or extract from the register or registry map or in an office copy of a document or plan filed in the Registry), or (through the entry in (or, omission from) the register of

which entry (or, omission) has been caused by the (here state the nature and full particulars of the forgery (or, fraud) which is alleged to have been the cause of the wrongful entry or omission including the names of the person(s) who perpetrated same and the circumstances, so far as they are known to the applicant, in which the forgery or fraud was committed) or (through the error in an official search (or, the preparation of the office copy) (or, extract) aforesaid carried out by the registering authority or some of his officers in the following circumstances, namely, (here state the particulars of the requisition for the official search or office copy or extract made to the registering authority, the result of such search, requisition and other relevant matters to show the error in the search or preparation of such office copy or extract which led to the loss complained of).

4. I claim that by reason of [the error (or, entry in] (or, omission from) the register (or, the registry map) (as the case may be)] particulars of which are set forth in paragraph 3 above, I have sustained loss within the meaning of section 120 of the Act, the particulars of which loss are set forth hereunder.

(Here set forth full particulars of the pecuniary loss suffered by the applicant, such as, the value of the entire estate or interest if that has been lost, or the amount by which the value of the property has been depreciated (if the loss is partial) or, in the event of a charge or other burden entirely lost, the value of such charge (or if the value of the burden or charge has been depreciated the amount by which the value of the charge or other burden has been reduced) together with particulars of any costs and expenses incurred in obtaining any rectification of the error).

5. I rely on the following documents in support of my claim for compensation—

(Here set out particulars of the documents and other evidence relied on, such as the folio of the register, the registry map and any instrument on which the alleged error was based (as the case may be)).

My address in the State for service of notices, orders, etc. is—

Signature:

Affidavit to verify the foregoing application

LAND REGISTRY

County Folio

1, , of the applicant in the foregoing application make oath and say as follows:—

- 1. I have read the foregoing application and believe the same to be true in all particulars.
- 2. I am advised and believe that I have a good claim for compensation under Section 120 of the Act, by reason of the facts set forth in said application.
- 3. There is not any person, to my knowledge or belief who has or claims any estate, right, title, or interest in or to the property mentioned in the said application, save as therein set forth.
- 4. To the best of my knowledge, information and belief, all material facts and all relevant documents relating to my claim for compensation are disclosed in said application.

I make this affidavit (here state means of knowledge such as " from my own personal knowledge of the facts, and from information supplied to me by my Solicitor " or as the case may be).

(Jurat as in Form 1)



FORM 108

Notice of hearing of a claim for compensation under section 120 of the Act. (rule 221)

LAND REGISTRY

County Folio

In the mattter of an application for compensation by

and

In the matter of [section 120](#) of the [Registration of Title Act, 1964](#) .

Take notice that the Registrar has fixed the day of , 19 , at o'clock at the Land Registry, Chancery Street, Dublin, for the hearing of the above-mentioned application for compensation.

And further take notice that you are hereby required to produce at the said hearing all such documents relating to the claim for compensation as may be in your possession, power, or procurement, and the Registrar will at the said hearing, hear all such evidence, oral, or on affidavit, as may be adduced in relation to the said claim.

Dated this day of , 19 .

To: Chief Clerk.

Solicitor for the Applicant.

The Minister for Finance;

The Chief State Solicitor:

EXPLANATORY NOTE.

These Rules, which come into operation on the 2nd day of October, 1972, amend the Land Registration Rules, 1966 and the Land Registration (Solicitors' Costs) Rules, 1970, which are being rescinded. The Minister for Industry and Commerce has, under section 2 (2) (a) of the [Prices \(Amendment\) Act, 1972](#) , consented to the exercise by the rule-making authority (the Registration of Titles Rules Committee with the concurrence of the Minister for Justice) of their statutory powers to determine the solicitors' costs dealt with in Part VII of, and in the Schedule of Costs to, the Rules.
