

S.I. No. 349/2009 - Land Registration Rules 2009

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S.I. No. 349 of 2009

LAND REGISTRATION RULES 2009

Notice of the making of this Statutory Instrument was published in

"Iris Oifigiúil" of 8th September, 2009.

1. (1) These Rules may be cited as the Land Registration Rules, 2009.

(2) These Rules and the Land Registration Rules 1972 to 2008 may be cited together as the Land Registration Rules 1972 to 2009.

(3) These Rules and the Land Registration Rules 1972 to 2008 shall be construed together as one.

2. These Rules shall come into operation on the 1st day of November, 2009.

Scheme maps.

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

Multi-storey buildings.

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

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

Cancellation of Property Adjustment Order

5. An application for cancellation of a Property Adjustment Order pursuant to section 9 of the section 14 of the Family Law (Divorce) Act 1996 may be made in Form A, B or C hereunder.

"

Form A

Land Registry

CountyFolio

I, AB

solicitor for

hereby certify that the property adjustment order registered as a burden at entry no. on the above folio has been complied with in full, insofar as it affects the property comprised in said folio, and I hereby apply for cancellation of the said entry.

Signed

Dated this day of 20.

Form B

Land Registry

CountyFolio

I, CD

hereby make oath and say as follows:-

1. There is registered as a burden at entry no. on the above folio a property adjustment order pursuant to section 9 of the section 14 of the Family Law (Divorce) Act 1996).
2. I am the beneficiary of the said property adjustment order.
3. The said property adjustment order has been complied with in full insofar as it affects the lands comprised in said folio.
4. I apply for cancellation of said entry.

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

I EF hereby certify that I know the

deponent.

Signature Signature

Form C

Land Registry

County Folio

Whereas there is registered as a burden at entry no. on the above folio a property adjustment order under section 9 of the section 14 of the Family Law (Divorce) Act 1996) and whereas the said order has been complied with in full insofar as it affects the property comprised in the said folio.

Now we, GH and IJ, the parties to the proceedings, hereby consent to, and apply for, cancellation of the said entry.

Dated this day of 20.

Signed by the said GH

In the presence of

Signed by the said IJ

In the presence of

".

6. Rule 2 of the Land Registration Rules 1972 is amended by the insertion of the following definition after the definition for "the Registry":

"

'application map' means-

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

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

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

7. Rule 3 of the Land Registration Rules 1972 is amended by the substitution of the following for subrule (6):

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

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

- (b) a description of any part of the property which is transferred to another folio;
- (c) such information as is authorised by the Acts or these Rules relative to-
 - (i) easements and rights for the benefit of the property;
 - (ii) the inclusion of mines and minerals in, or their exclusion from, the property;
 - (iii) the boundaries of the property;
 - (iv) at the Authority's discretion, Land Commission references and notes regarding issue of land certificates and copy maps."

Descriptions of property.

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

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

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

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

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

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

9. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 15 of those Rules:

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

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

(b) all original deeds and all documents in the applicants possession, or under his control, relating to the title, 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) an application map, unless the application otherwise sufficiently identifies the property on the registry map,

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

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

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

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

10. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 16 of those Rules:

"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 Authority 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 an application map, unless the application otherwise sufficiently identifies the property subject thereto on the registry map,

(b) except in cases to which sub-paragraph (a) applies, the documents specified in rule 15 (1) (a), (b) and (d) and an application map, unless the application otherwise sufficiently identifies the property subject thereto on the registry map."

Modification of examination of title.

11. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 19 of those Rules:

"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 Authority not to exceed €1,000,000, 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 €1,000,000, the Authority may, if it 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, and an application map.

(4) Where property is acquired by a statutory authority and the purchase money or compensation paid therefor does not exceed €1,000,000, 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 production of a certificate by the solicitor for such authority in Form 3 adapted as the case may require, and an application map.

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

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

(b) by a practising barrister on a sale or mortgage of the property, the Authority may dispense with, or modify as it thinks fit, the official examination of title.

(6) Where, in the course of the investigation of a title, the applicant so requests, or it appears desirable to the Authority that the title should be referred to counsel for his opinion, the Authority 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 the Minister for Agriculture, Fisheries and Food for registration with possessory title.

12. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 20 of those Rules:

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

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

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

13. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 21 of those Rules:

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

(2) An application by a local authority for the first registration of a purchaser of property under section 92 of the section 26 of the Housing (Miscellaneous Provisions) Act 1992).

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

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

14. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 22 of those Rules:

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

Part of premises, cellar, tunnel, mines and minerals; or foreshores.

15. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 30 of those Rules:

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

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

(2) 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."

Identification of part of registered property transferred.

16. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 56 of those Rules:

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

(2) Where appropriate, the provisions of rule 30 shall apply to such map."

Easement or profit prendre.

17. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 130 of those Rules:

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

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

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

(4) Where appropriate, the provisions of rule 30 shall apply to such map."

Entry of notice of certain burdens that affect without registration.

18. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 146 of those Rules:

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

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

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

Entry of boundary by agreement.

19. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 150 of those Rules:

"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 an application map showing the land adjoining the boundary to be defined and indicating the site of the boundary by a line in colour,

(b) a consent in writing by the owners referring to the plan and stating in the manner prescribed by rule 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."

Registry maps.

20. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 174 of those Rules:

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

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

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

(b) any map adopted under the provisions of section 84(2) of the Act (as substituted by section 61 of the Act of 2006).

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

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

Contents of registry maps.

21. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 175 of those Rules:

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

(a) a plan or plans of the property described in each folio of the register of ownership of freehold land,

(b) a plan or plans of the property subject to the ownership of leasehold interests described in each folio of the register of leasehold interests,

(c) a plan or plans of the property the subject of every incorporeal hereditament of freehold tenure or lease thereof described in each folio of the register maintained under section 8(b) of the Act,

(d) such plan or plans as may from time to time be necessary or expedient for the identification of property subject to a burden, notice, caution or inhibition entered in a folio of a register.

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

Defaced or destroyed registry maps.

22. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 176 of those Rules:

"176. When for any reason a registry map becomes defaced or destroyed the Authority may cause a new map to be prepared and substituted for such defaced or destroyed map."

Official search.

23. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 190 of those Rules:

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

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

(b) whether the ownership of a parcel of land, to be identified on such map as the Authority may allow is entered in the register of ownership of freehold land or whether the ownership of any leasehold interest or right in or to or over the parcel is entered in the register of ownership of leasehold interests or in the register maintained under section 8(b) of the Act; or

(c) as to the entries made in a register or registry map since first registration of the property 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."

Searches by public.

24. The Land Registration Rules 1972 are amended by the substitution of the following for Rule 198 of those Rules:

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

(2) Where the Authority is satisfied that appropriate arrangements are in place for searching outside of public hours, by electronic means, such searching may be conducted between the hours of 7.00 a.m. and 8.00 p.m., Monday to Friday, and 7.00 a.m. and 12.00 p.m. on Saturday.

(3) Copies of folios, maps of individual registered properties or of parts thereof (otherwise known as title maps) or extracts from folios or maps may be obtained on payment of the prescribed fee. Where a folio or map or any part thereof is in electronic form, a reproduction in paper form may be issued as a copy."

25. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 1 in that Schedule:

"

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 , *or*, as the case may be) to the property set out in the Part 1 of the Schedule hereto which is subject to the mortgages, charges, leases, tenancies, restrictive covenants and incumbrances specified in the Part 2 of the said Schedule (*or*, which is not subject to any mortgage, charge, lease, restrictive covenant or incumbrance).

2. I am in undisputed possession (*or*, receipt of the rents and profits) of the property and there is no person in occupation of it, or any part of it, adversely to my estate therein.

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

3. I refer to the statement of my title lodged with this application (to the opinion of counsel thereon (*a*)), to the application map or other map referred to in rule 15(1)(c) and to the schedule of documents lodged herewith, which is a list of all documents relating to the title in my possession or under my control. The facts specified in the statement of my title are true and accurate and the map correctly shows the boundaries of the property.

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

4. For the protection of the trusts on which I hold the property I apply for the entry of the following inhibition in the register on my registration as owner (*see rule 49 and Form 88*).

5. 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.

6. 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 into question in any manner whatsoever.

7. The contracts, abstracts, counsels 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 title to the said property commencing with a good root of title.

8. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (*except - give name and address of any person interested who is a minor 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*).

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

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

I, E.F., hereby certify that I know the deponent. E.F., who certifies his knowledge of the deponent).

Signature Signature

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

26. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 3 in that Schedule:

"

FORM 3

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

LAND REGISTRY

County

1. I, am the solicitor for (*insert full name and address of the applicant*) who is applicant for registration as owner.

2. I have investigated the title to the property described in the conveyance dated the day of, (*or, other instrument*) lodged herewith. The property in or over which the estate or interest acquired by the conveyance (*or, other instrument*) exists is shown on the map endorsed thereon (*or, is shown on the application map lodged herewith*).

3. As a result of my investigation of the title, I certify that the conveyance (*or, instrument*) conveyed (*or, vested*) the fee simple in the property (*or, the lessee's interest in a lease dated the day of, from to in the property for years, an attested copy of which is lodged herewith, (or, other right acquired in the property)*) in the applicant, free from any adverse rights, restrictive covenants or incumbrances, except those subject to which the conveyance (*or, instrument*) expressly conveyed the property.

4. I certify that the said property remains free from any adverse rights, restrictive covenants or incumbrances (other than those already referred to at Paragraph 3 thereof) and that there is not at the date of this certificate any transaction which affects or may affect the said property other than as stated therein.

5. The purchase money of (*or, the compensation for*) the property did not exceed €1,000,000. The whole of it had been paid to the person (*or persons*) entitled thereto or authorised to give receipts therefor.

6. I certify that the prior title is not based on possession.

7. I certify that the interest conveyed/assigned is not an enlargement of a prior interest held by the applicant in the property.

8. I apply for registration of the applicant as full owner with absolute title or qualified title (qualified as to) *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 20.

Signature " .

27. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 4 in that Schedule:

"

FORM 4

Application by the Minister for Agriculture, Fisheries and Food under section 26 (1) of the Act for first registration with possessory title (rule 20)

LAND REGISTRY

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

Dated the day of 20.

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

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 as stated in his purchase agreement	The tenancy of purchaser
Purchase money	Revised annuity

Note - the certificate required by rule 20 (2) is to be endorsed on the application."

28. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 5 in that Schedule:

"

FORM 5

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

LAND REGISTRY

County

I, A.B., of, make

oath and say:

1.I, (and my predecessors in title) have been in sole and exclusive beneficial occupation of the (*describe the property*) 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 applicants 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 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 into question in any manner whatsoever.

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

6.I apply to be registered as full owner with absolute title *or* qualified title (qualified as to) or possessory title of the property set out in paragraph 1.

Signature of deponent. Sworn this the day of , 20 at in the county
of before me

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

Schedule (where necessary)

Note (1) - This form may be adapted where application is made for registration on the leasehold register or under section 49 of the Act.

Note (2) - Where application is made under rule 17 or in respect of part of property in a folio under rule 46, an application map should be lodged. The map should be referred to in the application as correctly showing the boundaries of the property."

29. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 7 in that Schedule:

"

FORM 7

Caution against first registration (rule 31(1))

LAND REGISTRY

To Property Registration Authority,

Land Registry,

(address of the appropriate office)

Notice is to be given to A.B. 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 20.

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

Schedule

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

30. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 37 in that Schedule:

"

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)* LAND REGISTRY

County Folio

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/her will dated the day of was, (*or*, letters of administration with his/her will dated annexed thereto were) granted to me on the day of.

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, 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*).

(*a*) See Note (1).

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.

(b) See Note (2).

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.

Signature of deponent. Sworn this the day of , 20 , at in the county of before me

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

(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 an application map 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*) Address in the State of claimant (*or, where an infant or person of unsound mind, of his guardian or committee*)

*(c)*This Schedule is only to be divided into parts where some of the burdens have been discharged and some subsist.

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 stated*) Address in the State of claimant (*or, where an infant or person of unsound mind, of his guardian or committee*)

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."

31. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 80 in that Schedule:

"

FORM 80

Grant of a right of way by registered full owner of property for the benefit of other registered property (rule 130)

LAND REGISTRY

County Folio

Grant dated the day of 20. In consideration of A.B., the registered owner of the property described in folio (*insert folio no. of property of A.B.*) of the register County , hereby grants to C.D., the owner of the property described in folio (*insert folio no. of property of C.D.*) of the register 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.

Signed, sealed and

delivered by A.B.

in the presence of:

Note (1) - Where the right is to be limited, or is to be subject to obligations to repair etc., the Form may be adapted accordingly (rule 52). In all cases the way should be shown on the current largest scale suitable map published annexed to the deed.

Note (2) - Where there is money consideration for the grant a receipt clause should be incorporated in the deed."

32. The Schedule of Forms to the Land Registration Rules 1972 is amended by the substitution of the following Form for Form 100 in that Schedule:

"

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 Property Registration Authority,

Land Registry,

(address of the appropriate office)

I require to be furnished with the folio reference(s) in the register(s) for the County of in which the ownership of the part of the townland of (*or other description on map*) shown on the annexed plan (*or, of any leasehold interest or right therein the ownership of which is registered in the register of leasehold interests or the register maintained under section 8 (b) of the Act*) has been registered.

Dated the day of 20.

Signed:

(To be signed by the applicant, whose address in the State must be given, or his Solicitor)

Note - A description of the property (e.g. townland, or street and parish) as shown on the Ordnance Survey map or Land Registry map from the 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, or Land Registry, map of the district."

33. Rule 70 of the Land Registration Rules 1972 is rescinded.

We, the Registration of Deeds and Title Rules Committee, constituted pursuant to the provisions of section 74 of the section 126 of the section 72 of the Registration of Deeds and

Title Act 2006 , with the concurrence of the Minister for Justice, Equality and Law Reform, do hereby make the foregoing Rules.

DATED this day of, 2009.

MARY LAFFOY, Judge of the High Court.

JOHN T. COLEMAN, Chairman of the Property Registration Authority.

CATHERINE TREACY, Chief Executive of the Property Registration Authority.

JAMES DWYER, Senior Counsel.

OWEN M. BINCHY, Solicitor.

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



GIVEN under my Official Seal,

2 September 2009

DERMOT AHERN

Minister for Justice, Equality and Law Reform.

EXPLANATORY NOTE

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

These Rules, which come into effect on the 1st day of November, 2009, provide for the amendment of the Land Registration Rules 1972 to 2008.

The Rules provide for the amendment of Rules 2, 3, 9, 15, 16, 19, 20, 21, 22, 30, 56, 130, 146, 150, 174, 175, 176, 190 and 198 of the Land Registration Rules 1972, for the amendment of Forms 1, 3, 4, 5, 7, 37, 80 and 100 in the Schedule of Forms to those Rules and for the rescinding of Rule 70 of those Rules.