



STATUTORY INSTRUMENTS.

S.I. No. 726 of 2021



LAND REGISTRATION RULES 2021

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LAND REGISTRATION RULES 2021

1. (1) These Rules may be cited as the Land Registration Rules 2021.
 - (2) These Rules and the Land Registration Rules 2012 to 2013 may be cited together as the Land Registration Rules 2012 to 2021.
 - (3) These Rules and the Land Registration Rules 2012 to 2013 shall be construed together as one.
 - (4) In these Rules, “the Rules of 2013” means the Land Registration Rules 2013.
2. These Rules shall come into operation on the 16th day of December 2021.

Acquisition of easements and profits by prescription

3. The Land Registration Rules 2012 are amended by the substitution of the following for Rule 46 of those Rules:

46. (1) Pursuant to section 49A of the Act, any person claiming to be entitled to an easement or *profit à prendre* by prescription, may apply for the registration of such right in Form 68 with such modifications as the case may require. The Authority, if satisfied that the relevant requirements have been met, and following service of notices on the servient owner, may cause, as appropriate, the claimed easement or *profit à prendre* to be entered as an appurtenance in accordance with Section 82 of the Act, as a burden pursuant to Section 69(1)(jj) and, in the case of a *profit à prendre* in gross, to be entered in the register maintained under Section 8(b)(i) of the Act.
- (2) The notice shall be in Form 69.
- (3) Where the dominant title of the applicant is not registered, the application must be accompanied by an application for first registration pursuant to Rules 14 to 19.
- (4) Where the servient land is unregistered and satisfactory evidence of the identity of the owner of the servient land is not produced the Authority may direct such searches, advertisements, notices and enquiries as it may deem necessary.

Registration of judgment mortgage

4. The Land Registration Rules 2012 (as amended by the Rules of 2013) are hereby amended by the substitution of the following for Rule 110 of those Rules:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st December, 2021.*

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

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

5. The Land Registration Rules 2012 (as amended by Rule 4 of the Rules of 2013) are hereby amended by the substitution of the following for Rule 110A of those Rules:

110A (1) Application for registration of a judgment mortgage as a burden on registered property in execution of a judgment for the payment of a sum of money that is recognised under the Brussels I Regulation (recast) shall be made in Form 60A.

(2) The application shall be accompanied by:

- (i) Official copy of the relevant judgment
- (ii) Official copy of the certificate of the court of origin pursuant to Article 53 of the Brussels I Regulation (recast)
- (iii) Where necessary, a transliteration of the certificate issued pursuant to Article 53 or a translation thereof into Irish or English.

(3) The entry in the register shall be in Form 61, adapted

(4) The Brussels I Regulation (recast) has the meaning given to it by the European Union (Civil and Commercial Judgments) Regulations 2015 (S.I. No. 6/2015).

6. The Schedule of Forms to the Land Registration Rules 2012 is amended by the substitution of the Forms set out in the schedule hereto and numbered 3, 5, 6, 57B, 60, 60A, 61, 64, 68, 84 and 96 for the forms numbered 3, 5, 6, 57B, 60, 60A, 61, 64, 68, 84 and 96 in that Schedule.

SCHEDULE OF FORMS

FORM 3

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

LAND REGISTRY

County

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

2. I have investigated the title to the property described in the conveyance dated the _____ day of _____, (*or, other instrument*) lodged herewith. The property in or over which the estate or interest acquired by the conveyance (*or, other instrument*) exists is shown for identification edged red [and lettered] 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 from (commencement date) _____, an attested copy of which is lodged herewith, (or, other right acquired in the property)*) in the applicant, free from any adverse rights, restrictive covenants or incumbrances, except those subject to which the conveyance (*or, instrument*) expressly conveyed the property.

4. I certify that (save for the mortgage set out in paragraph 8) the said property remains free from any adverse rights, restrictive covenants or incumbrances (other than those already referred to at paragraph 3 hereof) and that there is not at the date of this certificate any transaction which affects or may affect the said property other than as stated herein.

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

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

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

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

Dated this day of 20 .

Signed:

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

FORM 5

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

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

I, A.B., of

make oath and say—

1. I, (*and my predecessors in title*) have been in sole and exclusive beneficial occupation of the property described in the first schedule hereto, hereinafter called 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. I confirm that the map attached correctly shows the boundaries of the property under my possession and the subject matter of this application.
2. My (*or my predecessors*) possession commenced in (year) (*Describe how the occupation began and set out such facts as are relied upon in support of the applicant's claim to have established his/her title, e.g., deliberate squatting with intention to acquire the property; taking possession as one of the next-of-kin of a deceased owner against the personal representative of such owner, other next-of-kin, etc., departures or dispossessions, relevant deaths; next-of-kin, addresses for service of notices, etc.*). (*Where relevant, a sketch of the family tree may be exhibited*) (*Evidence of deaths on title, deeds etc. should be exhibited*)
3. The title to the property is freehold (*or a fee farm grantees interest held under a fee farm grant, or leasehold, or other as the case may be*). (*The title against which adverse possession is claimed should be set out, and any evidence of same should be lodged. If a fee farm grant or leasehold full details in the applicants possession or procurement should be set out. If the title is unknown the efforts made to establish the title should be fully set out*).
4. The uses to which the property has been put since occupation began are (*describe the uses to which the property has been put, and show how the uses amount to adverse possession having regard to the current law on adverse possession*). No other person has had use of the property since occupation commenced (*other than (describe the use of any other*

persons in the property, and show how that use does not amount to possession))

5. I (*and my predecessors*) have never paid any rent in respect of the property (*or rent was paid under a lease/tenancy/tenancy in writing – provide details of the nature of the lease/tenancy and show when and how the lease/tenancy determined*)

6. The property is securely bounded (*describe the age and nature of the boundaries, e.g. mature hedge, wall, wire fence, or as the case may be. Where appropriate, a map indicating the nature of the boundaries at different locations may be included for clarity*). The boundaries are maintained by (*name*).

OR

The property has been fully incorporated into other property owned by me, and I am the owner of all adjoining property

OR

The property is not fully bounded but possession is exclusive as shown by (*provide evidence to show that the possession of the property amounts to exclusive possession notwithstanding the lack of boundaries, and lodge any supplementary evidence that can support this*).

OR

(as the case may be)

7. The property has (*or has not*) been used in conjunction with other property (*describe the title to the property. If the title to this property is leasehold, please see Note 7*)

8. The name(s) and current address(es) of the dispossessed owner(s) and/or his/ her personal representative and/or successors for service of notice are provided in the Second Schedule Part 1.

9. The names and current addresses of all adjoining owners for service of notice are provided in the Second Schedule Part 2.

10. I exhibit herewith the certificate of discharge from Capital Acquisitions Tax as required by 62(2) of the Capital Acquisitions Tax Consolidation Act 2003 (*or, if appropriate, a solicitor's certificate in the form prescribed by section 62(7) of the Capital Acquisitions Tax Consolidation Act 2003*).

11. I exhibit herewith Registry of Deeds searches in respect of all parties on title and/or in possession covering their period of possession from the commencement of occupation (*or 30 years, if the occupation commenced over 30 years ago*). (*See Note 8*)

12. I exhibit herewith Judgment Office searches in respect of all parties on title and/or in possession covering their period on title/ in possession within the last 5 years. (*See Note 8*)

13. 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 Third 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.

14. 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.

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

16. The contracts, abstracts, legal opinions, requisitions, replies, wills and other documents referred to or lodged with said application and produced in the proceedings thereunder are all the documents in my possession or under my control (*or, in the possession of or under his/her control*) relating to the said property.

17. I apply to be registered as owner with absolute title (*or, as the case may be*) of the property set out in the First Schedule hereto.

FIRST SCHEDULE

The part of the property situate in the Townland of _____, Barony of _____ and County of _____ shown edged _____ on the map attached hereto.

SECOND SCHEDULE

PART 1 – Dispossessed owner or successor

Provide names and current addresses – do not merely rely on the registered addresses on folios. Information from the applicants knowledge or procurement should be provided.

Where it is claimed that successive barring has occurred (e.g. where the applicant claims to have barred persons who themselves may have acquired title under the Statute of Limitations), the names and addresses of all persons barred (or their successors) should be provided.

SECOND SCHEDULE

PART 2 – Adjoining Owners

Provide names and current addresses – do not merely rely on the registered addresses on folios. Information from the applicants knowledge or procurement should be provided. Where there are a number of properties, the location of the notice parties may be indicated on a map.

THIRD SCHEDULE (where necessary)

Details of any mortgage, charge, lease, agreement for lease, restrictive covenant, lien incumbrance or trust affecting the property, or any part thereof.

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

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

Signature

Signature

NOTES

Note (1) - Where the application is based on possession of registered land, Form 6 should be used and not this form.

Note (2) - This form can be used where the applicant has no documents of title in his/her possession or control (*see Rule 17*).

Note (3) - Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf (*see Section 19 of the 2009 Act*).

Note (4) - The relevant averments of Form 16 are included in Form 5.

Note (5) - If the application is made on behalf of a corporate body it may be made by the Secretary or Law Agent or it may be made by a person duly authorised by that body if it is averred that the person is duly authorised and has the necessary means of knowledge.

Note (6) - If there is more than one applicant, the form should be amended accordingly. All applicants should apply.

Note (7) – Where the property has been used in conjunction with leasehold property owned by the applicant, the presumption of encroachment may apply.

Note (8) – Any acts appearing on searches should be certified by a solicitor holding a current practicing certificate to be on title or not. If any acts appear to be on title, the deed the act relates to should be lodged. Where appropriate, for example if the applicant is a Local Authority, a Certificate of No Acts may be lodged in lieu of searches, in respect of its period of occupation.

FORM 6

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

LAND REGISTRY

County

Folio

I, A.B., of

make oath and say—

1. I, (*and my predecessors in title*) have been in sole and exclusive beneficial occupation of the property described in the first schedule hereto, hereinafter called 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. (Where applicable – I confirm that

the map attached correctly shows the boundaries of the property under my possession and the subject matter of this application).

2. My (or my predecessors) possession commenced in (year) (*Describe how the occupation began and set out such facts as are relied upon in support of the applicant's claim to have established his/her title, e.g., deliberate squatting with intention to acquire the property; taking possession as one of the next-of-kin of a deceased owner against the personal representative of such owner, other next-of-kin, etc., departures or dispossessions, relevant deaths; next-of-kin, addresses for service of notices, etc.*). (*Where relevant, a sketch of the family tree may be exhibited*) (*Evidence of deaths on title, deeds etc. should be exhibited*).

3. The uses to which the property have been put since occupation began are (*describe the uses to which the property has been put, and show how the uses amount to adverse possession having regard to the current law on adverse possession*). No other person has had use of the property since occupation commenced (*other than (describe the use of any other persons in the property, and show how that use does not amount to possession)*).

4. I (*and my predecessors*) have never paid any rent in respect of the property (*or rent was paid under a lease/tenancy/tenancy in writing – provide details of the nature of the lease/tenancy and show when and how the lease/tenancy determined*).

5. The property is securely bounded (*describe the age and nature of the boundaries, e.g. mature hedge, wall, wire fence, or as the case may be*). The boundaries are maintained by (*name*)

OR

The property has been fully incorporated into other property owned by me, and I am the owner of all adjoining property

OR

The property is not fully bounded, but possession is exclusive as shown by (*provide evidence to show that the possession of the property amounts to exclusive possession notwithstanding the lack of boundaries, and lodge any supplementary evidence that can support this*)

OR

(*as the case may be*)

6. The property has (*or has not*) been used in conjunction with other property (*describe the title to the property. If the title to this property is leasehold, please see Note 7*)
7. The name(s) and current address(es) of the registered owner(s) or his/her personal representative and/or successors for service of notice are provided in the Second Schedule Part 1
8. The names and current addresses of all adjoining owners for service of notice are provided in the Second Schedule Part 2
9. I exhibit herewith the certificate of discharge from Capital Acquisitions Tax as required by 62(2) of the Capital Acquisitions Tax Consolidation Act 2003 (as amended by section 128 of the Finance Act 2008) or, if appropriate, a solicitor's certificate in the form prescribed by section 62(7) of the Capital Acquisitions Tax Consolidation Act 2003 (as amended by section 128 of the Finance Act 2008)
10. 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 Third 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.
11. 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.
12. There is not to my knowledge any person interested in the proceedings on the said application who is under the age of 18 years, or is of unsound mind, (*except - give name and address of any person interested who is a minor or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said property (*except - give particulars of any pending action or suit*).
13. I apply to be registered as owner with absolute title of the property set out in the First Schedule hereto.

FIRST SCHEDULE

The property described in folio ____ of the Register, County ____

OR

The part of the property described in Folio ____ of the Register County ____ shown edged ____ on the map attached hereto

SECOND SCHEDULE

PART 1 – Registered Owner/Successors of Registered Owner

Provide names and current addresses – do not merely rely on the registered addresses on folios. Information from the applicant’s knowledge or procurement should be provided.

Where it is claimed that successive barring has occurred (e.g. where the applicant claims to have barred persons who themselves may have acquired title under the Statute of Limitations), the names and addresses of all persons barred (or their successors) should be provided.

SECOND SCHEDULE

PART 2 – Adjoining Owners

Provide names and current addresses – do not merely rely on the registered addresses on folios. Information from the applicant’s knowledge or procurement should be provided.

THIRD SCHEDULE (where necessary)

Details of any mortgage, charge, lease, agreement for lease, restrictive covenant, lien incumbrance or trust affecting the property, or any part thereof.

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

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

Signature

Signature

NOTES

Note (1) - Where the application is based on possession of unregistered land, Form 5 should be used and not this form.

Note (2) - Where application is made 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.

Note (3) - Please note that an interest vesting in a minor creates a trust in land by virtue of Part 4 of the Land and Conveyancing Law Reform Act 2009. The guardians of a minor do not necessarily have capacity to act as trustees on his/her behalf (*see Section 19 of the 2009 Act*).

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

Note (6) - If there is more than one applicant, the form should be amended accordingly.

Note (7) – where the property has been used in conjunction with leasehold property owned by the applicant, the presumption of encroachment may apply, and if not rebutted, any interest acquired by the applicant is not registerable. It is up to the applicant to rebut the presumption.

FORM 57B

Requisition for cancellation of a charge where its registered owner does not concur (Rules 52 and 101)

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

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

I am the registered owner of the property described in folio _____ County

On the _____ day of _____ 20____, a charge for _____ was
registered in favour of C.D. of _____ at Entry No. _____

I have never made any payment of principal or interest on foot of the said charge (*or*, no payment of principal or interest on foot of the said charge has been made by me since _____, *or*, *as the case may be*). No claim was ever made against me (*or*, *as the case may be*) and no acknowledgement was ever given by me, in respect of the said charge (*or*, *as the case may be*).

The address of C.D., the registered owner of the charge is

or,

The said C.D., the registered owner of the charge died on the _____ day of _____ and I beg to refer to a copy of his/her Death Certificate marked with the letter "A" on which I have signed my name prior to the swearing hereof. I say that the said _____ referred to on said Death Certificate is one and the same as the registered owner of the charge.

His/her personal representatives are E.F. and G.H. of

or,

The said C.D. the registered owner of the charge died intestate and no representation was raised to his/her estate and the following are the names and addresses of all his/her next-of-kin:-

I apply that the charge be cancelled.

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

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

Signature

Signature

Note (1) - This form may be adapted where the applicant's predecessor in title was the registered owner at the date of the registration of the charge with additional averments that such predecessor made no payment, etc., and as to the applicant's sources of knowledge.

Note (2) - This form may also be adapted where it is claimed that the charge was paid but no receipt is available.

Note (3) - This form may also be adapted where it is claimed that a charge by way of annuity has been paid in full or where the Statute of Limitations, 1957, is invoked in respect of arrears.

Note (4) - This form suitably adapted may be used for the cancellation of other burdens.

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

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 X.Y., who certifies his/her
knowledge of the deponent.*)

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

Signature

Signature

I certify that judgment was obtained in the above entitled action in the
Supreme Court (*or Court of Appeal*) (*or High Court*) (*or Circuit Court*
Circuit) (*or District Court*

Dated the day of 20

*Signed:

*by the proper officer of the relevant court referred to in Rule 110

Note - “The creditor within the meaning of Section 115 of the Land and
Conveyancing Law Reform Act 2009” (which includes an agent for the
judgment debtor or one or some of several creditors) may not be the same as
the “judgment creditor” who is one of the parties to the action/matter/cause and
usually but not exclusively the plaintiff (the “judgment debtor” is usually but
not exclusively the defendant).

FORM 60A

Application for registration of a judgment as a judgment mortgage (Rule 110A)

LAND REGISTRY

Court: *(insert the name of the court or tribunal where judgment was obtained)*

Case reference No. *(insert the court's case reference number)*

County

Folio

I, *(insert name of deponent)* of the creditor in the judgment referred to herein dated *(insert date)* make oath and say as follows:-

1. *(Insert name of judgment creditor)* did on the day of obtain a judgment in the *(insert the name of the court or tribunal where judgment was obtained)*

against *(insert name of judgment debtor)* of *(insert address of judgment debtor)* .

2. The Name and Title of the Action, Matter or Cause in which the said judgment was obtained is

Between:

Plaintiff

and

Defendant

3. The court of origin issued the certificate referred to in Article 53 in the form set out in Annex 1 of the Brussels I Regulation (recast).

4. To the best of my knowledge and belief, the said *(insert name of judgment debtor)*, at the time of swearing this affidavit has an estate or interest in the lands contained in folio of the Register County .

5. I apply for registration of the said judgment as a judgment mortgage on the said folio.

Signature of deponent.

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

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

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

Signature

Signature

Note - The Brussels I Regulation (recast) means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council that was transposed into Irish law by the European Union (Civil and Commercial Judgment) Regulations 2015 (S.I. No. 6 of 2015). It relates to judgments obtained in a member state of the European Communities and has been adopted by member states other than Denmark. Although Denmark did not take part in the adoption of the Regulation and is not bound by it, Denmark has agreed to implement the contents of the Regulation.

FORM 61

Entry to be made in the register of a judgment as a judgment mortgage (Rule 110(2))

A judgment mortgage in respect of a judgment obtained by (*judgment creditor*) against (*judgment debtor*) on the day of , in the Supreme Court (*or in the Court of Appeal*) (*or in the High Court*) (*or, in the Circuit Court Circuit*) (*or in the District Court*) Record Number in a cause (or action or matter) of (*plaintiff*) -v- (*defendant*) on the interest of (*judgment debtor*) in the property.

FORM 64

Requisition for registration of a lis pendens as a burden (Rule 119)

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

To the **Property Registration Authority**

(address of appropriate office)

Sir/Madam,

The memorandum hereunder written contains the particulars of a *lis pendens* registered in the Central Office of the High Court which I require to be registered as a burden on the interest of the person hereunder mentioned in the property described in folio of the register, County .

(If part only of a folio the relevant part should be described by reference to a map (Rule 56).)

Signed:

(by the applicant or by his/her solicitor who must name the party for whom he/she is acting)

Memorandum

Name of person whose interest is intended to be affected	Usual or last known place of abode of such person (<i>or registered office if company</i>)	Description of such person

FORM 68

Application for registration of easement or profit à prendre acquired by prescription (Rule 46 and Section 49A)

LAND REGISTRY**County****Folio** (if registered land)

I, A.B., of

, make oath and say:-

1. I, (and my predecessors in title) have enjoyed the easement/*profit à prendre* specified in the First Schedule hereto, continuously (without interruption) and openly for upwards of _____ years without permission. (*see Note (1)*)
2. (*Describe how and when the user period began and set out such facts as are relied upon in support of the applicant's claim to have established his right. The applicant must establish that there was at all material times a capable grantor and grantee, that the right was capable of forming the subject matter of a grant, that the right claimed was acquired by prescription and was not a public right of way, customary right, franchise or licence, nor acquired by express grant or reservation nor is it an easement of necessity or other implied right, that there has been the requisite period of user, that the exercise of the right has been without force, without secrecy and without permission and that the grant of the right would not have been illegal.*)
3. I am entitled for my own benefit to the property specified in the Second Schedule which enjoys the benefit of the right claimed (*describe how the property so benefits*). (*Where the property is unregistered the application must be accompanied by an application for first registration pursuant to Rules 14 to 19*). (*see Note (2)*)
4. The property over which the right is exercised is set out in the Third Schedule and the name and address (*if known*) of the owner is supplied for notice purposes. (*see Note (3)*)
5. I am not aware of any question or doubt affecting the right, or any part thereof, or of any matter or thing whereby the right is, or may be impeached, affected, or called in question in any manner whatsoever.
6. There is not to my knowledge any person interested in the entitlement claimed under this application and (*or*) the servient lands who is under

the age of 18 years, or is of unsound mind, (except - *give name and address of any person interested who is a minor or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said entitlement (except - *give particulars of any pending action or suit*).

7. I apply that the foregoing right be-

- (a) registered as a burden within Section 69(1)(j) of the Act, (*provided that the servient land is registered land*),

- (b) entered in the register as an appurtenance pursuant to Section 82 of the Act or, in the case of a *profit à prendre* held in gross entered in the register of ownership maintained under Section 8(b)(i) of the Act .

First Schedule

Description of easement or <i>profit à prendre</i> :
<i>(To contain a full and unambiguous description of the easement or profit à prendre by reference to an application map suitably marked see Rules 29 and 56)</i>

Second Schedule

(see Note (2))

Description of dominant land owned by applicant:
<i>(By reference to folio number if the land is registered. If part only of the folio or if an application for first registration being made by reference to property edged red on the application map)</i>

Third Schedule

Description of servient land and name and address of the owner (if known):
<p><i>(By reference to folio number if the land is registered. If servient land is unregistered, by reference to property edged red on the application map.)</i></p>

Signature of deponent.

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

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

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

Signature

Signature

Note (1) - An application under Section 49A of the Act, can only be established in accordance with the provisions of sections 2 and 3 of the Land and Conveyancing Law Reform Act 2021.

Note (2) - Paragraph 3 of Form 68 and the Second Schedule can be omitted where the application is for registration of a *profit à prendre* held in gross.

Note (3) - Where the owner (where known) of the land in the Third Schedule is deceased, details to be provided of his/her personal representative. If there is no personal representative, details of his/her next of kin are to be provided for service of notice.

Note (4) - If the Authority is not satisfied that there is an entitlement to the easement or *profit à prendre* or if an objection raises doubt as to the applicant's entitlement the application may be refused.

FORM 84

Notice of rectification of error in registration (Rule 7(2)(b))

LAND REGISTRY

County

Folio

NOTICE

The Property Registration Authority.

(address of appropriate office)

Sir, *(or, Madam)*,

You are hereby given notice that the Property Registration Authority, under Section 32(1)(b) of the Registration of Title Act 1964 as substituted by Section 55 of the Registration of Deeds and Title Act 2006, propose to rectify an error made in registration as follows

(error and proposed rectification to be set out in full with copy of Land Registry map if appropriate)

You are served of this notice as _____ .

The rectification will proceed unless good cause to the contrary is shown by you within 21 days from your receipt of this notice.

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

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

Dated the day of 20 .

Signed:

To:

(Insert name and address of notice party)

FORM 96

Application to inspect or obtain a copy of an instrument under Rule 159 of the Land Registration Rules

LAND REGISTRY

1. Details

<i>Folio number</i>		<i>County</i>	
Name of Registered Owner(s)			
<i>Instrument Number</i>			
<i>Document / Deed Sought</i>			

2. Application by

<i>Name</i>	
<i>Address</i>	
Reference	
E-mail address	

3. Entitlement

I am entitled to inspect/obtain a copy of the Instrument / Document scheduled above under the provisions of Rule 159 of the Land Registration Rules as indicated below.

Please see attached guidelines (*Tick the section which is applicable*)

- I am the (personal representative of the) registered owner of the abovementioned folio (See Note 1)*
- I am the solicitor for the (personal representative of the) registered owner of the abovementioned folio (See Note 3)*
- I am authorised by the (personal representative of) registered owner of the abovementioned folio (See Note 2)*
- I am authorised by an order of the court*
- I am the registered owner of the charge (a copy of which is sought) registered on the abovementioned folio*
- I am the party entitled to the benefit of the burden (a copy of the deed creating which is sought) registered on the abovementioned folio*

- I was a party to the deed scheduled above, a copy of which is sought*
 - I am a person who would be entitled to inspection of a document relating to property, if its ownership was not registered and the document was in the possession of the person by law entitled to the custody thereof*
 - The judgment mortgage scheduled above (a copy of which is sought) remains uncanceled on the folio*
 - The lis pendens scheduled above (a copy of which is sought) remains uncanceled on the folio*
 - I am devisee/beneficiary under a will or intestacy of a former registered owner of the abovementioned folio or his/her successor in title*
 - I lodged the instrument under Rule 130(5)*
 - I am the owner of an unregistered servient tenement*
 - I am entitled to the benefit of a right created by an instrument filed under Rule 130(5)*
- or*
- Under Rule 159(9) I apply to the Authority to permit me inspect the document on the following grounds*

4. Application

(a) Application by Solicitor

I/We the Solicitor for the registered owner(s) or his/her personal representative(s) request

to inspect the issue of a copy of

the Instrument/Document scheduled at item 1 above to me/us.

Signed (by individual Solicitor).....
....

Name of firm
.....
.....

Date

(b) Application by Registered Owner/Personal Representative

I as registered owner or his/her personal representative request to inspect the issue of a copy of the Instrument/Document scheduled at item 1 above to me/us.

Signature of Registered Owner/Personal Representative

.....
.....

Signature of witness

.....
.....

Address of witness

.....
.....

Date

(c) Application by other party (Please specify)

.....
.....

Signature of applicant

.....
.....

Signature of witness

.....
.....

Address of witness:

Date

Office Use Only	Date of Receipt	Fees €.....	
		Proof of identity produced:	
Inspection	€5	<input type="checkbox"/>	Driver's Licence
Copy of Instrument	€40	<input type="checkbox"/>	Passport
		<input type="checkbox"/>	Other (specify)

Note (1) - Where the applicant is the registered owner or his/her personal representative, the signature must be attested and evidence of identity and evidence of permanent address must be presented or lodged.

Note (2) - Where the application is by a party, other than a solicitor, acting with the authority of the registered owner, the application must contain an authority under signature of the registered owner and attested. Evidence of identity and evidence of permanent address of the applicant must be presented or lodged.

Note (3) - Where a solicitor is giving authority to another party e.g. law searcher or other party to receive a copy Instrument on their behalf, the application should state that (a) they are the solicitor for the registered owners and (b) to whom the copy instrument or part thereof is to issue.

Note (4) - The application must identify the instrument number and indicate whether access is being sought to **all** or a specific **part** of the instrument.

Note (5) - Any letter of authority must specify whether authorised access is to **all** of an instrument, a specific **deed(s)** or specific **parts** of the Instrument. The letter of authority should be an original.

Note (6) - Notice may be served on the registered owner if considered appropriate by the Authority.

Rule 159 Land Registration Rules - Inspection of documents

- (1) The registered owner of property and any person authorised by such owner, or by an order of the court or by these Rules, but no other person, may inspect a document filed in the Registry on a dealing or transaction with the property of the owner.
- (2) Any person who would be entitled to inspection of a document relating to property, if its ownership was not registered under the Act, and the document was in the possession of the person by law entitled to the custody thereof, shall be entitled to inspect the document, if filed in the Registry.
- (3) An affidavit of judgment deposited in the Registry pursuant to the Judgment Mortgage Ireland Act, 1850, as amended by the Act, or an application for

registration of a judgment mortgage under Rule 110 may be inspected by any person so long as notice of its deposit or the entry of the judgment mortgage is uncanceled in a register.

- (4) A memorandum of a *lis pendens*, bond, recognisance or inquisition filed in the Registry may be inspected by any person so long as the entry relative to it remains uncanceled in a register.
- (5) An application, assent, affidavit, or transfer, made by a personal representative of a deceased owner of property that vested in the personal representative may be inspected by a devisee or other person, except a creditor, having an interest in the property under the owner's will, or, where the owner died intestate, by a person in whom a beneficial interest in the property devolved on the intestacy, or by a person who satisfies the Authority that he/she is the successor in title of one of such persons.
- (6) An instrument filed in the Registry under Rule 130(5) may be inspected by the person by whom it was lodged or by any person who satisfies the Authority that he/she is entitled to the benefit of a right created by the instrument.
- (7) An instrument filed in the Registry under Rule 46 may be inspected by any person who satisfies the Authority that he/she is the owner or person(s) entitled to be the owner of an unregistered servient tenement property, over which a right was registered as appurtenant to a dominant tenement property under Section 49A of the Act, on the production of such proofs as may be directed by the Authority.
- (8) Any person entitled to inspect a document filed in the Registry may obtain a copy of it.
- (9) The Authority may, in special circumstances and on such terms as it shall think fit, permit a person to inspect, or obtain, a copy of a document filed in the Registry.
- (10) An application to inspect or obtain a copy under this Rule shall be made in Form 96
- (11) Before allowing inspection of a document by a person claiming under Rule 159, the Authority may make such inquiries and give such notices as it may think fit. Notice under this rule shall be in Form 97

We, the Registration of Deeds and Title Rules Committee, constituted pursuant to the provisions of Section 74 of the Registration of Deeds and Title Act 2006 in exercise of the powers conferred on us by Section 126 of the Registration of Title Act, 1964, as amended by Section 72 of the Registration of Deeds and Title Act 2006, with the agreement of the Minister for Housing, Local Government and Heritage, do hereby make the foregoing Rules.

DATED this 16th day of December 2021

ALEXANDER OWENS, Judge of the High Court

JOHN T. COLEMAN, Chairman of the Property Registration Authority

LIZ POPE, Chief Executive of the Property Registration Authority

JAMES DWYER, Senior Counsel

MAJELLA EGAN, Solicitor

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by Section 126 of the Registration of Title Act, 1964, as amended by Section 72 of the Registration of Deeds and Title Act 2006, hereby agree in the making of the foregoing Rules.



GIVEN under my Official Seal,
This 16th day of December, 2021.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

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 16th day of December 2021, amend the provisions for the registration of easements and *profits à prendre* pursuant to Section 49A of the Registration of Title Act 1964, as amended by the Land and Conveyancing Law Reform Act 2021.

These Rules also amend the provisions for the registration of judgment mortgages pursuant to Section 116 of the Land and Conveyancing Law Reform Act 2009, to specifically include judgments of the Court of Appeal.

The Brussels I Regulation has been amended. An enforcement order of the Master of the High Court is no longer required in respect of civil and commercial judgments obtained in courts of member states of the European Union. The amended Brussels I Regulation (recast) was transposed into Irish law by the European Union (Civil and Commercial Judgments) Regulations 2015 (S.I. No. 6/2015). Rule 110A has been amended to reflect the changes introduced by the Brussels I Regulation (recast).

These Rules also amend Forms 3, 5, 6, 57B, 60, 60A, 61, 64, 68, 84 and 96 in the Schedule of Forms of the Land Registration Rules 2012 to 2013.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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