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**AN BILLE UM CHLÁRÚ GNÍOMHAS AGUS TEIDIL 2004**  
**REGISTRATION OF DEEDS AND TITLE BILL 2004**

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*Mar a ritheadh ag Seanad Éireann*  
*As passed by Seanad Éireann*

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Landlord and Tenant (Ground Rents) (No. 2) Act 1978	1978, No. 16
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Public Offices Fees Act 1879	42 & 43 Vict., c. 58
Public Service Management (Recruitment and Appointments) Act 2004	2004, No. 33
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Registration of Deeds (Amendment) Act 1709	8 Anne, c. 10
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Registration of Title (Amendment) Act 1997	1997, No. 35
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Security of Trade Act 1731	5 Geo. 2, c. 4
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**AN BILLE UM CHLÁRÚ GNÍOMHAS AGUS TEIDIL 2004**  
**REGISTRATION OF DEEDS AND TITLE BILL 2004**

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# **BILL**

*entitled*

5 AN ACT TO ESTABLISH A BODY TO BE KNOWN AS AN  
tUDARÁS CLÁRUCHÁIN MAOINE OR, IN THE  
ENGLISH LANGUAGE, THE PROPERTY REGIS-  
10 TRATION AUTHORITY, WITH THE FUNCTIONS CON-  
FERRED ON IT BY THIS ACT, INCLUDING THE MAN-  
AGEMENT AND CONTROL OF THE REGISTRY OF  
DEEDS AND THE LAND REGISTRY, TO REPEAL AND  
RE-ENACT, WITH AMENDMENTS, THE LAW RELAT-  
15 ING TO THE REGISTRATION OF DEEDS AND OTHER  
DOCUMENTS AFFECTING LAND AND TO AMEND THE  
LAW RELATING TO THE REGISTRATION OF TITLE  
TO LAND.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## **PART 1**

### **PRELIMINARY AND GENERAL**

20 **1.**—(1) This Act may be cited as the Registration of Deeds and Title Act 2005. Short title,  
collective citation  
and construction.

(2) The Registration of Title Act 1964 and this Act may be cited together as the Registration of Deeds and Title Acts 1964 and 2005 and are to be construed together as one.

25 **2.**—This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions. Commencement.

**3.**—In this Act— Interpretation.

30 “Act of 1964” means the Registration of Title Act 1964;

“Authority” means the Property Registration Authority established under *section 9*;

“functions” includes powers and duties, and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties.

Repeals and consequential amendment of Act of 1964.

4.—(1) The enactments specified in the *Schedule* to this Act are repealed to the extent specified in the third column thereof. 5

(2) References in the Act of 1964 to the Registrar, and references in any other enactment to the Registrar of Titles or Registrar of Deeds, are deleted and references to the Authority inserted.

(3) Accordingly, the words “he”, “him” and “his” which refer to the Registrar, Registrar of Titles or Registrar of Deeds in that Act or other enactment are also deleted and, as appropriate, “it” or “its” inserted. 10

(4) The Act of 1964 is further amended by the deletion of “central office” in sections 8, 108(2) and 121(2) and the insertion of “Land Registry”. 15

Expenses.

5.—The expenses incurred in respect of the Authority under this Act and the Act of 1964 and any other expenses incurred by the Minister in the administration of those Acts shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 20

Laying of orders and general rules before Houses of Oireachtas.

6.—An order under *section 21* or under section 24 of the Act of 1964 or a general rule under *section 47* or under section 126 of that Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the subsequent 21 days on which that House has sat after it is laid before it, the order or rule is annulled accordingly, but without prejudice to the validity of anything previously done under it. 25

## PART 2 30

### PROPERTY REGISTRATION AUTHORITY

Establishment day.

7.—The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Definition (*Part 2*).

8.—In this Part, “Chief Executive” means the Chief Executive of the Authority. 35

Property Registration Authority.

9.—(1) On the establishment day there stands established a body to be known as An tUdarás Clárucháin Maoine or, in the English language, the Property Registration Authority (in this Part referred to as the “Authority”), with the functions conferred on it by this Act.

(2) The Authority— 40

(a) is a body corporate with perpetual succession and an official seal,

(b) may sue, and be sued, in its corporate name, and

(c) may, with the consent of the Minister, acquire, hold and dispose of land or an interest in land or any other property.

5 (3) Subject to this Act, the Authority is independent in the performance of its functions.

(4) The seal of the Authority may be authenticated by—

(a) the signature of the chairperson or another member authorised by the Authority to act in that behalf, and

10 (b) the signature of the Chief Executive or another member of the staff of the Authority so authorised.

(5) Judicial notice shall be taken of the seal.

15 (6) In any proceedings a document purporting to be a document made or issued by, and to be sealed with the seal of, the Authority and any copy so sealed of such a document is admissible, without further proof, as evidence of the document and the matters mentioned in it.

20 (7) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorised by it for that purpose.

**10.—(1)** The functions of the Authority are—

Functions of  
Authority.

(a) to manage and control the Registry of Deeds and the Land Registry,

25 (b) to promote and extend the registration of ownership of land,

(c) to deal with applications under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978,

30 (d) to undertake or commission, or collaborate or assist in, research projects and activities relating to the registration of ownership of land, including the compilation of statistical data needed for the proper planning, development and provision of services related to such registration,

35 (e) to perform any additional functions conferred on it under *subsection (6)*, and

(f) to keep the Minister informed of progress in relation to the registration of ownership of land and to assist him or her in the development of policy in relation to such registration.

40 (2) The Authority may disseminate, to such extent and in such manner as it considers appropriate, information in relation to the services provided by it and their availability.

(3) The Authority may, subject to this Act, do anything which it considers necessary or expedient to enable it to perform its functions.

(4) The functions of the Authority may be performed on behalf of the Authority by any member or members of its staff who is or are authorised by it to do so.

(5) A member of the staff of the Authority who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, unless the contrary is shown. 5

(6) The Minister may by order confer on the Authority such additional functions connected with the functions for the time being of the Authority as he or she considers appropriate.

(7) An order under this section— 10

(a) shall be made with the consent of the Minister for Finance and after consultation with the Authority,

(b) may be subject to any conditions specified in the order, and

(c) may contain such incidental, supplemental or consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to it. 15

(8) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

Membership.

**11.**—(1) The Authority shall consist of not more than 11 members. 20

(2) Notwithstanding *subsection (1)*, until the first appointment to the Authority of a person elected by members of its staff in accordance with *subsection (5)(d)*, the Authority shall consist of not more than 10 members. 25

(3) The members of the Authority shall be appointed by the Minister, who shall designate one of them as its chairperson.

(4) In appointing persons to be members of the Authority the Minister shall, subject to *subsection (5)*, have regard to the desirability of their having knowledge or experience of conveyancing practice and procedure, business, finance, management, administration, consumer affairs or any other subject which would, in his or her opinion, be of assistance to the Authority in performing its functions. 30

(5) Of the members of the Authority— 35

(a) one shall be a person who is a practising barrister nominated by the General Council of the Bar of Ireland,

(b) one shall be a person who is a practising solicitor nominated by the Council of the Law Society of Ireland,

(c) one shall be an officer of the Minister, 40

(d) one shall be a member of the staff of the Authority elected by secret ballot of such members—

(i) if notice of the holding of the first election is given before the establishment day, in such manner as the Minister directs in writing, or 45

(ii) in any other case, in such manner as the Authority, with the consent of the Minister, determines.

(6) Subject to *subsection (7)*, members of the Authority shall hold office for a term of 4 years from the date of their appointment.

5 (7) (a) Five of the members (excluding the chairperson) first appointed to the Authority shall hold office for a term of 3 years from the date of their appointment, and those members shall be selected by the drawing of lots by the chairperson at a meeting of the Authority to be held for that purpose as soon as may be after the establishment day.

(b) A member who is not present at the meeting may be so selected.

(c) The quorum of the meeting is 7.

15 (8) A person may not be appointed to be a member for more than 2 consecutive terms.

(9) A member may resign from the Authority by letter addressed to the Minister.

20 (10) The resignation takes effect on the day on which the Minister receives the letter.

(11) A member holds office as such member until his or her term of office expires, unless he or she sooner dies, resigns, is removed from office or otherwise ceases to be a member.

25 (12) The Minister may for stated reasons at any time remove from office a member of the Authority for misbehaviour or where the Minister considers that either—

(a) the member has become incapable through ill health of performing his or her functions as a member, or

30 (b) the member's removal is necessary for the effective performance by the Authority of its functions.

(13) A member of the Authority ceases to be a member on—

(a) being adjudicated bankrupt,

(b) making a composition or arrangement with creditors,

35 (c) being sentenced to imprisonment on conviction on indictment,

(d) ceasing to be ordinarily resident in the State, or

(e) if on appointment he or she was a person to whom any paragraph of *subsection (5)* applied, ceasing to be such a person.

40 (14) The chairperson holds office as such chairperson until his or her term of office as a member of the Authority expires, unless he or she sooner dies, resigns or is removed from office or otherwise ceases to be a member but, if re-appointed as a member, he or she is eligible to be designated by the Minister as chairperson.

(15) In making appointments to the Authority the Minister shall have regard to the extent to which each sex is represented in its membership and ensure that an appropriate balance in this respect is maintained.

(16) Each member of the Authority shall act on a part-time basis and be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine. 5

Vacancies.

**12.**—(1) Subject to *section 16(2)*, the Authority may act notwithstanding any vacancy or vacancies in its membership. 10

(2) If a member of the Authority dies, resigns, ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the vacancy.

(3) A person so appointed holds office for the remainder of the term of office of the member whom he or she replaces and is eligible for reappointment for one further term. 15

(4) Where a vacancy occurs, the Minister shall take steps to fill it as soon as practicable.

Membership etc., of  
Dáil, Seanad or  
European  
Parliament.

**13.**—(1) A member of the Authority ceases to be a member on—

(a) accepting nomination as a member of Seanad Éireann, 20

(b) being elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) being regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament. 25

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament is, while so entitled or such a representative, disqualified for appointment as a member of the Authority or for employment by it in any capacity. 30

Disclosure of  
interests.

**14.**—(1) Where a member of the Authority or a member of an advisory committee, a consultant or an adviser appointed by the Authority has (otherwise than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by the Authority or advisory committee, he or she shall— 35

(a) in advance of any consideration of the matter, disclose that interest and its nature to the Authority or advisory committee, as the case may be,

(b) neither influence nor seek to influence any decision to be made in relation to it, 40

(c) not make any recommendation in relation to it,

(d) not take part in any consideration of it,

(e) absent himself or herself from any meeting, or part of a meeting, at which it is being considered or discussed,

(f) not be counted towards a quorum during any such consideration or discussion, and

5 (g) not vote on any decision relating to the matter.

(2) Without prejudice to the generality of *subsection (1)*, a person is regarded for the purposes of this section as having beneficial interest if—

10 (a) he or she or any connected relative, any nominee of his or hers or any connected relative of the nominee is a member of a company or any other entity which has a beneficial interest in, or material to, a matter to be considered by the Authority or advisory committee,

15 (b) he or she or any connected relative is in partnership with or in the employment of a person who has a beneficial interest in, or material to, such a matter,

(c) he or she or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or

20 (d) any connected relative has a beneficial interest in, or material to, such a matter.

(3) For the purposes of this section a person is not regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of the person, or of any company or other entity or person mentioned in *subsection (2)*, which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or in performing any function in relation to it.

30 (4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with *subsection (1)*, it shall be determined by the Authority or advisory committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

35 (5) Where a disclosure under *subsection (1)* is made to the Authority or an advisory committee, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(6) Where a member of the Authority does not make a disclosure in accordance with this section, the Minister shall determine the appropriate action (including removal from office) to be taken.

40 (7) Where a person, other than such a member, does not make a disclosure in accordance with this section, the Authority shall determine the appropriate action (including removal from office as a member of an advisory committee or termination of contract) to be taken.

45 (8) In this section “connected relative” means, in relation to a person, the person’s spouse or partner or the parent, brother, sister or child of the person or of the person’s spouse or partner.

Non-disclosure of confidential information.

**15.—(1)** Unless otherwise provided for by law, a person shall not, without the consent of the Authority, disclose any confidential information obtained while performing, or as a result of having performed, duties as a member of the Authority or advisory committee or as a consultant or an adviser appointed by the Authority. 5

(2) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding €2,500.

(3) In this section, “confidential information” includes information that is expressed by the Authority to be confidential as regards either particular information or information of a particular class or description. 10

Meetings.

**16.—(1)** The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but in each year it shall hold not less than one meeting in each period of 3 months. 15

(2) Subject to *section 11(7)(c)*, the quorum of a meeting of the Authority is 4 or such other number (not being less than 4) as the Authority may from time to time determine.

(3) The Minister shall fix the date, time and place of the first meeting of the Authority. 20

(4) At a meeting of the Authority—

(a) the chairperson of the Authority shall, if present, be chairperson of the meeting,

(b) if and so long as the chairperson of the Authority is not present or if the office of chairperson is vacant, the members of the Authority present shall choose one of their members to be chairperson of the meeting, and 25

(c) every question is determined by a majority of the votes of the members present and voting on the question and, if there is an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 30

(5) Subject to this Part, the Authority may regulate its own procedures.

Committees, consultants and advisers to Authority.

**17.—(1)** Subject to the approval of the Minister, the Authority may from time to time appoint such and so many advisory committees and such and so many consultants or advisers as it may consider necessary to assist it in the performance of its functions. 35

(2) The appointment of a person to an advisory committee or as a consultant or adviser is for such period and subject to such terms and conditions as the Authority may consider appropriate. 40

(3) Any fees or expenses payable to a member of an advisory committee or to a consultant or an adviser must be agreed by the Minister with the prior consent of the Minister for Finance.

(4) An advisory committee must include persons who have special knowledge and experience related to the purposes of the committee concerned. 45

(5) The Authority may at any time dissolve an advisory committee.

5 (6) The Authority shall ensure the maintenance of an appropriate balance as between men and women in an advisory committee's membership.

10 (7) The Authority may engage under contract such, and such number of, persons to provide such services to the Authority under such terms and conditions as may, with the approval of the Minister and the consent of the Minister for Finance, be determined by the Authority.

15 **18.**—(1) The Authority shall, as soon as practicable after it is established and thereafter within 6 months before each third anniversary of its establishment, prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing 3-year period. Strategic plans.

(2) A strategic plan shall—

20 (a) set out the key objectives, outputs and related strategies of the Authority, including its use of resources,

(b) comply with any directions issued from time to time by the Minister in relation to the form and manner of the plan's preparation, and

(c) have regard to the need to ensure the most beneficial and efficient use of the Authority's resources.

25 (3) The Minister shall, as soon as practicable after a strategic plan has been so approved, cause a copy of it to be laid before each House of the Oireachtas.

**19.**—(1) The Authority shall, not later than 30 June in each year, make a report to the Minister on the performance of its functions and on its activities during the preceding year. Reports to Minister.

30 (2) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(3) The report shall be in such form and include information regarding such matters as the Authority considers appropriate or the Minister may from time to time direct.

35 (4) The Authority may from time to time make other reports to the Minister on the performance of its functions.

(5) The Authority shall give the Minister such information as he or she may require relating to—

40 (a) any matter concerning the policies and activities of the Authority,

(b) any specific document or account prepared by it, or

(c) any report referred to in *subsection (1)* or *(4)*.

(6) For the purposes of *subsection (1)* the period between the date of the establishment of the Authority and the following 31 December is deemed to be the preceding year referred to in that subsection.

General policy directives.

**20.**—(1) The Minister may, from time to time as occasion requires, issue to the Authority such general directives in writing in relation to policy concerning registration of deeds or ownership of land or any other function of the Authority as he or she considers necessary. 5

(2) The Authority shall, in performing its functions, comply with any directive under this section. 10

(3) Nothing in this Act is to be construed as enabling the Minister to exercise any power or control in relation to any particular case with which the Authority is or may be concerned.

Fees.

**21.**—(1) Subject to *subsection (2)*, the Minister, with the consent of the Minister for Finance, may by order fix the fees to be charged by the Authority for its services and may revoke or amend any such order, including an order under this subsection. 15

(2) The fees shall not be fixed at a level calculated to produce an annual amount which is less than that sufficient to discharge the salaries, remuneration and other expenses payable under and incidental to the working of this Act and the Act of 1964. 20

(3) Any provision of this Act or general rules requiring or authorising anything to be done or any document to be issued by the Authority is to be construed as requiring or authorising it to be done or the document to be so issued on payment of the prescribed fee. 25

(4) Fees payable under this section shall be collected and taken in such manner as the Minister for Finance may from time to time direct and be paid into and disposed of for the benefit of the Exchequer in accordance with the directions of that Minister.

(5) The Public Offices Fees Act 1879 does not apply to fees payable under this section. 30

Chief Executive.

**22.**—(1) There shall be a chief executive officer of the Authority (in this Part referred to as the “Chief Executive”).

(2) The Minister shall appoint the Chief Executive on the recommendation of the Chief Executive of the Public Appointments Service. 35

(3) The Chief Executive is a civil servant in the service of the Government.

(4) His or her appointment is—

(a) on such terms and conditions as the Minister may, with the consent of the Minister for Finance, determine, and 40

(b) is subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 1996.

(5) The Chief Executive shall manage and control generally the staff, administration and business of the Authority and perform such other functions as may be conferred on him or her by or under this Act or as may be determined by the Authority.

5 (6) The Chief Executive is responsible to the Authority—

(a) for performing his or her functions and implementing its functions, and

10 (b) for providing to the Authority such information (including financial information) in relation to the performance of those functions as the Authority may from time to time require.

15 (7) Such of the functions of the Chief Executive as he or she may specify from time to time may, with the consent of the Authority, be performed by such member of the staff of the Authority as may be authorised in that behalf by the Chief Executive.

(8) The functions of the Chief Executive may be performed during his or her absence, or when the post of Chief Executive is vacant, by such member or members of the staff of the Authority as it may from time to time designate for that purpose.

20 (9) Notwithstanding *subsection (2)*, the person who is the Registrar of Deeds and Titles immediately before the establishment day shall be the first Chief Executive of the Authority and shall hold that office subject to terms and conditions which are not less favourable than those of the person's appointment as such Registrar.

25 **23.**—The Chief Executive is the accounting officer in relation to the appropriation accounts of the Authority for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. Chief Executive to be accounting officer.

30 **24.**—(1) Subject to *subsection (2)*, the Chief Executive shall, at the request in writing of a committee of the Oireachtas, attend before it to give account for the general administration of the Authority, including its strategic plans. Attendance of Chief Executive before Oireachtas Committee.

35 (2) In this section “committee of the Oireachtas” means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (except the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann) or a subcommittee of a committee so appointed.

**25.**—(1) Subject to *subsection (3)* and *section 22(2)*, the Authority may appoint such number of persons to be members of its staff as it may determine. Staff of Authority.

40 (2) Subject to *subsection (3)*, the Authority shall determine the grades of members of its staff and the numbers in each grade.

(3) A determination of the Authority under *subsection (1)* or *(2)* is subject to the approval of the Minister and the consent of the Minister for Finance.

45 (4) Members of the staff of the Authority are civil servants in the Civil Service of the Government.

(5) The Authority is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 1996) in relation to its staff.

Transfer of staff to authority.

**26.**—Every person who immediately before the establishment day was a member of the staff of the Land Registry and Registry of Deeds shall become a member of the staff of the Authority on that day. 5

Transfer of land and other property.

**27.**—(1) On the establishment day—

(a) land that immediately before that day was vested in the Minister, the Minister for Finance or the Commissioners of Public Works and is designated by the Minister, with the consent of the Minister for Finance, for use solely for purposes related to the Authority's functions, and 10

(b) any rights, powers and privileges relating to or connected with the land, 15

stand vested in the Authority, without any conveyance or assignment, for the estate or interest therein that immediately before the establishment day was vested in any of the persons referred to in *paragraph (a)*, but subject to any trusts and equities then affecting the land. 20

(2) On the establishment day, property other than land, including any chose in action, that immediately before that day was being used in connection with a function of the Registrar of Deeds or Registrar of Titles or Registrar of Deeds and Titles corresponding to a function of the Authority stands vested in the Authority without any assignment. 25

(3) A chose in action vested in the Authority under *subsection (2)* may, on and after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name, and the Authority or the Minister need not give notice of the vesting to any person bound by the chose in action. 30

(4) On the establishment day, documents and records that were held by the Land Registry and Registry of Deeds immediately before that day stand vested in the Authority.

(5) The Minister may, and shall on application by the Authority, issue a certificate that specified property is property to which this section applies or does not apply. 35

(6) In any proceedings a certificate purporting to be so issued is admissible, without further proof, as evidence of the matters stated in it. 40

Preservation of contracts.

**28.**—Any contract, agreement or arrangement made—

(a) between the Minister and the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, or

(b) between any other person and any of those Registrars, 45

and in force immediately before the establishment day—



- (k) a certified copy of a statement under section 3(8)(c) (inserted by section 54(1)(b)(ii) of the Family Law Act 1995) of the Family Home Protection Act 1976;
- (l) a memorial of the registration of the ownership of any estate or interest in land as referred to in section 116(2) of the Act of 1964; 5
- (m) information in electronic or other non-legible form which is capable of being converted into any of the preceding documents; and
- (n) such other documents as may be prescribed; 10

but does not include—

- (i) any document which may be registered under the Act of 1964, or
- (ii) any lease for a term not exceeding 21 years where actual occupation is in accordance with the lease; 15

“existing” means existing immediately before the commencement of the relevant provision of this Act;

“general rules” means rules under *section 47* or section 126 of the Act of 1964;

“land” includes— 20

- (a) land of any tenure,
- (b) land covered by water,
- (c) houses or other buildings or structures whatsoever and parts thereof, whether divided vertically, horizontally or otherwise, 25
- (d) mines and minerals, whether held apart from the surface or not,
- (e) incorporeal hereditaments;

“lease” means any contract of tenancy and includes an agreement for a lease; 30

“Minister” means the Minister for Justice, Equality and Law Reform;

“record” includes any book, index or document and any information in electronic or other non-legible form which is capable of being converted into a permanent legible form;

“register” means the register of deeds maintained under *section 34*; 35

“Registry” has the meaning given to it by *section 32*;

“repealed enactments” means the enactments repealed by this Act.

(2) In this Part, unless the context otherwise requires—

- (a) a reference to a section or the Schedule is a reference to a section of, or the Schedule to, this Act, 40

(b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs,

5 (c) a reference to any enactment shall be construed as a reference to that enactment as amended, extended or adapted, whether before or after the commencement of this Act, by or under any subsequent enactment.

**32.—**(1) There shall be an office or offices for the purpose of registering deeds. Registry of Deeds.

10 (2) The office or offices shall be known as the Registry of Deeds (referred to in this Part as “the Registry”).

(3) The Registry shall be under the management and control of the Property Registration Authority.

15 **33.—**(1) Any register or record maintained under any of the enactments mentioned in *Part 1* of the *Schedule* shall form part of the appropriate register or record maintained under this Part or general rules. Transitional provision.

20 (2) Any document issued or made under any of the enactments mentioned in *Part 1* of the *Schedule* and in force immediately before the commencement of this section shall continue in force and have the same validity as if made or issued under this Part.

**34.—**(1) The Authority shall maintain a register of deeds. Register of deeds.

(2) The register—

(a) shall be in the prescribed form,

25 (b) shall contain the prescribed information, and

(c) may be in an electronic or other non-legible form which is capable of being converted into a permanent legible form.

30 **35.—**(1) An application for registration of a deed in the register shall be made in the prescribed form. Registration of deeds.

(2) The manner in which registration is to be effected shall be prescribed.

**36.—**A serial number shall be allocated in the prescribed manner to every application for registration under this Part. Allocation of serial numbers.

35 **37.—**(1) Deeds registered under this Part are deemed and taken as good and effectual both in law and equity according to the priority determined by the serial numbers allocated to them pursuant to *section 36* and shall, as regards any right, title, interest or liability arising from their execution, rank in priority among themselves according to the priority determined by the serial numbers so allocated. Effect of registration.

40

(2) A deed which is not so registered is void against a registered deed affecting the land concerned.

(3) This section is without prejudice to the application of any rule of law or equity in cases where a person claiming under a registered deed had knowledge, or is deemed to have had knowledge, of a prior unregistered deed. 5

Validity of certain registered deeds.

**38.**—(1) Subject to *subsection (2)*, proof of execution of a deed by a witness to the execution by a grantee under the deed is deemed always to have been as valid, for the purposes of section 6 of the Registration of Deeds Act (Ireland) 1707, as if the witness had been a witness to the execution by a grantor under it. 10

(2) *Subsection (1)* does not affect any judgment or order given or made before the commencement of this section in any proceedings, including appeal proceedings.

Rectification of errors.

**39.**—(1) Where any error occurs in registration— 15

(a) the Authority may, with the consent of the applicant for registration and of such other persons as may appear to be interested, rectify the error on such terms as may be agreed to in writing by the parties,

(b) the Authority may, if of opinion that the error can be rectified without loss to any person, rectify the error after giving such notices as may be prescribed, 20

(c) the Circuit Court, if of opinion that the error can be rectified without injustice to any person, may order the error to be rectified on such terms as to costs or otherwise as it thinks just. 25

(2) The jurisdiction conferred on the Circuit Court under this section may be exercised by the judge assigned to the circuit where the land or any part of the land concerned is situated.

Procuring registration of false deed.

**40.**—Any person who procures or attempts to procure the registration of any deed— 30

(a) knowing it to be false in any material particular, or

(b) knowing any signature on it to be false,

is guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months or both, and 35

(ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years or both.

Other records.

**41.**—(1) The Authority shall maintain such records relating to registered deeds as may be prescribed. 40

(2) The information contained in any documentation delivered to the Authority may be recorded and kept in an electronic or other

non-legible form which is capable of being converted into a permanent legible form.

5 (3) Any reference in any enactment to the issue of any documentation by the Authority includes a reference to the communication of the information concerned by transmission in any prescribed electronic or other non-legible form.

(4) Where any such documentation is required to be signed or certified, it may be authenticated in any other prescribed manner.

10 **42.**—Searches of records maintained under this Part may be made in such manner and by such means as may be determined by the Authority. Searches.

15 **43.**—Any person may, during such hours, in such manner and subject to such conditions as may be determined by the Authority, inspect, search, copy, examine and make extracts from, or take short notes of, such records maintained under this Part as may be prescribed. Inspection, search and examination of records.

20 **44.**—Without prejudice to *section 9(6)*, a document purporting— Evidence in proceedings.  
(a) to be a copy or reproduction of any entry in the register or of any other record maintained, made or issued under this Part, including any document produced by the conversion into legible form of information kept in electronic or other non-legible form, and  
(b) to be certified by a member of the staff of the Authority to be such a copy or reproduction,  
25 is admissible in any proceedings, without further proof, as evidence of the matters mentioned therein.

**45.**—The Index of Lands established by section 17 of the Registry of Deeds (Ireland) Act 1832 is deemed to have been closed on 31 December 1946. Closing of Index of Lands.

30 **46.**—The Day Book, Abstract Book, Duplicate Abstract Book, Transcript Book and Duplicate Copy of Index of Names are deemed to have been closed during the period or periods during which any of them was not being kept in accordance with the Registry of Deeds (Ireland) Act 1832. Closing of certain other records.

35 **47.**—The Registration of Deeds and Title Rules Committee established by *section 63* may, with the agreement of the Minister, make general rules for the purpose of enabling this Part to have full effect and, without prejudice to the generality of the foregoing, may make provision in those rules in relation to any of the following matters: General rules.

40 (a) the form, content and indexing of the register and records,  
(b) the forms of application for registration of deeds,  
(c) the procedures to be observed in connection with registration, including the allocation of serial numbers to

applications for registration and their cancellation where the applications are refused,

- (d) the form and manner in which entries in the register are to be made, modified or cancelled,
- (e) any other matter referred to in this Part as prescribed. 5

Saver for certain deeds.

**48.**—Nothing in this Part affects the registration or priority of any deed—

- (a) lodged or presented for registration before the commencement of this section, or
- (b) registered in accordance with the law in force before 10 such commencement.

## PART 4

### OTHER AMENDMENTS TO REGISTRATION OF TITLE ACT 1964

Amendment of section 3.

**49.**—Section 3 (interpretation) of the Act of 1964 is amended in subsection (1)— 15

- (a) by the insertion of the following definitions:

“ ‘index’ means an index maintained under this Act and includes, and is deemed always to have included, any index stored in electronic or other non-legible form which is capable of being converted into a permanent legible form; 20

‘record’ includes any book, index or document and any information in electronic or other non-legible form which is capable of being converted into a permanent legible form;

‘registry maps’ means the maps referred to in section 84;”, 25

- (b) by the substitution, in the definition of “judgment mortgage”, of “affidavit of judgment” for “affidavit of ownership”,
- (c) by the deletion, in the definition of “Land Purchase Acts” of “the Irish Church Act, 1869, and”, 30
- (d) by the addition, after “determinable on a life or lives,” in the definition of “leasehold interest”, of “and the right or interest of a person who has barred, under the Statute of Limitations 1957, the right of action of a person entitled to such leasehold interest,”, 35
- (e) by the deletion of the definitions of “the local office” and “the local registrar”,
- (f) by the substitution of the following definition for the definition of “register”:  
“ ‘register’ means a register maintained under this Act and includes, and is deemed always to have included, any register kept in electronic or other non-legible form which is 40

capable of being converted into a permanent legible form;”,

and

(g) by the deletion, in the definition of “registering authority”, of “or a local registrar”.

**50.**—The following section is substituted for section 7 (the central and local offices) (as amended by the Registration of Title (Amendment) Act 1997) of the Act of 1964: Substitution of section 7.

“Land Registry. 7.—(1) There shall be an office or offices for the purpose of registering the ownership of land in the State.

(2) The office or offices shall be known as the Land Registry.

(3) The Land Registry shall be under the management and control of the Property Registration Authority.”.

**51.**—Section 23 (compulsory registration) of the Act of 1964 is amended— Amendment of section 23.

(a) in subsection (1)(a), by the deletion of “, or is deemed to have been,”,

(b) in subsection (1)(c), by the insertion of “or (2A)” after “subsection (2)”,

(c) by the insertion of the following subsection after subsection (1):

“(1A) Where land has been sold, conveyed or vested under the Irish Church Act 1869 and its ownership has not been registered, registration of ownership of the land is deemed never to have been required merely by virtue of the sale, conveyance or vesting.”,

and

(d) in subsection (2)(b), by the insertion of “or (2A)” after “subsection (2)”.

**52.**—Section 24 (extension of compulsory registration) of the Act of 1964 is amended by the substitution of the following subsections for subsections (1) and (2): Amendment of section 24.

“(1) The Minister for Justice, Equality and Law Reform, after consultation with the Authority, may by order provide that this section shall apply to—

(a) a specified area, including a local government area within the meaning of section 10 of the Local Government Act 2001,

(b) specified land, or

(c) specified land in such an area,

on or after a specified day, not being earlier than 6 months after the making of the order.

(2) Where this section applies, the registration of ownership of the land concerned shall, if not already compulsory, become compulsory— 5

(a) in the case of freehold land, upon its conveyance on sale, and

(b) in the case of a leasehold interest, upon the grant or assignment on sale of such an interest. 10

(2A) An order under this section may provide that the registration of ownership of land to which this section applies shall, if not already compulsory, become compulsory in the case of specified dispositions of land other than those mentioned in subsection (2). 15

(2B) The Minister may by order amend or revoke an order under this section, including an order under this subsection.”.

Substitution of section 25.

**53.**—The following section is substituted for section 25 (effect of failure to register where registration compulsory) of the Act of 1964:

“25.—A person shall not acquire any estate or interest in land under a disposition specified in subsection (2) or (2A) of section 24 after the date on which registration of ownership of the land becomes compulsory in relation to the disposition unless the person is registered as owner of the estate or interest within 6 months after the execution of the disposition or at such later time as the Authority (or, in case of refusal, the court) may sanction in any particular case, but on any such registration the person’s title shall relate back to the date of such execution, and any dealings with the land before the registration shall have effect accordingly.”. 20 25 30

Amendment of section 32.

**54.**—Section 32 (rectification of errors in registration) is amended by the substitution of the following subsection for subsection (1):

“(1) Where any error originating in the Land Registry (whether of misstatement, misdescription, omission or otherwise, and whether in a register or registry map) occurs in registration— 35

(a) the Authority may, with the consent of the registered owner of the land and of such other persons as may appear to be interested, rectify the error upon such terms as may be agreed to in writing by the parties, 40

(b) the Authority may, if of opinion that the error can be rectified without loss to any person, rectify the error after giving such notices as may be prescribed,

(c) the court, if of opinion that the error can be rectified without injustice to any person, may order the error to be rectified upon such terms as to costs or otherwise as it thinks just.”. 45

**55.**—The following section is substituted for section 84 (ordnance survey maps to be kept in central office) of the Act of 1964: Amendment of section 84.

“Registry maps. 84.—(1) Provision may be made by general rules—

5 (a) for identifying on maps (in this Act referred to as ‘registry maps’) land whose ownership has been registered under this Act, and

10 (b) for reference in the register to those maps.

(2) (a) For the purposes of such registration—

15 (i) the Registrar, in respect of the period before the commencement of *section 55* of the *Registration of Deeds and Title Act 2005*, is deemed to have had power in any particular case to adopt any map which the Registrar considered satisfactory, and

20 (ii) on such commencement, the Authority may in any particular case adopt any map which it considers satisfactory.

25 (b) For the purposes of this Act and the repealed enactments, any map so adopted is, and is deemed always to have been, a registry map.

30 (3) A registry map shall be in such form, including an electronic or other non-legible form which is capable of conversion into a permanent legible form, as may be prescribed.”

**56.**—The following section is substituted for section 85 (description of registered land) of the Act of 1964: Amendment of section 85.

35 “85.—(1) Registered land shall be described and identified by reference to the registry maps concerned in such manner as may be prescribed.

(2) Except as provided by this Act, neither the description of land in a register nor its identification by reference to a registry map is conclusive as to its boundaries or extent.”

40 **57.**—Section 90 (powers of person entitled to be registered as owner of land or charge) is amended by the substitution of the following paragraph for paragraph (a): Amendment of section 90.

45 “(a) transfer or charge the land or any part thereof, create a lien thereon by deposit of the land certificate, grant a lease or create an easement or a *profit à prendre* or, where the person is the Minister for Agriculture and Food, exercise any other rights of ownership,

including enforcement of the right to vacant possession, or”.

Amendment of section 107.

**58.**—Section 107 (searches of registers and maps) of the Act of 1964 is amended in subsection (1) by the insertion, after “inspected”, of “, in the form in which it is kept or (as the case may be) a legible reproduction thereof,”. 5

Amendment of section 120.

**59.**—Section 120 (compensation for error, forgery or fraud in relation to registration) of the Act of 1964 is amended—

(a) in subsections (1) and (3), by the deletion of “by the court”, and 10

(b) in subsection (5), by the substitution of the following paragraph for paragraph (b):

“(b) if the claim is not settled, the claimant or the Minister for Finance may apply to the court to determine the amount (if any) of compensation payable.”. 15

Amendment of section 123.

**60.**—Section 123 (effect of words of transfer) of the Act of 1964 is amended by the substitution of the following subsections for subsection (4):

“(4) An instrument granting, or containing a grant or reservation of, an easement or a *profit à prendre* out of registered freehold land without words of limitation or any equivalent expression shall pass or reserve the whole estate which the grantor had power to grant or reserve in the easement or *profit à prendre*. 20 25

(5) An instrument granting, or containing a grant or reservation of, an easement or a *profit à prendre* out of registered freehold land to a corporation sole by its corporate designation without the word ‘successors’ shall pass or reserve the whole estate which the grantor had power to grant or reserve in the easement or *profit à prendre*. 30

(6) Subsections (1), (2) and (3) of this section apply only to instruments of transfer executed on or after 1 January 1967, and subsections (4) and (5) thereof apply only to those executed after the commencement of *section 60* of the *Registration of Deeds and Title Act 2005*.”. 35

New section 124A.

**61.**—The following section is inserted after section 124 of the Act of 1964:

“Evidence in proceedings.

124A.—A document purporting—

(a) to be a copy or reproduction of any entry in a register or of any other record maintained, made or issued under this Act, including any document produced by the conversion into legible form of information kept in electronic or other non-legible form, and 40 45

(b) to be certified by a member of the staff of the Land Registry to be such a copy or reproduction,

is admissible in any proceedings, without further proof, as evidence of the matters mentioned therein.”.

5  
62.—Section 126 (power to make rules and orders) of the Act of 1964 is amended—

Amendment of section 126.

10 (a) by the substitution of the following subsection for subsections (1) and (2) and the renumbering of subsection (3) as subsection (2):

15 “(1) The Registration of Deeds and Title Rules Committee established by *section 63* of the *Registration of Deeds and Title Act 2005*, with the agreement of the Minister for Justice, Equality and Law Reform, may make general rules for carrying into effect the objects of this Act and, in particular, without prejudice to the generality of the foregoing, in respect of all or any of the following matters:

- 20 (a) the form and content and the indexing of registers and registry maps;
- (b) the authentication of documents relating to title;
- 25 (c) the procedures to be observed, precautions to be taken, notices to be given and evidence to be adduced in proceedings in connection with registration;
- (d) the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land for which an application for registration is made;
- 30 (e) the form and manner in which entries in registers are to be made, modified or cancelled;
- (f) the order in which entries relating to land are to be made;
- 35 (g) the correction of errors in registers or maps or in any record connected with registration;
- (h) the form and content of any document required or authorised to be used or given under or for the purposes of this Act;
- 40 (i) the conditions under which a new land certificate or certificate of charge may be issued in place of a lost, defaced or destroyed certificate;
- 45 (j) the inspection of and making of copies or reproductions of, or extracts from, any records in the custody of the Land Registry;
- (k) the custody and preservation of records in the Land Registry;

(l) the taxation of costs of any proceedings in connection with registration and the persons by and to whom costs are to be taxed and paid;

(m) the entering into security for the costs of appeal under this Act; 5

(n) any other matter referred to in this Act as prescribed.”,

(b) by the deletion of subsection (4).

PART 5

REGISTRATION OF DEEDS AND TITLE RULES COMMITTEE 10

Registration of Deeds and Title Rules Committee.

**63.**—(1) On the commencement of this section there stands established a committee, to be known as the Registration of Deeds and Title Rules Committee, to perform the functions assigned to it under section 47 and under section 126, as amended by section 62, of the Act of 1964. 15

(2) The Committee shall consist of—

(a) the judge of the High Court for the time being assigned for that purpose by the President of the High Court,

(b) the chairperson of the Authority,

(c) the Chief Executive of the Authority, 20

(d) a practising barrister nominated by the General Council of the Bar of Ireland, and

(e) a practising solicitor nominated by the Council of the Law Society of Ireland.

(3) The judge of the High Court so assigned shall be chairperson, 25 and the Chief Executive of the Authority secretary, of the Committee.

(4) A nominated barrister or solicitor shall hold office as such member for 5 years from the date of the nomination, unless he or she sooner dies, resigns or ceases to be a practising barrister or practising solicitor. 30

(5) A nominated barrister or solicitor whose membership expires by lapse of time is eligible for renomination.

(6) The quorum of the Committee is 3 members.

(7) The Committee may act notwithstanding a vacancy in its membership. 35

(8) Pending the making of rules under this section the rules made by the Registration of Title Rules Committee and in force immediately before the commencement of this section shall continue in force, with any necessary modifications. 40

**64.**—(1) The secretary of the Registration of Deeds and Title Reports by  
Rules Committee shall summon a meeting of the Committee once at Committee.  
least in every year, on such day as may be fixed by the chairperson  
of the Committee, to consider practice, procedure and administration  
5 under the Act of 1964 and this Act and the operation and effect of  
those Acts.

(2) As soon as may be after every such meeting the Committee  
shall report to the Minister whether any and, if so, what amendments  
or alterations should in its opinion be made in practice, procedure  
10 or administration under the said Acts with a view to improving their  
operation and effect.

## ENACTMENTS REPEALED

## PART 1

## ENACTMENTS RELATING TO REGISTRY OF DEEDS

Session and Chapter or Number and Year	Short Title	Extent of Repeal	
6 Anne, c. 2	Registration of Deeds Act (Ireland) 1707	The whole Act so far as unrepealed	5
8 Anne, c. 10	Registration of Deeds (Amendment) Act 1709	The whole Act so far as unrepealed	10
8 Geo., 1 c. 15	Registration of Deeds (Amendment) Act 1721	The whole Act	
5 Geo., 2 c. 4	Security of Trade Act 1731	Section 10	15
25 Geo., 3, c. 47	Registration of Deeds (Amendment) Act 1785	The whole Act so far as unrepealed	
3 Geo., 4, c. 116	Registry of Deeds (Ireland) Act 1822	The whole Act so far as unrepealed	20
2 & 3 Will., 4, c. 87	Registry of Deeds (Ireland) Act 1832	The whole Act so far as unrepealed	
10 & 11 Vict., c. 32	Landed Property Improvement (Ireland) Act 1847	In section 21, from “, and to enter a memorial thereof in the abstract book” to end of section	25
11 & 12 Vict., c. 120	Land Transfer (Ireland) Act 1848	So far as unrepealed and relates to the Registrar of Deeds or the Registry of Deeds	30
14 & 15 Vict., c. 57	Civil Bill Courts (Ireland) Act 1851	Sections 89 and 90	
21 & 22 Vict., c. 72	Landed Estates Court (Ireland) Act 1858	In section 51, from “; and it shall and may be lawful for such owner” to end of section In section 85, the words “and may be registered in the office for registering deeds in Ireland”	35 40
23 & 24 Vict., c. 153	Landed Property Improvement (Ireland) Act 1860	Section 20	
27 & 28 Vict., c. 76	Registration of Deeds (Ireland) Act 1864	The whole Act	45
28 & 29 Vict., c. 88	Record of Title Act (Ireland) 1865	In section 7, from “Provided always” to end of section	
34 & 35 Vict., c. 100	Glebe Loan (Ireland) Amendment Act 1871	In section 8, “in the city of Dublin” and from “and shall enter a memorial thereof” to end of section and In section 13, from “in the city of Dublin, and for which no registration fee shall be payable” to end of section	50 55
38 & 39 Vict., c. 5	Registry of Deeds (Ireland) Act 1875	The whole Act so far as unrepealed	

	38 & 39 Vict., c. 82	National School Teachers Residences (Ireland) Act 1875	In section 5, “in the city of Dublin” and from “and shall enter a memorial thereof” to end of section
5	56 & 57 Vict., c. 39	Industrial and Provident Societies Act 1893	In section 43 (2), “verified by oath or statutory declaration of any person”, so far as those words relate to the production of receipts to the Registry of Deeds, and from “and such registrar” to end of section, so far as those words relate to the Registrar of Deeds
10			
15	59 & 60 Vict., c. 25	Friendly Societies Act 1896	In section 53 (2), “verified by oath of any person”, so far as those words relate to the production of receipts to the Registrar of Deeds Section 53(4), in so far as it relates to the Registry of Deeds
20			
	No. 25 of 1949	Land Reclamation Act 1949	In section 2(3) and section 3(7), “and no fee or other payment shall be required for registration”
25	No. 10 of 1966	Houses of the Oireachtas (Laying of Documents) Act 1966	Section 4
	No. 38 of 1976	Building Societies Act 1976	Section 84(3)(b)
30	No. 28 of 1988	Housing Act 1988	Section 18(6)

## PART 2

### ENACTMENTS RELATING TO LAND REGISTRY

	No. 48 of 1936	Courts of Justice Act 1936	Section 73 Section 75, so far as it applies to the Registration of Title Rules Committee
35	No. 16 of 1964	Registration of Title Act 1964	Sections 4, 9 to 15 and 17
	No. 35 of 1997	Registration of Title (Amendment) Act 1997	The whole Act