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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 leasaíodh sa Roghchoiste um Dhlí agus Ceart,  
Comhionannas, Cosaint agus Cearta na mBan  
As amended in the Select Committee on Justice,  
Equality, Defence and Women's Rights*

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ACTS REFERRED TO

|   |                      |
|---|----------------------|
| Bankruptcy Act 1988   | 1988, No. 27         |
| Building Society Act 1976   | 1976, No. 38         |
| Civil Bill Courts (Ireland) Act 1851                              | 14 & 15 Vic., c. 57  |
| Civil Service Commissioners Act 1956                              | 1956, No. 45         |
| Civil Service Regulation Acts 1956 to 2005                        |                      |
| Comptroller and Auditor General (Amendment) Act 1993              | 1993, No. 8          |
| Comptroller and Auditor General Acts 1866 to 1998                 |                      |
| Courts of Justice Act 1936  | 1936, No. 48         |
| Debtors (Ireland) Act 1840  | 3 & 4 Vic., c.105    |
| European Parliament Elections Act 1997                            | 1997, No. 2          |
| Family Home Protection Act 1976                                   | 1976, No. 27         |
| Family Law Act 1995   | 1995, No. 26         |
| Friendly Societies Act 1896                                       | 59 & 60 Vic., c. 25  |
| Glebe Loan (Ireland) Amendment Act 1871                           | 34 & 35 Vic., c. 100 |
| Houses of the Oireachtas (Laying of Documents) Act 1966           | 1966, No. 10         |
| Housing Act 1988  | 1988, No. 28         |
| Industrial and Provident Societies Act 1893                       | 56 & 57 Vic., c. 39  |
| Irish Church Act 1869   | 32 & 33 Vic., c. 42  |
| Judgement Mortgage (Ireland) Act 1850                             | 13 & 14 Vic., c. 29  |
| Land Purchase Acts  |                      |
| Land Reclamation Act 1949   | 1949, No. 25         |
| Land Transfer (Ireland) Act 1848                                  | 11 & 12 Vic., c. 120 |
| Landed Estates Court (Ireland) Act 1858                           | 21 & 22 Vic., c. 72  |
| Landed Property Improvement (Ireland) Act 1847                    | 10 & 11 Vic., c. 32  |
| Landed Property Improvement (Ireland) Act 1860                    | 23 & 24 Vic., c. 153 |
| Landlord and Tenant (Ground Rents) (No. 2) Act 1978               | 1978, No. 16         |
| Local Government Act 2001   | 2001, No. 37         |
| National School Teachers Residences (Ireland) Act 1875            | 38 & 39 Vic., c. 82  |
| Public Offices Fees Act 1879                                      | 42 & 43 Vic., c. 58  |
| Public Service Management (Recruitment and Appointments) Act 2004 | 2004, No. 33         |
| Record of Title Act (Ireland) 1865                                | 28 & 29 Vic., c. 88  |
| Registration of Deeds Act 1707                                    | 6 Anne, c. 2         |
| Registration of Deeds Act 1709                                    | 8 Anne, c. 10        |
| Registration of Deeds Act 1721                                    | 8 Geo. 1, c 15       |
| Registration of Deeds Act 1785                                    | 25 Geo. 3, c. 47     |
| Registration of Deeds (Ireland) Act 1864                          | 27 & 28 Vic., c. 76  |
| Registration of Title (Amendment) Act 1997                        | 1997, No. 35         |
| Registration of Title Act 1964                                    | 1964, No. 16         |
| Registry of Deeds (Ireland) Act 1822                              | 3 Geo. 4, c. 116     |
| Registry of Deeds (Ireland) Act 1832                              | 2 & 3 Will. 4, c. 87 |
| Registry of Deeds (Ireland) Act 1875                              | 38 & 39 Vic., c. 5   |
| Security of Trade Act 1731  | 5 Geo. 2, c. 4       |
| Statute of Limitations 1957                                       | 1957, No.6           |
| Succession Act 1965   | 1965, No. 27         |



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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-  
ING TO THE REGISTRATION OF DEEDS AND OTHER  
15 DOCUMENTS AFFECTING LAND, TO AMEND THE  
LAW RELATING TO THE REGISTRATION OF TITLE TO  
LAND AND TO AMEND SECTIONS 16 AND 28 OF THE  
LANDLORD AND TENANT (GROUND RENTS) (NO. 2)  
ACT 1978.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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## PART 1

### PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Registration of Deeds and Title Act 2006. Short title, collective citation and construction.

25 (2) The Registration of Title Act 1964 and this Act may be cited together as the Registration of Deeds and Title Acts 1964 and 2006 and are to be construed together as one.

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  
30 be so appointed for different purposes or provisions. Commencement.

3.—In this Act— Interpretation.

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

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

“general rules” means rules under *section 48* or under section 126 of the Act of 1964.

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 a registering authority and 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. 10

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

(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 the the Oireachtas.

**6.—**An order under *section 21* or under section 24 of the Act of 1964 and any general rules 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 (4)*, 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 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.

(5) An order under this section—

(a) shall be made with the consent of the Minister for Finance 5  
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 consequen- 10  
tial provisions as may, in the opinion of the Minister, be  
necessary to give full effect to it.

(6) 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 15  
members.

(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.

(3) The members of the Authority shall be appointed by the Mini- 20  
ster, 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, admini- 25  
stration, consumer affairs or any other subject which would, in his or her opinion, be of assistance to the Authority in performing its functions.

(5) Of the members of the Authority—

(a) one shall be a person who is a practising barrister nomi- 30  
nated by the General Council of the Bar of Ireland,

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

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

(d) one shall be a member of the staff of the Authority elected 35  
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

(ii) in any other case, in such manner as the Authority, 40  
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.

10 (c) The quorum of the meeting is 7.

(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.

15 (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.

20 (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

25 (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,

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

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

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

(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 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.

Vacancies.

**12.—**(1) Subject to *section 16(2)*, the Authority may act notwithstanding any vacancy or vacancies in its membership. 5

(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. 10

(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— 15

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

(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. 20

(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. 25

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— 30

(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, 35

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

(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, 40

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

(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—

5 (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,

10 (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,

15 (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

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

20 (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.

25 (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.

30 (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.

35 (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.

(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.

45 **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. Non-disclosure of confidential information.

(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. 5

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. 10

(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. 15

(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 20

(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. 25

(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. 30

(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. 35

(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. 40

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

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

5 (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.

10 **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—

15 (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

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

(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.

25 **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.

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

30 (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.

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

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

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

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

40 (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.

(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. 10

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.

(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. 15

(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. 20

(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. 25

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

Chief Executive.

**22.**—(1) There shall be a chief executive officer of the Authority (in this Part referred to as the “Chief Executive”). 30

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

(3) The Chief Executive is a civil servant in the service of the Government. 35

(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

(b) is subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005. 40

(5) The Chief Executive shall—

(a) implement the policies and decisions of the Authority,

(b) manage and control generally its staff, administration and business, and 45

(c) perform such other functions as may be conferred on him or her by or under this Act or as may be authorised by the Authority.

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

5 (a) for performing his or her functions, and

(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.

10 (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.

15 (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.

**24.**—The Comptroller and Auditor General (Amendment) Act 1993 is amended by inserting the following section after section 18A: Amendment of Comptroller and Auditor General (Amendment) Act 1993.

“Application of this Act to Property Registration Authority. 18B.—This Act applies to the Property Registration Authority as if it were a Department.”.

30 **25.**—(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.

40 **26.**—(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.

(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.

(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

(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.

(6) Members of the staff of the Authority are civil servants in the Civil Service of the Government. 10

(7) The Authority is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 2005) in relation to its staff.

Transfer of staff to Authority.

**27.**—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. 15

Transfer of land and other property.

**28.**—(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 20

(b) any rights, powers and privileges relating to or connected with the land, 25

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. 30

(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. 35

(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. 40

(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. 45

(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.

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

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

Preservation of contracts.

5 (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,

and in force immediately before the establishment day—

10 (i) continues in force on or after that day, and

(ii) has effect as if the name of the Authority were substituted in the contract, agreement or arrangement for the name of the Registrar concerned.

15 **30.**—If, immediately before the establishment day, any proceedings are pending in any court or tribunal to which the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles is a party, the name of the Authority is substituted in the proceedings for that of the Registrar concerned, and the proceedings do not abate by reason of the substitution. Pending proceedings.

20 **31.**—Nothing in this Act affects the validity of any act done before the establishment day by or on behalf of the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, and any such act, if and in so far as it was operative immediately before that day, has effect on and after that day as if it had been done by or on behalf of the Authority. Saving for certain acts.

### PART 3

#### REGISTRATION OF DEEDS

**32.**—(1) In this Part, unless the context otherwise requires—

Interpretation (*Part 3*).

30 “deed” means a document by which an estate or interest in land is created, transferred, charged or otherwise affected and includes any of the following documents, whether under seal or not, affecting land:

(a) a conveyance;

(b) a document not attested;

35 (c) an assent under the Succession Act 1965;

(d) a vesting certificate under the Landlord and Tenant (Ground Rents) (No. 2) Act 1978;

(e) a certificate vesting property in the Official Assignee under the Bankruptcy Act 1988;

- (f) a receipt under section 43 of the Industrial and Provident Societies Act 1893, section 53 of the Friendly Societies Act 1896, section 84(1) of the Building Societies Act 1976 or section 18(1) of the Housing Act 1988;
- (g) an affidavit or a certificate of satisfaction prescribed by the Judgement Mortgage (Ireland) Act 1850; 5
- (h) a judgment, decree or order of a court or a declaration by a court of title, division or allotment;
- (i) a notification or order under the Land Reclamation Act 1949; 10
- (j) a notice under the Family Home Protection Act 1976;
- (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 record 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; 15
- (m) information in electronic or other non-legible form which is capable of being converted into any of the preceding documents; and 20
- (n) such other documents as may be prescribed;

but does not include—

- (i) any document affecting, or in so far as it affects, registered land, or
- (ii) any lease for a term not exceeding 21 years (or such other period as may be prescribed) where actual occupation is in accordance with the lease; 25

“land” includes—

- (a) land of any tenure,
- (b) land covered by water, 30
- (c) houses or other buildings or structures whatsoever and parts thereof, whether divided vertically, horizontally or otherwise,
- (d) mines and minerals, whether held apart from the surface or not, 35
- (e) incorporeal hereditaments;

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

“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; 40

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

“Registry” has the meaning given to it by *section 33*;

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

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

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

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

10 (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.

15 **33.—**(1) There shall be an office or offices for the purpose of registering deeds. Registry of Deeds.

(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.

20 **34.—**(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.

25 (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.

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

(2) The register—

30 (a) shall be in the prescribed form,

(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.

35 **36.—**(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.

Allocation of serial numbers.

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

Effect of registration.

**38.**—(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 37* 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. 5

(2) A deed which is not so registered is void against a registered deed affecting the land concerned. 10

(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. 15

Validity of certain registered deeds.

**39.**—(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 to be and always to have been as valid, for the purposes of section 6 of the Registration of Deeds Act 1707, as if the witness had been a witness to the execution by a grantor under it. 20

(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.

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

(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, 25

(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, 30

(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. 35

(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.

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

(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

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

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

10 (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.

15 (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.

20 **43.—**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.

25 **44.—**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.

**45.—**Without prejudice to *section 9(6)*, a document purporting— Evidence in proceedings.

30 (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,

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

**46.—**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.

40 **47.—**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.

General rules.

**48.**—The Registration of Deeds and Title Rules Committee established by *section 74* 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: 5

- (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; 10
- (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.

Saver for certain deeds.

**49.**—Nothing in this Part affects the registration or priority of any deed— 15

- (a) lodged or presented for registration before the commencement of this section, or
- (b) registered in accordance with the law in force before such commencement. 20

#### PART 4

##### OTHER AMENDMENTS TO REGISTRATION OF TITLE ACT 1964

Amendment of section 3.

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

- (a) by the insertion of the following definitions: 25
  - “ ‘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;
  - ‘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; 30
  - ‘registry maps’ means the maps referred to in section 84;”,
- (b) by the substitution, in the definition of “judgment mortgage”, of “affidavit of judgment” for “affidavit of ownership”, 35
- (c) by the deletion, in the definition of “Land Purchase Acts” of “the Irish Church Act, 1869, and”,
- (d) by the insertion, in the definition of “leasehold interest” of— 40

(i) “(or such other number as may be prescribed)” after “twenty-one”, and

(ii) “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,” after “determinable on a life or lives,”,

(e) by the deletion of the definitions of “the central office”, “the local office”, “the local registrar” and “registering authority”, and

(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 capable of being converted into a permanent legible form;”.

**51.**—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.”.

**52.**—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)”.

**53.**—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):

“(1) The Minister for Justice, Equality and Law Reform, after consultation with the Authority, may by order provide that this section shall apply to— 5

(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 10

(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 15 compulsory—

(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. 20

(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). 25

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

**54.**—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 30 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 35 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 40 effect accordingly.”.

**55.**—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 45 registration—

- (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,
- 5 (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.”.
- 10

**56.**—The following section is substituted for section 33 (classes of freehold land which may be registered) of the Act of 1964: Substitution of section 33.

15 “33.—(1) On registration of the ownership of unregistered freehold land, a person may be registered with an absolute title, a qualified title or a possessory title.

(2) An application for registration may be made by such person, and shall be in such form and accompanied by such evidence of title, as may be prescribed.

20 (3) The application shall be for registration with an absolute title, a qualified title or a possessory title.

(4) The applicant shall be registered as owner with an absolute title where the title is approved by the Authority.

25 (5) The applicant may be registered as owner with a qualified title where—

(a) it appears to the Authority that the title can be established only for a limited period or only subject to certain reservations, and

30 (b) the Authority, by an entry in the register, excepts from the effect of registration any right—

(i) arising before a specified date,

(ii) arising under a specified instrument, or

(iii) otherwise particularly described in the register.

35 (6) The applicant may be registered as owner with a possessory title on giving such evidence of title as may be prescribed.

(7) If, on an application for registration under this section, the Authority is not satisfied that the grant of the title applied for would be warranted or appropriate, it may, subject to subsection (8), register the applicant as owner with such one of the other titles provided for in this section as it considers would be warranted or appropriate.

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(8) Where registration of ownership is not compulsory, the Authority may not—

- (a) on an application for registration with an absolute title, register the applicant as owner with a qualified title without the applicant's consent, or
- (b) on an application for registration with a title other than a possessory title, register the applicant as owner with a possessory title without such consent.”. 5

Substitution of section 40.

**57.**—The following section is substituted for section 40 (classes of title which may be registered) of the Act of 1964:

“40.—(1) On registration of the ownership of an unregistered leasehold interest, a person may be registered with an absolute title, a good leasehold title, a qualified title or a possessory title. 10

(2) An application for registration may be made by such person, and shall be in such form and accompanied by such evidence of title, as may be prescribed.

(3) The application shall be for registration with an absolute title, a good leasehold title, a qualified title or a possessory title. 15

(4) The applicant shall be registered as owner with an absolute title where the title to the leasehold interest, the freehold estate and any intermediate leasehold interest is approved by the Authority. 20

(5) The applicant shall be registered as owner with a good leasehold title where the title to the leasehold interest is approved by the Authority.

(6) The applicant may be registered as owner with a qualified title where— 25

- (a) it appears to the Authority that the title, either of the lessor to the reversion or of the lessee to the leasehold interest, can be established only for a limited period or only subject to certain reservations, and

- (b) the Authority, by an entry in the register, excepts from the effect of registration any right— 30

- (i) arising before a specified date,

- (ii) arising under a specified instrument, or

- (iii) otherwise particularly described in the register.

(7) The applicant may be registered as owner with a possessory title on giving such evidence of title as may be prescribed. 35

(8) If, on an application for registration under this section, the Authority is not satisfied that the grant of the title applied for would be warranted or appropriate, it may, subject to subsection (9), register the applicant as owner with such one of the other titles provided for in this section as it considers would be warranted or appropriate. 40

(9) Where registration of ownership of title is not compulsory, the Authority may not—

(a) on an application for registration with an absolute title or a good leasehold title, register the applicant as owner with a qualified title without the applicant's consent, or

5 (b) on an application for registration with a title other than a possessory title, register the applicant as owner with a possessory title without such consent.”.

10 **58.**—Section 51 (transfer of registered land) of the Act of 1964 is amended by the insertion of the following subsection after subsection (2): Amendment of section 51.

“(2A) In this section “transfer” includes “lease”, and cognate words shall be construed accordingly.”.

15 **59.**—Section 69 (burdens which may be registered as affecting registered land) of the Act of 1964 is amended in subsection (1)(g) by the insertion of “(or such other period as may be prescribed)” after “twenty-one years”. Amendment of section 69.

**60.**—Section 72 (burdens affecting land without registration) of the Act of 1964 is amended in subsection (1)(i) by the insertion of “(or such other period as may be prescribed)” after “twenty-one years”. Amendment of section 72.

20 **61.**—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—

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

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

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

35 (i) the Registrar, in respect of the period before the commencement of *section 61* of the *Registration of Deeds and Title Act 2006*, is deemed to have had power in any particular case to adopt any map which the Registrar considered satisfactory, and

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

45 (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.

(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.”.

Amendment of section 85.

**62.**—The following section is substituted for section 85 (description of registered land) of the Act of 1964: 5

“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.”. 10

Substitution of section 90.

**63.**—The following section is substituted for section 90 (powers of person entitled to be registered as owner of land or charge) of the Act of 1964: 15

“90.—(1) This section applies to a person—

(a) on whom the right to be registered as owner of registered land or a registered charge has devolved by reason of the death of the owner or the defeasance of the owner’s estate or interest or by reason of a transfer made in accordance with this Act or under a lease, and 20

(b) who, before being registered as such owner, wishes to take any of the following actions in relation to the land or charge: 25

(i) in the case of registered land—

(I) transferring or charging it or any part of it,

(II) creating a lien by deposit of the land certificate,

(III) granting a lease, 30

(IV) creating an easement or a *profit à prendre*, or

(V) where the person is the Minister for Agriculture and Food, exercising any other rights of ownership, including enforcing the right to vacant possession, 35

or

(ii) in the case of a registered charge—

(I) transferring or charging it, or

(II) creating a lien by deposit of the certificate of charge. 40

(2) A person to whom this section applies may take any of the actions mentioned in subsection (1) in the like manner and with the same effect as if the person were the registered owner

5 at the date of the action concerned, but subject to any burdens or rights affecting the person's interest which would have been entered on the register if the person had become the registered owner and subject also to the provisions of this Act with regard to registered dealings for valuable consideration.”.

64.—The following section is substituted for section 104 (stamp duties) of the Act of 1964: Substitution of section 104.

10 “104.—Where, in relation to a document presented for registration, the Authority has reasonable grounds for suspecting that stamp duty, or the correct amount of such duty, has not been paid, the Authority shall not proceed with the registration unless the applicant for registration provides evidence to its satisfaction that stamp duty is not payable or, as the case may be, the correct amount of such duty has been paid.”.

15 65.—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,”. Amendment of section 107.

20 66.—The following section is substituted for section 108 (priority given by certificate of official search) of the Act of 1964: Substitution of section 108.

25 “Priority of certain applications for registration. 108.—(1) The Authority, if of opinion that a person has contracted to purchase or take a lease of registered land or to lend money on the security of a charge on it, shall, on application by the person and on notice by the person to the other party to the contract, make an entry in the register in the prescribed form.

30 (2) An application for registration by such a person in relation to the completion of the contract which is in order and is delivered to the Authority within a period of 21 days (or such longer period as may be prescribed) after the date of the entry ranks in priority before any other application for registration made within that period in respect of the land.

35 (3) In determining whether to prescribe a longer period than 21 days under subsection (2) and the duration of any such period, the Registration of Deeds and Titles Rules Committee shall have regard to—

40 (a) changes in the period generally elapsing between applications by persons under subsection (1) and those made by such persons under subsection (2), and

45 (b) the need for adequate protection of the interests of parties to the contracts concerned.”.

50 67.—Section 116 (exemption of land from registration in Registry of Deeds) of the Act of 1964 is amended by the substitution of the following subsection for subsection (2): Amendment of section 116.

“(2) Where the ownership of any estate or interest in land is registered under this Act, the Authority shall cause a record of the registration, in the prescribed form, to be registered in the Registry of Deeds free of any fee or duty.”.

Amendment of section 119.

**68.**—Section 119 (penalties for fraud) of the Act of 1964 is amended in subsection (1) by the substitution, for “he shall be guilty of a misdemeanour, and if convicted on indictment shall be liable to imprisonment for any term not exceeding two years, or to a fine not exceeding five hundred pounds”, of “the person shall be guilty of an offence and liable— 5  
10

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

(ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding five years or both.”. 15

Amendment of section 120.

**69.**—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

(b) in subsection (5), by the substitution of the following paragraph for paragraph (b): 20

“(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.”. 25

Amendment of section 123.

**70.**—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*. 30

(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*. 35  
40

(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 70 of the *Registration of Deeds and Title Act 2006*.”. 45

**71.**—The following section is inserted after section 124 of the Act of 1964: New section 124A.

“Evidence in proceedings.

124A.—A document purporting—

5 (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

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

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

**72.**—Section 126 (power to make rules and orders) of the Act of 1964 is amended— Amendment of section 126.

20 (a) by the substitution of the following subsections for subsections (1) and (2):

25 “(1) The Registration of Deeds and Title Rules Committee established by *section 74* of the *Registration of Deeds and Title Act 2006*, 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:

30 (a) the form and content and the indexing of registers and registry maps;

(b) the authentication of documents relating to title;

35 (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;

40 (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;

(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;

45 (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;
- (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; 5
- (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; 10
- (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; 15
- (n) any other matter referred to in this Act as prescribed.

(2) The Committee, in determining for the purposes of this Act— 20

- (a) whether the duration of a lease or of the unexpired portion of a lease, as specified in the Act, should be altered, and
- (b) if so, the extent of the alteration to be prescribed by it, 25

shall have regard to the Authority’s function to promote and extend registration of ownership of land and to the resources available to the Authority for performing that function.”,

(b) by the deletion of subsection (4). 30

## PART 5

### MISCELLANEOUS

Abolition of land certificates and certificates of charge.

**73.—**(1) The Authority shall cease to issue land certificates and certificates of charge under the Act of 1964, and accordingly—

- (a) the definition of “land certificate” in section 3(1) of that Act, together with sections 28, 32(2), 32(3), 51(3), 51(4), 62(5) and 64(3), are repealed, 35
- (b) section 105 (certificates) of that Act applies only in relation to land certificates and certificates of charge issued before the commencement of *subsection (1)* and not already cancelled. 40

(2) Subject to *subsection (3)*, land certificates and certificates of charge issued before the commencement of *subsection (1)* and not

already cancelled cease to have any force or effect on the expiration of the period of 3 years after the commencement of this section.

(3) The following provisions have effect during the period referred to in *subsection (2)*:

- 5           (a) the Authority shall cause adequate notice to be published of the coming into operation of *subsection (2)* and of its implications for persons to whom land certificates or certificates of charge have been issued and for any others who may be affected, including persons holding a lien on registered land or a registered charge through deposit or possession of those certificates;
- 10
- (b) a holder of such a lien may apply to the Authority for registration of the lien in such manner as the Authority may determine;
- 15           (c) the application shall be on notice by the applicant to the registered owner of the land or charge and be accompanied by the certificate concerned;
- (d) the lien is deemed for the purposes of section 69 of the 1964 Act to be a burden which may be registered as affecting registered land;
- 20
- (e) the Authority shall register the lien without charging any fee or duty for doing so.

(4) Notwithstanding *subsection (2)*, where the holder of a lien has suffered loss by reason of not having applied to the Authority during the period referred to in *subsection (3)* for registration of the lien as a burden affecting the registered land, the holder may apply to the court for compensation for the loss, on notice to the Minister for Finance.

25

(5) On the application the court may, if satisfied—

- 30           (a) that the applicant is the holder of the lien concerned,
- (b) that the holder was prevented from applying to the Authority under *subsection (3)* by reason of being under a disability (within the meaning of section 48 of the Statute of Limitations 1957) or of other exceptional circumstances and has thereby incurred financial loss,
- 35
- (c) that the remedies available for the recovery of the loss have been exhausted, and
- (d) that it would be manifestly unjust for the holder to suffer the loss,

40 declare that the holder is entitled to compensation for the loss and determine the amount of the loss.

(6) Compensation to which a person is entitled pursuant to the declaration of the court is payable by the Minister for Finance out of moneys provided by the Oireachtas.

45 (7) The Minister for Finance shall have the same right to recover the amount of the compensation from any person who caused or derived advantage from the loss as the holder of the lien would have had if the loss were an injury caused to him or her by that person.

(8) Interest is payable on any amount recoverable by the Minister for Finance in accordance with *subsection (7)* from the date of payment of the compensation at the rate for the time being standing specified under section 26 of the Debtors (Ireland) Act 1840.

(9) In this section— 5

“holder”, in relation to a lien, includes any person deriving title from the holder of the lien;

“published” means published by way of advertisement both in the national daily newspapers and in broadcasts for reception by the general public, whether the broadcasts are actually received or not. 10

Registration of  
Deeds and Title  
Rules Committee.

**74.—(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 48* and under section 126, as amended by *section 72*, 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 35 membership.

(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

Reports by  
Committee.

**75.—(1)** The secretary of the Registration of Deeds and Title Rules Committee shall summon a meeting of the Committee once at least in every year, on such day as may be fixed by the chairperson of the Committee, to consider practice, procedure and administration

under the Act of 1964 and this Act and the operation and effect of those Acts.

5 (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 or administration under the said Acts with a view to improving their operation and effect.

10 **76.—**(1) Section 16 (restrictions on right to acquire fee simple) of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 is amended—

Amendment of section 16 of Landlord and Tenant (Ground Rents) (No. 2) Act 1978.

(a) in subsection (2)(e), by the deletion of “Act.” and the insertion of “Act, or”,

(b) by the insertion of the following paragraph after subsection (2)(e):

15 “(f) subject to subsection (3), a sublease of land granted by a lessee who is not a person to whom this Part applies—

(i) on or after 27 February 2006, or

(ii) before that date, unless before that date—

20 (I) a notice of intention to acquire the fee simple in the land was served by the sublessee in accordance with section 4 of the Act of 1967, or

25 (II) an application was made by the sublessee to the Registrar of Titles under Part III of this Act.”,

and

(c) by the addition of the following subsections:

“**(3)** Subsection (2)(f) does not apply where—

30 (a) at the date on which the sublease is granted, the sole reason why the lessee is not a person to whom this Part applies is that a covenant by the lessee to erect permanent buildings on the land has not been substantially complied with, and

35 (b) after that date, the covenant is substantially complied with by the sublessee.

(4) In this section, “sublessee” includes the personal representatives and successors in title of a sublessee.”.

40 **77.—**Section 28 (effect of acquisition of fee simple on covenants) of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 is amended by the substitution of the following subsections for subsection (1):

Amendment of section 28 of Landlord and Tenant (Ground Rents) (No. 2) Act 1978.

“(1) Subject to subsection (1A), where a person to whom Part II of this Act applies acquires under that Part the fee simple and any intermediate interests in land—

(a) covenants (except any of those specified in subsection (2)) affecting the land in the lease under which the person held the land thereupon cease to have effect, and 5

(b) no new covenant affecting the land shall be created when the fee simple is being conveyed, except with the person’s agreement. 10

(1A) Subsection (1) has effect where the fee simple in the land concerned is acquired on or after 27 February 2006, unless before that date—

(i) a notice of intention to acquire the fee simple was served by the person in accordance with section 4 of the Act of 1967, or 15

(ii) an application was made by the person to the Registrar of Titles under Part III of this Act.”.

SCHEDULE

Section 4.

ENACTMENTS REPEALED

PART 1

ENACTMENTS RELATING TO REGISTRY OF DEEDS

| 5  | Session and Chapter or Number and Year | Short Title                                    | Extent of Repeal   |
|----|--|--|--|
|    | 6 Anne, c. 2                           | Registration of Deeds Act 1707                 | The whole Act so far as unrepealed   |
| 10 | 8 Anne, c. 10                          | Registration of Deeds Act 1709                 | The whole Act so far as unrepealed   |
|    | 8 Geo., 1 c. 15                        | Registration of Deeds 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 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 Vic., 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 Vic., 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 Vic., c. 57                    | Civil Bill Courts (Ireland) Act 1851           | Sections 89 and 90   |
|    | 21 & 22 Vic., 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<br>In section 85, the words “and may be registered in the office for registering deeds in Ireland” |
| 35 |  |  |  |
| 40 | 23 & 24 Vic., c. 153                   | Landed Property Improvement (Ireland) Act 1860 | Section 20   |
|    | 27 & 28 Vic., c. 76                    | Registration of Deeds (Ireland) Act 1864       | The whole Act  |
| 45 | 28 & 29 Vic., c. 88                    | Record of Title Act (Ireland) 1865             | In section 7, from “Provided always” to end of section   |
|    | 34 & 35 Vic., 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  |
| 50 |  |  | In section 13, from “in the city of Dublin, and for which no registration fee shall be payable” to end of section  |

| Session and Chapter or Number and Year | Short Title   | Extent of Repeal   |          |
|--|---|--|----------|
| 38 & 39 Vic., c. 5                     | Registry of Deeds (Ireland) Act 1875                    | The whole Act so far as unrepealed   |          |
| 38 & 39 Vic., 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 Vic., 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<br>15 |
| 59 & 60 Vic., 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<br>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  | 30       |
| No. 38 of 1976                         | Building Societies Act 1976                             | Section 84(3)(b)   |          |
| No. 28 of 1988                         | Housing Act 1988  | Section 18(6)  |          |

## PART 2

### ENACTMENTS RELATING TO LAND REGISTRY 35

|                |  |   |    |
|----------------|--|---|----|
| No. 48 of 1936 | Courts of Justice Act 1936                 | Section 73<br>Section 75, so far as it applies to the Registration of Title Rules Committee |    |
| 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   | 40 |