



STATUTORY INSTRUMENTS.

S.I. No. 389 of 2013



LAND REGISTRATION RULES 2013

LAND REGISTRATION RULES 2013

1. (1) These Rules may be cited as the Land Registration Rules 2013.
- (2) These Rules and the Land Registration Rules 2012 may be cited together as the Land Registration Rules 2012 to 2013.
- (3) These Rules and the Land Registration Rules 2012 shall be construed together as one.
- (4) These Rules shall come into operation on the 1st day of November 2013.

Acquisition of easements and profits by prescription

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

46. (1) Pursuant to section 49A of the Act, any person claiming to be entitled to an easement or profit à prendre pursuant to Sections 33 to 38 of the Act of 2009, may apply for the registration of such right in Form 68 with such modifications as the case may require. The Authority, if satisfied that the relevant requirements of that Act have been met, and following service of such notices on the servient owner, may cause, as appropriate, the claimed easement or profit à prendre to be entered as an appurtenance in accordance with Section 82 of the Act, as a burden pursuant to Section 69(1)(jj) and, in the case of a profit à prendre in gross, to be entered in the register maintained under Section 8(b)(i) of the Act.
- (2) The notice shall be in Form 69.
- (3) Where the dominant title of the applicant is not registered, the application must be accompanied by an application for first registration pursuant to Rules 14 to 19.
- (4) Where the servient land is unregistered and satisfactory evidence of the identity of the owner of the servient land is not produced the Authority may direct such searches, advertisements, notices and enquiries as it may deem necessary.

Registration of judgment mortgage

3. The Land Registration Rules 2012 are amended by the substitution of the following for Rule 110 of those Rules:

110. (1) Application for registration of a judgment mortgage as a burden on registered property pursuant to Section 116 of the Act of 2009 shall be made in Form 60 and shall have endorsed a certificate that the judgment

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 15th October, 2013.*

was obtained, signed by the proper officer of the relevant District Court, Circuit Court or, in the case of a Supreme Court or High Court judgment, the High Court.

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

4. The Land Registration Rules 2012 are amended by the insertion of the following Rules immediately after Rule 110 of those Rules:

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

(2) The application shall be accompanied by:

- (i) Official copy of the relevant judgment
- (ii) Official copy of the order of the Master of the High Court declaring the judgment enforceable.

(3) The entry in the register shall be in Form 61, adapted to the circumstances of the case.

(4) The Brussels I Regulation has the meaning given to it by the European Communities (Civil and Commercial Judgment) Regulations 2002 (S.I. No. 52/2002).

110B. (1) Application for registration of a judgment mortgage as a burden on registered property in execution of a European Enforcement Order for the payment of a sum of money shall be made in Form 60B.

(2) The application shall be accompanied by:

- (i) Official copy of the relevant judgment
- (ii) Official copy of the European Enforcement Order certificate
- (iii) Where necessary, a transcription of the European Enforcement Order certificate or a translation thereof into Irish or English.

(3) The entry in the register shall be in Form 61, adapted to the circumstances of the case.

(4) European Enforcement Order has the meaning given to it by the European Communities (European Enforcement Order) Regulations 2005 (S.I. No. 648/2005).

Forms

5. The Schedule of Forms to the Land Registration Rules 2012 is amended by the substitution of the Forms set out in the schedule hereto and numbered 3, 17, 37, 38, 39, 60, 64, 84 and 96 for the forms numbered 3, 17, 37, 38, 39, 60, 64, 84 and 96 in that Schedule.

6. The Schedule of Forms to the Land Registration Rules 2012 is amended by the insertion of Form 60A and 60B set out in the schedule hereto immediately after Form 60 in that Schedule.

SCHEDULE OF FORMS

FORM 3

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

LAND REGISTRY

County

1. I, *(insert solicitor's name)* am the solicitor for *(insert full name and address of the applicant)* who is applicant for registration as owner.
2. I have investigated the title to the property described in the conveyance dated the day of , *(or, other instrument)* lodged herewith. The property in or over which the estate or interest acquired by the conveyance *(or, other instrument)* exists is shown on the application map lodged herewith edged red and lettered.
3. As a result of my investigation of the title, I certify that the conveyance *(or, instrument)* conveyed *(or, vested)* the fee simple in the property *(or, the lessee's interest in a lease dated the day of , from to in the property for years from (commencement date) , an attested copy of which is lodged herewith, (or, other right acquired in the property)* in the applicant, free from any adverse rights, restrictive covenants or incumbrances, except those subject to which the conveyance *(or, instrument)* expressly conveyed the property.
4. I certify that (save for the mortgage set out in paragraph 8) the said property remains free from any adverse rights, restrictive covenants or incumbrances (other than those already referred to at paragraph 3 hereof) and that there is not at the date of this certificate any transaction which affects or may affect the said property other than as stated herein.
5. The purchase money of *(or, the compensation for)* the property did not exceed €1,000,000. The whole of it had been paid to the person *(or persons)* entitled thereto or authorised to give receipts therefor.
6. I certify that the prior title is not based on possession.
7. I certify that the interest conveyed/assigned is not an enlargement of a prior interest held by the applicant in the property.

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

Dated this day of 20 .

Signed:

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

FORM 17

Application for registration of ownership or other entries (Rule 11). May be electronically submitted by account holders of landdirect.ie (www.landdirect.ie)

1. APPLICATION TYPES

Please tick ✓ as appropriate, all application types, the documents lodged to support the application and, for transfers (sale) and leases, state the consideration in the deed

Dealing /Application Type	Documents Lodged
<input type="checkbox"/> Transfer <input type="checkbox"/> All <input type="checkbox"/> Part (Site No.) <input type="checkbox"/> Sale <input type="checkbox"/> Voluntary <input type="checkbox"/> FHPA Sale consideration € <input type="checkbox"/> Discharge/Release/Vacate <input type="checkbox"/> Transmission	<input type="checkbox"/> Deed of Transfer <i>Revenue Stamp Certificate issued Y <input type="checkbox"/> N <input type="checkbox"/></i> <i>If yes please enter Stamp Certificate ID below</i> [] <input type="checkbox"/> Application Map <input type="checkbox"/> Date of Deed of Transfer [] [] / [] [] / [] [] [] [] <input type="checkbox"/> Deed of Discharge/Release/Vacate endorsed on Charge <input type="checkbox"/> Probate/Grant of Administration <input type="checkbox"/> Assent <input type="checkbox"/> Date of Assent [] [] / [] [] / [] [] [] [] <input type="checkbox"/> Application
<input type="checkbox"/> Lease of registered land Sale consideration €	<input type="checkbox"/> Lease <input type="checkbox"/> Certified Copy/ Counterpart Lease <input type="checkbox"/> Date of Lease [] [] / [] [] / [] [] [] [] <i>Note: Form 16 and searches are required for leases of registered land dated prior to 26th May 2006.</i>
<input type="checkbox"/> Charge <input type="checkbox"/> Present and future advances <input type="checkbox"/> Principal sums <input type="checkbox"/> Specified amount	<input type="checkbox"/> Deed of Charge <input type="checkbox"/> Certified Copy/Counterpart Charge <input type="checkbox"/> Name of Lender
<input type="checkbox"/> Judgment Mortgage <input type="checkbox"/> Withdrawal of Name	<input type="checkbox"/> Application in Form 60 <input type="checkbox"/> Affidavit/Declaration <input type="checkbox"/> Death Certificate
<input type="checkbox"/> Copy Application	<input type="checkbox"/> Copy Folio <input type="checkbox"/> Copy Folio and Map
<input type="checkbox"/> Other (please list)	<input type="checkbox"/> All other documents (please list)

Note: Registration in Registry of Deeds is recommended prior to lodgement of an application for first registration.

2. FOLIO DETAILS

Folio number						
County						

3. FEES PAYABLE

I enclose fees of €

Official Use Only — Fee Paid

Please complete the following sections using block capitals or typeface

4. APPLICANT DETAILS

If there are more than two applicants please use a continuation sheet and attach to this Form.

First name	
Surname/Organisation Name	
Address within the state for service of notices	
Share (<i>Tenants in Common only</i>)	
First name	
Surname/Organisation Name	
Address within the state for service of notices	
Share (<i>Tenants in Common only</i>)	

5. APPLICATION FOR REGISTRATION

I (the applicant or) as solicitor for the applicant(s) apply for registration of the above named as owner(s) as joint tenants / tenants in common of the property the subject of the application herein and (as the registered owner or person entitled to be registered owner) apply for registration of the burdens/cautions/inhibitions in accordance with the documents lodged and assent to the registration of same as burdens on the property.

6. LODGED BY

Name of Solicitor Firm or Name of Applicant	
Postal Address	
email Address (if any)	
Reference	

7. IN THE CASE OF PERSONAL APPLICATIONS

<input type="checkbox"/>	Evidence of identity – <i>Rule 11(4)(a)</i>	(Document providing evidence)
<input type="checkbox"/>	Evidence of permanent address – <i>Rule 11(4)(a)</i>	(Document providing evidence)

SIGNATURE (Applications must be signed either by an individual practising solicitor or, if no solicitor acting, by all the applicant(s).)

Signed

Name of Firm

Date

Note (1) - Data held by the Property Registration Authority may be shared with other public bodies in accordance with public policy requirements and law. Details of data sharing with other public bodies is provided on our website www.prai.ie under Land Registry and is also available at our public offices.

FORM 37

Application by trustees for registration as full owners of property on the assent of the personal representative(s) where a registered owner died testate on or after the 1st June, 1959 (Rule 86)

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

We, G.H. and I.J., are the persons entitled referred to in the within assent (or the assent annexed hereto) of the personal representative of C.D.

We apply to be registered as owners of the property (subject to the charges burdens and rights set out in the Schedule hereto affecting the property that have priority to the trusts on which we hold the property and we assent to the registration of such burdens and to the entry of an inhibition to protect such rights) (*see Note (1)*).

We apply for the entry of the following inhibition in the register on our registration — (*insert restriction appropriate for the protection of rights aforesaid — see Form 77*).

Our addresses in the State for service of notices and our descriptions are:- (*give address and description*)

Schedule*(where necessary)*

Dated the day of 20 .

Signed:

(To be signed by the applicants and their signatures attested. If not attested by a solicitor, an affidavit by the attesting witness may be required.)

Note (1) — Where the Trustees hold on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the trustees of any authorised powers, e.g., powers of sale and charging the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of an inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or, (in the case of persons of unsound mind) their committees.

Note (2) — If there are more than two trustees, the form should be amended accordingly.

FORM 38

Application for registration by personal representative(s) who claims to be entitled to be registered as owner where a registered owner died testate on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY

County

Folio

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

1. C.D. the registered owner of the property described in folio _____ of the register County _____ died on the _____ day of _____, and probate of his/her will was (or, letters of administration with his/her will annexed thereto were) granted to me on the _____ day of _____.

2. I/We assent to and apply for my registration as owner of the property *(if more than one person entitled, state whether taking as joint tenants or tenants in common and if taking as tenants in common, state the shares each transferee is taking)*

(subject to the burdens set out in the Schedule hereto, to the registration of which I hereby assent) (and subject to the subsisting unregistered rights referred to in said Schedule for the protection of which I assent to the entry of the following inhibition) (see Form 77).

3. My/Our address in the State for service of notices, and my description is/are:-
(give address(es) and description(s)).

Schedule

(where necessary)

Particulars of burdens and/or rights <i>(It should be stated in the case of each burden or right how it was created, e.g. by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated)</i>	Name of claimant <i>(Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965 or Section 19 of the Land and Conveyancing Law Reform Act 2009 to be stated)</i>	Address in the State of claimant <i>(or, where a minor or person of unsound mind, of his/her guardian, or Committee or trustee(s))</i>

Signature of deponent.

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

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

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

Signature

Signature

Note — If there is more than one applicant, the form should be amended accordingly.

FORM 39

Application by one or more personal representatives to whom property is devised as trustees on the death testate of a registered owner on or after the 1st June, 1959 (Rule 86)

LAND REGISTRY

County

Folio

I/WE

of

make oath and say:-

1. C.D., the registered owner of the property described in folio of the register, County died on the day of , and probate of his/her will was (*or, letters of administration with his/her will annexed thereto were*) granted to me/us on the day of .
2. I/WE apply to be registered as owner(s) of the property (subject to the charges and other burdens and rights set out in the Schedule hereto that have priority to the trusts on which I/we hold and I/we assent to the registration of such burdens on the said property and to the entry of the inhibition set out in paragraph 3 to protect the said unregistered rights.
3. I/WE apply for the entry of the following inhibition in the register (*insert restriction appropriate for the protection of the unregistered rights aforesaid — (see Note (1) and Form 77).*)
4. My/Our address(es) in the State for service of notices and my/our description(s) is/are:-
(*give address(es) and description(s)*)

Schedule

(*where necessary*)

Particulars of burdens and/or rights ranking in priority to the trusts. (<i>It should be stated in the case of each burden or right how it was created, e.g., by will or by deed. The priority in which burdens are to be entered in the register should be clearly stated.</i>)	Name of claimant (<i>Where a minor or person of unsound mind, that fact with name of guardian or committee or trustee(s) under Section 57 of the Succession Act, 1965, to be stated.</i>)	Address in the State of claimant (<i>or where a minor or person of unsound mind, of his/her guardian or committee or trustee(s).</i>)

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

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

Signature

Signature

Note (1) — Where the personal representatives hold the property on trust for sale the appropriate inhibition to be applied for is a restriction against all dealings by the registered owners or the survivors or survivor of them except by way of sale. Where the property is not held on trust for sale, the utmost care should be taken in framing the inhibition to ensure that while no entry should be made which would interfere with the exercise by the personal representatives of any authorised powers, e.g., powers of sale and charging, the interests of the beneficiaries are adequately protected by the terms of the inhibition. It is not the duty of the Authority to advise on the suitability or otherwise of any particular form of inhibition nor should the terms of the inhibition be phrased in such a manner as would involve it in an enquiry into the manner in which the trusts are being administered. Normally, the interests of the beneficiaries would be adequately protected by the entry of an inhibition requiring the consent of, or notice to, the beneficiaries or (in the case of persons of unsound mind), their committees.

Note (2) — If there is more than one applicant, the form should be amended accordingly.

FORM 60

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

LAND REGISTRY

The Supreme Court or
The High Court
(or Circuit Court Circuit)
(or District Court)

Record No:

County

Folio

I, *(insert name of deponent)* of the creditor within the meaning of Section 115 of the Land and Conveyancing Law Reform Act 2009 make oath and say as follows:-

1. *(insert name of judgment creditor)* did on the day of obtain a judgment in the court against *(insert name of judgment debtor)* of .
2. The Name and Title of the Action, Matter or Cause in which the said judgment was obtained is Record No.

Between:
Plaintiff
and
Defendant

3. To the best of my knowledge and belief, the said *(insert name of judgment debtor)*, at the time of swearing this affidavit has an estate or interest in the lands contained in folio of the register County .
4. I apply for registration of the said judgment as a judgment mortgage on the said folio.

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

I, X.Y., hereby certify that I know the deponent.	(<i>or, I know X.Y., who certifies his/her knowledge of the deponent.</i>)
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Signature	Signature
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I certify that judgment was obtained in the above entitled action in the Supreme Court (*or* High Court) (*or* Circuit Court Circuit) (*or* District Court).

Dated the day of 20

*Signed:

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

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

FORM 60A

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

LAND REGISTRY

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

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

County**Folio**

I, (insert name of deponent) of the creditor referred to in the order of the Master of the High Court dated (insert date) make oath and say as follows:-

1. *(Insert name of judgment creditor)* did on the day of obtain a judgment in the *(insert the name of the court or tribunal where judgment was obtained)* **against** *(insert name of judgment debtor)* of *(insert address of judgment debtor)*.
 2. The Name and Title of the Action, Matter or Cause in which the said judgment was obtained is
- Between:
Plaintiff
and
Defendant
3. The judgment was declared enforceable by the aforementioned order of the Master of the High Court dated *(insert date)*. Record No. *(insert Record No.)*
 4. To the best of my knowledge and belief, the said *(insert name of judgment debtor)*, at the time of swearing this affidavit has an estate or interest in the lands contained in folio of the Register County.
 5. I apply for registration of the said judgment as a judgment mortgage on the said folio.

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

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

Signature

Signature

Note — The Brussels I Regulation means Council Regulation (EC) No. 44/2001 that was transposed into Irish law by the European Communities (Civil and Commercial Judgment) Regulations 2002 (S.I. No. 52/2002). It relates to judgments obtained in a member state of the European Communities other than Denmark.

FORM 60B

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

LAND REGISTRY

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

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

County**Folio**

I, (insert name of deponent) of the creditor referred to in a European Enforcement Order certificate dated *(insert date)* make oath and say as follows:-

1. (Insert name of judgment creditor) did on the day of obtain a judgment in the *(insert the name of the court or tribunal where judgment was obtained)* **against** *(insert name of judgment debtor)* of *(insert address of judgment debtor)*.
 2. The Name and Title of the Action, Matter or Cause in which the said judgment was obtained is
- Between:
Plaintiff
and
Defendant
3. The judgment was certified as a European Enforcement Order in the court of origin on *(insert date of certificate)*
 4. To the best of my knowledge and belief, the said (insert name of judgment debtor), at the time of swearing this affidavit has an estate or interest in the lands contained in folio of the Register County.
 5. I apply for registration of the said judgment as a judgment mortgage on the said folio.

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

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

Signature

Signature

Note — The Regulation (EC) No. 44/2001 of the European Parliament and Council, creating a European Enforcement Order for uncontested claims, that was transposed into Irish law by the European Communities (European Enforcement Order) Regulations 2005 (S.I. No. 648/2005) relates to uncontested judgments obtained in a member state of the European Communities other than Denmark.

FORM 64*Requisition for registration of a lis pendens as a burden (Rule 119)***LAND REGISTRY****County****Folio**

To the **Property Registration Authority**
(address of appropriate office)

Sir/Madam,

The memorandum hereunder written contains the particulars of a *lis pendens* registered in the Central Office of the High Court which I require to be registered as a burden on the interest of the person hereunder mentioned in the property described in folio of the register, County .
(If part only of a folio the relevant part should be described by reference to a map (Rule 56).)

Signed:

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

Memorandum

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

Title and Record Number of action or proceedings:

High Court *(or Circuit Court)*

Between

Plaintiff

and

Defendant

Record No.

Particulars of the claim made or the relief sought in cause or matter in respect of the registered property:

Dated the day of 20 .

I certify that the *lis pendens* described in the above memorandum is in existence

Dated the day of 20 .

Signature: _____

Note — This certificate shall be signed by the proper officer of the Central Office of the High Court that maintains the register provided by Section 121 Land and Conveyancing Law Reform Act 2009].

FORM 84

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

LAND REGISTRY

County

Folio

NOTICE

The Property Registration Authority.
(address of appropriate office)

Sir, (*or*, Madam),

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

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

You are served of this notice as .

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

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

Dated the day of 20 .

Signed:

To:
(Insert name and address of notice party)

FORM 96

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

LAND REGISTRY**1. Details**

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

2. Application by

Name	
Address	
Reference	
E-mail address	

3. Entitlement

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

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

- I am the (personal representative of the) registered owner of the abovementioned folio (See Note 1)*
- I am the solicitor for the (personal representative of the) registered owner of the abovementioned folio (See Note 3)*
- I am authorised by the (personal representative of) registered owner of the abovementioned folio (See Note 2)*
- I am authorised by an order of the court*
- I am the registered owner of the charge(a copy of which is sought) registered on the abovementioned folio*
- I am the party entitled to the benefit of the burden (a copy of the deed creating which is sought) registered on the abovementioned folio*
- I was a party to the deed scheduled above, a copy of which is sought*
- I am a person who would be entitled to inspection of a document relating to property, if its ownership was not registered and the document was in the possession of the person by law entitled to the custody thereof*
- The judgment mortgage scheduled above (a copy of which is sought) remains uncanceled on the folio*
- The lis pendens scheduled above (a copy of which is sought) remains uncanceled on the folio*
- I am devisee/beneficiary under a will or intestacy of a former registered owner of the abovementioned folio or his/her successor in title*

- I lodged the instrument under Rule 130(5)
- I am the owner of an unregistered servient tenement
- I am entitled to the benefit of a right created by an instrument filed under Rule 130(5)

or

- Under Rule 159(8) I apply to the Authority to permit me inspect the document on the following grounds

4. Application

(a) Application by Solicitor

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

to inspect the issue of a copy of the Instrument/Document scheduled at item 1 above to me/us.

Signed (by individual Solicitor)

Name of firm

Date

(b) Application by Registered Owner/Personal Representative

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

Signature of Registered Owner/Personal Representative

Signature of witness

Address of witness

Date

(c) Application by other party (Please specify)

.....

Signature of witness

Address of witness

Date

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

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

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

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

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

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

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

Rule 159 Land Registration Rules — Inspection of documents

- (1) The registered owner of property and any person authorised by such owner, or by an order of the court or by these Rules, but no other person, may inspect a document filed in the Registry on a dealing or transaction with the property of the owner.
- (2) Any person who would be entitled to inspection of a document relating to property, if its ownership was not registered under the Act, and the document was in the possession of the person by law entitled to the custody thereof, shall be entitled to inspect the document, if filed in the Registry.
- (3) An affidavit of judgment deposited in the Registry pursuant to the Judgment Mortgage Ireland Act, 1850, as amended by the Act, or an application for registration of a judgment mortgage under Rule 110 may be inspected by any person so long as notice of its deposit or the entry of the judgment mortgage is uncanceled in a register.
- (4) A memorandum of a *lis pendens*, bond, recognisance or inquisition filed in the Registry may be inspected by any person so long as the entry relative to it remains uncanceled in a register.
- (5) An application, assent, affidavit, or transfer, made by a personal representative of a deceased owner of property that vested in the personal representative may be inspected by a devisee or other person, except a creditor, having an interest in the property under the owner's will, or, where the owner died

intestate, by a person in whom a beneficial interest in the property devolved on the intestacy, or by a person who satisfies the Authority that he/she is the successor in title of one of such persons.

- (6) An instrument filed in the Registry under Rule 130(5) may be inspected by the person by whom it was lodged or by any person who satisfies the Authority that he/she is entitled to the benefit of a right created by the instrument.
- (7) An instrument filed in the Registry under Rule 46 may be inspected by any person who satisfies the Authority that he/she is the owner or person(s) entitled to be the owner of an unregistered servient tenement property, over which a right was registered as appurtenant to a dominant tenement property under Section 49A of the Act, on the production of such proofs as may be directed by the Authority.
- (8) Any person entitled to inspect a document filed in the Registry may obtain a copy of it.
- (9) The Authority may, in special circumstances and on such terms as it shall think fit, permit a person to inspect, or obtain, a copy of a document filed in the Registry.
- (10) An application to inspect or obtain a copy under this Rule shall be made in Form 96
- (11) Before allowing inspection of a document by a person claiming under Rule 159, the Authority may make such inquiries and give such notices as it may think fit. Notice under this rule shall be in Form 97

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

Dated this day of September 2013.

MARY LAFFOY, Judge of the High Court

FRANK TREACY, Interim Chief Executive of the Property Registration Authority

JAMES DWYER, Senior Counsel

OWEN M. BINCHY, Solicitor

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by Section 126 of the Registration of Title Act, 1964, as amended by Section 72 of the Registration of Deeds and Title Act 2006, hereby concur in the making of the foregoing Rules.



GIVEN under my Official Seal,
26 September 2013.

ALAN SHATTER,
Minister for Justice and Equality.

EXPLANATORY NOTE

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

These Rules, which come into effect on the 1st of November 2013, amend Rule 46 of the Land Registration Rules 2012 on the acquisition of easements and profits by prescription. They also amend the provisions for the registration of judgment mortgages pursuant to Section 116 of the Land and Conveyancing Law Reform Act 2009, to specifically include judgments of the Supreme Court, provide for the registration of judgment mortgages in execution of judgments of the courts of Member States of the European Community with the exception of Denmark that are recognised and enforceable pursuant to the Brussels I Regulation or as a European Enforcement Order and for an amended Form 60 and new Forms 60A and 60B.

These Rules also amend Forms 3, 17, 37, 38, 39, 64, 84 and 96 in the Schedule of Forms of the Land Registration Rules 2012.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€6.60



Wt. (B30143). 285. 10/13. Clondalkin. Gr 30-15.