



Number 16 of 1964

REGISTRATION OF TITLE ACT 1964

REVISED

Updated to 5 June 2013

This revised Act is an administrative consolidation of the *Registration of Title Act 1964*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), enacted 5 June 2013, and all statutory instruments up to and including *Sea-Fisheries (Technical Measures) Regulations 2013* (S.I. No. 197 of 2013), made 5 June 2013, were considered in the preparation of this Revised Act.

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Introduction

The revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Registration of Deeds and Titles Acts 1964 and 2006: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Registration of Deeds and Title Act 2006* (12/2006), s. 1(2)). The Acts in this group are:

- *Registration of Title Act 1964* (16/1964)
- *Registration of Deeds and Title Act 2006* (12/2006), other than ss. 76 and 77

The *Registration of Title (Amendment) Act 1997* (35/1997), s. 3(2) provides that it is to be construed as one with the *Registration of Title Act 1964*.

Annotations

This revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Credit Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011)
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011)
- *Credit Institutions (Stabilisation) Act 2010* (36/2010)
- *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010)
- *National Asset Management Agency Act 2009* (34/2009)
- *Land and Conveyancing Law Reform Act 2009* (27/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009)
- *Registration of Deeds and Title Act 2006* (12/2006)
- *Land Act 2005* (24/2005)
- *Civil Liability and Courts Act 2004* (31/2004)
- *Public Service Superannuation (Miscellaneous Provisions) Act 2004* (7/2004)
- *Capital Acquisitions Tax Consolidation Act 2003* (1/2003)
- *Asset Covered Securities Act 2001* (47/2001)
- *ACC Bank Act 2001* (12/2001)
- *Trustee Savings Banks (Amendment) Act 2001* (6/2001)
- *Wildlife (Amendment) Act 2000* (38/2000)
- *Gas (Amendment) Act 2000* (26/2000)
- *Registration of Title (Amendment) Act 1997* (35/1997)
- *Finance Act 1994* (13/1994)
- *Local Government Act 1994* (8/1994)
- *Finance Act 1993* (13/1993)
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992)
- *Courts Act 1994* (20/1991)
- *Trustee Savings Banks Act 1989* (21/1989)
- *Building Societies Act 1989* (17/1989)
- *Farm Tax Act 1985* (17/1985)
- *Finance Act 1983* (15/1983)
- *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978)
- *Agricultural Credit Act 1978* (2/1978)
- *Wildlife Act 1976* (39/1976)
- *Gas Act 1976* (30/1976)
- *Family Home Protection Act 1976* (27/1976)
- *Capital Acquisitions Tax Act 1976* (8/1976)
- *Central Bank Act 1971* (24/1971)
- *Succession Act 1965* (27/1965)
- *Land Act 1965* (2/1965)

All Acts up to and including *Financial Emergency Measures in the Public Interest Act 2013* (18/2013), enacted 5 June 2013, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Land Registration Rules 2012* (S.I. No. 483 of 2012)
- *European Communities (Internal Market in Natural Gas and Electricity) Regulations 2011* (S.I. No. 630 of 2011)
- *Land Registration Rules 2011* (S.I. No. 559 of 2011)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Cork and Dublin) Order 2010* (S.I. No. 516 of 2010)
- *Land Registration (No. 2) Rules 2009* (S.I. No. 456 of 2009)
- *Land Registration Rules 2009* (S.I. No. 349 of 2009)
- *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Cavan, Donegal, Galway, Kerry, Kildare, Leitrim, Limerick, Mayo, Monaghan, North Tipperary, Offaly, South Tipperary and Waterford) Order 2009* (S.I. No. 176 of 2009)
- *Land Registration Rules 2008* (S.I. No. 326 of 2008)
- *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Clare, Kilkenny, Louth, Sligo, Wexford and Wicklow) Order 2008* (S.I. No. 81 of 2008)

- *Land Registration Rules 2007* (S.I. No. 568 of 2007)
- *Land Registration Rules 2006* (S.I. No. 558 of 2006)
- *Land Registration Rules 2005* (S.I. No. 643 of 2005)
- *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Longford, Roscommon and Westmeath) Order 2005* (S.I. No. 605 of 2005)
- *European Communities (Personal Insolvency) Regulations 2002* (S.I. No. 334 of 2002)
- *Trustee Savings Banks Act 1989 (Section 57) (TSB Bank) Order 2001* (S.I. No. 175 of 2001)
- *Land Registration Rules 2000* (S.I. No. 175 of 2000)
- *Land Registration (Fees) Order 1999* (S.I. No. 343 of 1999)
- *Registration of Title Act, 1964 (Central Office) Order 1997* (S.I. No. 340 of 1997)
- *Land Registration (Fees) Order 1991* (S.I. No. 363 of 1991)
- *Land Registration Fees Order 1987* (S.I. No. 249 of 1987)
- *Land Registration Rules 1986* (S.I. No. 310 of 1986)
- *Land Registration Fees Order 1983* (S.I. No. 388 of 1983)
- *Land Registration Fees Order 1981* (S.I. No. 370 of 1981)
- *Land Registration Rules 1981* (S.I. No. 258 of 1981)
- *Land Registration Fees Order 1980* (S.I. No. 255 of 1980)
- *Land Registration Fees (No. 2) Order 1978* (S. I. No. 74 of 1978)
- *Land Registration Fees Order 1978* (S.I. No. 40 of 1978)
- *Land Registration Rules 1977* (S.I. No. 89 of 1977)
- *Land Registration Rules 1975* (S.I. No. 246 of 1975)
- *Land Registration Fees Order 1974* (S.I. No. 315 of 1974)
- *Land Registry and Registry of Deeds (Hours of Business) (Amendment) Order 1973* (S.I. No. 358 of 1973)
- *Land Registration Rules 1972* (S.I. No. 230 of 1972)
- *Land Registration (Solicitors' Costs) Rules 1970* (S.I. No. 28 of 1971)
- *Compulsory Registration of Ownership (Carlow, Laoighis and Meath) Order 1969* (S.I. No. 87 of 1969)
- *Land Registry and Registry of Deeds (Hours of Business) (Amendment) Order 1967* (S.I. No. 75 of 1967)
- *Land Registration Fees (No. 2) Order 1966* (S. I. No. 276 of 1966)
- *Land Registration Rules 1966* (S. I. No. 266 of 1966)
- *Registration of Title Act, 1964 (Commencement) Order 1966* (S. I. No. 167 of 1966)
- *Land Registry and Registry of Deeds (Hours of Business) Order 1964* (S. I. No. 164 of 1964)

All statutory instruments up to and including *Sea-Fisheries (Technical Measures) Regulations 2013* (S.I. No. 197 of 2013), made 5 June 2013, were considered in the preparation of this revision.



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REPEALS

 ACTS REFERRED TO

Registration of Title Act, 1891	1891, c. 66.
Irish Bankrupt and Insolvent Act, 1857	1857, c. 60.
Bankruptcy (Ireland) Amendment Act, 1872	1872, c. 58.
Debtors Act (Ireland), 1872	1872, c. 57.
Local Bankruptcy (Ireland) Act, 1888	1888, c. 44.
Landed Property Improvement (Ireland) Act, 1847	1847, c. 32.
Drainage (Ireland) Act, 1842	1842, c. 89.
Drainage and Improvement of Land (Ireland) Act, 1863	1863, c. 88.
State Property Act, 1954	1954, No. 25.
Judgment Mortgage (Ireland) Act, 1850	1850, c. 29.
Landed Property Improvement (Ireland) Act, 1847	1847, c. 32.
Irish Church Act, 1869	1869, c. 42.
Registration of Deeds Act, 1707	1707, c. 2.
Judgments (Ireland) Act, 1844	1844, c. 90.
Finance Act, 1924	1924, No. 27.
Irish Church Act, 1869	1869, c. 42.
The Public Offices Fees Act, 1879	1879, c. 58.
Land Act, 1931	1931, No. 11.
Administration of Estates Act, 1959	1959, No. 8.
Registration of Title Act, 1942	1942, No. 26.
Conveyancing Act, 1881	1881, c. 41.
Conveyancing Act, 1911	1911, c. 37.
Forestry Act, 1946	1946, No. 13.
Judgment Mortgage (Ireland) Act, 1850	1850, c. 29.
Judgment Mortgage (Ireland) Act, 1858	1858, c. 105.
Land Act, 1927	1927, No. 19.
Labourers Act, 1936	1936, No. 24.
Companies Act, 1963	1963, No. 33.
Landlord and Tenant (Ireland) Act, 1870	1870, c. 46.
Settled Land Act, 1882	1882, c. 38.
Settled Land Act, 1884	1884, c. 18.
Lunacy Regulation (Ireland) Act, 1871	1871, c. 22.
Statute of Limitations, 1957	1957, No. 6.
Foreshore Act, 1933	1933, No. 12.
Courts of Justice Act, 1936	1936, No. 48.
Record of Title (Ireland) Act, 1865	1865, s. 88.
The Registry of Deeds Office (Ireland) Holidays Act, 1883	1883, c. 20.



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AN ACT TO CONSOLIDATE WITH AMENDMENTS THE LAW RELATING TO THE REGISTRATION OF THE TITLE TO LAND. [4th July, 1964.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

- C1** Application of collectively cited *Registration of Deeds and Titles Acts 1964 and 2006* restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 42(22).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

...

Registration of Deeds and Title Acts 1964 and 2006

...

- C2** Application of collectively cited *Registration of Deeds and Titles Acts 1964 and 2006* restricted (28.10.2011) by *Credit Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011), s. 50(1)(a), (d) and (2), S.I. No. 548 of 2011.

Effect of transfer order in relation to securities.

50.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of subsection (4) of section 49 or a security referred to in paragraph (f) of that subsection, transferred by the order—

(a) notwithstanding any provision of an Act referred to in subsection (2) or any other Act that provides for the registration of assets or security, or any details of assets or security, a transferee is not required to become registered as owner of the security,

...

(c) the transferee has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964, and

(d) if the transfer order effects an extension of or in relation to the security so as to include future advances by or future liabilities to the transferee, the extension need not be registered under any Act referred to in subsection (2) under which it would otherwise be required to be registered, but operates for the purposes of those Acts as if made by deed duly registered under that Act on the time of the transfer.

(2) The Acts referred to in paragraphs (a) and (d) of subsection (1) are the following: ...

(d) the Registration of Deeds and Title Acts 1964 and 2006;

...

- C3** Application of collectively cited *Registration of Deeds and Titles Acts 1964 and 2006* restricted (21.12.2010) by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 40(1)(a), (d) and (2), S.I. No. 623 of 2010.

Effect of transfer order in relation to securities.

40.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of section 39 (4) or a security referred to in paragraph (f) of that section, transferred by the order—

(a) notwithstanding any provision of an Act listed in subsection (2) or any other Act that provides for the registration of assets or security, or any details of assets or security, a transferee is not required to become registered as owner of the security,

...

(d) where the transfer order effects an extension of or in relation to the security so as to include future advances by or future liabilities to the transferee, the extension need not be registered under any Act listed in subsection (2) under which it would otherwise be required to be registered, but operates for the purposes of those Acts as if made by deed duly registered under that Act on the date of transfer.

(2) The Acts referred to in paragraphs (a) and (d) of subsection (1) are the following:

...

(d) the Registration of Deeds and Title Acts 1964 and 2006;

...

- C4** Application of collectively cited *Registration of Deeds and Titles Acts 1964 and 2006* restricted (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 107(1)(c), S.I. No. 545 of 2009.

NAMA not required to register certain instruments, etc.

107.— (1) Where a bank asset has been acquired by NAMA or a NAMA group entity—

(a) notwithstanding anything in any Act listed in subsection (2) or any other Act that provides for the registration of assets, security or details of them, NAMA or the NAMA group entity is not required to become registered as owner of any security that is part of the bank asset,

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, NAMA or the NAMA group entity has, in relation to any such charge, the powers of a mortgagee under a mortgage by deed, even though NAMA or the NAMA group entity is not registered as owner of any such charge,

(c) NAMA or the NAMA group entity has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964.

(2) The Acts referred to subsection (1) (a) are the following: ...

(d) the Registration of Deeds and Title Acts 1964 and 2006;

...

- C5** Application of Act restricted (21.02.2003) by *Capital Acquisitions Tax Consolidation Act 2003* (1/2003), s. 62(2), commenced on enactment, as amended (4.11.2006) by *Finance Act 2008* (3/2008), s. 128(1)(b), commenced as per subs. (2).

Certificate relating to registration of title based on possession.

62.— ...

(2) A person shall not be registered as owner of property in a register of ownership maintained under the Act of 1964 on foot of an application made to the [Authority] on or after the date of the passing of this Act which is—

(a) based on possession, and

(b) made under the Rules of 1972, or any other rule made for carrying into effect the objects of the Act of 1964,

unless the applicant produces to the [Authority] a certificate issued by the Commissioners to the effect that the Commissioners are satisfied—

(i) that the property did not become charged with gift tax or inheritance tax during the relevant period, or

(ii) that any charge for gift tax or inheritance tax to which the property became subject during that period has been discharged, or will (to the extent that it has not been discharged) be discharged within a time considered by the Commissioners to be reasonable.

...

- C6** Application of Act modified (22.03.2002) by *Asset Covered Securities Act 2001* (47/2001), s. 58(10), S.I. No. 94 of 2002.

Transfer of business or assets from one credit institution to another.

58.— ...

(10) A transfer of an asset under this section, whether specifically or as part of a transfer of a business, does not need to be registered under the Registration of Deeds Act, 1707, the Bills of Sale (Ireland) Acts, 1879 and 1883, the Companies Act, 1963, the Registration of Title Act, 1964, and any other Act that provides for the registration of assets or details of them. For the purposes of any of those Acts that would apply to it but for this subsection, such a transfer has effect as a deed registered on the date on which it took effect.

...

- C7** Application of Act restricted (20.04.2001) by *Trustee Savings Banks Act 1989 (Section 57) (TSB Bank) Order 2001* (S.I. No. 175 of 2001), reg. 5(e).

CONSEQUENTIAL PROVISIONS

5. The following shall have effect with effect from the transfer date— ...

(e) a security held by TSB Bank as security for a debt or other liability to TSB Bank incurred before the transfer date shall be available to the transferee as security for the discharge of that debt or liability and where the security extends to future or prospective debts or liabilities, shall be available as security for the discharge of debts or liabilities to the transferee incurred on or after the transfer date and in relation to a security, the transferee shall be entitled to all the rights and priorities (howsoever arising) and shall be subject to all liabilities to which TSB Bank would have been entitled or subject to if TSB Bank had not been reorganised into the transferee, and in relation thereto the following provisions shall have effect;

(i) the transfer of any such security effected or deemed to have been effected by this Order shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered

on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto;

- (ii) to the extent that this Order effects an extension of or in relation to any such security so as to include future advances or future liabilities to the transferee, such extension shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Bills of Sale (Ireland) Acts, 1879 and 1883, the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto;

...

- C8** Application of Act restricted by *Trustee Savings Banks Act 1989* (21/1989), s. 57(12)(e), (13)(b)-(c), and (14), as substituted (28.03.2001) by *Trustee Savings Banks (Amendment) Act 2001* (6/2001), s. 1, commenced on enactment.

Authorisation by Minister for Finance of reorganisation of trustee savings banks into companies.

57.— ...

(12) An order may include provisions to the effect that— ...

- (e) a security held by a bank as security for a debt or other liability to the bank incurred before the transfer date shall be available to the relevant company as security for the discharge of that debt or liability and where the security extends to future or prospective debts or liabilities, shall be available as security for the discharge of debts or liabilities to the relevant company incurred on or after the transfer date and in relation to a security, the relevant company shall be entitled to all the rights and priorities (howsoever arising) and shall be subject to all liabilities to which the bank would have been entitled or subject to if the bank had not been reorganised into the relevant company, and in relation thereto the following provisions shall have effect—

- (i) the transfer of any such security effected or deemed to have been effected by an order shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto,
- (ii) where an order effects an extension of or in relation to any such security so as to include future advances or future liabilities to the relevant company such extension shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Bills of Sale (Ireland) Acts, 1879 and 1883, the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto;

...

(13) ...

- (b) An order insofar as it provides for the transfer of any property (whether real or personal) or any agreement or deed made pursuant to an order shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Registration of Title Act, 1964, section 99 of the Act of 1963 or any other Act, but shall operate for the purposes of those Acts as if the transfer of any property concerned were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto, and subject, where necessary, to a transfer in the books of any bank, corporation or company, the property so transferred shall become the property of and be absolutely vested in the relevant company for all the estate, term or interest for which the same immediately before such transfer was vested in or belonged to or was held in trust for the relevant owner.

- (c) An order or any agreement or deed made pursuant to an order may, at the option of the relevant company be registered pursuant to the provisions of the Registration of Deeds

Act, 1707, the Registration of Title Act, 1964, section 99 of the Act of 1963 or any other Act.

(14) Without prejudice to the foregoing, an order may make provision for such other matters including the vesting in the relevant company of all or part of the business, property, rights and liabilities of the bank concerned (including deposits in the bank concerned and the liabilities referable thereto) and adaptation and modification, as respects the relevant company of statutes and instruments made under statute as the Minister considers necessary or expedient for the purposes of the reorganisation concerned and for enabling any such reorganisation to have full effect.

...

- C9** Application of Act restricted (11.04.1994) by *Finance Act 1994* (13/1994), s. 146(1), commenced as per subs. (1), as amended (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Certificate relating to registration of title based on possession.

146.—(1) After the passing of this Act a person shall not be registered as owner of property in a register of ownership maintained under the Act of 1964 on foot of an application made to the [Authority] on or after the 11th day of April, 1994, which is—

- (a) based on possession, and
- (b) made under the Rules of 1972, or any other rule made for carrying into effect the objects of the Act of 1964,

unless the applicant produces to the [Authority] a certificate issued by the Commissioners to the effect that the Commissioners are satisfied—

- (i) that the property did not become charged with gift tax or inheritance tax during the relevant period, or
- (ii) that any charge for gift tax or inheritance tax to which the property became subject during that period has been discharged, or will (to the extent that it has not been discharged) be discharged within a time considered by the Commissioners to be reasonable.

...

- C10** Application of Act restricted (1.02.1990) by *Trustee Savings Banks Act 1989* (21/1989), s. 51, S.I. No. 21 of 1990 as amended (21.12.2010) by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 73 and sch. 1 part 3 item 9, S.I. No. 623 of 2010.

Rights and obligations in relation to transferred securities.

51.—The amalgamated bank shall, in relation to [any property transferred in accordance with or by virtue of the provisions of section 34A or] any security transferred or deemed to have been transferred to the amalgamated bank in accordance with or by virtue of the provisions of section 50 and the moneys thereby secured in accordance with those provisions, be entitled to the same rights and priorities and subject to the same obligations and incidents as the bank concerned would have been entitled and subject to if the security had continued to be held by the bank concerned, and in relation thereto the following provisions shall have effect:

- (a) the transfer of any such security effected or deemed to be effected by section 50 shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the pre-Union Irish statute 33 Geo. 2, c. 14 (Ir.), the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the amalgamation day under or in pursuance of whichever of those Acts may be applicable thereto;
- (b) where section 50 effects an extension of or in relation to any such security so as to include future advances by or future liabilities to the amalgamated bank, such extension shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Bills of Sale (Ireland) Acts, 1879 and 1883, the Registration of Title Act, 1964, or section 99 of the Act of 1963, but shall operate for the purposes of those Acts as if it

were made by deed duly registered on the amalgamation day under or in pursuance of whichever of those Acts may be applicable thereto.

- C11** Application of Act modified (2.10.1972) by *Land Registration Rules 1972* (S.I. No. 230 of 1972), rules 226-227.

Application of the Act to incorporeal hereditaments held in gross.

226. Subject to rule 225, the provisions of the Act relating to the registration of the title to property and the burdens affecting registered property, except those to which section 73 applies, shall apply to registration in the register maintained under section 8 (b) of the Act of the ownership of all incorporeal hereditaments held in gross pursuant to the provisions of the said Act and these Rules, with the following modifications:

- (a) "Land comprising incorporeal hereditaments held in gross" shall be substituted for "land" or "lands" or "free-hold land", where these expressions occur in such provisions and the context so requires.
- (b) The burdens specified in paragraphs (j), (m), (n) and that part of the burden specified at (q), namely, "or a right of residence (whether an exclusive right of residence or not)" of subsection (1) of section 69 and paragraphs (b), (h), (n) and (o) of subsection (1) of section 72 shall be excluded from those sections in their application to such hereditament, but the conditions, estates, rights and interests, if any, specified in the grant creating the hereditament shall be included therein as burdens to which, though not registered, such a registered hereditament is subject.

Application of the Act to rights other than incorporeal hereditaments held in gross.

227. The provisions of the Act relating to the registration of the title to land (except those relative to the registration of limited ownerships, to the transfer of land and to burdens which are, without registration, to affect registered land) and the provisions of section 64 relative to the transfer of charges shall apply to registration, in the register maintained under section 8 (b) of the Act, of the title to the rights in land specified at (ii) and (iii) of rule 224, with the following modifications—

- (a) "right", or "a right", or "rights", or "the rights", or "a registered right", or "the registered right", shall be substituted, as the context may require, for "land", or "lands", or "freehold land", or "registered land" and, in the provisions of the Act relating to charges, "right" shall be substituted for "charge";
- (b) "owner" shall be substituted for "full owner" in the said provisions;
- (c) the person who may be registered as the owner of such a right shall be the person in whom the right is vested absolutely, whether for his own benefit or as a trustee, and section 27 shall be read as modified accordingly;
- (d) "the right" shall be substituted for the words "of freehold land with an absolute title" and for the words "an estate in fee simple in the land together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto", in section 37 (1);
- (e) the title conferred by registration on the owner of such a right shall not affect or prejudice the enforcement of any other right affecting the land on which the registered right is a burden that ranks in priority to or is in derogation of the registered right and subsisting or capable of arising at the time of the first registration thereof;
- (f) the registration of an owner of a judgment mortgage shall not be a warranty that it is a valid burden on the property described in the register as affected by the right;
- (g) all the burdens in section 72, except succession duty and estate duty, shall be excluded from that section in its application to such a registered right, and "any other right" specified in paragraph (e) hereof shall be included therein as burdens to which, though not registered, such a registered right is subject.

- C12** Application of Act restricted (1.09.1971) by *Central Bank Act 1971* (24/1971), s. 36, S.I. No. 228 of 1971.

Rights and obligations in relation to transferred securities.

36.—The transferee shall, in relation to any security transferred or deemed to have been transferred to the transferee in accordance with J or by virtue of the provisions of section 35 of this Act and the moneys thereby secured in accordance with those provisions, be entitled to the same rights and priorities and subject to the same obligations and incidents as the transferor would have been entitled and subject to if the same had continued to be held by the transferor, and in relation thereto the following provisions shall have effect—

- (a) the transfer of any such security effected or deemed to be effected by section 35 of this Act shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the pre-Union Irish statute 33 Geo. 2, c. 14 (Ir.), the Registration of Title Act, 1964, or section 99 of the Companies Act, 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto;
- (b) where section 35 of this Act effects an extension of or in relation to any such security so as to include future advances by or future liabilities to the transferee, such extension shall not require registration under or in pursuance of the Registration of Deeds Act, 1707, the Bills of sale (Ireland) Acts, 1879 and 1883, the Registration of Title Act, 1964, or section 99 of the Companies Act, 1963, but shall operate for the purposes of those Acts as if it were made by deed duly registered on the transfer date under or in pursuance of whichever of those Acts may be applicable thereto.

PART I

PRELIMINARY AND GENERAL

Short title. **1.**—This Act may be cited as the Registration of Title Act, 1964.

Commencement. **2.**—This Act shall come into operation on such day as the Minister for Justice by order appoints

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.01.1967) by *Registration of Title Act, 1964 (Commencement) Order 1966* (S.I. No. 167 of 1966).

2. The 1st day of January, 1967, is hereby appointed as the day on which the Registration of Title Act, 1964, shall come into operation.

Interpretation. **3.**—(1) In this Act, save where the context otherwise requires—

“the Act of 1891” means the Registration of Title Act, 1891;

“assignment on sale” has the meaning assigned to it by section 24;

F1[...]

F2[...]

“conveyance” has the same meaning as in the Conveyancing Acts;

“conveyance on sale” has the meaning assigned to it by section 24;

“Conveyancing Acts” means the Conveyancing Acts, 1881 to 1911;

“the court” has the meaning assigned to it by section 18;

“disposition” includes transfer and charge;

“drainage charge” includes any charge payable under the Landed Property Improvement (Ireland) Act, 1847, or under the Drainage (Ireland) Act, 1842, and also any charge payable under the Drainage and Improvement of Land (Ireland) Act, 1863, or any provisional Order under the said Act duly confirmed, or under any other Act for the improvement or drainage of lands;

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

“fee simple” includes estates held under fee farm grants and perpetuity grants;

“former crown rent” has the same meaning as in the State Property Act, 1954;

F3[‘freehold land’ means land the ownership of which is an estate in fee simple in possession;]

“general rules” means rules under section 126;

“incumbrance” has the same meaning as in the Conveyancing Acts;

F4[‘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;]

F5[‘instrument’ has the meaning given to it by section 3 of the Land and Conveyancing Law Reform Act 2009;]

F3[‘judgment mortgage’ means a mortgage registered by a judgment creditor pursuant to section 116 of the Land and Conveyancing Law Reform Act 2009;]

F3[‘land’ has the meaning given to it by section 3 of the Land and Conveyancing Law Reform Act 2009;]

“land certificate” has the meaning assigned to it by section 28;

“Land Commission” means the Irish Land Commission;

“land improvement charge” includes any charge for land improvement loans payable to the Commissioners of Public Works in Ireland under the Landed Property Improvement (Ireland) Act, 1847;

“Land Purchase Acts” includes F6[...] the Congested Districts Board (Ireland) Acts;

“Land Registry” has the meaning assigned to it by section 7;

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

“leasehold interest” means an F3[estate] in land under a lease for a term of years of which more than twenty-one F4[or such other number as may be prescribed]] are unexpired at the date of registration, not being a term for securing money, with or without a covenant for renewal, and includes an interest held at a rent under a lease for a life or lives, or determinable on a life or lives, F4[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,] and where a lease in possession and a reversionary lease to take effect in possession upon the expiry of the first-mentioned lease are so held that the interest under both leases belongs to the same person under the same right, such leases, so far as they relate to land comprised in both leases, shall be deemed to create one continuous term in possession;

F2[...]

F2[...]

“mortgage” has the same meaning as in the Conveyancing Acts;

F5['owner' includes full owner;]

"personal representative" means the executor, original or by representation, or the administrator of a deceased person;

"possession" includes the receipt of the rents and profits;

"prescribed" means prescribed by general rules;

F4['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;]

F7['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;]

"registered land" means land of which an owner is or is deemed to be registered under this Act;

F2[...]

"F8[the Authority]" means the F8[the Authority];

F1[...]

"Registry of Judgments" means the office established by the Judgments (Ireland) Act, 1844;

"registry map" has the meaning assigned to it by section 84;

F4['registry maps' means the maps referred to in section 84;]

"repealed enactments" means the Registration of Title Acts, 1891 and 1942, repealed by this Act;

"right" includes estate, interest, equity and power;

F1[...]

F1[...]

"State bond" means a bond entered into with any person acting on behalf of the State, including, without prejudice to the generality of the foregoing, a bond entered into with the Minister for Finance under section 39 of the Finance Act, 1924, and a Crown bond;

"statutory authority" means—

- (a) a Minister of State,
- (b) the Land Commission,
- (c) the Commissioners of Public Works in Ireland,
- (d) any local or public authority, or
- (e) any company or other body of persons established by or by direction of any enactment;

"tithe rent charge" includes any annual sum payable to the Land Commission under section 32 of the Irish Church Act, 1869;

"unregistered land" means land of which an owner is not registered or deemed to be registered under this Act;

“will” includes codicil.

(2) F9[...]

(3) In this Act, references to any enactment shall be construed as references to that enactment as amended or extended by any other enactment, including this Act.

(4) In this Act, a reference by number to a section is to the section of this Act bearing that number unless it is indicated that a reference to some other Act is intended.

Annotations

Amendments:

- F1** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 127(f), S.I. No. 356 of 2009.
- F2** Deleted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 50(e), S.I. No. 511 of 2006.
- F3** Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 127(b)-(e), S.I. No. 356 of 2009.
- F4** Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 50(a), (d)(i) and (ii), S.I. No. 271 of 2006.
- F5** Inserted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 127(a), S.I. No. 356 of 2009.
- F6** Deleted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 50(c), S.I. No. 271 of 2006.
- F7** Substituted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 50(f), S.I. No. 271 of 2006.
- F8** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F9** Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) sch. 2 part 5, S.I. No. 356 of 2009.

Editorial Notes:

- E2** Previous affecting provision: definition of judgment mortgage amended (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 50(b), S.I. No. 271 of 2006; substituted as per F-note above.

Expenses.

4.—F10[...]

Annotations

Amendments:

- F10** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Repeals.

5.—The enactments mentioned in the Schedule are hereby repealed to the extent specified in the third column.

Continuance of existing officers, offices, registers, instruments and documents.

6.—(1) F11[The Authority] and other officers acting under the repealed enactments shall continue to act as if appointed under this Act.

(2) All offices established under the repealed enactments shall continue to be used under this Act.

(3) A register maintained under the repealed enactments shall form part of the appropriate register under this Act.

(4) All instruments and documents made or issued under the repealed enactments shall, if in force immediately before the commencement of this Act, continue in force and have the same validity as if made or issued under this Act.

Annotations

Amendments:

F11 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

PART II

LAND REGISTRY, REGISTERS, F12[THE AUTHORITY] AND JURISDICTION

Annotations

Amendments:

F12 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Land Registry

F13[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.]

Annotations

Amendments:

F13 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 51, S.I. No. 511 of 2006.

Editorial Notes:

E3 Previous affecting provision: power pursuant to section exercised (18.08.1997) by *Registration of Title Act, 1964 (Central Office) Order 1997* (S.I. No. 340 of 1997).

E4 Previous affecting provision: section amended (16.07.1997) by *Registration of Title (Amendment) Act 1997* (35/1997), s. 1, commenced on enactment; superseded as per F-note above.

Registers

Registers of ownership.

8.—There shall be maintained in the F14[Land Registry]—

(a) registers of—

(i) ownership of freehold land, and

(ii) ownership of leasehold interests,

excluding incorporeal hereditaments held in gross;

(b) a register of ownership of—

(i) land comprising incorporeal hereditaments held in gross;

(ii) such other rights in land as may be prescribed.

Annotations**Amendments:**

F14 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(4), S.I. No. 511 of 2006.

[The Authority]

The Registrar of Titles

9.—F16[...]

Annotations**Amendments:**

F16 Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Editorial Notes:

E5 Previous affecting provision: subs. (5) amended (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (7/2004), s. 61(1) and sch. 2 part 1, commenced on enactment; superseded as per F-note above.

Local registrars.

10.—F17[...]

Annotations**Amendments:**

F17 Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Relations of the Registrar and local registrars.

11.—F18[...]

Annotations**Amendments:**

- F18** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Officers of
central and local
offices.

12.—F19[...]**Annotations****Amendments:**

- F19** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Exercise of
powers of regis-
tering authori-
ties.

13.—F20[...]**Annotations****Amendments:**

- F20** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Fees.

14.—F21[...]**Annotations****Amendments:**

- F21** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Editorial Notes:

- E6** Previous affecting provision: power pursuant to subs. (1) exercised (1.05.2000) by *Land Registration (Fees) Order 1999* (S.I. No. 343 of 1999); revoked (1.12.2012) by *Land Registration (Fees) Order 2012* (S.I. No. 380 of 2012).
- E7** Previous affecting provision: power pursuant to subs. (1) exercised (1.04.1992) by *Land Registration (Fees) Order 1991* (S.I. No. 363 of 1991); revoked (1.05.1999) by *Land Registration (Fees) Order 1999* (S.I. No. 343 of 1999), art. 2.
- E8** Previous affecting provision: power pursuant to subs. (1) exercised (1.01.1988) by *Land Registration Fees Order 1987* (S.I. No. 249 of 1987).
- E9** Previous affecting provision: power pursuant to subs. (1) exercised (1.03.1984) by *Land Registration Fees Order 1983* (S.I. No. 388 of 1983); revoked 1.04.1992 by *Land Registration (Fees) Order 1991* (S.I. No. 363 of 1991), art. 2.

- E10** Previous affecting provision: power pursuant to subs. (1) exercised (1.12.1981) by *Land Registration Fees Order 1981* (S.I. No. 370 of 1981); revoked (1.03.1984) by *Land Registration Fees Order 1983* (S.I. No. 388 of 1983), art. 2.
- E11** Previous affecting provision: power pursuant to subs. (1) exercised (1.10.1980) by *Land Registration Fees Order 1980* (S.I. No. 255 of 1980); revoked (1.12.1981) by *Land Registration Fees Order 1981* (S.I. No. 370 of 1981), art. 2.
- E12** Previous affecting provision: application of subs. (2) restricted (1.08.1978 to 1.08.1983) by *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978), s. 23(7), commenced as per s. 2.
- E13** Previous affecting provision: power pursuant to subs. (1) exercised (3.04.1978) by *Land Registration Fees (No. 2) Order 1978* (S.I. No. 74 of 1978); revoked (1.10.1980) by *Land Registration Fees Order 1980* (S.I. No. 255 of 1980), art. 2.
- E14** Previous affecting provision: power pursuant to subs. (1) exercised (8.03.1978) by *Land Registration Fees Order 1978* (S.I. No. 40 of 1978); revoked (1.10.1980) by *Land Registration Fees Order 1980* (S.I. No. 255 of 1980), art. 2.
- E15** Previous affecting provision: power pursuant to subs. (1) exercised (1.11.1974) by *Land Registration Fees Order 1974* (S.I. No. 315 of 1974); revoked (8.03.1978) by *Land Registration Fees Order 1978* (S.I. No. 40 of 1978), art. 2.
- E16** Previous affecting provision: power pursuant to subs. (1) exercised (1.01.1967) by *Land Registration Fees (No. 2) Order 1966* (S.I. No. 276 of 1966); revoked (8.03.1978) by *Land Registration Fees Order 1978* (S.I. No. 40 of 1978), art. 2.

Official seals.

15.—F22[...]**Annotations****Amendments:**

- F22** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Powers of
F23[the Authority].

16.—(1) Subject to general rules, F23[the Authority] may, by summons under F24[its] seal, require the attendance of all such persons as F24[it] thinks fit in relation to the registration of any title.

(2) F24[It] may, by like summons, require any person having the custody of any map, survey or book made or kept in pursuance of any enactment to produce the map, survey or book for inspection.

(3) F24[It] may examine on oath any person appearing before F24[it] and administer an oath accordingly.

(4) F24[It] may allow to any person summoned by F24[it] the reasonable expenses of his attendance.

(5) Any expenses allowed in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration, and may be dealt with in such manner as may be prescribed.

(6) If any person, after the delivery to him of a summons under this section, or of a copy thereof, and after having had a tender made to him of the expenses, if any, to which he is entitled, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books or other documents as he may be required to produce under this Act, or to answer on oath or otherwise such questions as may be lawfully put to him by F23[the Authority] under the powers of this

Act, he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Annotations

Amendments:

- F23** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F24** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Proceedings by
and against
F25[Registrar].

17.—F26[...]

Annotations

Amendments:

- F25** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F26** Repealed (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(1) and sch. part 2, S.I. No. 511 of 2006.

Jurisdiction of the Court

The court.

18.—(1) The High Court and, subject to the provisions of this Act, the Circuit Court shall have jurisdiction for the purposes of this Act and “the court” shall in this Act be construed accordingly.

(2) Unless the necessary parties to the proceedings sign, either before or at any time during the hearing, the form of consent prescribed by rules of court, the Circuit Court shall not have jurisdiction in relation to land the rateable valuation of which exceeds F27[£200].

(3) The jurisdiction of the Circuit Court to hear and determine any matter under this Act in relation to land shall be exercised by the judge of the circuit where the land or any part of the land is situate.

Annotations

Amendments:

- F27** Substituted (15.08.1991) by *Courts Act 1991* (20/1991), s. 3, commenced as per s. 23(3).
- F28** Substituted by *Civil Liability and Courts Act 2004* (31/2004), s. 46(a), not commenced as of date of revision.
- F29** Inserted by *Civil Liability and Courts Act 2004* (31/2004), s. 46(b), not commenced as of date of revision.

Modifications (not altering text):

- C13** Prospective amending provisions: subs. (2) substituted and subs. (4) inserted by *Civil Liability and Courts Act 2004* (31/2004), s. 46, not commenced as of date of revision.

(2) Unless the necessary parties to the proceedings sign, either before or at any time during the hearing, the form of consent prescribed by rules of court, the Circuit Court shall not have jurisdiction in relation to land the F28[market value] of which exceeds F28[€3,000,000].

...

F29[(4) In this section 'market value' means, in relation to land, the price that would have been obtained in respect of the unencumbered fee simple were the land to have been sold on the open market, in the year immediately preceding the bringing of the proceedings concerned, in such manner and subject to such conditions as might reasonably be calculated to have resulted in the vendor obtaining the best price for the land.]

Appeal and reference to the court.

19.—(1) Any person aggrieved by an order or decision of F30[the Authority] may appeal to the court and the court may annul or confirm, with or without modification, the order or decision.

(2) Whenever F30[the Authority] entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, F31[it] may make an order referring the question to the court.

(3) In any proceeding under this section the court shall, if so requested by F30[the Authority], and may in any case, if necessary, appoint a guardian or other person to represent any infant, person of unsound mind, person absent from the State, unborn person or person as to whom it is not known whether he is alive or dead; and, if satisfied that the interests of any person so represented are sufficiently protected by the representation, may make an order declaring that he shall be conclusively bound by the decision of the court and thereupon he shall, subject to the right under this Act to appeal on special leave, be bound accordingly, as if he were a party.

Annotations

Amendments:

F30 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F31 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Enforcement by High Court of order of F32[the Authority].

20.—If any person disobeys an order of F32[the Authority] made in pursuance of this Act, F32[the Authority] may certify the disobedience to the High Court and thereupon the person guilty of the disobedience may, subject to his right of appeal to that Court from such order, be punished by the Court as if the order of F32[the Authority] were the order of the Court.

Annotations

Amendments:

F32 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F33[The Authority] to obey order of court.

21.—(1) F33[The Authority] shall obey the order of a court of competent jurisdiction in relation to registered land.

(2) F33[The Authority] may, where F34[it] considers it necessary, apply to the court which has made such order either to vary the same or to give directions as to the

mode in which it is to be obeyed; and thereupon the court, after such notice, if any, as it may direct, may vary such order in such manner, or make such new order, as it may think fit.

Annotations

Amendments:

- F33** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F34** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Power of court in action for specific performance

22.—Where an action is instituted for the specific performance of a contract relating to registered land or a registered charge, the court before which the action is pending may cause all or any parties who have registered rights in the land or charge, or have entered cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the order of the court in the action shall be binding on those parties or any of them.

PART III

REGISTRATION OF OWNERSHIP

Compulsory Registration

Compulsory registration.

23.—(1) The registration of the ownership of freehold land shall be compulsory in the following cases—

- (a) where the land has been F35[...] at any time sold and conveyed to or vested in any person under any of the provisions of the Land Purchase Acts or the Labourers Acts, 1883 to 1962;
- (b) where the land is acquired, after the commencement of this Act, by a statutory authority;
- (c) in any case to which subsection (2) F36[or (2A)] of section 24 applies.

F37[(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.]

(2) The registration of the ownership of a leasehold interest shall be compulsory in the following cases—

- (a) where the interest is acquired, after the commencement of this Act, by a statutory authority;
- (b) in any case to which subsection (2) F36[or (2A)] of section 24 applies.

(3) The provisions of this Act in relation to registration of ownership do not apply to an estate or interest in reversion, remainder or expectancy.

Annotations**Amendments:**

- F35** Repealed (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 52(a), S.I. No. 271 of 2006.
- F36** Inserted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 52(b) and (d), S.I. No. 511 of 2006.
- F37** Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 52(c), S.I. No. 271 of 2006.

Modifications (not altering text):

- C14** Application of section restricted (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 107(7), S.I. No. 545 of 2009.

NAMA not required to register certain instruments, etc.

107.— ...

(7) Sections 23 and 25 of the Registration of Title Act 1964 do not apply to NAMA or a NAMA group entity.

...

- C15** Application of section restricted (28.02.2002) by *ACC Bank Act 2001* (12/2001), s. 8, S.I. No. 69 of 2002.

Registration of Title Act, 1964.

8.—(1) Section 23 of the Registration of Title Act, 1964, shall not apply to ACC.

(2) All estates and interests in freehold land and all leasehold interests in land which, before the commencement of this section, have been conveyed, granted or assigned to or otherwise acquired by or vested in ACC (and which have not been disposed of by ACC on commencement of this section) shall vest in ACC notwithstanding that ownership of such estates and interests has not been registered in the Land Registry in accordance with sections 23 and 25 of the Registration of Title Act, 1964.

- C16** Application of section restricted (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 11(6), S.I. No. 223 of 1992.

Housing loans by housing authorities.

11.— ...

(6) Where a housing authority recover possession of a house, property or other land under subsection (5)(a)— ...

- (b) the provisions of section 23 of the Registration of Title Act, 1964, shall not apply to such vesting unless the house is retained by the authority in accordance with subsection (7) (b).

...

Extension of compulsory registration.

F38[24.—(1) The Minister for Justice, Equality and Law Reform, after consultation with the Authority, may by order provide that this section shall apply to—

- (a) a specified area, including a local government area within the meaning of section 10 of the Local Government Act 2001,
- (b) specified land, or
- (c) specified land in such an area,

F39[on and after] a specified day, not being earlier than 6 months after the making of the order.

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

(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.

(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).

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

(3) In this Part “conveyance on sale” and “assignment on sale” mean an instrument made on sale for money or money’s worth by virtue of which there is conferred or completed a title in respect of which an application for registration as owner may be made, and include a conveyance or assignment by way of exchange where money is paid for equality of exchange and also include any contract, agreement, condition or covenant affecting the property comprised in the conveyance or assignment and entered into or made as part of, or in association with, such conveyance or assignment.

Annotations

Amendments:

F38 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 53, S.I. No. 511 of 2006.

F39 Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Modifications (not altering text):

C17 Vesting certificate deemed to be conveyance on sale for purposes of section (1.08.1978) by *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978), s. 22(3), commenced as per s. 2.

Vesting certificate.

22.— ...

(3) The vesting certificate shall be deemed to be a conveyance on sale for the purposes of sections 24 and 25 of the Registration of Title Act, 1964 (which provide for the extension of compulsory registration of ownership) and shall be deemed to be an instrument in the prescribed form for the purposes of section 51 of that Act (which provides for transfer of registered land).

...

Editorial Notes:

E17 Power pursuant to section exercised (1.06.2011) by *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Cork and Dublin) Order 2010* (S.I. No. 516 of 2010).

E18 Power pursuant to section exercised (1.01.2010) by *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Cavan, Donegal, Galway, Kerry, Kildare, Leitrim, Limerick, Mayo, Monaghan, North Tipperary, Offaly, South Tipperary and Waterford) Order 2009* (S.I. No. 176 of 2009).

- E19** Power pursuant to section exercised (1.10.2008) by *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Clare, Kilkenny, Louth, Sligo, Wexford and Wicklow) Order 2008* (S.I. No. 81 of 2008).
- E20** Provision for order under section to be laid before Houses of the Oireachtas made (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 6, S.I. No. 272 of 2006.
- E21** Power pursuant to section exercised (1.04.2006) by *Registration of Title Act 1964 (Compulsory Registration of Ownership) (Longford, Roscommon and Westmeath) Order 2005* (S.I. No. 605 of 2005).
- E22** Power pursuant to section exercised (1.01.1970) by *Compulsory Registration of Ownership (Carlow, Laoighis and Meath) Order 1969* (S.I. No. 87 of 1969).

Effect of failure to register where registration compulsory.

F40[25.— A person shall not acquire an estate or interest in land in any case in which registration of ownership of the land is or becomes compulsory under section 23 or 24 unless the person is registered as owner of the estate or interest within 6 months after the purported acquisition 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 the purported acquisition, and any dealings with the land before the registration shall have effect accordingly.]

Annotations

Amendments:

- F40** Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 128, S.I. No. 356 of 2009.

Modifications (not altering text):

- C18** Application of section restricted (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 107(7), S.I. No. 545 of 2009.

NAMA not required to register certain instruments, etc.

107.— ...

(7) Sections 23 and 25 of the Registration of Title Act 1964 do not apply to NAMA or a NAMA group entity.

...

- C19** Application of section restricted (28.02.2002) by *ACC Bank Act 2001* (12/2001), s. 8, S.I. No. 69 of 2002.

Registration of Title Act, 1964.

8.— ...

(2) All estates and interests in freehold land and all leasehold interests in land which, before the commencement of this section, have been conveyed, granted or assigned to or otherwise acquired by or vested in ACC (and which have not been disposed of by ACC on commencement of this section) shall vest in ACC notwithstanding that ownership of such estates and interests has not been registered in the Land Registry in accordance with sections 23 and 25 of the Registration of Title Act, 1964.

- C20** Application of section modified (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 3(6), S.I. No. 223 of 1992; repealed by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 7 and sch. 1 item 3, not commenced as of date of revision.

Granting of shared ownership leases by housing authorities, etc.

3.— ...

(6) Where a housing authority are, by virtue of section 23 of the Registration of Title Act, 1964, required to register the ownership of a house in respect of which a shared ownership lease is granted by them, section 25 of that Act shall apply as if the reference to six months in the said section 25 were a reference to eighteen months.

...

- C21** Vesting certificate deemed to be conveyance on sale for purposes of section (1.08.1978) by *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978), s. 22(3), commenced as per s. 2.

Vesting certificate.

22.— ...

(3) The vesting certificate shall be deemed to be a conveyance on sale for the purposes of sections 24 and 25 of the Registration of Title Act, 1964 (which provide for the extension of compulsory registration of ownership) and shall be deemed to be an instrument in the prescribed form for the purposes of section 51 of that Act (which provides for transfer of registered land).

...

Editorial Notes:

- E23** Previous affecting provision: section substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 54, S.I. No. 511 of 2006; superseded as per F-note above.

Registration by
Land Commission.

26.—(1) In the case of any land to which paragraph (a) of subsection (1) of section 23 applies sold or conveyed to or vested in or deemed to be sold or conveyed to or vested in a purchaser under the Land Purchase Acts prior to the 1st day of January, 1892, the Land Commission, in order that the registration of the ownership of the lands may be effected, may transmit to F41[the Authority] the prescribed particulars respecting the land and the name of the person appearing to them to be in possession thereof and F41[the Authority] shall thereupon register that person as the owner of the land.

(2) Subject to subsection (1), whenever the Land Commission vest land in a purchaser under the Land Purchase Acts by vesting order, or other instrument, they shall forthwith furnish to F41[the Authority] such documents as may be prescribed for the purpose of registration and thereupon F41[the Authority] shall register the ownership of the person named in the said instrument, in accordance with the provisions of this Act.

(3) The ownership of every person so registered shall, unless F41[the Authority] is satisfied that the grant of an absolute or qualified title is warranted, be registered with a possessory title.

(4) In the case of unregistered land to which subsection (2) applies, the following provisions shall have effect—

- (a) such land shall, on and after the date of the instrument, be deemed to be registered land within the meaning of this Act and this Act shall apply to such land accordingly;
- (b) such land shall, on and after the date of the instrument, be exempt from the provisions of the Acts relating to the Registry of Deeds.

Annotations

Amendments:

- F41** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

General Provisions as to Registration

Classes of owners
who may be
registered.

27.—F42[...]

Annotations**Amendments:**

F42 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Land certificate.

28.—F43[...]

Annotations**Amendments:**

F43 Repealed (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(a), S.I. No. 511 of 2006.

Rectification on
amendment of
vesting order.

29.—Where an order is made under section 30 of the Land Act, 1931, amending a vesting order, F44[the Authority] shall on the lodgment with F45[it] of an office copy of the order rectify the register in conformity with the vesting order as so amended.

Annotations**Amendments:**

F44 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F45 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Fraudulent dispo-
sitions and
entries.

30.—(1) Subject to the provisions of this Act with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

(2) Any entry, erasure or alteration in the register made by fraud shall be void as between all parties or privies to the fraud.

Conclusiveness of
register.

31.—(1) The register shall be conclusive evidence of the title of the owner to the land as appearing on the register and of any right, privilege, appurtenance or burden as appearing thereon; and such title shall not, in the absence of actual fraud, be in any way affected in consequence of such owner having notice of any deed, document, or matter relating to the land; but nothing in this Act shall interfere with the jurisdiction of any court of competent jurisdiction based on the ground of actual fraud or mistake, and the court may upon such ground make an order directing the register to be rectified in such manner and on such terms as it thinks just.

(2) The validity of registration of ownership of unregistered land shall not be affected by reason that the person thereby shown to be registered as owner was then

dead and any person who proves to the satisfaction of F46[the Authority] that he is entitled to the land may be registered as owner thereof.

Annotations

Amendments:

F46 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Rectification of errors in registration.

F47[**32.**—(1) Where any error originating in the Land Registry (whether of misstatement, misdescription, omission or otherwise, and whether in a register or registry map) occurs in registration—

- (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,
- (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.]

(2) F48[...]

(3) F48[...]

Annotations

Amendments:

F47 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 55, S.I. No. 511 of 2006.

F48 Repealed (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(a), S.I. No. 511 of 2006.

Freehold Land

Classes of title which may be registered.

F49[**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.

(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.

(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

(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.

(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.

(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.]

Annotations

Amendments:

F49 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 56, S.I. No. 511 of 2006.

Registration of burdens.

34.—On first registration of ownership of freehold land, F50[the Authority] shall enter on the register all burdens which appear on examination of the title to affect the land, except those to which, though not registered, the land is subject by virtue of section 72.

Annotations

Amendments:

F50 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Registration subject to, or free from, equities.

35.—Where, immediately before the commencement of this Act, the registration of ownership of freehold land was noted as being subject to any rights or equities, pursuant to subsection (3) of section 29 of the Act of 1891, the title to the land shall be deemed to be a possessory title. Where it was not so noted, the title shall, subject to section 36, be deemed to be an absolute title.

Effect of previous registration with qualified or possessory title.

36.—Where, immediately before the commencement of this Act, the registration of ownership of freehold land was with a qualified or possessory title, the title to the land shall be deemed to be a qualified or possessory title, as the case may be, within the meaning of this Act.

Effect of registration with absolute title.

37.—(1) On registration of a person as full owner of freehold land with an absolute title, an estate in fee simple in the land, together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto, shall vest in the person so registered.

(2) F51[...]

(3) F52[...] the estate of the registered owner shall be subject to—

(a) the burdens, if any, registered as affecting the land, and

(b) the burdens to which, though not registered, the land is subject by virtue of section 72,

but shall be free from all other rights, including rights of the State.

(4) If the registered owner holds the land as trustee, nothing in this section shall affect his duties or liabilities as such trustee.

Annotations

Amendments:

F51 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

F52 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Effect of registration with possessory title.

38.—(1) The registration of a person as first registered F53[...] owner of freehold land with a possessory title shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title of that person and subsisting or capable of arising at the time of registration, but, save as aforesaid, shall have the same effect as registration with an absolute title.

(2) “Right” in subsection (1) includes any rights or equities existing by reason of the interest of such owner being deemed to be a graft upon his previous interest in the land, and a reference in any other enactment to land registered subject to equities shall include land the registration of which is subject to any such rights or equities by virtue of that subsection.

Annotations

Amendments:

F53 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Effect of registration with qualified title.

39.—The registration of a person as first registered F54[...] owner of freehold land with a qualified title shall have the same effect as registration with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any right appearing by the register to be excepted.

Annotations**Amendments:**

F54 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Leasehold Interests

Classes of title which may be registered.

F55[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.

(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.

(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.

(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—

(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—

(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.

(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.

(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

(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.]

Annotations**Amendments:**

- F55** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 57, S.I. No. 511 of 2006.

Registration of burdens.

41.—On first registration of ownership of a leasehold interest, F56[the Authority] shall enter on the register all burdens which appear on examination of the title to affect the interest, except those to which, though not registered, the interest is subject by virtue of section 72.

Annotations**Amendments:**

- F56** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Previous registration with, and without, note as to lessor's title.

42.—Where, immediately before the commencement of this Act, the registration of ownership of a leasehold interest contained a note to the effect that the title of the lessor to make the lease had been investigated and found to be good and valid, the title to the leasehold interest shall be deemed to be an absolute title. Where there is no such note, the title shall, subject to section 43, be deemed to be a good leasehold title.

Effect of previous registration with qualified or possessory title.

43.—Where, immediately before the commencement of this Act, the registration of ownership of a leasehold interest was with a qualified or possessory title, the title to the land shall be deemed to be a qualified or possessory title, as the case may be, within the meaning of this Act.

Effect of registration with absolute title.

44.—(1) On registration of a person as full owner of a leasehold interest with an absolute title, the leasehold interest, together with all implied or express rights, privileges and appurtenances attached to it, shall vest in the person so registered.

(2) F57[...]

(3) F58[...] the interest of the registered owner shall be subject to—

(a) the burdens, if any, registered as affecting the interest,

(b) the burdens to which, though not registered, the interest is subject by virtue of section 72, and

(c) all implied and express covenants, obligations and liabilities incident to the registered interest,

but shall be free from all other rights, including rights of the State.

(4) If the registered owner holds the interest as trustee, nothing in this section shall affect his duties or liabilities as such trustee.

Annotations**Amendments:**

- F57** Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.
- F58** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Effect of registration with good leasehold title.

45.—The registration of a person as first registered F59[...] owner of a leasehold interest with a good leasehold title shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title of the lessor to grant the lease, but, save as aforesaid, shall have the same effect as registration with an absolute title.

Annotations**Amendments:**

- F59** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Effect of registration with possessory title.

46.—The registration of a person as first registered F60[...] owner of a leasehold interest with a possessory title shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of that person and subsisting or capable of arising at the time of registration but, save as aforesaid, shall have the same effect as registration with an absolute title.

Annotations**Amendments:**

- F60** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Effect of registration with qualified title.

47.—The registration of a person as first registered F61[...] owner of a leasehold interest with a qualified title shall not affect or prejudice the enforcement of any right appearing by the register to be excepted, but, save as aforesaid, shall have the same effect as registration with an absolute title or a good leasehold title, as the case may be.

Annotations**Amendments:**

- F61** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Transfer of land from leasehold to freehold register.

48.—Where a registered leasehold interest is converted under the provisions of any Act into a fee farm grant or grant in perpetuity, F62[the Authority] shall note on the register in the prescribed manner the fact of such conversion, and provision shall be made by general rules for the transfer, on the prescribed examination of title, of

land from the register of owners of leasehold interests to the register of owners of freehold land, but, until such transfer is made, the registered owner of the leasehold interest shall not, under the provisions of this Act, have any further or other title to the land than he would have had if the leasehold interest had not been so converted.

Annotations

Amendments:

F62 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Title under Statute of Limitations

Registration of title acquired by possession.

49.—(1) Subject to the provisions of this section, the Statute of Limitations, 1957, shall apply to registered land as it applies to unregistered land.

(2) Where any person claims to have acquired a title by possession to registered land, he may apply to F63[the Authority] to be registered as owner of the land and F63[the Authority], if satisfied that the applicant has acquired the title, may cause the applicant to be registered as owner of the land with an absolute, good leasehold, possessory or qualified title, as the case may require, but without prejudice to any right not extinguished by such possession.

(3) Upon such registration, the title of the person whose right of action to recover the land has expired shall be extinguished.

(4) Section 24 of the Statute of Limitations, 1957, is hereby amended by the substitution, for “section 52 of the Act of 1891”, of “section 49 of the Registration of Title Act, 1964”.

Annotations

Amendments:

F63 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F64[Registration of easements and profits à prendre in certain cases.

49A.— (1) Where any person claims to be entitled to an easement or *profit à prendre* and the relevant requirements set out in sections 33 to 38 of the Land and Conveyancing Law Reform Act 2009 have been met, that person may apply to the Authority and the Authority, if satisfied that there is such an entitlement to the easement or *profit à prendre* concerned, may cause it, as appropriate, to be—

(a) registered as a burden under section 69(1)(jj),

(b) entered in the register pursuant to section 82 or, in the case of a *profit à prendre* in gross, in the register of ownership maintained under section 8(b)(i).

(2) Subsection (1) applies only in relation to claims in respect of which—

(a) the land benefited by the easement or *profit à prendre*, to which other land is subject, is registered land, or

(b) the claim is made as part of an application for first registration of that land.]

Annotations**Amendments:**

- F64** Inserted (02.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 41, commenced on enactment.

Conversion of Registered Title

Conversion of registered title into absolute or good leasehold.

50.—(1) In the case of land which is registered with a qualified, good leasehold or possessory title, F65[the Authority] may, either on F66[its] own initiative or on an application by the registered owner or other person entitled, if F66[it] is satisfied as to the title, register the title as absolute or good leasehold, as the case may require or admit.

(2) The following provisions shall apply to registered land, other than land registered pursuant to subsection (1) of section 23 of the Act of 1891 or section 26 of this Act:

- (a) where the title registered is possessory, an application for the registration of a transfer for valuable consideration or other disposition for value shall, subject to any provisions to the contrary which may be prescribed, be accompanied by all the documents of or relating to the title (including contracts, abstracts, counsel's opinions, requisitions and replies, and other like documents) in the applicant's possession or under his control, together with such affidavit as may be prescribed; and where the title registered is qualified, the application shall be accompanied by such documents, if any, as may relate to the matters excepted from the effect of registration, together with such affidavit as may be prescribed;
- (b) in any case to which paragraph (a) applies, F65[the Authority] may refuse or postpone the registration until all the required documents have been submitted to F66[it];
- (c) where the land has been registered for fifteen years, with a possessory title, F65[the Authority] shall, in any case to which paragraph (a) applies, if satisfied that the registered owner is in possession and after giving such notices, if any, as may be prescribed, register the title as absolute in the case of freehold land or as good leasehold in the case of leasehold land.

(3) The following provisions shall apply to land registered pursuant to subsection (1) of section 23 of the Act of 1891 or section 26 of this Act—

- (a) where the title registered is or is deemed to be possessory and the ownership of the land has been registered for more than thirty years, F65[the Authority] may, on the registration of a disposition or transmission on death, if satisfied from the entries in the register or otherwise that no right adverse to or in derogation of the title of the registered owner and protected by the possessory title subsists, register the title as absolute;
- (b) where—
 - (i) the title registered is or is deemed to be possessory, and
 - (ii) the ownership of the land has been registered for more than twelve years, and
 - (iii) an application is made for the registration of a transfer for valuable consideration or other disposition for value, and

- (iv) a registered transfer for valuable consideration has been made after the first registration of the land but not less than twelve years prior to the application,

F65[the Authority] may, if satisfied from the entries in the register or otherwise that no right adverse to or in derogation of the title of the registered owner and protected by the possessory title subsists, register the title as absolute;

- (c) F65[the Authority] may, in any case to which paragraph (b) applies, require the applicant to produce such evidence of the title as F65[the Authority] thinks proper and F66[it] may refuse or postpone the registration until F66[its] requirements have been complied with.

(4) If any claim adverse to the title of the owner has been made, registration under this section shall not be made unless and until the claim has been disposed of.

(5) Where a person other than the owner suffers loss by reason of any registration under this section, section 120 shall have effect as if an error had been made originating in the Land Registry.

Annotations

Amendments:

F65 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F66 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Transfers

Transfer of registered land.

51.—(1) F67[A] registered owner of land may transfer the land or any part thereof, and the transferee shall be registered as owner of the land transferred.

(2) There shall be executed on the transfer an instrument in the prescribed form, F68[...] but until the transferee is registered as owner of the land transferred, that instrument shall not operate to transfer the land.

F69[(2A) In this section “transfer” includes “lease”, and cognate words shall be construed accordingly.]

(3) F70[...]

(4) F70[...]

Annotations

Amendments:

F67 Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

F68 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

F69 Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 58, S.I. No. 271 of 2006.

F70 Repealed (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(a), S.I. No. 511 of 2006.

Modifications (not altering text):

C22 Vesting certificate deemed to be instrument in the prescribed form for purposes of section (1.08.1978) by *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978), s. 22(3), commenced as per s. 2.

Vesting certificate.

22.— ...

(3) The vesting certificate shall be deemed to be a conveyance on sale for the purposes of sections 24 and 25 of the Registration of Title Act, 1964 (which provide for the extension of compulsory registration of ownership) and shall be deemed to be an instrument in the prescribed form for the purposes of section 51 of that Act (which provides for transfer of registered land).

...

Effect of transfer of freehold land with absolute title.

52.—(1) On the registration of a transferee of freehold land as full owner with an absolute title, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall be vested in the registered transferee an estate in fee simple in the land transferred, together with all implied or express rights, privileges and appurtenances belonging or appurtenant thereto, subject to—

(a) the burdens, if any, registered as affecting the land, and

(b) the burdens to which, though not so registered, the land is subject by virtue of section 72,

but shall be free from all other rights, including rights of the State.

(2) Where, however, the transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights subject to which the transferor held the land transferred.

(3) F71[...]

Annotations

Amendments:

F71 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Effect of transfer of freehold land with possessory title.

53.—In the case of freehold land registered with a possessory title, a transfer of the land shall not affect or prejudice the enforcement of any right adverse to or in derogation of the title of the first registered owner and subsisting or capable of arising at the time of the registration of such owner, including any rights or equities existing by reason of the interest of such owner being deemed to be a graft upon his previous interest in the land, but, save as aforesaid, such transfer shall, when registered, have the same effect as if the land were registered with an absolute title.

Effect of transfer of freehold land with qualified title.

54.—In the case of freehold land registered with a qualified title, a transfer of the land shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any right appearing by the register to be excepted.

Effect of transfer of leasehold interest with absolute title.

55.—(1) On the registration of a transferee of a leasehold interest as full owner with an absolute title, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall vest in the registered transferee the leasehold interest so transferred, together with all implied or express rights, privileges and appurtenances attached to it, subject to—

(a) the burdens, if any, registered as affecting the interest,

(b) the burdens to which, though not registered, the interest is subject by virtue of section 72, and

(c) all implied and express covenants, obligations and liabilities incident to the interest transferred,

but free from all other rights, including rights of the State.

(2) Where, however, the transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights subject to which the transferor held the interest transferred.

(3) F72[...]

Annotations

Amendments:

F72 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Effect of transfer of leasehold interest with good leasehold title.

56.—In the case of a leasehold interest registered with a good leasehold title, a transfer of the interest shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title, save that it shall not affect or prejudice the enforcement of any right affecting or in derogation of the title of the lessor to grant the lease.

Effect of transfer of leasehold interest with possessory title.

57.—In the case of a leasehold interest registered with a possessory title, a transfer of the interest shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered owner and subsisting or capable of arising at the time of the registration of that owner but, save as aforesaid, the transfer shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title.

Effect of transfer of leasehold interest with qualified title.

58.—In the case of a leasehold interest registered with a qualified title, a transfer of the interest shall, when registered, have the same effect as it would have had if the interest had been registered with an absolute title, save that the transfer shall not affect or prejudice the enforcement of any right (whether in respect of the lessor's title or otherwise) appearing by the register to be excepted.

Saving of consent to alienation, etc.

59.—(1) Nothing in this Act shall affect the provisions of any enactment by which the alienation, assignment, subdivision or sub-letting of any land is prohibited or in any way restricted.

(2) It shall be the duty of F73[the Authority] to note upon the register in the prescribed manner the prohibitive or restrictive provisions of any such enactment; but such provisions shall be, though not registered, burdens on the land under section 72.

Annotations**Amendments:**

- F73** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Modifications (not altering text):

- C23** Application of subs. (2) restricted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 37, S.I. No. 648 of 2010.

Restriction of section 59(2) of Registration of Title Act 1964.

37.— Section 59 (2) of the Registration of Title Act 1964 (which refers to noting upon the register provisions of any enactment restricting dealings in land) does not apply to this Part.

- C24** Application of subs. (2) restricted (12.07.1976) by *Family Home Protection Act 1976* (27/1976), s. 13, commenced on enactment.

Restriction of section 59(2) of Registration of Title Act, 1964.

13.— Section 59 (2) of the Registration of Title Act, 1964 (which refers to noting upon the register provisions of any enactment restricting dealings in land) shall not apply to the provisions of this Act.

Editorial Notes:

- E24** Previous affecting provision: application of subs. (1) extended (9.03.1965) by *Land Act 1965* (2/1965), s. 45(12), commenced on enactment; repealed (4.11.2005) by *Land Act 2005* (24/2005), s. 12(d), S.I. No. 689 of 2005.

Defeasance of
registered
owner's estate.

60.—(1) In case of the defeasance of the estate or interest of a registered owner of land, that is to say, where—

- (a) under a power of sale conferred by a mortgage effected before the first registration of the land, or
- (b) under a deed poll executed in pursuance of the Lands Clauses Acts or in pursuance of any statutory provision to the same effect, or
- (c) under a sale in execution of any judgment or order of a court, or
- (d) under a power of appointment, or
- (e) under a vesting order, or
- (f) under any enactment, or
- (g) in any other case not provided for by this Act, and which may be prescribed,

the ownership of the land passes to another person otherwise than by transfer from the registered owner or from his personal representatives, then, subject to general rules, F74[the Authority] shall, on the application of that person and on production of the prescribed evidence, register him as owner of the land.

(2) Unless F74[the Authority] is satisfied that the application is made with the concurrence of the registered owner or, in case of his death, F75[...] of his personal representatives, F75[...] F74[the Authority] shall, subject to general rules, before registering the applicant as owner of the land, give notice of the application to the registered owner or, in case of his death, F75[...] to his personal representatives F75[...] and F74[the Authority] may, if F76[it] thinks fit, decline to register the applicant as owner of the land, except in pursuance of an order of the court.

Annotations**Amendments:**

- F74** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F75** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.
- F76** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Transmissions

Transmission of registered land from limited owner and on death.

61.— (1)F77[...]

(2) On the death of a sole registered full owner of land, or of the survivor of several registered full owners of land not being registered as tenants in common, (which owner or survivor is in the succeeding provisions of this section referred to as the deceased owner), the personal representatives of the deceased owner shall alone be recognised by F78[the Authority] as having any rights in respect of the land, and any registered dispositions by them shall have the same effect as if they were the registered owners of the land.

F79[(3) (a) An application for registration made by a person who claims to be by law entitled to the land of a deceased registered full owner, accompanied by an assent or transfer by the personal representative in the prescribed form, shall authorise F78[the Authority] to register such person as F80[...] owner of the land F80[...].

(b) F77[...]

(c) It shall not be the duty of F78[the Authority], nor shall F81[it] be entitled, to call for any information as to why any assent or transfer is or was made and F81[it] shall be bound to assume that the personal representative is or was acting in relation to the application, assent or transfer correctly and within F81[its] powers.]

(4) Where a person is registered as the F80[...] owner of land under subsection (3), the costs incurred in connection with the registration shall be borne by that person.

(5) Where the High Court or the Circuit Court makes an order under subsection (4) of section 20 of the Administration of Estates Act, 1959, vesting registered land in any person, it may also order that that person be registered as owner of that land.

(6) (a) Nothing in this Act or in the Administration of Estates Act, 1959, shall operate to require F78[the Authority] to register as the owner of land a person in his capacity as personal representative.

(b) F78[The Authority] may enter on the register a note setting out the fact of the death of a registered owner of land and the names of his personal representatives.

(7) Where, on the application of any person claiming to be registered as owner of registered land in succession to a deceased full owner of such land, the court is satisfied—

(a) that at least six years have elapsed since the death of the deceased full owner, and

(b) that the personal representatives of such owner are dead or out of the jurisdiction,

the court may, if it thinks fit, notwithstanding anything in the Administration of Estates Act, 1959, or this Act, dispense the applicant from the necessity of raising representation to the deceased full owner or of giving notice to his personal representatives and may order that the applicant be registered as owner of the land.

(8) Subsections (2) to (6) apply only in cases of death on or after the 1st day of June, 1959.

(9) Subsection (2) of section 37 of the Act of 1891, as amended by section 27 of and the Second Schedule to the Registration of Title Act, 1942, shall continue to apply in cases of death before the 1st day of June, 1959, notwithstanding the repeal of those provisions.

Annotations

Amendments:

- F77** Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) sch. 2 part 5, S.I. No. 356 of 2009.
- F78** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F79** Repealed and substituted (1.01.1967) by *Succession Act 1965* (27/1965), ss. 8, 54 and sch. 2 part 4, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.
- F80** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.
- F81** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Charges

Creation and effect of charge on registered land.

62.—(1) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise, and the owner of the charge shall be registered as such.

(2) There shall be executed on the creation of a charge, otherwise than by will, an instrument of charge in the prescribed form F82[...] but, until the owner of the charge is registered as such, the instrument shall not confer on the owner of the charge any interest in the land.

(3) F83[...]

(4) Any power, howsoever conferred, to borrow or lend money on the security of a mortgage shall be construed as including power to do so on the security of a registered charge.

(5) F84[...]

(6) On registration of the owner of a charge on land for the repayment of any principal sum of money with or without interest, the instrument of charge shall operate as a F85[**legal mortgage under Part 10 of the Land and Conveyancing Law Reform Act 2009**], and the registered owner of the charge shall, for the purpose of enforcing his charge, have all the rights and powers of a mortgagee F85[**under such a mortgage**], including the power to sell the estate or interest which is subject to the charge.

(7) F83[...]

(8) F83[...]

(9) If the registered owner of a charge on land sells the land in pursuance of the powers referred to in subsection (6), his transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration on a transfer for valuable consideration by a registered owner.

(10) When a transferee from the registered owner of the charge is registered, under subsection (9), as owner of the land, the charge and all estates, interests, burdens and entries puerne to the charge shall be discharged.

(11) When it is expressed in the instrument of charge that any person covenants for repayment of the principal sum charged, there shall be implied a covenant by that person with the registered owner for the time being of the charge to pay the sum charged and interest (if any) thereon at the time and rate specified in the instrument of charge, and also a covenant, if the sum or any part thereof is unpaid at the time so specified, to pay interest half-yearly at the specified rate on so much of the principal sum as for the time being remains unpaid.

Annotations

Amendments:

- F82** Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.
- F83** Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.
- F84** Repealed (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(a), S.I. No. 511 of 2006.
- F85** Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Modifications (not altering text):

- C25** Application of section restricted (28.10.2011) by *Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011), s. 50(1)(b), S.I. No. 548 of 2011.

Effect of transfer order in relation to securities.

50.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of subsection (4) of section 49 or a security referred to in paragraph (f) of that subsection, transferred by the order—

- (a) notwithstanding any provision of an Act referred to in subsection (2) or any other Act that provides for the registration of assets or security, or any details of assets or security, a transferee is not required to become registered as owner of the security
- (b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, a transferee has, in relation to any charge that is or is part of such a security, the powers of a mortgagee under a mortgage by deed, even though the transferee is not registered as owner of the charge,
- (c) the transferee has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964, and
- (d) if the transfer order effects an extension of or in relation to the security so as to include future advances by or future liabilities to the transferee, the extension need not be registered under any Act referred to in subsection (2) under which it would otherwise be required to be registered, but operates for the purposes of those Acts as if made by deed duly registered under that Act on the time of the transfer.

(2) The Acts referred to in paragraphs (a) and (d) of subsection (1) are the following: ...

- (d) the Registration of Deeds and Title Acts 1964 and 2006;

...

C26 Application of section restricted (21.12.2010) by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 40(1)(b), S.I. No. 623 of 2010.

Effect of transfer order in relation to securities.

40.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of section 39 (4) or a security referred to in paragraph (f) of that section, transferred by the order— ...

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, a transferee has, in relation to any charge that is or is part of such a security, the powers of a mortgagee under a mortgage by deed, even though it is not registered as owner of the charge,

...

C27 Application of section restricted (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 107(1)(b), S.I. No. 545 of 2009.

NAMA not required to register certain instruments, etc.

107.— (1) Where a bank asset has been acquired by NAMA or a NAMA group entity—

...

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, NAMA or the NAMA group entity has, in relation to any such charge, the powers of a mortgagee under a mortgage by deed, even though NAMA or the NAMA group entity is not registered as owner of any such charge,

(c) NAMA or the NAMA group entity has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964.

...

Saving for mortgages registered as charges.

63.—(1) A charge registered prior to the commencement of this Act shall not be void or be deemed ever to have been void—

(a) by reason only that it was expressed to have been created by way of mortgage, or

(b) by reason only that the consent of the Land Commission or the Commissioners of Public Works or such other consent as may be provided for by any enactment was not obtained to any demise or sub-demise expressed to have been created by any such mortgage;

and the registration of the charge as a burden on registered land shall not be invalid or be deemed ever to have been invalid for either of these reasons.

(2) In this section “mortgage” includes both a mortgage by demise or sub-demise and a mortgage by conveyance or assignment with a proviso for redemption.

Transfer of charge.

64.—(1) The registered owner of a charge may transfer the charge to another person as owner thereof, and the transferee shall be registered as owner of the charge.

(2) There shall be executed on the transfer of a charge an instrument of transfer in the prescribed form, F86[...] but until the transferee is registered as owner of the charge, that instrument shall not confer on the transferee any interest in the charge.

(3) F87[...]

(4) On registration of the transferee of a charge, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and the transferee shall—

(a) have the same title to the charge as a registered transferee of land under this Act has to the land, under a transfer for valuable consideration or without valuable consideration, as the case may be; and

(b) have for enforcing his charge the same rights and powers in respect of the land as if the charge had been originally created in his favour.

Annotations

Amendments:

F86 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

F87 Repealed (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(a), S.I. No. 511 of 2006.

Modifications (not altering text):

C28 Application of section restricted (28.10.2011) by *Central Bank and Credit Institutions (Resolution) Act 2011* (27/2011), s. 50(1)(b), S.I. No. 548 of 2011.

Effect of transfer order in relation to securities.

50.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of subsection (4) of section 49 or a security referred to in paragraph (f) of that subsection, transferred by the order—

(a) notwithstanding any provision of an Act referred to in subsection (2) or any other Act that provides for the registration of assets or security, or any details of assets or security, a transferee is not required to become registered as owner of the security

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, a transferee has, in relation to any charge that is or is part of such a security, the powers of a mortgagee under a mortgage by deed, even though the transferee is not registered as owner of the charge,

(c) the transferee has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964, and

(d) if the transfer order effects an extension of or in relation to the security so as to include future advances by or future liabilities to the transferee, the extension need not be registered under any Act referred to in subsection (2) under which it would otherwise be required to be registered, but operates for the purposes of those Acts as if made by deed duly registered under that Act on the time of the transfer.

(2) The Acts referred to in paragraphs (a) and (d) of subsection (1) are the following: ...

(d) the Registration of Deeds and Title Acts 1964 and 2006;

...

C29 Application of section restricted (21.12.2010) by *Credit Institutions (Stabilisation) Act 2010* (36/2010), s. 40(1)(b), S.I. No. 623 of 2010.

Effect of transfer order in relation to securities.

40.— (1) On and after the transfer of assets and liabilities under a transfer order, in relation to property referred to in paragraph (d) or (e) of section 39 (4) or a security referred to in paragraph (f) of that section, transferred by the order— ...

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, a transferee has, in relation to any charge that is or is part of such a security, the powers of a mortgagee under a mortgage by deed, even though it is not registered as owner of the charge,

...

C30 Application of section restricted (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 107(1)(b), S.I. No. 545 of 2009.

NAMA not required to register certain instruments, etc.

107.— (1) Where a bank asset has been acquired by NAMA or a NAMA group entity—

...

(b) notwithstanding sections 62 and 64 of the Registration of Title Act 1964, NAMA or the NAMA group entity has, in relation to any such charge, the powers of a mortgagee under a mortgage by deed, even though NAMA or the NAMA group entity is not registered as owner of any such charge,

(c) NAMA or the NAMA group entity has the powers and rights conferred on the registered owner of a charge by the Registration of Title Act 1964.

...

Discharge of registered charge.

65.—(1) F88[The Authority] shall note on the register the satisfaction of a registered charge or of any part of such a charge on registered land, or of the release of any part of registered land from a registered charge, either at the request of the registered owner of the charge, or on proof in such manner as is hereinafter mentioned, or in such other manner as may be prescribed, and thereupon the charge shall to the extent so noted cease to operate.

(2) For the purposes of this section, the receipt of the registered owner for the time being of a charge shall be sufficient proof of the satisfaction of the charge, or of any part of the charge, and a release signed by the registered owner for the time being of a charge shall be sufficient proof of the release of any part of registered land subject to that charge.

Annotations

Amendments:

F88 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Editorial Notes:

E25 Provision for building society's receipt under seal to be sufficient proof of satisfaction of mortgage under section made (1.09.1989) by *Building Societies Act 1989* (17/1989), s. 27(2), S.I. No. 182 of 1989.

Transmission, etc., of charge.

66.—The provisions of this Act with respect to the transmission of registered land and the defeasance of the estate or interest of the registered owner shall apply, with the prescribed modifications, to transmissions and defeasances in the case of registered charges on land.

Restriction on custody of land certificate by registered owner of a charge.

67.—(1) The registered owner of a charge shall not, merely by reason of his being such owner, be entitled to the possession of the land certificate in respect of the registered land which is subject to the charge.

(2) Every stipulation in relation to a registered charge on land (whether made before or after the creation of the charge) whereby the custody of the land certificate in respect of such land is to be given to the registered owner of such charge shall be void.

Creation and effect of subordinate rights and interests.

68.—(1) Subject to the provisions of this Act, the registered owner of land shall alone be entitled to transfer or charge the land by registered disposition, and the registered owner of a charge shall alone be entitled to transfer the charge by registered disposition.

(2) Nothing in this Act shall prevent a person from creating any right in or over any registered land or registered charge, but all such rights shall be subject to the provisions of this Act with respect to registered transfers of land or charges for valuable consideration.

(3) An unregistered right in or over registered land (not being a burden to which the land is subject by virtue of section 72) shall not affect the registered owner of a charge created on the land for valuable consideration.

Burdens which may be registered as affecting registered land.

69.—(1) There may be registered as affecting registered land any of the following burdens, namely—

- (a) any incumbrance on the land existing at the time of the first registration of the land;
- (b) any charge on the land duly created after the first registration of the land;
- (c) any rentcharge (not being a rentcharge to which, though not registered, the land is subject under section 72) or fee farm or other perpetual rent issuing out of the land;
- (d) any power to charge land with payment of money, whether created or arising before or after the first registration of the land;
- (e) any trust for securing money created or arising after the first registration of the land;
- (f) any lien on the land for unpaid purchase money;
- (g) any lease where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds twenty-one years F89[(or such other period as may be prescribed)], or where the term is for any less estate or interest but the occupation is not in accordance with the lease;
- (h) any judgment or order of a court, whether existing before or after the first registration of the land;
- (i) any judgment mortgage, recognizance, State bond, inquisition or *lis pendens*, whether existing before or after the first registration of the land;
- (j) any easement, profit à *prendre* or mining right created by express grant or reservation after the first registration of the land;
- F90[(jj) any easement or profit à *prendre* where the Authority is satisfied, pursuant to section 49A, that there is an entitlement to such an easement or profit à *prendre*;]
- (k) any covenant or condition relating to the use or enjoyment of the land or of any specified portion thereof;
- F91[(kk) a freehold covenant within the meaning of section 48 of the Land and Conveyancing Law Reform Act 2009;]
- (l) any estate in dower;
- (m) any burden to which section 54 of the Forestry Act, 1946, relates;
- (n) any right of the Land Commission or a local authority to lay pipe-lines for whatsoever purpose and any right ancillary thereto;

(o) a power to appoint an estate or interest in the property exercisable within a period not exceeding a life or lives in being and twenty-one years thereafter;

(p) a power of distress or entry;

(q) a right in the nature of a lien for money's worth in or over the property for a limited period not exceeding life, such as a right of support or a right of residence (whether an exclusive right of residence or not);

(r) a burden created by statute or under a statutory power that is not one of the burdens to which, though not registered, registered land is subject under section 72;

F92[(rr) a judgment opening the proceedings referred to in Article 3(1) of Council Regulation (EC) No 1346/2000¹ of 29 May 2000 on insolvency proceedings;]

F93[(rr) an agreement under section 18 of the Wildlife Act, 1976, which provides that it shall be enforceable against persons deriving title to the relevant land under a party to the agreement;]

F94[(rrr) an order under section 18(1) of the Wildlife (Amendment) Act, 2000;]

(s) any such other matter as may be prescribed.

(2) A burden may be registered under this section on the application of the registered owner of the land or of any person entitled to or interested in the burden but, if the application is made without the concurrence of the registered owner of the land or such other person as may be prescribed, the burden shall not be registered except in pursuance of an order of the court.

(3) Any covenant or condition registered under this section may be modified or discharged by order of the court on proof to the satisfaction of the court that the covenant or condition does not run with the land, or is not capable of being enforced against the owner of the land, or that the modification or discharge thereof will be beneficial to the persons principally interested in the enforcement thereof, and may, with the consent of all persons interested in the enforcement thereof, be modified or discharged by F95[the Authority] without any such order.

(4) F95[The Authority] may, on the prescribed evidence and subject to the prescribed conditions, modify or cancel any entry under this section of a burden not being such a covenant or condition as aforesaid.

Annotations

Amendments:

F89 Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 59, S.I. No. 271 of 2006.

F90 Inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 42, commenced on enactment.

F91 Inserted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 129, S.I. No. 356 of 2009.

F92 Inserted (2.07.2002) by *European Communities (Personal Insolvency) Regulations 2002* (S.I. No. 334 of 2002), reg. 4(2), commenced on enactment.

F93 Inserted (1.06.1977) by *Wildlife Act 1976* (39/1976), s. 66, S.I. No. 154 of 1977.

F94 Inserted (31.07.2001) by *Wildlife (Amendment) Act 2000* (38/2000), s. 73, S.I. No. 371 of 2001.

¹ OJ L160 of 30.6.2000

F95 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Modifications (not altering text):

C31 Application of section extended (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(3)(d), S.I. No. 511 of 2006.

Abolition of land certificates and certificates of charge.

73.— ...

(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 subsection.

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

(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;

...

Registration of ownership of burdens.

70.—The ownership of such of the burdens capable of being registered under section 69 as may be prescribed shall, on such registration, be registered in such register maintained under this Act as may be appropriate.

Registration of judgment mortgages.

F96[71.— (1) Application for registration of a judgment mortgage under section 116 of the Land and Conveyancing Law Reform Act 2009 shall, in the case of registered land, be in such form and in such manner as may be prescribed.

(2) Registration under subsection (1) shall operate to charge the estate or interest of the judgment debtor subject to—

(a) the burdens, if any, registered as affecting that estate or interest,

(b) the burdens to which, though not so registered, that estate or interest is subject by virtue of section 72,

(c) all unregistered rights subject to which the judgment debtor held that estate or interest at the time of registration,

and with the effect stated in section 117 of the said 2009 Act.]

Annotations

Amendments:

F96 Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 130, S.I. No. 356 of 2009.

Burdens which are without registration to affect registered land.

72.—(1) Subject to subsection (2), all registered land shall be subject to such of the following burdens as for the time being affect the land, whether those burdens are or are not registered, namely—

(a) estate duty, succession duty, former crown rents, tithe rentcharges and payments in lieu of tithe or tithe rentcharge;

(b) land improvement charges and drainage charges;

(c) annuities or rentcharges for the repayment of advances made under the provisions of any of the Land Purchase Acts on account of purchase money;

- (d) rights of the Land Commission or of any person under a vesting order, vesting fiat, final list or transfer order made or published under the Land Purchase Acts;
- (e) rights of the Land Commission upon the execution of an order for possession issued under section 37 of the Land Act, 1927;
- (f) rights of the public or of any class of the public;
- (g) customary rights, franchises and liabilities arising from tenure;
- (h) easements and profits *à prendre*, unless they are respectively created by express grant or reservation after the first registration of the land;

F97[(*hh*) any wayleave which is a wayleave to which this section applies;]

- (i) tenancies created for any term not exceeding twenty-one years F98[(or such other period as may be prescribed)] or for any less estate or interest, in cases where there is an occupation under such tenancies;
- (j) the rights of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where, upon enquiry made of such person, the rights are not disclosed;
- (k) in the case of land registered with a possessory, qualified or good leasehold title, all rights excepted from the effect of registration;
- (l) a perpetual yearly rent (in this section referred to as the superior rent) which is superior to another such rent (in this section referred to as the registered rent) registered as a burden on registered land and which, as between the said registered land and the registered rent, is primarily payable out of the registered rent in exoneration of such land;
- (m) the covenants and conditions contained in the deed or other document creating the superior rent, in so far as those covenants and conditions affect such land;
- (n) a purchase annuity payable in respect of a cottage which is the subject of a vesting order under the Labourers Act, 1936;
- (o) restrictions imposed by section 21 of the Labourers Act, 1936, on the mortgaging or charging of cottages purchased under that Act;
- (p) rights acquired or in course of being acquired under the Statute of Limitations, 1957;
- (q) burdens to which section 59 or 73 applies.

F99[(*r*) covenants which continue in force by virtue of section 28 of the Landlord and Tenant (Ground Rents) (No. 2) Act, 1978]

(2) Where it is proved to the satisfaction of F100[the Authority] that any land registered or about to be registered is exempt from, or has ceased to be subject to, any estate duty, succession duty, former crown rent, tithe rentcharge, payment in lieu of tithe or tithe rentcharge, land improvement charge, drainage charge or annuity or rentcharge for the repayment of any advance made on account of purchase money as hereinbefore is mentioned, F100[the Authority] may enter on the register notice of the fact.

(3) Where the existence of any such burdens is proved to the satisfaction of F100[the Authority], F101[it] may, with the consent of the registered owner or applicant for registration, or in pursuance of an order of the court, enter notice thereof on the register.

F97[(4)This section applies to any wayleave on, over or beneath the surface of land which—

F102[(a) pursuant to an agreement in writing is granted to or by the Irish Gas Board or a relevant person (within the meaning of *section 20* of the Gas (Amendment) Act, 2000), or pursuant to an acquisition order within the meaning of the Gas Act, 1976, is granted to that Board or such a person, and]

(b) is intended to be used, or is used, in providing a pipeline for the transmission of gas, and

(c) in case the wayleave is granted under such an agreement, under the agreement it is to be enforceable against persons deriving title to the land under a party to the agreement.]

Annotations

Amendments:

- F97** Inserted (13.09.1976) by *Gas Act 1976* (30/1976), s. 43, commenced as per s. 1(2) and S.I. No. 209 of 1976.
- F98** Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 60, S.I. No. 271 of 2006.
- F99** Inserted (1.08.1978) by *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978), s. 28(4), commenced as per s. 2.
- F100** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.
- F101** Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.
- F102** Substituted (10.07.2000) by *Gas (Amendment) Act 2000* (26/2000), s. 22, commenced on enactment.

Modifications (not altering text):

- C32** Prospective affecting provision: application of subs. (4) extended by *European Communities (Internal Market in Natural Gas and Electricity) Regulations 2011* (S.I. No. 630 of 2011), reg. 38(2)(b), not commenced as of date of revision.

Certain References to BGÉ and Gaslink in legislation

38. ...

(2) ...

(b) Without prejudice to the generality of paragraph (1), reference to the “Board” in section 72(4) of the Registration of Title Act 1964 (No. 16 of 1964) shall be taken to include the ITO.

...

- C33** Application of section extended (21.02.2003) by *Capital Acquisitions Tax Consolidation Act 2003* (1/2003), s. 113(2), commenced on enactment.

Tax, in relation to certain legislation.

113.— ...

(2) Section 72 of the Registration of Title Act 1964 shall apply as if gift tax and inheritance tax were mentioned in that Act as well as estate duty and succession duty.

- C34** Application of section extended by *Finance Act 1983* (15/1983), s. 110A(11), as inserted (17.06.1993) by *Finance Act 1993* (13/1993), s. 107, commenced on enactment.

Clearance on sale of certain residential property.**110.— ...**

(11) Section 72 of the Registration of Title Act, 1964, shall be construed and have effect as if there were included in subsection (1) (a) of that section a reference to residential property tax.

Editorial Notes:

- E26** Previous affecting provision: application of section extended (25.07.1985) by *Farm Tax Act 1985* (17/1985), s. 21(6), commenced on enactment; repealed (1.11.1994) by *Local Government Act 1994* (8/1994), s. 4(1) and sch. 1, S.I. No. 315 of 1994.
- E27** Previous affecting provision: application of section extended (31.03.1976) by *Capital Acquisitions Tax Act 1976* (8/1976), s. 68(2), commenced on enactment; repealed (21.02.2003) by *Capital Acquisitions Tax Consolidation Act 2003* (1/2003), s. 113(2), commenced on enactment..

Mines, minerals,
and mining
rights.

73.—(1) A person may be registered as owner of land with or without all or any of the mines and minerals therein, or as owner of any mines and minerals.

(2) A person registered as owner of land shall not, merely by virtue of such registration, be deemed to be owner of the mines and minerals therein.

(3) Where a person is registered as owner of land, but the registration does not extend to all the mines and minerals therein, all such powers of working, way leaves or rights of way, rights of water and drainage and other powers, easements, rights and privileges for or incident to or connected with mining purposes, as are for the time being subsisting over the land, and are not created by express grant or reservation after the first registration of the land, shall be, though not registered, burdens on the land under section 72.

Priority of regis-
tered burdens.

74.—Subject to any entry to the contrary on the register, burdens which are registered as affecting the same land, and which if unregistered would rank in priority according to the date of their creation, shall, if created or arising since the first registration of the land, rank according to the order in which they are entered on the register and not according to the order in which they are created or arise, and shall rank in priority to any other burden affecting the land and created or arising since the first registration of the land, not being a burden to which, though not registered, the land is subject under section 72.

Priority of regis-
tered charge for
future advances.

75.—(1) Where a registered charge is expressed to be created on any land for the purpose of securing future advances (whether with or without present advances), the registered owner of the charge shall be entitled in priority to any subsequent charge to the payment of any sum due to him in respect of such future advances, except any advances which may have been made after the date of, and with express notice in writing of, the subsequent charge.

(2) In this section “future advances” includes sums from time to time due on an account current, and all sums which by agreement or the course of business between the parties are considered to be advances on the security of the charge.

Power of charg-
ing to be exer-
cised by regis-
tered charge.

76.—Where a power to charge registered land, or a trust for securing money on registered land, is registered as a burden on the land, it may be exercised or executed by the creation of a registered charge and not otherwise, and the person empowered under any such power or trust to charge the land with the payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority.

Powers with respect to statutory charges.

77.—(1) Where a person has, under or by virtue of any enactment, a charge on registered land for the payment of any money, or a power to charge registered land with the payment of any money, he shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land.

(2) Registration of a charge under this section shall have the same effect as, and make unnecessary, registration thereof in pursuance of any other enactment.

Term of years vested in trustee for raising money out of registered land.

78.—Where a term of years is vested, whether before or after the passing of this Act, in a trustee or other person for the purpose of raising money out of registered land, such vesting shall operate as a trust for securing money on registered land or as a power to charge registered land, as the case may be, and may be registered as a burden on such land, and, where so registered, may be exercised or executed by the creation of a registered charge and not otherwise and the person empowered in any such trust or power to charge the land with payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority.

Term of years vested in trustee for raising money, or mortgage, prior to first registration.

79.—(1) Where, prior to the first registration of land, a term of years is vested, whether before or after the passing of this Act, in a trustee or other person for the purpose of raising money out of the land, such vesting shall, on the first registration of the land, operate as a trust for securing money on registered land or as a power to charge registered land, as the case may be, and may be registered as a burden on the land, and, where so registered, may be exercised or executed by the creation of a registered charge and not otherwise, and the person empowered in any such trust or power to charge the land with payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority.

(2) Where, prior to first registration, land has become subject to any mortgage, mortgage by demise or sub-demise or term of years to secure money actually raised, such mortgage, mortgage by demise or sub-demise or term of years shall, on the first registration of the land (if registered with an absolute, qualified or good leasehold title) or (if registered with a possessory title) on the conversion of the title into an absolute or good leasehold title, operate as a charge on the land and shall be registered only as a charge thereon.

Provisions as to incumbrances created or issued by company and not registered or protected.

80.—(1) Where a company registered under the Companies Act, 1963, is registered as owner of land registered under this Act or as owner of a registered charge, F103[the Authority] shall not be concerned with, and a person claiming under a registered disposition for valuable consideration shall not be affected by, any mortgage, charge, debenture, debenture stock, trust deed or other incumbrance created or issued by the company, unless such incumbrance is registered as a burden or protected by caution or inhibition under this Act.

(2) No compensation shall be payable under section 120 by reason of a purchaser's acquiring any interest under a registered transfer from the company free from any such incumbrance not so registered or protected.

Annotations

Amendments:

F103 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Right of residence.

81.—A right of residence in or on registered land, whether a general right of residence on the land or an exclusive right of residence in or on part of the land, shall be deemed to be personal to the person beneficially entitled thereto and to be a right in the nature of a lien for money's worth in or over the land and shall not operate to create any equitable estate in the land.

Note of rights appurtenant to land.

82.—Where, on an application by the registered owner or other person entitled, the existence of rights, privileges and appurtenances belonging, appurtenant or attached to registered land is proved to the satisfaction of F104[the Authority], F105[it] shall make an entry in the register showing the existence of such rights, privileges and appurtenances.

Annotations

Amendments:

F104 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F105 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Register of Incorporeal Hereditaments and Other Rights

Register of ownership.

83.—Provision may be made by general rules for registration in the register provided for by paragraph (b) of section 8 and, where necessary, for adapting or applying, with or without modification, the provisions of this Act for the purposes of such registration.

F106[Registry maps.

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

(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.

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

(i) F107[the Authority], 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 F107[the Authority] considered satisfactory, and

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

(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.]

Annotations**Amendments:**

F106 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 61, S.I. No. 511 of 2006.

F107 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Description of registered land.

F108[**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.]

Annotations**Amendments:**

F108 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 62, S.I. No. 511 of 2006.

Entry of boundaries in certain cases.

86.—Where the boundaries of any registered land have been ascertained and defined by any conveyance executed by any of the Commissioners for Sale of Incumbered Estates in Ireland, or of the judges of the Landed Estates Court, or of the Land Judges, under the provisions of any of the Landed Estates Court Acts, or of the Landlord and Tenant (Ireland) Act, 1870, or by any conveyance or vesting order executed or made by the Land Commission under any of the provisions of the Land Purchase Acts, in every such case **F109**[the Authority] may, if **F110**[it] thinks fit, after the prescribed notices, enter such boundaries on the register as conclusive, and they shall thereupon be conclusive upon all parties.

Annotations**Amendments:**

F109 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F110 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Entry of boundaries by agreement.

87.—(1) **F111**[The Authority] may at any time, on the application of the registered owners of adjoining lands, or of the registered owner of land and an owner of adjoining unregistered land, and on the prescribed conditions being complied with, settle and enter on the register as conclusive the boundaries between those lands or any parts thereof, with such alterations, if any, as may from time to time be agreed upon.

(2) An entry in pursuance of this section shall be conclusive only as between the parties to the application and their respective successors in interest, and shall not operate to confirm the title to the lands the boundaries whereof are settled.

Annotations**Amendments:**

F111 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Settlement of boundaries on transfer.

88.—(1) On the transfer of part of any registered land, F112[the Authority], on the prescribed conditions being complied with, may enter on the register as conclusive the boundaries between the part transferred and the part not transferred.

(2) If on any transfer of registered land any question arises as to the boundaries or extent of the land transferred, F112[the Authority] shall, on the application of the transferor or transferee, have jurisdiction to decide the question as between them, and for that purpose may, if it seems expedient, adopt the decision of any person agreed on by them or appointed by F112[the Authority].

Annotations**Amendments:**

F112 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Meaning of owner of unregistered land in regard to boundaries.

89.—For the purposes of the provisions of this Act with respect to boundaries, the owner of unregistered land is the person who is in possession thereof claiming to be entitled to the first estate of freehold or to a leasehold interest therein, or a receiver over such estate or interest appointed by a court of competent jurisdiction, and acting under the order of such court.

Supplementary Provisions

Powers of person entitled to be registered as owner of land or charge.

F113[**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

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

(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,

(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,

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.

(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 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.]

Annotations

Amendments:

F113 Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 63, S.I. No. 271 of 2006.

Undivided shares
and co-owners.

91.—(1) The owner of any one or more undivided shares in any land or a charge may be registered with the addition of the prescribed entries in the register for the purpose of showing the share which he holds in the land or charge.

(2) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land or of a charge on land, and where two or more persons are so registered they shall be deemed to be joint tenants, unless there is an entry in the register to the effect that they are tenants in common.

(3) On the registration of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made in the register to the effect that, when the number of those owners is reduced below a certain specified number, no registered disposition of the land or charge is to be made except by order of the court.

(4) On the registration of two or more persons as owners of the same land or of the same charge, if F114[the Authority] is satisfied that any number of those owners less than the whole are entitled to make a registered disposition of the land or charge, F115[it] shall make an entry in the register to that effect, and such number of those owners shall have power to make a registered disposition of the land or charge without an order of the court notwithstanding the foregoing provisions of this section.

Annotations

Amendments:

F114 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F115 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Notice of trusts.

92.—(1) Subject to the provisions of this Act, notice of a trust shall not be entered in the register.

(2) None of the following persons shall, by reason merely of the receipt by F116[the Authority] of an instrument relating to land for the purpose of a registration, be

affected with notice of any trust contained in or arising out of matters contained in such instrument:

- (a) F116[the Authority];
- (b) a registered transferee for valuable consideration of the land;
- (c) a registered owner of a charge created for valuable consideration on the land;
- (d) a person claiming an interest created for valuable consideration in a registered burden on the land.

(3) In this section “trust” includes express, implied and constructive trusts.

Annotations

Amendments:

F116 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Discovery of instruments and facts affecting title.

93.—(1) Where—

- (a) an application is made for the registration of the owner of any land in respect of which an examination of title is required, or
- (b) F117[the Authority] has occasion, in the course of F118[its] duties, to investigate the title to registered land or to a burden on registered land,

an affidavit shall be produced to the effect that, to the best of the deponent’s knowledge and belief, all deeds, wills, instruments of title and incumbrances affecting the title, and all facts material to the title, have been disclosed to F117[the Authority].

(2) F117[The Authority] may require any person making an affidavit in pursuance of this section to state in the affidavit what means he has had of becoming acquainted with the several matters referred to in the section; and if F117[the Authority] is of opinion that any further evidence is necessary or desirable, F118[it] may refuse to effect the registration, or to make or cancel any entry in the register, until such further evidence is produced.

Annotations

Amendments:

F117 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F118 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Production of deeds.

94.—Where—

- (a) an application is made for the registration of an owner of land, or
- (b) F119[the Authority] has occasion, in the course of F120[its] duties, to investigate the title to registered land or to a burden on registered land,

if any person has in his possession or custody any deeds, wills or instruments affecting the title, to the production of which the applicant or any trustee for him is entitled

or the production of which F119[the Authority] considers, on any such occasion, to be necessary for the purpose of such investigation, F119[the Authority] may require that person to show cause, within a time limited, why he should not produce such deeds, wills, or instruments, or any of them; and, unless cause is shown to the satisfaction of F119[the Authority] within the time limited, F120[it] may order that the deeds, wills or instruments, or any of them shall be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as F120[it] thinks fit.

Annotations

Amendments:

F119 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F120 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Deeds to be marked with notice of registration.

95.—Subject to general rules, F121[the Authority] may, if F122[it] thinks fit, before registering a person as owner of land, require him to produce such documents of title as will in the opinion of F121[the Authority], when stamped or otherwise marked, give notice to any purchaser or other person dealing with the land of the fact of the registration, or otherwise to satisfy F121[the Authority] that the fact of the registration cannot be concealed from a purchaser or other person dealing with the land, and may stamp or otherwise mark any documents so produced.

Annotations

Amendments:

F121 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F122 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Cautions and Inhibitions

Caution against first registration of land.

96.—(1) Any person claiming such an interest in unregistered land as entitles him to object to a disposition thereof being made without his consent, or claiming to be an incumbrancer on unregistered land, may, if claiming otherwise than under an instrument registered in the Registry of Deeds, on producing an affidavit in the prescribed form of his interest, lodge a caution with F123[the Authority] to the effect that the cautioner is entitled to notice of any application that may be made for registration of an owner of the land.

(2) Thereupon, an owner of the land shall not be registered until notice has been served on the cautioner to appear and oppose, if he thinks fit, the registration, and the prescribed time has elapsed since the date of the service of the notice, or the cautioner has entered an appearance, whichever first happens.

(3) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

Annotations**Amendments:**

F123 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Modifications (not altering text):

C35 Application of section restricted (1.03.1978) by *Agricultural Credit Act 1978* (2/1978), ss. 43(2) and 46, S.I. No. 49 of 1978.

Lodgement of cautions by the Corporation.

43.—(1) Any person claiming to be entitled to an estate or interest in or incumbrance on or claim against any unregistered land which is a puisne claim against the land or would become a puisne claim if a priority charge were created on the land, may (whether the instrument, if any, under which the claim arises is or is not registered in the Registry of Deeds) lodge under section 96 of the Act of 1964 a caution against the registration against the land, on or after the first registration thereof, of any dealing with the land in favour of the Corporation to the prejudice of the claim.

(2) Where a caution is so lodged, subsection (2) of the said section 96 shall not apply to the caution but in lieu thereof the caution shall, on the first registration of the land, be entered on the folio relating to the land as a caution lodged under section 97 of the Act of 1964 and shall have effect accordingly.

...

Lodgement of cautions by the Corporation.

46.—Whenever the Corporation claims to be an incumbrancer on unregistered land by virtue of an instrument registered in the Registry of Deeds, the Corporation may, notwithstanding anything to the contrary in section 96 of the Act of 1964, lodge with the registering authority a caution under that section, and when the caution is so registered the registering authority may, on the first registration of the land, register the incumbrance created by the instrument as a burden affecting the land with such priority (if any) as is given to the incumbrance by this Act or otherwise by law.

Caution against registered dealings.

97.—(1) Any person entitled to any right in, to, or over registered land or a registered charge, may, on producing an affidavit in the prescribed form of his right, lodge a caution with F124[the Authority] to the effect that no dealing with the land or charge is to be had on the part of the registered owner until notice has been served on the cautioner.

(2) Thereupon F124[the Authority] shall not, without the consent of the cautioner, register any dealing with the land or charge, as the case may be, until F125[it] has served notice on the cautioner, warning him that his caution will lapse after the expiration of the prescribed time.

(3) After the expiration of that time, the caution shall lapse unless an order to the contrary is made by F124[the Authority] and on the caution so lapsing the land or charge may be dealt with as if the caution had not been lodged.

(4) If, before the expiration of that time, the cautioner, or some other person on his behalf, appears and gives, if required by F124[the Authority], sufficient security to indemnify every person against any damage that may be sustained by reason of any dealing with the land or charge being delayed, F124[the Authority] may, if F125[it] thinks fit, delay registering any dealing with the land or charge for such further period as F125[it] thinks just.

(5) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

(6) In the case of a caution lodged on behalf of a statutory authority, a certificate in the prescribed form may be accepted, at the discretion of F124[the Authority], in lieu of an affidavit.

Annotations

Amendments:

F124 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F125 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Inhibition of registered dealings.

98.—(1) The court or, subject to an appeal to the court, F126[the Authority], on the application of any person interested in any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or F126[the Authority] thinks expedient, make an order or, in the case of an application to F126[the Authority], an entry, inhibiting for a time, or until the occurrence of an event to be named in the order or entry, or except with the consent of or after notice to some specified person, or generally until further order or entry, any dealing with any registered land or registered charge.

(2) F126[The Authority], on the application of the person who has obtained an order of the court under the provisions of this section, shall make an entry of the order on the register in the prescribed manner.

(3) The court or F126[the Authority] may annex to any such order or entry any terms or conditions they think fit, and may discharge any such order or cancel any such entry, and generally may exercise such powers as the justice of the case requires; but nothing herein contained shall empower F126[the Authority] to discharge an order made by the court.

(4)(a)F127[...]

(b) Any entry made under this section may be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested therein.

Annotations

Amendments:

F126 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F127 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Settled Land

Provisions as to limited owners.

99.—F128[...]

Annotations**Amendments:**

F128 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Trustees

Power for trustee to apply to court for directions.

100.—(1) Where a trustee or other person acting in a fiduciary capacity is in doubt as to F129[any] matter with respect to which he is required or authorised to act under this Act, he may apply to the court for directions.

(2) The costs, charges and expenses properly incurred by a trustee or other person acting in a fiduciary capacity F130[...] in or in connection with any proceeding or application required or authorised by this Act, or by any rules under this Act, shall be deemed to be costs, charges, and expenses properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, F131[the Authority] be finally ascertained and declared by F131[the Authority].

Annotations**Amendments:**

F129 Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

F130 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

F131 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Persons under Disability

Infants.

101.—F132[...]

Annotations**Amendments:**

F132 Repealed (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(3) and sch. 2 part 5, S.I. No. 356 of 2009.

Persons of unsound mind.

102.—(1) In the case of a lunatic so found by inquisition, the committee of his estate may represent him for all or any of the purposes of this Act.

(2) A person of unsound mind not so found by inquisition may be represented for all or any of the purposes of this Act by his committee or guardian (if any) appointed under the Lunacy Regulation (Ireland) Act, 1871, or, if no such committee or guardian is so appointed, by a guardian appointed by the court.

(3) A person of weak mind who is temporarily incapable of managing his affairs may be represented for all or any of the purposes of this Act by his guardian (if any)

appointed under section 103 of the Lunacy Regulation (Ireland) Act, 1871, or, if no such guardian is so appointed, by a guardian appointed by the court.

Bankruptcy

Provisions as to
bankruptcy of
registered owner.

103.—(1) Where a petition of bankruptcy or a petition for arrangement is presented, the registrar of the court shall furnish F133[the Authority] with notice of the presenting of the petition and F133[the Authority] shall thereupon cause an entry to be made in the register inhibiting, for a period of three months from the date of the petition, any dealing with any registered land or charge which appears to be affected.

(2) Where any doubt arises as to the identity of the debtor or where the existence of a charge registered in the name of the debtor cannot readily be ascertained, F133[the Authority] shall, as soon as possible after receiving notice of the presenting of the petition and after making such inquiries and giving such notices (if any) as F134[it] deems necessary, take such action in the matter as F134[it] thinks advisable.

(3) Where notice of the presenting of a petition has been given under this section and—

- (a) the petition is afterwards dismissed or not proceeded with, or
- (b) the registered owner is adjudicated a bankrupt and the adjudication is afterwards annulled, or
- (c) in the case of an arrangement, if no vesting of registered land or a registered charge takes place by virtue of the arrangement,

the registrar of the court shall furnish F133[the Authority] with notice to that effect and F133[the Authority] shall thereupon cancel any entry made under subsection (1).

(4) Where registered land or a registered charge becomes by law vested in assignees or trustees for the benefit of the creditors of the registered owner, the assignees or trustees shall be entitled to be registered as owners of the land or charge F135[...]. On such registration F133[the Authority] shall cancel any entry made under subsection (1).

Annotations

Amendments:

F133 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F134 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

F135 Deleted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Stamp Duties.

Stamp duties.

F136[**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.]

Annotations**Amendments:**

F136 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 64, S.I. No. 511 of 2006.

Certificates and Notices

Certificates.

105.—(1) Subject to general rules, the land certificate or certificate of charge granted on the registration of an owner of land, or of a charge on land, shall be produced to F137[the Authority] on any subsequent transaction in relation to the land or charge requiring registration, as the case may be, and shall be either cancelled or so altered as to be brought into conformity with the register.

(2) Subject to general rules, F137[the Authority] may, on the application of the registered owner, or of any person appearing to F137[the Authority] to be entitled to require the production of a land certificate or certificate of charge, order any person in whose custody the certificate may be to produce the certificate to F137[the Authority] for the purpose of any dealing with the registered land or charge which can be effected without the consent of the person having the custody of the certificate.

(3) The production of a certificate under this section shall not alter the right to the custody of the certificate, and shall not affect any lien of any person thereon.

(4) A land certificate or certificate of charge shall be *prima facie* evidence of the several matters therein contained.

(5) Subject to any registered rights, the deposit of a land certificate or certificate of charge shall, for the purpose of creating a lien on the land or charge to which the certificate relates, have the same effect as a deposit of the title deeds of unregistered land or of a charge thereon.

Annotations**Amendments:**

F137 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Modifications (not altering text):

C36 Application of section restricted (1.01.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 73(1)(b), s.I. No. 511 of 2006.

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— ...

(b) section 105 (certificates) thereof—

(i) applies only in relation to land certificates and certificates of charge issued before the commencement of this subsection and not already cancelled, and

(ii) ceases to have effect 3 years after the commencement of subsection (2).

(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 subsection.

...

Addresses and notices.

106.—(1) Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other capacity, shall furnish to F138[the Authority] a place of address in the State.

(2) Subject to general rules, every notice by this Act required to be given to any such person shall be served by F138[the Authority] and shall be served personally, or sent through the post in a registered letter marked outside in the prescribed manner and directed to the person at the address so furnished to F138[the Authority], and, unless returned, shall, in the absence of proof to the contrary, be deemed to have been received by the person addressed within such period as may be prescribed.

(3) A registered purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof, unless he had knowledge of such omission or non-receipt before registration.

Annotations

Amendments:

F138 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Searches and Priority

Searches of registers and maps.

107.—(1) Any entry in, or index to, a register and any registry map may be inspected F139[, in the form in which it is kept or (as the case may be) a legible reproduction thereof,] by any person at such times and on such conditions as may be prescribed.

(2) Any person may apply to F140[the Authority] to make an official search in a register or registry map and to issue a certificate of the result of the search.

Annotations

Amendments:

F139 Inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 65, S.I. No. 271 of 2006.

F140 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F141[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.

(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.

(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—

- (a) changes in the period generally elapsing between applications by persons under subsection (1) and those made by such persons under subsection (2), and
- (b) the need for adequate protection of the interests of parties to the contracts concerned.]

Annotations**Amendments:**

F141 Substituted (1.09.2007) by *Registration of Deeds and Title Act 2006* (12/2006), s. 66, S.I. No. 537 of 2007.

Editorial Notes:

E28 Previous affecting provision: subs. (2) amended (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(4), S.I. No. 511 of 2006; superseded as per F-note above.

PART IV

DEVOLUTION ON DEATH AND DESCENT ON INTESTACY

Application of
Part IV.

109.—F142[...]**Annotations****Amendments:**

F142 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

Devolution of
registered land.

110.—F143[...]**Annotations****Amendments:**

F143 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

Succession to
beneficial inter-
est in registered
land on intestacy.

111.—F144[...]

Annotations**Amendments:**

F144 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

Abolition of rules of descent in relation to registered freehold land.

112.—F145[...]

Annotations**Amendments:**

F145 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

Saving for deaths before commencement of this Act.

113.—F146[...]

Annotations**Amendments:**

F146 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

Meaning of "heirs".

114.—F147[...]

Annotations**Amendments:**

F147 Repealed (1.01.1967) by *Succession Act 1965* (27/1965), s. 8 and sch. 2 part IV, S.I. No. 168 of 1966, subject to transitional provisions in s. 9.

PART V

MISCELLANEOUS PROVISIONS

Avoidance of certain stipulations in contracts for sale or charge of registered land.

115.—Every stipulation in a contract for the sale or charge of registered land or for the transfer of a registered charge whereby the purchaser or intending chargeant or the intending transferee (as the case may be) is precluded from making requisitions in relation to burdens generally or any particular burden which, by virtue of section 72, may affect the land shall be void.

Exemption of land from registration in Registry of Deeds.

116.—(1) The registration under this Act of the ownership of any estate or interest in land shall, on and after the date of registration, exempt that estate or interest from the provisions of the enactments relating to the Registry of Deeds; and a deed or other document relating to that estate or interest and executed or coming into operation on or after that date shall not, unless it also relates to unregistered land, require to be registered in the Registry of Deeds. The registration of such ownership shall not, however, have the effect of exempting from registration in the Registry of Deeds any deed or document relating to the title to any other estate or interest in the land other than a deed or document creating such estate or interest.

F148[(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.]

(3) When the registration in the Registry of Deeds of any deed or other document within a certain period or otherwise is required by any enactment, registration of the title under such deed or other document (within the same period, where registration within a certain period is required) shall be a compliance with the provisions of that enactment.

Annotations

Amendments:

F148 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 67, S.I. No. 511 of 2006.

Exemption from registration elsewhere of burdens registered under this Act.

117.—(1) Registration of a burden under this Act shall have the same effect as, and make unnecessary, registration of any deed or document relating to such burden, in the Registry of Deeds. In the case of a leasehold interest the ownership of which is not registered under this Act such exemption shall extend only to the lease itself and not to any other deed or document relating to the title to the leasehold interest.

(2) (a) Registration in the prescribed manner of a judgment, order, inquisition, recognizance or State bond as a burden under this Act shall have the same effect as and make unnecessary, for any purpose as regards the land, the registration thereof in the Registry of Judgments;

(b) No such judgment, order, inquisition, recognizance or bond shall, after the expiration of five years from the date of such registration, affect any registered land as to purchasers, mortgagees or creditors, unless and until it is re-registered in the prescribed manner under this Act within five years before the execution of the conveyance, settlement, mortgage, lease, or other instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued, and so re-registered at the expiration of every succeeding five years.

Indemnity of F149[the Authority].

118.—F149[The Authority] shall not, nor shall any person acting under F150[its] authority or under any order or general rule made in pursuance of this Act, be liable to any action, suit or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

Annotations**Amendments:**

F149 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F150 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

Penalties for fraud.

119.—(1) If any person commits any of the following offences, that is to say—

- (a) in the course of any proceedings before F151[the Authority] or the court in pursuance of this Act, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of, any document or fact, or
- (b) fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of, any entry, erasure or alteration in the register, or
- (c) in any affidavit required or authorised to be made for any purpose under this Act, or under any order or general rules made in pursuance of this Act, wilfully makes a false statement in any material particular,

F152[the person shall be guilty of an offence and liable—

- (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.]

(2) No proceeding or conviction for any offence declared by this Act to be a misdemeanour shall affect any remedy to which any person aggrieved by the offence may be entitled.

(3) Nothing in this Act shall entitle any person to refuse to make a complete discovery in any legal proceeding, or to answer any question or interrogatory in any civil proceeding; but no such discovery or answer shall be admissible in evidence against that person in any criminal proceeding under this Act.

Annotations**Amendments:**

F151 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F152 Substituted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 68, S.I. No. 271 of 2006.

Compensation for error, forgery or fraud in relation to registration.

120.—(1) This section applies to loss sustained by any person by reason of—

- (a) the rectification F153[...] of any such error in registration as may be rectified under subsection (1) of section 32, or
- (b) any error originating in the Land Registry (whether of misstatement, misdescription, omission or otherwise, and whether in a register or in a registry

- map) which occurs in registration and is not rectified under the said subsection (1), or
- (c) any entry in or omission from a register or registry map caused or obtained by forgery or fraud, or
- (d) any error in an official search carried out by F154[the Authority] or any of F155[its] officers, or
- (e) the inaccuracy of any office copy of or extract from a register or registry map, or of any office copy of or extract from any document or plan filed in the Land Registry.
- (2) Where any person sustains loss to which this section applies, and the loss is not caused or substantially contributed to by the act, neglect or default of himself or his agent, that person and also any person deriving title from him shall be entitled to compensation for that loss in accordance with this section.
- (3) In the case of rectification of an error F153[...] under subsection (1) of section 32, the costs and expenses incurred by the applicant in obtaining the rectification shall be deemed to be a loss to which this section applies.
- (4) All compensation payable under this section shall be paid out of moneys provided by the Oireachtas.
- (5) The following provisions shall apply to every claim for compensation under this section:
- (a) the claim shall be made in the prescribed manner to F154[the Authority] and notice thereof shall be given to the Minister for Finance;
- F156[(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;]
- (c) no claim shall be entertained by F154[the Authority] after the expiration of a period of six years from the time when the right to compensation accrued unless, on the expiration of such period the person entitled to claim was under disability, in which case the claim shall not be entertained after the expiration of two years from the termination of the disability, but the determination of F154[the Authority] to refuse or allow a claim under this paragraph shall be subject to appeal to the court;
- (d) for the purposes of paragraph (c), the right to compensation shall be deemed to have accrued—
- (i) in regard to any estate or interest in possession, on the date of the registration which occasioned the loss in respect of which compensation is claimed, or
- (ii) in regard to any estate or interest in remainder or reversion, on the date when such estate or interest would, but for such registration as aforesaid, have fallen into possession;
- (e) the compensation shall include the costs incurred by the claimant in establishing his claim.
- (6) Where compensation is paid under this section to any person—
- (a) the compensation (other than costs) shall be applicable in discharge of any incumbrances affecting the estate or interest of that person in the land or charge in respect of which the compensation is payable;
- (b) the Minister for Finance shall have the same right to recover the amount of such compensation from any person who caused or derived advantage from

the loss as the person who suffered the loss would have had if the loss were an injury caused to him by the first mentioned person.

Annotations

Amendments:

F153 Repealed (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 69(a), S.I. No. 271 of 2006.

F154 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F155 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

F156 Substituted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 69(b), S.I. No. 271 of 2006.

Modifications (not altering text):

C37 Functions transferred and references to “Department of Finance” and “Minister for Finance” under section construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

Schedule 1

Enactments

...

Part 2

...

No. 16 of 1964 Registration of Title Act 1964 Section 120

...

Inhibition in consequence of discovery of error.

121.—(1) Whenever it appears to F157[the Authority] that an error which may be capable of rectification has been made in registration, F157[the Authority] may enter in the register such inhibition against dealings with the land or the burden affected by such error as F158[it] thinks proper for the purpose of protecting the Central Fund against claims for compensation in respect of losses occasioned by registrations made after such error is discovered and before it is rectified.

(2) An inhibition entered in the register under this section shall not affect any registration actually pending in the F159[Land Registry] when such inhibition is entered nor prevent the completion of such registration.

(3) Whenever F157[the Authority] enters an inhibition under this section, F158[it] shall send notice of such inhibition and of the error because of which it was entered to all persons who appear from the register to be affected by such error and to such other persons (if any) as may be prescribed.

Annotations

Amendments:

F157 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

F158 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(3), S.I. No. 511 of 2006.

F159 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(4), S.I. No. 511 of 2006.

Owner of land with possessory title not a trustee under Statute of Limitations, 1957.

122.—(1) Where a person is registered as owner of land with a title which is or is deemed to be a possessory title, neither he nor any person claiming through him shall, by reason only of the registration, be, in respect of that land, a trustee for the purposes of the Statute of Limitations, 1957.

(2) Subsection (1) is in substitution for paragraph (c) of subsection (2) of section 2 of the Statute of Limitations 1957, repealed by this Act.

Effect of words of transfer.

123.—(1) An instrument of transfer of freehold registered land without words of limitation, or any equivalent expression, shall pass the fee simple or other the whole interest which the transferor had power to transfer in the land unless a contrary intention appears in the instrument.

(2) An instrument of transfer of freehold registered land to a corporation sole by his corporate designation without the word “successors” shall pass to the corporation the fee simple or other the whole interest which the transferor had power to transfer in the land unless a contrary intention appears in the instrument.

(3) In an instrument of transfer of registered land a resulting use or trust for the transferor shall not be implied merely by reason that the property is not expressed to be transferred to the use or benefit of the transferee.

F160[(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*.

(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*.

(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 **F161**[instruments] executed after the commencement of section 70 of the Registration of Deeds and Title Act 2006.]

Annotations**Amendments:**

F160 Substituted and inserted (26.05.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 70, S.I. No. 271 of 2006.

F161 Substituted (1.12.2009) by *Land and Conveyancing Law Reform Act 2009* (27/2009), s. 8(1) and sch. 1, S.I. No. 356 of 2009.

Power of Peace Commissioners to take affidavits.

124.—An affidavit to be made or used in any proceedings before F162[the Authority] may be sworn before a Peace Commissioner who shall have power to administer the oath for that purpose.

Annotations**Amendments:**

F162 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Registration of land below high-water mark.

125.—Where application is made for the registration of an owner of land and it appears to F163[the Authority] that the land comprises foreshore, within the meaning of the Foreshore Act, 1933, F163[the Authority] shall send notice in writing thereof to the Minister for Transport and Power.

Annotations**Amendments:**

F163 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4(2), S.I. No. 511 of 2006.

Power to make rules and orders.

126.—F164[(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:

- (a) the form and content and the indexing of registers and registry maps;
- (b) the authentication of documents relating to title;
- (c) the procedures to be observed, precautions to be taken, notices to be given and evidence to be adduced in proceedings in connection with registration;
- (d) the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land for which an application for registration is made;
- (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;

- (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;
- (j) the inspection of and making of copies or reproductions of, or extracts from, any records in the custody of the Land Registry;
- (k) the custody and preservation of records in the Land Registry;
- (l) the taxation of costs of any proceedings in connection with registration and the persons by and to whom costs are to be taxed and paid;
- (m) the entering into security for the costs of appeal under this Act;
- (n) any other matter referred to in this Act as prescribed.

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

- (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,

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.]

(3) Provision shall be made by general rules for the registration, without cost to the parties interested, of all titles recorded under the Record of Title (Ireland) Act, 1865, and care shall be taken in such rules to protect any rights acquired in pursuance of such recording. Until registration, that Act shall apply thereto as if this Act had not been passed.

(4) F165[...]

Annotations

Amendments:

F164 Substituted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 72, S.I. No. 511 of 2006.

F165 Deleted (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 72, S.I. No. 511 of 2006.

Editorial Notes:

E29 Power pursuant to section exercised (1.02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).

E30 Provision made for establishment of Registration of Deeds and Title Rules Committee to perform functions under section (4.11.2006) by *Registration of Deeds and Title Act 2006* (12/2006), s. 74(1), S.I. No. 511 of 2006.

E31 Power pursuant to section exercised (31.12.1973) by *Land Registry and Registry of Deeds (Hours of Business) (Amendment) Order 1973* (S.I. No. 358 of 1973).

- E32** Power pursuant to section exercised (10.04.1967) by *Land Registry and Registry of Deeds (Hours of Business) (Amendment) Order 1967* (S.I. No. 75 of 1967).
- E33** Power pursuant to section exercised (6.07.1964) by *Land Registry and Registry of Deeds (Hours of Business) Order 1964* (S.I. No. 164 of 1964).
- E34** Previous affecting provision: power pursuant to section exercised (1.12.2009 and 1.01.2010) by *Land Registration (No.2) Rules 2009* (S.I. No. 456 of 2009); rescinded (1.02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E35** Previous affecting provision: power pursuant to section exercised (2.11.2011 and 1.03.2012) by *Land Registration Rules 2011* (S.I. No. 559 of 2011); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E36** Previous affecting provision: power pursuant to section exercised (1.11.2009) by *Land Registration Rules 2009* (S.I. No. 349 of 2009); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E37** Previous affecting provision: power pursuant to section exercised (1.09.2008) by *Land Registration Rules 2008* (S.I. No. 326 of 2008); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E38** Previous affecting provision: power pursuant to section exercised (1.09.2007) by *Land Registration Rules 2007* (S.I. No. 568 of 2007), rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E39** Previous affecting provision: power pursuant to section exercised (4.11.2006) by *Land Registration Rules 2006* (S.I. No. 558 of 2006); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E40** Previous affecting provision: power pursuant to section exercised (1.01.2006) by *Land Registration Rules 2005* (S.I. No. 643 of 2005); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E41** Previous affecting provision: power pursuant to section exercised (1.08.2000) by *Land Registration Rules 2000* (S.I. No. 175 of 2000); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E42** Previous affecting provision: power pursuant to section exercised (1.10.1986) by *Land Registration Rules 1986* (S.I. No. 310 of 1986); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E43** Previous affecting provision: power pursuant to section exercised (4.08.1981) by *Land Registration Rules 1981* (S.I. No. 258 of 1981); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E44** Previous affecting provision: power pursuant to section exercised (1.04.1977) by *Land Registration Rules 1977* (S.I. No. 89 of 1977); rescinded (4.08.1981) by *Land Registration Rules 1981* (S.I. No. 258 of 1981), rule 1(2).
- E45** Previous affecting provision: power pursuant to section exercised (1.11.1975) by *Land Registration Rules 1975* (S.I. No. 246 of 1975); rescinded (1.04.1977) by *Land Registration Rules 1977* (S.I. No. 89 of 1977), rule 1(2).
- E46** Previous affecting provision: power pursuant to section exercised (2.10.1972) by *Land Registration Rules 1972* (S.I. No. 230 of 1972); rescinded (1. 02.2013) by *Land Registration Rules 2012* (S.I. No. 483 of 2012).
- E47** Previous affecting provision: power pursuant to section exercised (15.02.1971) by *Land Registration (Solicitors' Costs) Rules 1970* (S.I. No. 28 of 1971); rescinded (2.10.1972) by *Land Registration Rules 1972* (S.I. No. 230 of 1972), rule 1(2).

E48 Previous affecting provision: power pursuant to section exercised (1.01.1967) by *Land Registration Rules 1966* (S.I. No. 266 of 1966); rescinded in part (15.02.1971) by *Land Registration (Solicitors' Costs) Rules 1970* (S.I. No. 28 of 1971), rule 5 and (2.10.1972) by *Land Registration Rules 1972* (S.I. No. 230 of 1972), rule 1(2).

Saving for *bona vacantia*.

127.—Nothing in this Act shall affect the right of the State to any property as *bona vacantia*.

Section 5.

SCHEDULE

REPEALS

Session and Chapter or Number and Year	Short Title	Extent of Repeal
10 & 11 Vict. c. 32.	Landed Property Improvement (Ireland) Act, 1847.	Section 21, in so far as it provides for the registration of a release, in relation to registered land, in the Registry of Deeds.
34 & 35 Vict. c. 100.	Glebe Loan (Ireland) Amendment Act, 1871.	Section 13, in so far as it provides for the registration of a release, in relation to registered land, in the Registry of Deeds.
38 & 39 Vict. c. 82.	National School Teachers Residences (Ireland) Act, 1875.	In section 5, the second paragraph, in so far as it provides for the registration of a release, in relation to registered land, in the Registry of Deeds.
54 & 55 Vict. c. 66.	Registration of Title Act, 1891.	The whole Act.
3 Edw. 7 c. 37.	Irish Land Act, 1903.	Subsection (6) of section 3.
No. 42 of 1923.	Land Act, 1923.	Sections 58 to 60, and subsection (2) of section 63.
No. 19 of 1927.	Land Act, 1927.	Sections 51 and 52.
No. 11 of 1931.	Land Act, 1931.	Subsection (3) of section 30. Section 31.
No. 38 of 1933.	Land Act, 1933.	Section 48.
No. 48 of 1936.	Courts of Justice Act, 1936.	Section 74.
No. 26 of 1939.	Land Act, 1939.	Section 7.
No. 26 of 1942.	Registration of Title Act, 1942.	The whole Act.
No. 6 of 1957.	Statute of Limitations, 1957.	Paragraph (c) of subsection (2) of section 2. In paragraph (d) (inserted by section 26 of the Administration of Estates Act, 1959) of subsection (2) of section 2, the words "or subsection (1) of section 86 of the Act of 1891". In section 24, the words "and to section 52 of the Act of 1891".
No. 8 of 1959.	Administration of Estates Act, 1959.	Paragraph (a) of section 9. Section 22.