



**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Form 1 and Form 2 Checklist containing the most common errors with an application

Practitioners should consult the Practice Directions, all relevant Legal Office Notices, Land Registration Rules, Prescribed Forms, Fees Order, and Registration Mapping Guidelines, available on our website www.tailte.ie, to ensure their applications are in order before lodgement.

Previously rejected applications

1. Where a full set of written rulings has issued on a previously read and rejected application, these rulings must be addressed in full on re-lodgement of the application. If they are not addressed in full, then the re-lodged application will be rejected.

Fees

2. The correct fees for the application must be submitted. Please consult the Fees Order on our website www.tailte.ie.

Personal Applicants

3. Personal Applicant's Identification Form (available on our website www.tailte.ie) must be fully completed.

Form 17

4. Form 17 must be signed by an individual solicitor (or, if no solicitor acting, by all the applicants).
5. Form 17 must be fully completed and dated.

Form 1 or Form 2 affidavit and requirements

6. The Form 1 or Form 2 affidavit must comply with the Prescribed Form.
7. All paragraphs must be correctly filled out, with appropriate insertions or deletions made.
8. The affidavit must be sworn by the Applicant(s), or in the case of a Company by the Secretary, or in the case of a Local Authority by the Law Agent/duly authorised signatory. If sworn by a Director then he/she must state that they are duly authorised and have the requisite means of knowledge to make the affidavit.
9. Affidavits and Statutory Declarations for use in proceedings in the Registry in compliance with Rule 168(2) of the Land Registration Rules 2012, and Order 40, Rule 7, of the Rules of the Superior Courts may be taken in any foreign country or place:
 - a. Before any Irish diplomatic or consular representative or agent exercising his functions in that country or place, or
 - b. When there is no such representative or agent as at (a) above or no such representative or agent conveniently near to the deponent in such country or place before any notary public lawfully authorised to administer oaths in that country or place, or

- c. Where such country or place is a part of the British Commonwealth of Nations or a British possession before any judge, court, notary public, or person authorised to administer oaths in such part or possession.
10. The title being applied for (Absolute, Possessory, Good Leasehold or Qualified) must be specified. If applying as tenants in common, the shares must be specified.
 11. In Form 2, the Lease details must be completed in full.
 12. If Absolute Leasehold Title is sought, then the title of the Lessor must be shown and dealt with in the application. [Section 40(4) and 42 of the Registration of Title Act 1964.]
 13. **Part 1 of the Schedule to the Affidavit:** Must include a full description of the property which references and conforms to the application map.
 14. **Part 2 of the Schedule to the Affidavit:** All burdens affecting the property that are capable of registration under Section 69 of the Registration of Title Act 1964, which have been disclosed in the title deeds or on any searches lodged, must be cited in the affidavit e.g. charges, fee farm rents, covenants, rights of residence, leases, sub-leases etc.
 15. **Part 3 of the Schedule to the Affidavit:** Statement of Title. Typically the statement of title should commence with either a Deed of Conveyance, Fee Farm Grant, or a Lease. As well as conforming to the prescribed format, each Form 1 or Form 2 must be accurate, concise and chronological. You must use the most recent deed that constitutes a good root of title for each chain of title, and show a complete chain of title up to and including the applicant's title. Do not lodge prior title documents unless they are needed for property identification, or they create a Section 69 burden or they contain an indemnity re payment of rent. A mere list of Deeds and Documents is not sufficient. Set out each Deed on Title up to and including applicant's title, and state the effect the document has on title. Where property comprises lots, then title to each individual lot must be shown. (Rules 15 and 16 Land Registration Rules 2012 as amended).
 16. If the merger of a leasehold title into a freehold title, or sub-leasehold into leasehold etc. is being claimed, then this must be fully set out and traced in the Form 1 or Form 2 affidavit and the roots of title for both the freehold and leasehold must be properly identified.
 17. The jurat must be in order (has been signed, witnessed, dated, and if a third party identifies then they must also sign the form etc.)
 18. For all leases that appear on title in Form 1 Affidavits, or sub-Leases that appear in Form 2 affidavits etc. show how they have determined or have been acquired or otherwise currently affect the application property. (See Section 69(1) (g) Registration of Title Act 1964.)

Documentation

19. All original documents on the title must be lodged. Rules 15(1) (b) and 16(2) (b) refer.
20. Where the application property has been carved out of a larger property, solicitor-certified copies of the prior deeds are to be lodged together with either:
 - Lodgement of the original prior deeds to have them suitably marked under Section 95 of the Act and Rule 153 and to prove that they were not the subject of an equitable deposit or lien.
 - or-
 - A certificate from the solicitor for the purchaser/applicant certifying that at the closing of the sale, the original deeds were produced and the solicitor was satisfied that they were not the subject of an equitable lien at the time of closing.
 - **Note:** The above does not apply to properties where the title deeds solely relate to the application lands in their entirety. If the land is not being carved out of a larger estate then the original title deeds must be lodged.

21. All title deeds lodged must bear a Revenue Stamp Certificate/Stamp Duty impressed where required.
22. All title deeds lodged are to be dated and properly executed.

Lost Deed(s)

23. Where title deed(s) have been lost or destroyed, please refer to the Practice Direction on Lost Deeds and note the following requirements:
 - An affidavit from the Applicant exhibiting the best secondary evidence of the deed, dealing with the loss of the deed, the person in whose custody the deed was last known to be and detailing the extent of searches made to locate the deed.
 - The Applicant should provide an undertaking to produce the lost deed in the event of it being subsequently discovered.
 - It should be clear from the affidavit that the deed has not been deposited with any person or with any bank or corporation by way of lien or security for monies or otherwise and that there is no valid claim by any person to its custody.
 - The affidavit should contain an undertaking by the applicant to indemnify Tailte Éireann and the State against all losses and/or damages arising from effecting registration of the Applicant as owner on the Register with absolute freehold/leasehold title [or good leasehold title] on the basis of the proofs lodged. [Rules 17 and 18 of LR Rules 2012.]

Note: In the absence of any title documents showing a good root of title, an application in Form 5 should be lodged instead.

Supporting documentation

24. If a deed is executed under a Power of Attorney, the relevant Power and Certification must be lodged. Please consult Legal Office Notice 3/2010 for our requirements.
25. If a deed is executed by Receiver requirements in Legal Office Notice 6/2014 must be met.
26. Lodge relevant Deed of Release / Vacate in respect of any mortgage on title that has been redeemed in full and no longer affects the application property.
27. Lodge all Grants of Probate with Wills annexed, or Letters of Administration and certificates (original or solicitor certified copies) of any deaths on title.

Applicant Companies or Corporate organisations on title

28. For Irish Incorporated applicant Companies, lodge Certificate of Incorporation (original/certified copy).
29. For Foreign applicant Companies, lodge details of Country of Incorporation, evidence of Incorporation in that country and an address in the State for service of Notices.
30. Where title deeds lodged have been executed by Irish Companies/Corporate organisations, they must be executed in accordance with the Company Constitution/Corporate Body legal requirements.
31. Where title deeds lodged have been executed by Foreign Companies, lodge a certificate from a legal practitioner from the relevant jurisdiction/ a legal practitioner who has sufficient knowledge of the laws of the relevant jurisdiction, certifying that the deed/instrument was executed in accordance with the relevant domestic law. (Rule 74 (5) Land Registration Rules 2012).
32. Where the applicant company is registered as an Irish Collective Asset-management Vehicle (ICAV), lodge a certified copy of the Registration Order from the Central Bank, searches of the register maintained by the Central Bank, duly explained, and In the case of a converted company, a certified copy of Certificate of De-registration of Company from the Registrar of Companies. (Legal Office Notice 2/2015).

Searches

33. You must lodge the following searches and explain all acts appearing thereon:
 - a. Judgment Office searches for the past 5 years against all parties appearing on the title.
 - b. Registry of Deeds searches against all parties appearing on the title from the purchaser in the root deed right up to and including the applicant's deed. There must be no gaps in the searches lodged.
 - c. Companies Office searches against an applicant company. If there is a debenture registered in the Companies Office you must certify if it has crystallised or not.
34. Acts disclosed in all Searches lodged must be fully explained and commented on as to whether the acts disclosed affect the title applied for and all searches lodged must be signed and dated by an individual solicitor.
35. Any mortgage on title must be satisfied or lodged for registration.

Property Description in Applicant's Deed and Maps on Title

36. The plot on the Application Map must correspond with the map/property description in the root of title deed.
37. Where a case involves a single property or a commercial/residential development with multiple titles a composite title map must be lodged, with the extent of the individual Lots shaded in different colours on the application map.
38. If additional property has been acquired that falls outside the title documents lodged then, a separate application will be required to show how title to this additional property has been acquired.
39. The boundaries of the property as identified on the application map must be wholly comprised within the boundaries on the title documents lodged with the application.