



**Tailte  
Éireann**

Clinicín, Luacháil,  
Suirbhíocht  
Registration, Valuation,  
Surveying

## Form 5 checklist containing most common errors with an application

Practitioners must ensure that they consult the Practice Directions, all relevant Legal Office Notices, Land Registry Rules, Forms and Registration Mapping Guidelines available on our website [www.tailte.ie](http://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](http://www.tailte.ie).

### Personal Applicants

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

### Form 17

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

### Supporting Documents

6. A certificate of discharge from CAT must be lodged.
7. All grants of probate with wills annexed, or letters of administration and certificates of any deaths, where required, must be exhibited.

### Mapping

8. An application map that meets the requirements set out in the [Registration Mapping Guides](#) (QR Code below) must be lodged.
9. The map must only include the property that is being applied for and not a property that is unrelated to the application. Any registered property should be dealt with in a separate Form 6.
10. The description in the First Schedule of the Form 5 must match the map.
11. Where the application is for a multi-storey registration, a location map and floor plan(s) must be lodged.

### Searches

12. 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 on the title from the commencement of possession to date, or for the past 30 years if possession commenced more than 30 years ago. There can 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 clarify if it has crystallised or not.
13. Acts disclosed in all Searches lodged must be fully explained and commented on as to whether the acts affect the title applied for, and all searches lodged must be signed and dated by an individual solicitor.
14. Any Mortgage on title must be satisfied or lodged for registration.

## **Form 5 Affidavit**

15. The Form 5 affidavit must comply with the prescribed form i.e. Form 5 of the Schedule of Forms to the Land Registration Rules 2021.

### **Paragraph 1**

16. The affidavit must be less than 1 year old.
17. Applicant should not apply as personal representative of the deceased person formerly in possession unless evidence is lodged of a contract for sale that is dependent on registration.
18. 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 they are authorised to make the affidavit and that they have the requisite means of knowledge.
19. All applicants must apply (ensure all applicants have sworn the affidavit).
20. The affidavit must claim at least the relevant statutory limitation period (generally 12 years for an individual, 30 years for State property).
21. All exhibits referred to in the affidavit must be exhibited and be as stated (e.g. original, certified copy, plain copy etc.).

### **Paragraph 2**

22. All deeds and documents referred to must be exhibited.
23. All deaths on the title must be evidenced, or if not evidenced, an explanation provided as to why no evidence can be produced.
24. A continuous chain of possession of the property of sufficient duration from the commencement of possession by the applicant, or their predecessors, to date must be shown.
25. Where a party in the chain of possession is a dissolved company, the implications of Section 28 of the State Property Act, 1954 (vesting of property in the Minister) must be dealt with.
26. All parties who may have had some claim to the property, whether on possession or entitlement under an estate, must be accounted for.
27. The position of any person with a disability must be accounted for.
28. Where an older affidavit/declaration is relied on, the veracity of the affidavit must be affirmed by the current applicant.

### **Paragraph 3**

29. The title to the property must be identified.
30. Evidence must be presented of the title applied for.

### **Paragraph 4**

31. The use must be sufficient and it must be inconsistent with the interests of the true owner.
32. The use should not be intermittent, or of insufficient frequency, to be regarded as possession.
33. If other people have used the property, it must be shown how their use does not amount to possession.

### **Paragraph 5**

34. If the property has been subject to a rent, evidence of the determination of the tenancy must be provided.

### **Paragraph 6**

35. Appropriate deletions/modifications made.

### **Paragraph 7**

36. If the property is used in conjunction with leasehold property, evidence must be lodged to rebut the presumption of encroachment.

### **Paragraph 8-16**

37. In the prescribed format – appropriate modifications/deletions made.
38. Required exhibits must be lodged.

### **Paragraph 17**

39. 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.

### **First Schedule**

40. The description of the property in the schedule must conform to the application map.

### **Second Schedule**

41. Dispossessed owners/successors must be identified and addresses provided. Where addresses are not available, evidence of searches for the person must be provided.

42. All adjoining owners' names and current addresses must be provided (including property to the rear).

### **Jurat**

43. 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.).

44. 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.

## **Mapping Guides QR Code**

