**FORM 68**

*Application for registration of easement or profit à prendre acquired by prescription (Rule 46 and Section 49A)*

**LAND REGISTRY**

**County Folio** *(if registered land)*

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

1. I, (and my predecessors in title) have enjoyed the easement/*profit à prendre* specified in the First Schedule hereto, continuously (without interruption) and openly for upwards of  years without permission. *(see Note (1))*
2. (*Describe how and when the user period began and set out such facts as are relied upon in support of the applicant's claim to have established his right. The applicant must establish that there was at all material times a capable grantor and grantee, that the right was capable of forming the subject matter of a grant, that the right claimed was acquired by prescription and was not a public right of way, customary right, franchise or licence, nor acquired by express grant or reservation nor is it an easement of necessity or other implied right, that there has been the requisite period of user, that the exercise of the right has been without force, without secrecy and without permission and that the grant of the right would not have been illegal*).
3. I am entitled for my own benefit to the property specified in the Second Schedule which enjoys the benefit of the right claimed (*describe how the property so benefits*). (*Where the property is unregistered the application must be accompanied by an application for first registration pursuant to Rules 14 to 19*). *(see Note (2))*
4. The property over which the right is exercised is set out in the Third Schedule and the name and address (*if known*) of the owner is supplied for notice purposes. *(see Note (3))*
5. I am not aware of any question or doubt affecting the right, or any part thereof, or of any matter or thing whereby the right is, or may be impeached, affected, or called in question in any manner whatsoever.
6. There is not to my knowledge any person interested in the entitlement claimed under this application and (*or)* the servient lands who is under the age of 18 years, or is of unsound mind, (except - *give name and address of any person interested who is a minor or of unsound mind and of his/her guardian or committee, or trustees under Section 57 of the Succession Act, 1965, if any*) and no proceedings are pending in any court relating to the said entitlement (except - *give particulars of any pending action or suit*).
7. I apply that the foregoing right be-
	1. registered as a burden within Section 69(1)(j) of the Act, (*provided that the servient land is registered land*),
	2. entered in the register as an appurtenance pursuant to Section 82 of the Act or, in the case of a *profit à prendre* held in gross entered in the register of ownership maintained under Section 8(b)(i) of the Act .

**First Schedule**

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| Description of easement or *profit à prendre*: |
| (*To contain a full and unambiguous description of the easement or profit à prendre by reference to an application map suitably marked see Rules 29 and 56*) |

**Second Schedule**

*(see Note (2))*

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| Description of dominant land owned by applicant: |
| (*By reference to folio number if the land is registered. If part only of the folio or if an application for first registration being made by reference to property edged red on the application map*) |

**Third Schedule**

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| Description of servient land and name and address of the owner (if known): |
| (*By reference to folio number if the land is registered. If servient land is unregistered, by reference to property edged red on the application map*.) |

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| Signature of deponent.I. X.Y., hereby certify that I know the deponent. Signature | Sworn this the day of , 20 , at in the county of before me a Commissioner for Oaths (*or other qualified person*) and I know the deponent (*or*, I know X.Y., who certifies his/her knowledge of the deponent). Signature  |

Note (1) - An application under Section 49A of the Act, can only be established in accordance with the provisions of sections 2 and 3 of the Land and Conveyancing Law Reform Act 2021.

Note (2) - Paragraph 3 of Form 68 and the Second Schedule can be omitted where the application is for registration of a *profit à prendre* held in gross.

Note (3) - Where the owner (where known) of the land in the Third Schedule is deceased, details to be provided of his/her personal representative. If there is no personal representative, details of his/her next of kin are to be provided for service of notice.

Note (4) - If the Authority is not satisfied that there is an entitlement to the easement or *profit à prendre* or if an objection raises doubt as to the applicant’s entitlement the application may be refused.