



FAQ's - Documentary First Registration

1- Q: Can you use a Form 3 on First Registration on the remortgage (where there is no actual sale) of a property?

A: No, a Form 3 can only be used in respect of a suitable conveyance or assignment for monetary consideration that is less than 5 years old.

2- Q: Are there any plans to increase the €1m limit on Form 3 applications, perhaps to align with the minimum required amount of solicitors?

A: We cannot comment on this as any plans on this area are a policy matter. We can only provide answers to questions on current practice and procedure.

3- Q: Please advise as to why TÉ are looking for death certificates to be certified as true copies with regard to Form 47 Registrations.

A: Our casework staff do not have access to the registry of births, deaths or marriages or the probate office records. However, Tailte Éireann will accept a solicitor certified copy of the original death certificate in Form 47 applications lodged by a solicitor. We will continue to apply the Transmissions Practice Direction strictly at our validation check for all other scenarios involving the administration of an estate.

In relation to death certificates, grants of probate and certificate of incorporation practitioners should note that:

- We will accept plain copy certificates of incorporation as we can carry out searches in the CRO ourselves.
- We will accept a solicitor certified true copy of a death certificate in Form 47 and Form 57B cases
- We will require the original death certificate or an official copy death certificate for all other Transmission applications as per the current Practice Direction.
- We will require the original Letters of Administration and or Grant of Probate or the official copy from the Probate office for all other Transmission applications as per the current Practice Direction.



The above all applies to registered title applications.

In relation to first registration of title applications it depends on the age of the documents involved and how far back on title they go. If they pre-date a root deed (15 years and older for value) we are generally not too concerned with plain copies of death certificates or certificates of incorporation etc. If the documents are more recent on title, then we will look for the originals to be lodged or an explanation on the cover letter lodged with the application as to why same cannot be produced. This would have to be taken on a case-by-case basis.

4- Q: I have a first registration dating back to 2018, been in and out of TÉ, relogged in June 2025 and when an expedite request was lodged, we were told it could not be expedited as it was only lodged in June (but was a relog). Clearly therefore not trying to clear old registrations. What is the advice?

A: As the application is a First Registration application it has not lost any priority as the date of settling the Folio is the date of registration not the date of lodgement of the application. I would ask why it has been in and out of TÉ on more than 2 occasions and recommend that the solicitor ensures the application is in order before re-lodging it. The expedite process is there to FastTrack applications where there is an urgent and specific reason as to why the application needs to jump the queue. If this reason is set out in the letter requesting the case be expedited it will be assessed accordingly.

5- Q: Where a first registration application is being made in the case of a company owning property over which a receiver is appointed on foot of a security over the subject property that receiver acting as attorney of the company with the requisite knowledge swear the Form 1 or 2 affidavit grounding the application provided the requisite power is included in the underlying security document. If not, by whom should the application be made/affidavit sworn?

A: The TÉ position is that a Receiver cannot make an application for first registration as they are deemed not to have the necessary means of knowledge of the title to swear the grounding affidavit. When the receiver sells on the subject property, the new owners can make their application for first registration.



6- Q: Please can you confirm the correct Form for a Deed of Assurance where the subject property is unregistered title the subject of a first registration application. Should the Deed of Assurance refer to the dealing number?

A: If the interest acquired is freehold, the deed will be a Conveyance. If the interest is leasehold, the deed will be an Assignment. In either case, the deed should not refer to a dealing number. At the time of execution, the property is unregistered and should be described as such in the deed.

7 - Q: Can you do a first registration via Form 1 when the last deed on title is an assent?

A: Yes, provided documentary title commencing with an appropriate Good Root of Title is submitted.

8- Q: We bought an unregistered Leasehold, which subsequently had an unregistered Vesting Certificate. We submitted a Form 3 in the usual manner. We were then told that in fact the property formed part of a Head Folio (which appears to be a large housing estate in Dublin) built in the 1950s. Can you advise how to proceed?

A: The subsequent acquisition of the freehold interest constitutes an enlargement of a prior interest and is therefore not suitable for registration under the Form 3 procedure. An application should be made in Form 1 or 2 as appropriate. Please refer to our Practice Direction on Vesting Certificates.

9- Q: I note reference to the checklists having been recently updated / enhanced. Could TÉ provide updates to the profession when the checklists (and practice directions) are updated and what exactly has been updated? It can be very difficult to keep abreast of these changes without notification and having changes flagged would help to minimise errors in applications.

A: We do notify the Conveyancing Committee in the Law Society of Ireland when we update anything on the website. A notification about these updates was sent to the committee.

10- Q: Where can I download the checklist and guide?

A: You can access the Form 1 and Form 2 Checklist and Guide on [Tailte.ie](https://www.tailte.ie).



11- Q: What is the timeframe for the validation team to review an application?

A: We cannot give a timeline for review as some applications vary in complexity and may or may not require mapping. We have included timelines in the [video for the query management process](#).

12- Q: Does a "Pre-completion" status on LandDirect mean that the application will be completed or might there be further rulings or queries raised?

A: It means an application is nearing completion but final Registry of Deeds and Judgement searches have to be conducted. If acts on title appear within said searches this will give rise to further rulings.

13- Q: What is the definition of 'Law Agent' for swearing Form 1 or 2? Is the acting solicitor appropriate?

A: The Law Agent refers to a senior legal professional employed directly by a local authority or government body to manage its legal affairs. Unlike a private practice solicitor, a law agent serves as the in-house chief legal officer for a specific public entity.

14-Q: What about execution by a registered partnership?

A: TÉ cannot register a general partnership/limited partnership as owner on the register of owners of freehold or leasehold land maintained under section 8 of the Registration of Title Act 1964. Any property held by a partnership vests in the individual partners in their respective shares as tenants in common. The Limited Partnerships Act 1907 does not give a limited partnership a separate legal identity. The position for partnerships both general and limited is the same in terms of first registration applications. All members of the partnership must swear the Form 1 or 2 affidavit as they are all applying to become registered owners of this property and the state is guaranteeing all of their respective legal interests in said title.

15 - Q: Can a Legal Personal Representative (LPR) apply for first registration in their name?



A: Yes, in limited circumstances an LPR can be registered as owner where it is shown that they are doing so to facilitate the administration of the estate of the deceased owner. An inhibition will be entered on the new Folio to reflect this.

16-Q: Is title unregistrable so for a period that the Company is receivership unless you can get a director/secretary to sign/swear the affidavit? Presuming for the purposes of the query that the Form 3 route isn't appropriate.

A: When the receiver sells on the subject property, the new owners can make their application for first registration. The State guarantees the purchasers title not the Vendor's title. The receiver is acting as an agent typically for the vendor or borrower if selling as mortgagee in possession. The application must be made by the person that has purchased the property and is in disputed possession of the property or in receipt of the rents and profits at the time of registration of the title.

17-Q: Can it cause an issue with first registration where there is no 'title deed' map?

A: If there is no map on the root of title deed, TÉ may request, inter alia, names and addresses of adjoining owners, Valuation Office searches, certificate from a surveyor or the erection of a site notice. It will depend on the nature of the subject property and will be viewed on a case-by-case basis. Additional proofs might not be required in an urban setting where a property is described on title as a numbered premises on a street, and the OS mapping relating to that street is unambiguous but if the property descriptions in schedules to deeds on title or maps on any prior title deeds denote an anomaly with the boundaries on title then this will be investigated further. We may call for an earlier deed to be lodged that exhibits the map to the title being sought for registration purposes.

18-Q: If there is a judgement mortgage on title which is over 12 years old, does this need to be lodged and referred to in an application for first registration?

A: If you are claiming a charge/judgement mortgage is statute barred this needs to be set out in your application and cover letter. If no explanation furnished, then please lodge it as the validation team will reject it otherwise.



19-Q: Could you use a Form 3 where the last conveyance was a transfer from husband to husband and wife (no value).

A: No. Voluntary transfers not permissible under a Form 3.

20- Q: I need to lodge a Form 1 and will need to show a previous deed on title to show the root. The stamp cert is missing from this deed. How do I proceed?

A: The document will need to be presented to Revenue for stamping if stamping was not done on said document.

21- Q: What is the Land Registry's policy if the lease or fee farm grant is missing and there is no memorial in the Registry of Deeds. The Lease or Fee Farm grant is mentioned in the subsequent deeds or assignments but no copy of it remains.

A: If the details of the relevant Fee Farm Grant or Lease are referred to in the recitals of a deed which is over 15 years old, this may be taken sufficient evidence pursuant to Section 59 of the Land and Conveyancing Law Reform Act 2009. Same should be accompanied by an appropriate Lost Deeds affidavit and relevant indemnity from the applicant.

22- Q: I had a Form 2 application rejected in April because I lodged an officially attested copy of a Memorial in place of a Deed of Assignment. The applicant did not hold the Deed of Assignment. The reason for rejection was that only 'original' documents of title can be lodged. What if a Fee Farm Grant, from, say, 1847 is in the Root of Title, but this historic 1847 FFG covers a large geographical area affecting a significant number of properties, in, say, Dublin City Centre. The original 1847 FFG will obviously not be held by the applicant. An attested copy memorial could be submitted. But, the rejection letter I received indicated that 'only' original documents can be lodged. Can you comment on this? Should the rejection letter have been couched in more qualified terms?

A: This needs to be set out in your cover letter. Where the document pertains to more than the application lands we can accept a booklet of title containing certified copies of the original documents and/or where a document is missing we can accept an affidavit of lost documents exhibiting the best secondary evidence of the missing document e.g. registry of deeds memorial and containing the usual averments re searches conducted and the indemnity clause etc. Please ensure



that where you are not in a position to lodge original documents that you explain same in your cover letter.

23- Q: For a lay person lodgement without legal Solicitor support, is guidance given to assist with judgements and searches of title?

A: No, TÉ is not an advisory body. Our Practice Direction on First Registration of Title sets out our requirements. However, we recommend that in complex cases such as these that an applicant seek legal advice before lodging an application.

24- Q: Can Counsel's Opinion be used in Form 1 or 2 applications and could this minimise the queries/ruling and can some elaboration be given as to when TÉ envisages Counsel's Opinion can/should be used

A: Counsel's Opinion may be lodged in conjunction with a Form 1 or 2 application if a practitioner feels that title to a property or certain issues within same appear to be complex. However, it is no guarantee that it will minimise the number of rulings issued on an application.

25- Q: Is there a time limited on maps used in such an application. For example, if the map is prepared by an architect / engineer and is land registry compliant but has been prepared a couple of years before submitted along with your application?

A: No, there is no time limit. However, you must ensure the map is compliant with current requirements so if the map is an old one our requirements may have changed in the meantime. Please consult the [mapping guidelines](#) on our website.

26- Q: With regard to Deeds of Release by executed by other parties. The party entitled to the Mortgage following the Global Deed of Transfer typically is reluctant, slow, unwilling or unable to provide the necessary certified copy documentation (CC Redacted Global Deed, CC Power of Attorney and CC Solicitors Statement). They have since changed panel solicitors a number of times and obtaining the documentation is incredibly difficult. A joint practice note by Tailte and the Law Society would assist emphasising the obligation on the mortgagee in providing the documentation. Failing this will Tailte accept a memorial of the global deed as evidence of the mortgagee's entitlement to execute the deed of release?



A: A Memorial of the Global Deed of Transfer may be acceptable in such cases, provided the schedule of said memorial clearly lists the relevant mortgage affecting the application property. Please ensure this is set out in your cover letter. Practitioners should note that our requirements regarding certified copy power of attorney, solicitors' statements etc. will still apply.

27- Q: In the merger sample statement of title, would it be necessary to give a statement of the leasehold title if the leasehold only affected part of the property, and that portion of the property had since been sold separately and no longer affected the freehold title being submitted for registration?

A: If the leasehold title is over an area which is not the application lands, then there is no need to set out said leasehold title. For avoidance of doubt, you need to make it clear if the lease is referenced anywhere in the recitals of the freehold documents on title that said lease does not affect the application lands.

28- Q: If you buy 2 parcels of land in one transaction - one registered parcel and one unregistered parcel - should the registered portion also be referred to in the Form 1 or 2/3 and can it be registered in that way or do you need to make a separate application to register the transfer of the registered parcel as well as the first registration application?

A: The application in respect of the registered portion can be included with the first registration application, note the relevant fees for both. There is no need to mention the registered portion in the Form 1 affidavit you just need to lodge the deed of transfer for the registered portion and ensure your Form 17 takes account of both the Form 1 or 2/3 application as well as the transfer of the Folio.

29- Q: Can a Vesting Certificate issued under S22(1)(b) be lodged under Form 3 or does the leasehold title need investigation?

A: The acquisition of the freehold interest in the property on foot of the Vesting Certificate constitutes an enlargement of a prior interest and is therefore not suitable for registration under the Form 3 procedure. An application should be made in Form 1 or Form 2 as appropriate. Please see our [Practice Direction on Vesting Certificates](#) for more information.

30- Q: If the vendors failed to lodge their deed for first registration, can the purchasers purchase and lodge their own first registration application and include the vendors' unregistered deed?



A: It is the purchaser's responsibility to register their title once compulsorily registrable not the vendors.

31- Q: In circumstances where there is no map on title and the property has been through the years by reference to an address only i.e. 123 Fake Street, Dublin. The address is vague and does not reference adjoining premises. How can we satisfy Tailte Éireann that the LR approved map submitted covers what is actually being assured by the relevant deed?

A: If there is no map on the root of title deed, TÉ may request, inter alia, names and addresses of adjoining owners, Valuation search certificate from a surveyor or the erection of a site notice. It will depend on the nature of the subject property and will be viewed on a case-by-case basis. See Q 17 above.

32- Q: In the case of an application for multiple lots, which is your application map that you refer to in Part 1, is it the composite map with lots identified or an outline of the entire site both complying with Land Registry format?

A: Part 1 of the affidavit in Form 1 or 2 should refer to the composite map which identifies the relevant lots.

33- Q: Where the applicant has acquired pre 1967 unregistered leasehold title, where the freehold is already registered in the land registry, does compulsory registration apply in respect of that unregistered leasehold title. If so, can an application be made to register a leasehold folio without the assent of the owner of the freehold folio?

A: If the leasehold interest is acquired by an assignment on sale, then it is subject to compulsory registration. Yes, it is possible to register a new leasehold folio without the assent of the freehold owner. No burden will be entered on the freehold folio.

34- Q: Is the requirement for confirmation re non-crystallisation of a debenture of the applicant new?

A: No, this is a long-standing requirement when dealing with an Applicant Company.

35- Q: Can an Assent be used as a Good Root of Title?



A: No. The document must be for value and 15 years and older.

36- Q: Is a vesting certificate a Good Root of Title, or do you need to provide proof of prior title?

A: The Vesting Certificate is a Good Root for the freehold interest. It must be accompanied by the original Lease and the Deed of Assignment of said leasehold interest to the person who acquired the Vesting Certificate.

37- Q: For 'searches on title in the past 5 years', is this the 5 years from the date of deed being registered, even if that registration is taking place sometime after the date of the deed?

A: The 5 years relates to Judgement Mortgage searches on all parties appearing on the title within the past five years as of the date of execution of the Form. Registry of Deeds searches relate to all parties appearing on title from the root deed up to and including the applicants.

38- Q: Where there is a discrepancy between the words describing the area being conveyed in the Deed of Conveyance with the size of the area marked on the map annexed to the Deed of Conveyance i.e. the area marked on the map is larger than the area description in the wording of the Deed- the Deed is > 50 years old. The applicant is in full possession of the area on the map and has been since the date of acquisition. What will TÉ require in these circumstances where the Form 1 seeks registration of the area marked on the map being a large area than recited in the Deed?

A: Where the application lands exceed the parameters of the lands conveyed by the Root of Title deed, a suitable application in Form 5 should be made in respect of relevant additional area. The boundaries on title must relate to the descriptions in the deeds on title.

39- Q: Can you use a Form 3 if there are lost deeds?

A: No. A Form 3 is predicated on there being documentary title to the property and that the certifying solicitor has had sight of and has examined same. If the deeds are lost then it calls into question the certificate itself.



40- Q- The requirement for Registry of Deeds searches is stated to be against all parties on title from the root covering the period of possession. The root may be a very old lease/fee from grant and then pass to a deed for value over 15 years old. Are searches required for the intermediate title?

A: Registry of Deeds searches may commence with the Purchaser in the most recent deed that constitute a **Good Root of Title**. The root deed is a Conveyance or Assignment for value that is 15 years or older after which there is no gap in the chain of title. You can skip the fee farm grant/ lease to this root document.

41- Q: If an original lease has been lost but I have a plain copy of the Stamped Lease, how can i deal with the requirement to have a certified copy of the lease?

A: A plain copy may be accepted in these circumstances if accompanied by an appropriate Lost Deeds affidavit and relevant indemnity from the applicant as we have evidence of it being stamped.

42- Q: Can an Indemnity from the client be provided made in favour of TÉ where title deeds have been lost and no memorials can be located

A: The indemnity must cover TÉ and the State and be accompanied by a Lost Deeds affidavit. See [practice direction on Lost Deeds](#) for more information.

43- Q: There is no reference in the slide re Lost Deeds to a Defective Title Insurance indemnity insurance. Could you please set out when this is necessary?

A: When dealing with applications based on lost deeds, a Defective Title Insurance Bond may be lodged in lieu of the indemnity by the Applicant. The policy must however, list TÉ and the State as insured parties and cannot have exclusion clauses relating to TÉ making enquiries.

44- Q: A Deed for Value is a Good Root of Title if 15 years old - How old must the root be if all deeds on title are Voluntary/ Assents following a death on title – usually a family property where there has been no Deed for Value?

A: This application does not fall under the requirements for compulsory registration of title. If there is no deed of conveyance or assignment on a sale appearing on title at all it may be that a Form 5 application will need to be lodged



instead, or title can remain unregistered until it is sold and is required by law to be entered onto the register at that stage.

45- Q: Can you use a Form 3 application where there may be a potential adverse possession claim to part of the lands to be registered.

A: No. This would be in conflict with Paragraph 4 of the Form 3, where the practitioner certifies that the property remains free from any adverse rights.

46- Q: In an application for first registration where notices have been issued by Tailte Éireann to neighbouring properties, how long is the notice period before the registration can proceed?

A: While the LR Rules do not specify the length of the notice period, generally a notice period of 21 days is given.

47- Q: If title is mixed (registered and unregistered) is it correct that separate deeds should be used, as opposed to a joint deed dealing with both types?

A: There is no requirement to use separate deeds in respect of the registered and unregistered interests. A joint deed is acceptable.

48- Q: In the event of a withdrawal by the second solicitor of the first solicitor's dealing, presumably the refund of fees goes to the first solicitor?

A: If the first solicitor has given the appropriate consent for the second solicitor to take over a dealing, and that dealing is subsequently withdrawn by the second solicitor, then the balance of fees will be refunded to the second solicitor as they are the acting firm with carriage of the application.

49- Q: I am selling an unregistered property. Our office made a previous Form 3 first registration application that was abandoned as a result of unanswered mapping queries where we were unable to get the vendor to furnish better maps. Better maps have now been acquired which should satisfy the old queries. We are now selling with the property unregistered and no dealing pending with the expectation that the purchasers can make their own dealing. Should the new buyer be able to proceed on this basis?

A: Yes, the new owner can make their own application for first registration.



50- Q: Can you apply for First Registration where the original Lease (more than 100 years old) is lost and there is no copy of it? There is a memorial, but it doesn't contain the obligations in the lease etc.

A: Yes, a memorial may be accepted, if accompanied by an appropriate Lost Deeds affidavit and relevant indemnity from the applicant. Regarding the covenants and conditions, the lease entry will be a generic one the Folio if the detail is not set out specifically in the memorial details. e.g. subject to the covenants, conditions (if any) as specified in lease dated ...

51- Q: In respect of a Global Deed of Transfer of Security executed under POA on behalf of a Foreign Bank e.g. Bank of Scotland, is it sufficient to get a certificate from a foreign lawyer in accordance with Rule 74(5) i.e. that the Global deed was executed in accordance with the laws of that foreign Jurisdiction, and a copy of the POA and Legal Statement are not required.

A: No, a copy of the Power of Attorney and legal statement must be lodged.

52- Q: Should searches be sent at time of lodgement of application or should we wait until rulings on title are received?

A: Searches should be sent at time of lodgement.

53- Q: Where you are submitting a Form 1 on behalf of a partnership, and the Form 1 has been signed by the nominated partner under the partnership deed - is this acceptable or do all named partners need to execute the Form 1?

A: The Form 1 must be signed by all members of the partnership.

54- Q: If a deed comprises of registered and unregistered land, can you do an application for first registration of the unregistered parcel and an application for registration of the registered parcel in the same application?

A: Yes, registration of both the registered and unregistered lands can be made under the one application.

Note the relevant fees for both and ensure Form 17 reflects both applications.



55- Q: In respect of searches is it from the Good Root of Title that you submit searches from?

A: Yes, searches begin with the purchaser in the Root of Title deed i.e. the deed after which there is no gap in the chain of title and searches must be against all parties on title from the purchasers in this root deed to the applicant's deed.

56- Q: In a situation where a client has purchased land the subject of an application for registration, have we to wait until that application is finalised to lodge our client's application or do we lodge a Form 3 on foot of the deed and dealing already lodged?

A: The Vendor, having disposed of their interest in the property, is no longer entitled to be registered as owner. The new owner must lodge their own application in Form 1 or 2 of Form 3 as appropriate.

57- Q: If the searches are clear, do they need to be signed?

A: If by "clear" the question infers that there are no acts returned on the search, then there is no requirement for them to be signed. However, where there are acts returned on the search, but they do not affect the application property, then the search must be clearly endorsed with the appropriate explanation, and the searches signed and dated. The solicitor signing these searches is attesting the comments beside the acts returned on these search results. A generic firm stamp does not indicate that there was direct knowledge of the title by the person who stamped the search results, nor does it indicate that that person had the authority to explain or comment on the acts returned in the search.

58- Q: If the conveyance Deed includes a new Grant of Right of Way not existing prior to the assurance the subject of a First Registration (FR), is this burden registered on the new Folio or ought a separate Form for registration be used. Does the position change if the servant/dominant land is already registered.

A: Where the Grant of Right of Way is created prior to the first registration of the property, it affects without registration pursuant to S72 of the Registration of Title Act 1964. No registration will be made on the new Folio opened.



59- Q: What if your root of title is a 1800s lease and there are no searches with the deeds? Do you require searches from the date of the lease or is there any exception there?

A: Searches may commence from 01 January 1970 in such cases or if you have a later assignment for value that is 15 years or older you skip from the lease to the assignment and carry out searches against the purchasers in the assignment deed covering all parties appearing on title thereafter including the applicants.

60- Q: Is it possible to convert good leasehold title to absolute title and if so what form is used?

A: Yes, note however that this will require the Lessors Title to be investigated and proven. There is currently no specific form for same, but a suitably amended Form 11 may be used.

61- Q: In a Form 2 application for absolute leasehold title is the leasehold interest registered as a burden on the freehold folio? If so, is the assent of the registered freehold owner required for the registration of the lease as a burden on the freehold folio?

A: The leasehold interest will only be registered as a burden on the underlying freehold Folio if the registered owner of said Folio has provided an assent to same.