



FAQ's - Form 3 and Non-Examiner Casework

- 1- Q: Is a High Court Order under S26 of the Trustees Act for an owner's management company (where the developer was dissolved) for the transfer of the common areas be the subject of a Form 3 First Registration?**

A: No, if the deed to the applicant is not a Conveyance/Assignment for monetary consideration it is not suitable for the Form 3 procedure.

- 2- Q: In the case of a transfer of part of a folio which is lodged with the usual Form 17, map and deed is there any situation where this is rejected for lack of a Form 3?**

A: If part of the subject property is unregistered then a First Registration application will also be required in either Form 3, or Form 1 or 2 as appropriate. Additional fees and supporting documentation will also be required.

- 3- Q: If you submit a dealing through the rejected dealing tab and change the application type will the fees transfer over to the new application?**

A: Yes, if submitted correctly through the relodge tab, the fees will carry over to the new dealing. The change of application type will not affect same.

- 4- Q: Where a Conveyance recites a low consideration (e.g. €5) is it deemed a voluntary Conveyance? How do you reconcile this with the axiom that consideration need not be adequate but must be real?**

A: If asked in the context of the Form 3 procedure, this would be viewed as nominal consideration and therefore not suitable for registration by way of Form 3.

- 5- Q: Registry deeds title - lease - vesting cert - since issued land registry folio registered for landlord title?**



A: May not be suitable for Form 3, as there may be an element of enlargement. Please see our Practice Direction on Vesting Certificates. <https://tailte.ie/practice-directions-vesting-certificates/>

6- Q: Is a Voluntary Transfer of a Leasehold Title from a Father to Daughter, exempt from compulsory Registration under S2 of the 1964 Act? Or does it require First Registration by way of a Form 2?

A: No, a Voluntary Assignment does not trigger compulsory First Registration.

7- Q: Would an obligation to maintain a laneway in common with other property owners be a S69 burden registrable on the title?

A: Yes, if it is contained as a covenant within a deed.

8- Q: I have a Deed of Transfer and Conveyance to be registered and the consideration payable is over €1 million. The unregistered portion of the title is very small and would have nominal value (however the consideration in the deed is over 1 million) for both registered title and unregistered title. Can I proceed to use Form 3?

A: A Form 3 would be suitable here. The consideration paid for the unregistered lands is less than €1 million, and although low in value, would not be treated as nominal in this case as it would be viewed within the context of the overall transaction.

9- Q: Where an Assignment of registry of deeds Leasehold title is obtained and the obligation to make an application for First Registration is triggered, where the Freehold is registered and has a folio but the Leasehold is Registry of Deeds title which appears as a burden on the Freehold Folio only, will a certified copy of the original lease along with the original Indenture of Assignment be sufficient in the Form 3 application for First Registration?

A: Yes.



10- Q: 1. If the Assignment you are lodging for First Registration includes a new right of residence does this have to be included in the Form 3?

Q:2. Can the map be signed by the surveyor on the face of the map or has it to be signed on the back of the map only?

A: 1. A right of residence is a Section 69 burden. 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.

A: 2. Depends on type of map Multi-Storey Building vs. non Multi-Storey Building etc please consult the [mapping guidelines](#) on our website.

11- Q:1. How to prepare a Form 3 where the Conveyance also includes a transfer of adjoining registered land?

2. Does Tailte Éireann bear the cost of updating the searches?

3. Should prior deeds on title which include covenants or easements affecting the property be lodged with the application and will those covenants and easements be registered as burdens?

A: 1. The Form 3 will only reference the unregistered portion of the lands acquired. A 'Transfer (Sale)' application type can also be entered under the one application in order to deal with the registered portion. Note the relevant fees for both application types and Form 17 must be completed accordingly.

A: 2. No.

A: 3. Yes.

13- Q: When lodging a Form 3 and the mortgage (Form 51) has been referred to in paragraph 8, do you still need to lodge a Deed of Charge as an application type on the Form 17?

A: In addition to "First Registration – Form 3" application Type (Land Registry (LR) fee - €130), the correct application type to enter for the mortgage is "**Charge lodged with First Registration**". This incurs no fee for the charge accompanying the First Registration application.



14- Q: In the slide “common errors”, it refers to assent if assent gives effect to a bequest in a will, is it considered a deed not for value and in what circumstances therefore would a deed of assent be captured by Form 3.

A: No, a Form 3 can only be used in respect of a Conveyance or Assignment for monetary consideration.

15– Q: What can be done if the deed/Assignment is more than 5 years.

A: Lodge an appropriate application in Form 1 or Form 2.

16- Q: Is Form 3 appropriate for First Registration of a lease which is carved out of all or part of property which is registered land?

A: If the leasehold interest is unregistered and the Assignment of said lease to the Applicant fits the Form 3 criteria, then yes a Form 3 may be used.

17- Q: Has the practice of a vendor’s solicitor lodging an original Grant of Probate with Tailte Éireann with consent to use of same by the Purchaser for registration of a registered title been discontinued?

A: Yes, this process has been discontinued. An original or official copy Grant of Probate must be lodged with each application. Please see the [Customer Notice published on 11th March 2025](#) on Tailte.ie.

18- Q: Does an Assent following Probate trigger compulsory First Registration?

A: No. Compulsory registration of title is triggered on a sale.

19- Q: If you are using Form 2 to register a good leasehold title on a new leasehold folio, is it correct that the root of title is the 21 plus year lease, and that no evidence of the landlord's prior title is required to



be shown. The concern is that the lease will have no age, it having itself triggered the requirement for registration.

A: Yes.

20- Q: Re Paragraph 4 of the Form 3. I certify that (save for the mortgage set out in paragraph 8) the said property remains free from any adverse rights, restrictive covenants or incumbrances (other than those already referred to on paragraph 3 hereof) and that there is not at the date of this certificate any transaction which affects or may affect the said property other than as stated herein. Do you delete (save for the mortgage set out in paragraph 8) if there is no mortgage or put a line through these words?

A: Yes, you delete it.

21- Q: If the head lease gives a right of way over roads (a) by reference to map attached to deed or (b) without reference to a map, is there any way to get this right of way notes on the new folio on First Registration?

A: Evidence of the Grantors title to the dominant tenant would have to be produced. If title to same is proven satisfactorily, then an appurtenant Note of Existence pursuant to S72 of the Registration of Title Act 1964 may be entered on the new Folio being opened.

22- Q: In relation to the Stamp Certificate there are some transactions where Stamp Duty is not payable, but a Certificate is required. There are no options within the Stamp Duty Return to insert the folio numbers. Are folio numbers required by Tailte Éireann for all Stamp Duty Certificates?

A: The Revenue Return allows for a maximum of five Folio numbers to be entered. The Certificate that issues show the Folio numbers, up to the maximum of five. If the Deed relates to registered land, then the relevant Folio number(s) must be listed on the Stamp Duty Certificate, up to the maximum allowable of five. If the Deed refers to unregistered property, then the Stamp Certificate must show the property address.

Note: It is unclear from the question as to what specific instance is being referred to, where there is no option to insert a Folio number.



23- Q: Where a deceased Registered Owner changed their name by Deed Poll but the Grant of Probate together with the Revenue Stamp Cert. shows the changed name, do Tailte Éireann require the original Deed Poll on the sale by the Legal Personal Representative? Or will a certified copy of the Deed Poll with an explanation be sufficient to register a Purchaser on Transfer?

A: A certified copy of the original Deed Poll, accompanied by the relevant Grant of Probate would be sufficient.

24- Q: We always register mortgages in the Registry of Deeds first, before proceeding with our Form 3 application noting the mortgage on title. Is it still necessary to register the mortgage in Registry of Deeds before we complete First Registration?

A: There is no obligation to register the Charge in the Registry of Deeds, however it is considered best practice to do so, and have its existence noted and priority protected.

25- Q: Can a conversion of unregistered property owned by one spouse into the joint spouse names as their family home be dealt with by Form 3?

A: No. Voluntary Conveyances are not appropriate for a Form 3.

26- Q: Is there an extra charge for the Deed of Charge lodged with Form 3 - over and above the €130 fee?

A: No. This is a "Charge lodged with a First Registration". Please ensure that is the application type selected as opposed to "Charge".

27- Q: If I am lodging a First Registration - Lost Title Deeds. Which Form is best to use? Form 1 or Form 3?

A: Form 1 or in some circumstances you may have to consider a Form 5 application it will depend on the documentation you have to support your application.



28- Q: In a case where a couple were registered as joint owners and when the first party dies, an application to remove that parties name from the folio is not lodged, what Form should be used to register the beneficiaries when the Grant of Probate to the surviving joint registered owner issues?

A: The Legal Personal Representative must complete a Form 47 in respect of the first deceased owner, accompanied by the relevant death certificate, and Grant of Probate for the last surviving owner. They also the lodge an assent and application for the beneficiaries as appropriate, see Forms 35 to 44 on Tailte.ie. This can all be lodged under the one dealing.

29- Q: If the Deed is for value, at arm's length, but the value is very low e.g. €10, can Form 3 be used?

A: No, this would be viewed as nominal consideration and not suitable for Form 3.

30- Q: Where the applicant is a company and the Form 3 is signed by the Company Secretary as company secretary is it necessary for that person to aver to having the appropriate authority to make the averments or is it sufficient for the applicant simply to be described as the Company Secretary?

A: The Form 3 must be signed by the individual solicitor. It cannot be signed by the Company Secretary.

31- Q: What is the position with original Lease maps attached to Leases. They are normally old and not in compliance with TÉ mapping requirements. The cost of preparing updated maps is causing issues for clients. Is there any work around for this - for apartment type property?

A: No, all applications for First Registration must be accompanied by appropriate Land Registry Compliant Maps.
Please see [Tailte Éireann Mapping Guidelines](#) for further information.

32- Q: If you buy property that has a leasehold folio and register this and later acquire the freehold interest by way of unregistered title, how do you



deal with the Form 3 when you want the leasehold and freehold to merge and want a freehold folio in the end?

A: This would constitute an enlargement and is not suitable for Form 3.

33- Q: If registering a leasehold interest and a freehold interest in the same property, if the leasehold interest gives rights to the tenant that the owner does not want to risk losing on foot of merger of the leasehold and freehold interests is it acceptable to leave both the leasehold and freehold folios in place?

A: Yes, it is ok to leave both in place, there is no obligation to merge the leasehold interest.

34- Q: I have a Deed of Assignment under which one third of the property is assented to under the grant of probate and the balance is purchased by the beneficiary and her husband, I presume that is a Form 1?

A: If acquired under a Deed of Assignment, this suggests a leasehold interest and would therefore require a Form 2. If, however, the interest acquired is freehold, then a Form 1 would be required.

35- Q: Can you use Form 3 to register an Assignment if the original Lease is missing? Only memorial available.

A: No, a suitable application in Form 2 should be lodged instead.

36- Q: Is it necessary to register a Deed of Assignment/Conveyance in the Registry of Deeds prior to sending same for a First Registration?

A: There is no obligation to register the Assignment/Conveyance in the Registry of Deeds, however it is considered best practice to do so, and have its existence noted.



37- Q: Should prior deeds on title which include covenants or easements affecting the property be lodged with the application and will those covenants and easements be registered as burdens?

A: Yes.

38- Q: On mapping, is a map signed on its face acceptable?

A: It depends on the type of map being lodged there are different considerations re a Multi-Storey Building map e.g., please consult the [mapping guidelines](#) on our website.

39- Q: How do you register the deed of Conveyance on the purchase of the freehold then?

A: First Registration application in Form 1.

40- Q: Can a Form 3 be used if I acquire a property by way of a deed of Conveyance and Assignment - in other words where I acquire an unregistered freehold title and unregistered leasehold title in the same property using one deed for value - and where I have investigated both freehold and leasehold and am satisfied with both - and where the deed contains a declaration of merger of the leasehold in the freehold.

A: Yes, if both interests are acquired by the same party under the same deed, then it is suitable for Form 3. What you cannot have is an enlargement of a prior interest.

41- Q: I see you do not require the charge to be registered in the Registry of Deeds before lodging in the land registry does the same apply to the purchase deed?

A: Yes. However as stated above it is considered best practice to do so and to protect the priority of the deed.



42: Q: Is there a rule that the Tailte Éireann map must be signed on the back of the map as opposed to on the face of the map?

A: For Muti Story registrations, requiring location map and floor plans, the engineer's signature may be placed on the back only. For all other maps, the signature can be either front or back. Please consult the relevant [mapping guidelines](#).

43: Q- What is the view of Tailte Éireann if the Certifying Solicitor relies on an Insurance Bond for title purposes. Presumably this application would not be appropriate under a Form 3?

A: This would not be suitable for Form 3, an appropriate application.

44: Q- Does nominal consideration trigger First Registration?

A: Section 24 of the Registration of Title Act 1964 states the registration becomes compulsory upon a Conveyance/Assignment on sale. It defines said Conveyance/Assignment on sale as being "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". Nominal consideration would therefore trigger compulsory registration.

45: Q: If you wish to register the leasehold interest under a lease, the lease being entered into now with a term of over 21 years, and you are using Form 2 to register a good leasehold title on a new leasehold folio. Do you need to show a root of title that is something other than the lease entered into now, with its term of over 21 plus years? Or do you need to show something else as the root? The concern is that the lease will have no age, it is having itself triggered the requirement for registration.

A: The Lease itself is the root of title in that case.

46- Q: If registration is pending under a Form 3 for a site which is now developed and the apartment units are for sale, how does the dealing proceed once the individual sales close?



A: Provided the Form 3 is correct at the time of lodgement, it will proceed to registration excluding the units which have been sold in the meantime. The new owners of these units will then have to lodge their own application for First Registration. See similar question 45 above.

47- Q: If a Form 3 application is lodged which includes a charge and prior to completion of the application the loan is refinanced and a new charge is executed, how is that dealt with in terms of the existing Form 3 application – can the now redeemed charge be withdrawn from the existing Form 3 application and can the application be modified to now include the new charge.

A: The initial Charge cannot be withdrawn; an appropriate Deed of Release must be produced. The second Charge can be lodged for association with the pending Form 3 application.

48- Q: You've noted the Conveyance or Assignment does not need to be lodged in Registry of Deeds first. Is it still advisable to lodge a vacate or discharge of prior charge in Registry of Deeds and awaiting notice of completion before completing the First Registration application?

A: There is no obligation to register the Vacate/Discharge in the Registry of Deeds, however it is considered best practice to do so, and have its existence recorded. This will then show up in continuation searches. Said document needs to be lodged with the First Registration application itself and dealt with in the Statement of Title.

49- Q: Would Tailte Éireann consider perhaps increasing the €1M cap for Form 3 applications which would assist in reducing the number of Form 1 and 2 applications which are taking much longer to complete?

A: Any discussions on this area are a policy matter and outside the scope of the Q&A.



50- Q: If the Root of Title is Voluntary and over 50 years old - is that a sufficient root for the Solicitor to rely on a Form 3?

A: No. A root of title needs to be at least 15 years and for value in order for it to be considered a good root. You will need to go back to an earlier deed on title that is for value