



An tÚdarás Clárúcháin Maoine  
Property Registration Authority

Land Registry Applications – What  
Can Go Wrong?  
*Preparing Applications For  
Lodgement in the PRA*

# Eamonn Morris

Casework & Corporate Services Manager

PRA, Chancery Street office

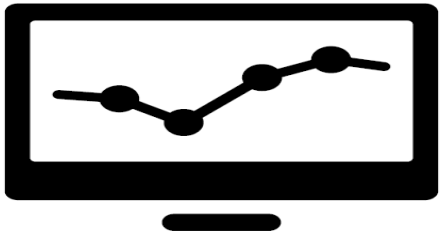


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# Content

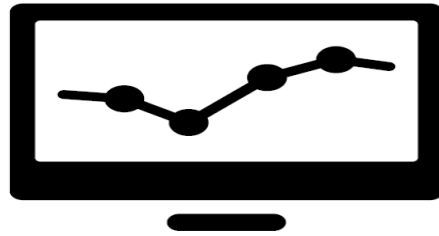
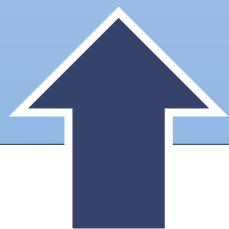
- PRA: Current Activity & New Initiatives
  - Property Alert
- Videos & Checklists
- Rejection Policy: Key Points
- Other Issues
- Form 3
- Electronic Payments
- Error in Registration

# Key Statistics YTD (at end October 2019)



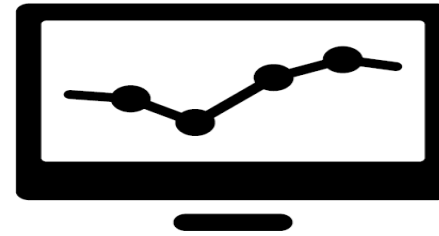
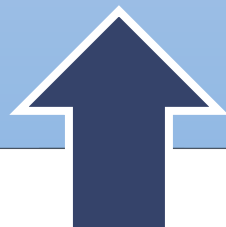
## Net Intake

- 213,389 transactions lodged YTD 2019
- +7% on YTD 2018



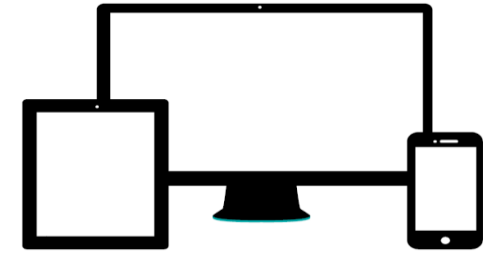
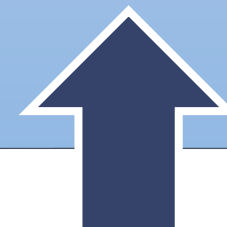
## Completions

- 212,000 transactions completed YTD 2019
- +5 % on YTD 2018



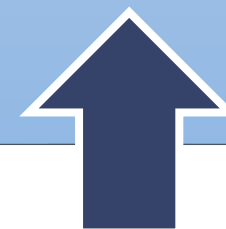
## FR Completions

- 3,671 FR Examiner Cases transactions completed YTD 2019
- +34% on YTD 2018



## Online Actions

- 8.7 million online actions YTD 2019
- +1% on YTD 2018



# New Initiatives - 2019

## PROPERTY ALERT:

- Property Alert was introduced in 2019 and participation levels are increasing
- A new, free, online service available to all that will allow property owners to monitor registered properties for possible fraudulent activity.
- Users of the service will receive email and/or text alerts when an application has been lodged with the PRA to update the Land Register.
- Early warning system that will allow owners to take appropriate action should they believe fraudulent activity has happened with their property



# New Initiatives - 2019

## STATE PROPERTY UNIT

- The State Property Unit (SPU) was established in the Waterford Office in early January 2019.
- The unit is responsible for processing all applications where the applicant is a state organisation.





# Videos & Checklists

The screenshot shows the Property Registration Authority website in Internet Explorer. The browser's address bar displays <https://www.prai.ie/>. The page title is "Property Registration Authority - Internet Explorer provided by PRA Browser". The main content area is titled "Information" and includes the instruction "Choose a heading to access links to our content". There are six navigation buttons arranged in a 2x3 grid:

- Customer Services (with a headset icon)
- Application & Mapping Guidelines (with a compass icon, circled in red)
- Fees (with a Euro symbol icon)
- Legal Practices (with a scales of justice icon)
- Legislation (with a gavel icon)
- FAQs (with a question mark icon)

The Windows taskbar at the bottom shows the system tray with the date and time: 09:16, 15/11/2018. The taskbar also displays icons for various applications including Internet Explorer, Outlook, PowerPoint, Word, and a calculator.




# Information

Choose a heading to access links to our content



Customer Services



Rejection Policy  
Mapping Guidelines  
Application Guidelines



Fees



Legal Practices



Legislation



FAQs





- Customer Services
- Land Registry Services
- Registry of Deeds Services
- Ground Rents Services
- FAQS
- Fees
- Forms
- Legal Practices
- Legislation
- Mapping Guidelines
- Application Guidelines
- Rejection Policy
- Contact
- Gaeilge

Google Custom Search

# Application Guidelines

Print Page

As part of our ongoing commitment to providing excellent customer service, we are currently developing a suite of instructional videos to assist in the preparation and lodgement of applications for registration.

These checklists can be viewed below.

## **Transfer – Application for registration of a change of ownership**

[Transfer Checklist and video](#)

## **Charge – Application for registration of a mortgage/loan**

[Charge Checklist and video](#)

## **Form 1 – Application for First Registration of a Freehold documentary title.**

[Form 1 checklist and video](#)

## **Form 2 – Application for First Registration of a Leasehold documentary title.**

[Form 2 checklist and video](#)

## **Form 17 – Application lodgement form.**


[Form 17 checklist and video](#)

## **Form 3 – Application for First Registration of a Freehold or a Leasehold documentary title certified by a lodging solicitor.**

[Form 3 Checklist and video](#)

- Customer Services
- Land Registry Services
- Registry of Deeds Services
- Ground Rents Services
- FAQS
- Fees
- Forms
- Legal Practices
- Legislation
- Mapping Guidelines
- Application Guidelines
- Rejection Policy
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- Gaeilge

# Form 3 Checklist

 Print Page



**All Form 3 applications must be lodged to our [Waterford Office](#).**

Applications for first registration of a conveyance, lease or assignment on sale, where **the consideration is less than €1,000,000** and they are permitted to be the subject of a Form 3 First Registration procedure. See [Practice Directions](#) for more information on cases that can be lodged using the Form 3 procedure.

### Document Required – Form 17 and Fees

1. Completed [Form 17](#)
2. Exact [Fees](#)

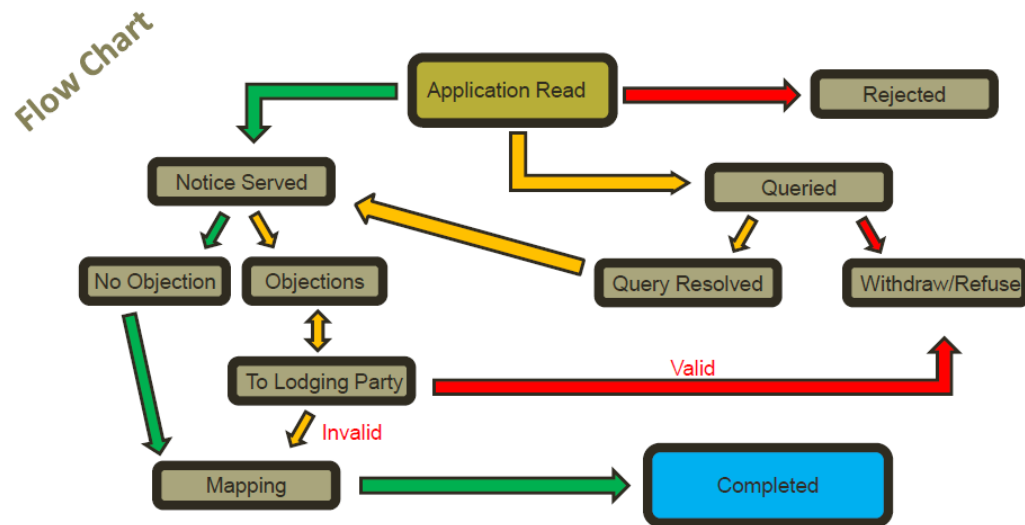
### Document Required – Form 3

1. [Form 3](#) must contain all paragraphs as prescribed in the current [Land Registry Rules](#).
2. The Form 3 must be dated within one month of lodgement and signed by the certifying solicitor.



# Registration Issues

(Common defects in applications lodged)



# PRA Rejection Policy

- In May 2018 the PRA updated their practice in relation to rejection of dealings. This policy can be accessed on our website at: <https://www.prai.ie/query-managementreview-and-rejection-of-applications-legal-office-notice-no-1-of-2018/>.
- This notice clarifies and sets out clearly the issues that will result in an application for registration being rejected and was intended to address concerns expressed by the Conveyancing Committee of the Law Society in relation to rejection of dealings.
- The grounds for rejection are set out in the Appendix to the Legal Office Notice and it is the PRA view that all these matters are essential for registration.



## Grounds for Rejection of Applications for Registration

1. Necessary documents required for registration have not been lodged (e.g. deed of transfer, leases etc.).
2. A defect or omission preventing registration that requires a deed to be amended and re-executed.
3. The deed is not properly executed or properly attested.
4. Incorrect folio and county references are quoted in the operative clause of a deed or in an assent.
5. The prescribed fees are not lodged.

(Applications should not be rejected on the sole basis of insufficient fees lodged).

6. No Stamp certificate or other evidence of revenue stamping is lodged

Under Stamp Duty Legal Office Notice no. 4 of 2014 /Examination of Documents the following rejection grounds are also listed:

- a) The stamp certificate security number does not correspond with the security number entered on the form 17
  - b) The date of execution of the deed on the stamp certificate does not correspond with the date on the relevant deed.
  - c) The relevant folio number is not inserted on the stamp certificate
  - d) The folio number quoted on the stamp certificate does not correspond with the folio number on the relevant deed.
7. A transmission application predates the date of an assent.
  8. An assent/application is incomplete in a transmission
  9. The shares, in which tenancies in common are to be held, are not stated in the deed, or otherwise in the application.
  11. A residential charge lodged on or after the 1st of December 2009 is not in the correct format.
  12. The jurat to an affidavit has not been completed



## Necessary documents for registration have not been lodged

- Form 17
  - Not signed by lodging Solicitor
- Deed of Transfer/Charge/Wayleave
- Lease & Counterpart Lease
- Transmission application – probate not lodged
- Power of Attorney (original or certified copy)
  - Legal Statement
- Map



A defect or omission preventing registration that requires a deed to be amended and re-executed

- Deeds do not adhere to format prescribed in L R Rules 2012
- Deed not dated/incorrect date
  - Charge predating transfer
- Incorrect folio or county quoted
- Consideration in Deed and Form 17 differ
- Transferor not properly identified or name differs from folio
- Operative clause defective
- Use of correcting fluid

## A defect or omission preventing registration that requires a deed to be amended and re-executed

- Transmissions
  - Prescribed forms in L R Rules 2012 not adhered to
  - Application of person entitled dated prior to date of Assent
- Description of property transferred vague/incorrect/omitted
  - Discrepancies between the schedule of the Deed (transfer/lease) and map lodged
- Scheme transfer of part not executed by purchaser
  - What effect does this have?
- Assent to easements granted in Deed not included

## The deed is not properly executed or properly attested

- Not executed by vendor
- Not properly witnessed
  - Not witnessed
  - Address and description of witness not provided
- Not re-executed following amendment
  - Initialling at change will not suffice



## The deed is not properly executed or properly attested

- Executed by company
  - Rule 74(4) applies
  - Seal affixed in the presence of Secretary, Deputy Secretary or Director (position must be stated)

Incorrect folio and county references are quoted in the operative clause of a deed or in an assent

- Incorrect folio/county quoted in operative clause/transmission assent
  - Different from Form 17
  - Different from header to deed content
  - Different from supporting documentation
- Folio details omitted

## No Stamp certificate or other evidence of revenue stamping is lodged

- The stamp certificate security number does not correspond with the security number entered on the Form 17
- The date of execution of the deed on the stamp certificate does not correspond with the date on the relevant deed
- The relevant folio number is not inserted on the stamp certificate
  - Communicated to Law Society Conveyancing Committee
- The folio number quoted on the stamp certificate does not correspond with the folio number on the relevant deed
- What are the exceptions to Stamp Certificate being required?



# Other Issues

- The shares, in which tenancies in common are to be held, are not stated in the deed, or otherwise in the application
- On lodgement of an application for registration of an easement as a single application, no assent to its registration is included
- A residential charge lodged on or after the 1st of December 2009 is not in the correct format
  - Form 51 or 52
- The jurat to an affidavit has not been completed
  - Hybrid - Starts as an affidavit and ends as a declaration and *vice versa* (especially prevalent in *Withdrawal of Name Affidavits*)



# Practice Directions

The screenshot shows a web browser window with the URL <https://www.prai.ie/category/information/legalpractices/practicedirections/>. The page title is "Practice Directions". A search bar labeled "Google Search PRAI" is visible. A navigation menu on the left lists various services, with "Legal Practices" selected. The main content area lists the following practice directions:

- Adverse Possession – Title by Adverse Possession to Registered land
- Appurtenant Rights
- Bulk Transfers of Charges and Judgment Mortgages
- Burdens – Cancellation of Burdens
- Burdens – Registration of Burdens
- Cautions and Inhibitions
- Charging Orders under the Housing and Planning and Development Acts
- Charging Orders under the Nursing Homes Support Scheme Act 2009
- Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010
- Conversion of Title
- Conversion of Title in Form 13

A large red square with the white number "49" is overlaid on the right side of the page, partially covering the list of practice directions.

49



# Office Notices

Legal Office Notices Arc x contents image - Bing imag 6185-06-table-of-content-g + v

https://www.prai.ie/category/information/legalpractices/legalpractices/officenotices/

Google Search PRAI

## Legal Office Notices

- ACC Bank plc change of name to ACC Loan Management Limited – Legal Office Notice No. 5 of 2014
- Anglo Irish Bank Corporation Limited and INBS – Legal Office Notice No. 7 of 2011
- Applications in Person – Legal Office Notice No. 5 of 2010
- Areas on Folios – Legal Office Notice No. 4 of 2012
- Asset Covered Securities Act 2001 – Legal Office Notice No. 2 of 2019
- Bank of Scotland (Ireland) Limited – Legal Office Notice No. 2 of 2014
- Bankruptcy Act 1988 – Legal Office Notice No. 5 of 2013
- Cases moving from Examiners' Areas to Dealings Divisions – Legal Office Notice No. 3 of 2011
- Companies Act 1963 – (Section 352) – Legal Office Notice 29 September 1995
- Deeds of Charge/Mortgage – Legal Office Notice No. 1 of 2012

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Windows taskbar: e, [Icons], 22:12, 01/12/2019, ENG, [Icons]

# Transfer in Exercise of Power of Sale

- Charge must be registered as a burden
- If burden cancelled prior to lodgement of transfer then cannot proceed
- Charge dated after 1<sup>st</sup> Dec 2009 requires Court Order under s100(3) of the Land and Conveyancing Law Reform Act 2009 or consent of mortgagor in writing to such exercise
- A court order or relevant consent under section 100(3) is not required if evidence is lodged that the charge is not a housing loan mortgage and that the provisions of section 100(2) and (3) have been contracted out of in the deed of charge

# Transfer in exercise of power of sale

- On registration the charge and all puisne burdens are cancelled pursuant to s65(10) of the Registration of Title Act, 1964
- In the case of sales by the owner of a charge created on registered land notice is to be served after registration on the registered owner of the folio and on the owners of all charges and burdens that rank in priority after the transferor's charge
- In the case of sales by the owner of a charge created prior to first registration (including first registration of a lease dated prior to 26th May 2006) prior notice must be served on the registered owner and on the owners of all charges and burdens which it is proposed to cancel pursuant to section 60 of the Registration of Title Act 1964

# Transfer by Receiver

- Charge under which receiver is purporting to transfer must be registered as a burden
- Deed of Charge must authorise the appointment of a Receiver
- Deed of Appointment: Receiver appointed as attorney of the borrower
- Deed should be “Executed by the Receiver as attorney for the registered owners” and witnessed
- Charge and puisne burdens not automatically cancelled



# Lost Deeds

Gardiner v Gardiner (1976) Vol 110 I.L.T.R. 21 Mr Justice Butler, the Land Judge, stated that it was clear that it is the practice to receive in evidence and to act upon a copy of an original document which is shown to have been lost.

Directed that the Registrar of Titles (now the PRA) should effect registration in any case where evidence on affidavit is produced which exhibits and identifies a copy of the lost deed and which clearly shows:

- that the original deed was duly executed
- that the parties to the deed subsequently acted on it according to its tenor
- that it has been lost or destroyed

# Form 3 Applications

25\_PRA\_Rejection (0-00-00-00).jpg - Windows Photo Viewer

File Print E-mail Burn Open

**Solicitor**

**Form 3**  
Application for first registration where purchase money or compensation does not exceed €1,000,000 (Rule 19(3) and (4))  
**Land Registry**  
**County Waterford**


1. I N.O. Body of 10 Nowhere Street, Nowhere Town, County Waterford am the solicitor for Joseph Bleggs of 2 Somewhere Road, Anywhere, County Waterford who is applicant for registration as owner.
2. I have investigated the title to the property described in the Deed of Assignment dated the 11th day of April, 2016 lodged herewith. The property in or over which the estate or interest acquired by the assignment exists is shown on the application map lodged herewith edged red.
3. As a result of my investigation of the title, I certify that the Assignment vested the lessee's interest in a lease dated the 14th August 1962 in the property for 500 years from 29th September 1960, an attested copy of which is lodged herewith, in the applicant, free from any adverse rights, restrictive covenants or incumbrances.
4. I certify that the said property remains free from any adverse rights, restrictive covenants or incumbrances 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.
5. The purchase money of (or, the compensation for) the property did not exceed €1,000,000. The whole of it had been paid to the person (or persons) entitled thereto or authorised to give receipts therefor.
6. I certify that the prior title is not based on possession.
7. I certify that the interest assigned is not an enlargement of a prior interest held by the applicant in the property.
8. I apply for registration of the applicant as owner with good leasehold title.


Dated this 12th day of December, 2016.  
Signed: *N.O. Body*

Note - The legal opinion set out in Rule 19(6) may be furnished in Form 3 adapted as the case may require.


12:17  
06/04/2017


# Compulsory First Registration


 State guarantee


 Simple forms of transfer


 No repetitive investigations of title

 No provision required to be made for custody of title deeds

 No searching required to ascertain the whereabouts of original title documents

 Clear property descriptions based on an Ordnance Survey Map

 Purchasers can accept the title offered

 Additional advantages of registered title available via our online service, [landdirect.ie](http://landdirect.ie)

# Benefits to using a Form 3



An tÚdarás Clárúcháin Maoine  
Property Registration Authority

## Form 3

Application for first registration where purchase money or compensation does not exceed €1,000,000 (Rule 19(3) and (4))

### Land Registry

#### County Waterford

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Dated this 12th day of December, 2016.

Signed: *N.O. Body*


Note - The legal opinion set out in Rule 19(6) may be furnished in Form 3 adapted as the case may require.

## The benefits of using the Form 3 process:

- ✓ the least expensive of the first registration applications
- ✓ a much quicker completion rate as it is fast-tracked on receipt

- Customer Services
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2. Exact [Fees](#)

### Document Required – Form 3

1. [Form 3](#) must contain all paragraphs as prescribed in the current [Land Registry Rules](#).
2. The Form 3 must be dated within one month of lodgement and signed by the certifying solicitor.

# Form 3 Solicitor's Certificate Issues

- Pre-dates lodgement more than one month
- Name of certifying solicitor omitted
- Form 3 signed in firm's name not individual solicitor
- Not signed/dated
- Applicant(s) address(es) omitted
- Lease details omitted



# Form 3 Solicitor's Certificate Issues

- Old version of Form 3 lodged
- All paragraphs in Form 3 not included
- Section 69 burdens that affect the property not set out – paragraph 8 of Form 3
- Conveyance/Assignment on sale dated more than 2 years prior to lodgment

# Form 3 – Supporting documentation

Certified copies of earlier deeds requested when:

- A certified copy of the lease is not lodged (assignment of leasehold)
- Property is subject to a Fee Farm Grant
- Lease/Fee Farm Rent apportioned/indemnified in earlier Deed
- Property subject to covenants and conditions
- Description of property in applicant's deed refers to map attached to an earlier deed
- Note – searches are not required by PRA for these cases

# eForm 17 and Electronic Payments

- Government Policy
- More secure means of payment
- Reduced transaction fees
- Convenient and easy to use
- eForm17 must be created on [www.landdirect.ie](http://www.landdirect.ie)
- Once application number is created, all payments can be managed through your [www.landdirect.ie](http://www.landdirect.ie) account



# eForm 17 and Electronic Payments

## Electronic Payment Methods Available

- Direct Debit Mandate
- Deduction from [www.landdirect.ie](http://www.landdirect.ie) account
- Debit Card/ Credit Card

# eForm 17 and Electronic Payments


## Signing up to Electronic Payments

- Once off sign-up is required
  - Set up a 'super user' on your landdirect account
  - Assign 'fee approver role' to chosen users of [www.landdirect.ie](http://www.landdirect.ie)
  - If choosing to pay by Direct Debit, submit a signed mandate

# Contact Landdirect Fees Unit

**You can contact the project team in our  
Roscommon office**

 **E-Mail:** [landdirectfees@prai.ie](mailto:landdirectfees@prai.ie)

 **Phone:** 0906 632606



# Using the Re-lodgement button when re-lodging a rejected application under the EAS system.

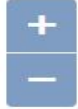
The screenshot shows the Landdirect.ie website interface. The browser address bar displays <https://www.landdirect.ie/pramap/>. The page features a map of Ireland with various regions labeled, including Derry/Londonderry/Doire, Belfast, Sligo, Omagh, Cavan, Newry, Westport, Galway, Athlone, Dublin, Kildare, Ennis, Limerick, Kilkenny, Tralee, Waterford, and Cork. A navigation menu is visible on the right side, listing various services such as Search, View Folio, Application Search, Request Certified Copy, Special Registration Map, Official Map Search, Form 17, Registry of Deeds, Print Current View, Property Details, Show / Hide Layers, Account Maintenance, Pay for Application, User Maintenance, Help, and Logout. A yellow box with black text contains the instruction: "To Re-Lodge, Click on Form 17 on the main menu in landdirect.ie". An arrow points from this box to the "Form 17" option in the navigation menu. The Landdirect.ie logo is visible at the bottom right of the page.

XY 736798, 506465  
Scale 1 : 3M  
Townland Thomastown Demesne  
Barony Athlone South

<https://www.landdirect.ie/pramap/#>

To Re-Lodge,  
Click on Form  
17 on the main  
menu in  
landdirect.ie

Gaeilge



<b>XY</b>	803606, 611637
<b>Scale</b>	1 : 3M
<b>Townland</b>	Thomastown Demesne
<b>Barony</b>	Athlone South

Form 17

- > Back
- Create Form 17
- Re-lodge Rejected Application
- Help

Then click on Re-lodge Rejected Application



### Create Form 17

- Folios
- Application Type
- Documents
- Lodging Party
- Applicant Details
- Confirm

#### Affecting

Please enter Folio Number(s) or Select Co  
DN1234.

No folio Required

Folio Number

Add Folio

#### Re-lodge Rejected Application

Application Number

Enter the Application Number of the Rejected Application and Click Submit

Next

Retrieve Saved Form 17

Save Form

Cancel



Y	791038, 461486
Scale	1 : 3M
Downland	Thomastown Demesne
Barony	Athlone South
County	Roscommon

> Back

Create Form 17

Re-lodge Rejected Application

Help

### Create Form 17

- Folios
- Application Type
- Documents
- Lodging Party
- Applicant Details
- Confirm

#### Affecting

Please enter Folio Number(s) or Select County if no Folio is required. Include County prefix before Folio Number e.g DN1234.

No folio Required

Folio Number

Add Folio

Folio Number	County	Registered Owner	
GY999999F	Galway	Test Owner, Test Owner2	Delete

- Next
- Retrieve Saved Form 17
- Save Form
- Cancel



**XY** 911424, 744590  
**Scale** 1 : 3M  
**Townland** Thomastown Demesne  
**Barony** Athlone South  
**County** Roscommon

Form 17

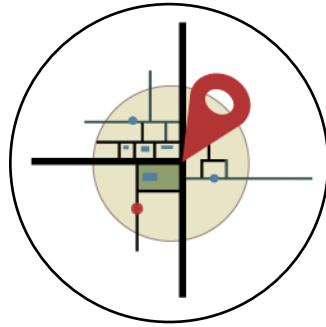
- > Back
- Create Form 17
- Re-lodge Rejected Application
- Help

This brings you to the eForm 17 with all of the data from the Rejected application pre-populated so there is no need to re-enter

# landdirect.ie



Access to our interactive map is free of charge to all customers. **Non account holders who access the services or products that require the payment of a fee, can do so using our secure online payments facility.**



By accessing our extensive digital register, all users can conduct mapping searches, search by location or address, view details of all property registered in the Land Registry and order official copy documents.



Account holders have access to a wider range of services tailored for the professional user, including access to the Registry of Deeds.

# Error in Registration

- Dedicated Unit – Priority Customer Reviews
  - [qaexternal@prai.ie](mailto:qaexternal@prai.ie)
  - Provide specific details of alleged error
- Historic errors dealt with in chronological order
  - Expedite process available
- Fast-track for recent errors (contact PRA immediately)
- Above process communicated to Law Society Conveyancing Society
  - Law Society Gazette Aug/Sept 2019



Thank you

[eamonn.morris@prai.ie](mailto:eamonn.morris@prai.ie)