



An tÚdarás Clárúcháin Maoine
Property Registration Authority



@PRA_Ireland



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FIRST REGISTRATION FORM 3 APPLICATIONS

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12th September 2022

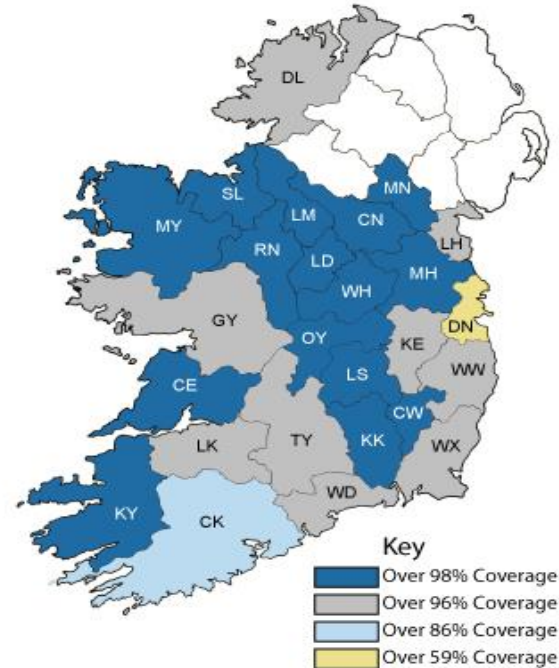
Key Aims of this Presentation

- Practice Direction – First Registration in Form 3 (*updated Sept. 2019*)
- Clarify our requirements to facilitate successful registration of this application type
- Improve on current rate of applications successfully registered without the requirement for a query
- Enhance communication channels



Land Registration in Ireland

- 93% of the total land mass of the State is now registered in the Land Registry
- Almost all legal titles in several counties are now registered
- Last two counties where compulsory first registration was effected are Cork & Dublin (1st June 2011)





Solicitor Certified Casework – Overview

- Specialised Unit solely processing applications for first registration under the Form 3 procedures
 - Roscommon Unit – non multi-storey building properties
 - Waterford Unit – multi-storey building properties
- Solicitor Certified Casework - wider context (2018 – 2021)
 - 72% of overall First Registration intake – Form 3 First Registrations
 - 70% of overall First Registration completions – Form 3 completions





What is a Form 3?

- In appropriate cases, applications for first registration of a conveyance, lease or assignment on sale, where the consideration does not exceed €1,000,000, may be the subject of a modified First Registration procedure pursuant to Rule 19(3) and Rule 19(4) of the Land Registration Rules 2012. In these cases a solicitor investigates the title and certifies it.
- Where an LR Form 3 certificate is accepted, the Property Registration Authority does not investigate the title.





First Registration in Form 3 Criteria

Rule 19(3)

- Deed must be for valuable consideration
- Consideration of the deed must not exceed €1,000,000
- Deed must be dated within 5 years of lodgement

Rule 19(4) – Statutory Authorities

- Deed is not required to be a sale
- Consideration of the deed must not exceed €1,000,000
- No time limit on the date of the deed





Form 3 Certificate Requirements

- In the prescribed form (2013 LR Rules)
- Deed under which the applicant acquired their interest specified at paragraph 2
- Interest acquired set out at paragraph 3 (Fee Simple/Leasehold)
- Section 69 Registration of Title Act 1964 burdens
- Title type must be specified
- Signed by the individual certifying solicitor
- Dated within one month of lodgement





Section 6a - First Registration in Form 3 Practice Direction

- Solicitor certifying title in Form 3 must be the solicitor whom acted for the purchaser in the conveyancing transaction
- Where the certifying solicitor & the witnessing solicitor differ
 - An explanation should be provided
 - Where appropriate, confirmation that the solicitor now certifying title can absolutely vouch for the title of the applicant should also be provided





Section 6b - First Registration in Form 3 Practice Direction

The application for registration should be lodged:

- By the firm of the solicitor who signed the Form 3 certificate

OR

- By the firm of solicitors acting on behalf of a financial institution where a charge by the purchaser in favour of the financial institution forms part of the application for registration





Documents to be lodged

- Form 17
- Form 3 certificate – signed by individual certifying solicitor & dated within one month of lodgement
- The original deed under which the applicant acquired their interest
- Relevant deeds affecting title – e.g. mortgage, prior title deeds evidencing Section 69 Registration of Title Act 1964 burdens
- PRA compliant map (see Mapping Guidelines)
- Fees (currently €130)





Lodgement of Prior Title Deeds

Prior deeds or documents forming part of the prior title should **not** be lodged **except** in the following circumstances:

1. Leasehold interest
2. Fee Farm Grant on title
3. Schedule of the current deed relies on a map attached to an earlier deed
4. Deeds evidencing Section 69 Registration of Title Act 1964 burdens





Form 3 - Freehold

- Form 3 certificate in prescribed form – fee simple certified at paragraph 3 and title applied for at paragraph 8
- Original Deed of Conveyance on Sale
- Section 69 Registration of Title Act 1964 burdens
 - Mortgage
 - Fee Farm Grant
 - Subsisting covenants and conditions in a prior title deed
 - Subsisting Lease with a term exceeding 21 years





Form 3 - Leasehold

- **Applicant is the Assignee under a Deed of Assignment (on Sale) of the original title Lease**
 - Deed of Assignment dated within 5 years of lodgement
 - Additional assent(s) may be required if immediate superior interest comprises of registered property

OR

- **Applicant is the original Lessee under a Deed of Lease**
 - Lease dated within 5 years of lodgement
 - Immediate superior interest must be unregistered





Form 3 - Leasehold

- Form 3 certificate in prescribed form – title lease details set out at paragraph 3 and title applied for at paragraph 8
- Original Deed of Assignment on Sale/Lease
- Original/Certified Copy Title Lease
- Section 69 Registration of Title Act 1964 burdens
 - Mortgage
 - Subsisting covenants and conditions in a prior title deed
 - Subsisting Sub-Lease with a term exceeding 21 years





Leasehold - Miscellaneous

- **Level of Leasehold interest acquired**
 - Leasehold/Sub-leasehold?
- **Is the immediate superior interest registered?**
 - Pre 26th May 2006 lease - assent may be required to registration of the lease as a burden
 - Post 26th May 2006 lease – first registration application is not appropriate
- **Title Absolute**
 - Section 40(4) Registration of Title Act 1964 & Section 57(1) of the Land and Conveyancing Law Reform Act 2009





Form 3 - not appropriate

- Where prior title (or part thereof) is based on possession
- Where the full purchase monies have not been paid over prior to the application
- Where the applicant is not in a position to lodge the original deed
- Where the solicitor certifying the title is a party to the transaction
- Where there is an enlargement of an existing interest & merger is required
- Where the applicant is not in possession of the property (i.e. has sold on their interest)
- Where a step in prior title is impossible or erroneous



Information Sources/Contacts

- **www.prai.ie**
 - Practice Direction – First Registration in Form 3
 - Form 3 Application Guidelines
 - Mapping Guidelines
- **Email**
 - info@prai.ie
 - Form3Roscommon@prai.ie – Non MSB applications
 - WaterfordMSB@prai.ie – MSB applications
- **Phone**
 - 051 303000

