



Law Society of Ireland  
Blackhall Place  
Dublin 7  
Telephone 01-6710711  
Fax 01-6710704  
DX 79 Dublin



THE LAW SOCIETY

*Dear Colleague,*

**T**he Conveyancing Committee has now finalised the revision of its precedent family law declarations necessitated by the passing of the Family Law (Divorce) Act 1996. The existing declarations have been amended where appropriate and two new declarations have been added to take account of divorce.

**I** enclose with this letter a set of the updated precedent declarations and the Committee trust that practitioners will find same useful in the conduct of conveyancing work. Any comments, observations or suggestions for improvement which solicitors may wish to make would be welcomed by the Committee. Practitioners should bear in mind that these declarations are appropriate for use in the different situations as suggested in the headings above the declarations: other situations will arise in practice which will not be covered exactly by the enclosed forms and it will be necessary to amend and adapt the enclosed precedents as appropriate to the particular facts and circumstances of a given case.

**T**he Conveyancing Committee is arranging that these revised precedents will be circulated to every firm, every Law Centre and every in-house Legal Department in the country. In addition, for the first time, the declarations are being made available for sale to the profession on disk and practitioners may contact Maureen Prouse at (01) 6710711 for further information.

Yours sincerely,

**Brendan McDonnell**  
Chairman  
Conveyancing Committee  
Encs

**TO ALL PRACTICES**

January 1998

## FAMILY LAW DECLARATIONS

**Members of the  
profession may:**

- **make additional copies for each solicitor in a practice**
- and*
- **put precedents on computer for their own ease of use**



**FORM 1**

**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT PROPERTY IS A FAMILY HOME**

Precedent  
(To be adapted as  
circumstances  
require)

We \_\_\_\_\_  
and \_\_\_\_\_  
both of \_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_ County \_\_\_\_\_ ) (hereinafter called "the property").

2. The property is our family home within the meaning of that term in the Family Home Protection Act, 1976, as amended by the Family Law Act, 1995.

3. We have been married once and once only, namely to each other, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. We are each the lawful spouse of the other. We refer to a photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior to making this Declaration.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because neither of us has been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 1**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. We understand the effect and import of this Declaration which has been fully explained to us by our solicitor.

8. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
and \_\_\_\_\_  
who are personally known to me (or who are identified to me by \_\_\_\_\_  
who is personally known to me)  
at \_\_\_\_\_  
in the County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**FORM 2**

**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT PROPERTY IS NOT A FAMILY HOME**

Precedent  
(To be adapted as  
circumstances  
require)

We, \_\_\_\_\_  
and \_\_\_\_\_  
both of \_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND SINCERELY DECLARE as follows:-

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_ County \_\_\_\_\_) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home Protection Act, 1976 as amended by the Family Law Act, 1995. Neither we, nor any other married couple, have ordinarily resided therein since we acquired an interest therein. Our family home is at \_\_\_\_\_

3. We have been married once and once only, namely to each other, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_. We are each the lawful spouse of the other. We refer to a photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior to making this Declaration.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because neither of us has been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 2**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. We understand the effect and import of this Declaration which has been fully explained to us by our solicitor.

8. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declaration Act, 1938.

DECLARED before me by \_\_\_\_\_  
and \_\_\_\_\_  
who are personally known to me (or who are identified to me by \_\_\_\_\_  
who is personally known to me)  
at \_\_\_\_\_  
in the County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_\_\_\_.

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT A SITE WITHOUT A BUILDING IS NOT A  
FAMILY HOME**

**FORM 3**

Precedent  
(To be adapted as  
circumstances  
require)

We, \_\_\_\_\_  
and \_\_\_\_\_  
both of \_\_\_\_\_

in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:-

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

in the County of \_\_\_\_\_ (being part of the property comprised in Folio \_\_\_\_\_  
County \_\_\_\_\_) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act 1976 as amended by the Family Law Act, 1995. Neither we nor any other  
married couple have ordinarily resided thereon since we acquired an interest therein. Our  
family home is at \_\_\_\_\_  
\_\_\_\_\_.

The property is not a "dwelling" within the meaning of that term in the Family Home  
Protection Act 1976 as amended by the Family Law Act 1995.

3. We have been married once and once only, namely to each other, on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_. We are each the lawful spouse of the other. We refer to a  
photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior  
to making this Declaration.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because neither of us has been party to an agreement to marry which  
has terminated within the past three years, and no proceedings of any kind have been  
threatened or instituted in relation to the property under any of the provisions of the Act of  
1981.



**FORM 3**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. We understand the effect and import of this Declaration which has been fully explained to us by our solicitor.

8. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_

and \_\_\_\_\_

who are personally known to me (or who are identified to me by

\_\_\_\_\_

who is personally known to me)

at \_\_\_\_\_

in the County of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_\_\_\_.

\_\_\_\_\_

COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT PROPERTY IS A FAMILY HOME WHERE THE  
PROPERTY IS OWNED BY ONLY ONE OF THEM**

**FORM 4**

Precedent  
(To be adapted as  
circumstances  
require)

We, \_\_\_\_\_ (“owner spouse”)  
and \_\_\_\_\_ (“consenting spouse”)  
both of \_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_  
County \_\_\_\_\_) (hereinafter called "the property").
2. The property is our family home within the meaning of that term in the Family Home Protection Act, 1976 as amended by the Family Law Act, 1995. The property is owned by owner spouse.
3. We have been married once and once only, namely to each other, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. We are each the lawful spouse of the other. We refer to a photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior to making this Declaration.
4. None of the provisions of the Family Law, 1981 (hereinafter called "the Act of 1981") applies to the property because neither of us has been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.
5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989, the Family Law Act 1995 ("the





**FORM 4**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

1995 Act"), or the Family Law (Divorce) Act, 1996 ("the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 9 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. I consenting spouse have given my prior written consent to the assurance of the property to the party or parties named in paragraph 9 hereof pursuant to Section 3 of the said Family Home Protection Act, 1976. I consenting spouse fully understand the nature and import of this consent. I consenting spouse have been advised that I have the right to be independently advised in connection therewith, and I have waived this right.

8. We understand the effect and import of this Declaration which has been fully explained to us by our Solicitor.

9. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_

and \_\_\_\_\_

who are personally known to me (or who are identified to me by

\_\_\_\_\_

who is personally known to me)

at \_\_\_\_\_

in the County of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19/20 \_\_\_\_.

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**FORM 5**

Precedent  
(To be adapted as  
circumstances  
require)

**STATUTORY DECLARATION OF SINGLE PERSON THAT  
PROPERTY IS NOT A FAMILY HOME**

I, \_\_\_\_\_  
of \_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_  
County \_\_\_\_\_) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by The Family Law Act, 1995. No married couple has  
ordinarily resided therein since I acquired an interest therein.

3. I am not and never have been married to any person under the law of this or any other  
jurisdiction, and no proceedings have been instituted or threatened by any person alleging  
the contrary.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because I have not been party to an agreement to marry which has  
terminated within the past three years, and no proceedings of any kind have been threatened  
or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 5**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

- 5. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
  
- 6. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
  
- 7. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_.

\_\_\_\_\_  
 COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**STATUTORY DECLARATION OF LEGAL PERSONAL  
REPRESENTATIVE THAT PROPERTY IS NOT A  
FAMILY HOME**

**FORM 6**

Precedent  
(To be adapted as  
circumstances  
require)

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

in the County of \_\_\_\_\_ (being the property comprised in  
folio \_\_\_\_\_ County \_\_\_\_\_) (hereinafter called "the property").

2.1 The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act, 1995. No married couple has  
ordinarily resided therein since the death of \_\_\_\_\_  
(hereinafter called "the deceased"), who was the owner of the property, on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_.

2.2 I refer to a photocopy of the Death Certificate of the deceased upon which marked with the  
letter "A" I have endorsed my name prior to making the Declaration.

3. I am the legal personal representative of the deceased, and I am assuring the property to the  
party or parties mentioned in paragraph 8 hereof as such. My family home is at  
\_\_\_\_\_  
\_\_\_\_\_  
in the County of \_\_\_\_\_ .

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because the deceased was not party to an agreement to marry which  
terminated within the past three years, and no proceedings of any kind have been threatened  
or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 6**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).
  
6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me or by the deceased , or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
  
7. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
  
8. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_.

\_\_\_\_\_  
 COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**FORM 7**

Precedent  
(To be adapted as  
circumstances  
require)

**STATUTORY DECLARATION OF WIDOW/WIDOWER THAT  
PROPERTY IS NOT A FAMILY HOME**

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

in the County of \_\_\_\_\_ (being the property comprised in folio  
\_\_\_\_\_ County \_\_\_\_\_ ) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act 1995. No married  
couple has ordinarily resided therein since I acquired an interest therein, apart  
from myself and my late spouse \_\_\_\_\_  
(hereinafter called "my late spouse").

3. I have been married once and once only, namely to my late spouse on the  
\_\_\_\_\_day of \_\_\_\_\_19\_\_\_\_. We were each the lawful  
spouse of the other. I refer to a photocopy of our Civil Marriage Certificate upon which  
marked with the letter "A" I have endorsed my name prior to making this Declaration. My  
late spouse died on the \_\_\_\_\_day of \_\_\_\_\_ 19\_\_\_\_  
and I refer to a photocopy of his/her death certificate upon which marked with the letter "B"  
I have endorsed my name prior to making this Declaration. I have not married or entered  
into an agreement to marry any person since the death of my late spouse.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because I have not been party to an agreement to marry which has  
terminated within the past three years, and no proceedings of any kind have been threatened  
or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 7**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

- 5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989, the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 ("the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).
  
- 6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
  
- 7. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
  
- 8. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_.

\_\_\_\_\_  
 COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**STATUTORY DECLARATION THAT PROPERTY IS NOT  
A FAMILY HOME WHERE A HUSBAND AND WIFE  
HAVE SEPARATED**

**FORM 8**

Precedent  
(To be adapted as  
circumstances  
require)

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_  
County \_\_\_\_\_ ) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act, 1995. No married couple has  
ordinarily resided therein since I acquired an interest in the property.

3.1 I have been married once and once only, namely to \_\_\_\_\_  
\_\_\_\_\_ (hereinafter called "my estranged spouse") on the \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_\_. I refer to a photocopy of our Civil Marriage Certificate upon which  
marked with the letter "A" I have endorsed my name prior to making this Declaration. I  
separated from my estranged spouse on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_  
and I refer to a photocopy/ certified extracts from a Deed of Separation/Deed of Waiver  
which my estranged spouse and I entered into dated the \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_ upon which marked with the letter "B" I have endorsed my  
name prior to making this Declaration. I have not married or entered into an agreement to  
marry any person since the date of the said Deed of Separation/Deed of Waiver.

3.2 My estranged spouse never resided in the property, nor is it intended that he/she should ever  
reside therein. I purchased the property after the date of the said Deed of Separation out of  
my own resources. There has been no reconciliation between my estranged spouse and I.  
He/she has never made any financial or other contribution to the purchase of the property,  
nor to any mortgage or similar payments relating thereto. He/she has no claim whatever to  
the property under common law, statute law, equity or otherwise.





**FORM 8**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

- 4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because I have not been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.
- 5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989, the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 ("the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).
- 6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
- 7. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
- 8. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_.

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



FORM 9

Precedent  
(To be adapted as  
circumstances  
require)

**STATUTORY DECLARATION OF SINGLE PERSON THAT  
PROPERTY IS NOT A FAMILY HOME WHERE A DECREE  
OF NULLITY HAS BEEN GRANTED**

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio  
\_\_\_\_\_ County \_\_\_\_\_ ) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act, 1995. No married couple  
has ordinarily resided therein since I acquired an interest therein, apart from myself  
and my former spouse \_\_\_\_\_  
(hereinafter called "my former spouse").

3. I have been married once and once only, namely to my former spouse on  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and I refer to a photocopy of our  
Civil Marriage Certificate upon which marked with the letter "A" I have endorsed my name  
prior to making this Declaration. A Declaration of Nullity of the said marriage was granted  
by the High Court/Circuit Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and I refer to a photocopy thereof upon which marked with the letter "B" I have endorsed  
my name prior to making this Declaration. I have not married or entered into an agreement  
to marry any person since the date of the said Declaration of Nullity.



**FORM 9**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because I have not been party to an agreement to marry which has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.
  
5. No proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).
  
6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
  
7. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
  
8. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20 \_\_\_\_\_



**FORM 10**

Precedent  
(To be adapted as  
circumstances  
require)

**STATUTORY DECLARATION THAT PROPERTY IS NOT A  
FAMILY HOME WHERE IT IS OWNED BY A COMPANY  
AND HAS FULL COMMERCIAL USE**

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in Folio \_\_\_\_\_  
County \_\_\_\_\_ ) (hereinafter called "the property"). The property is owned by  
\_\_\_\_\_ Limited  
(hereinafter called "the company") of which I am a director.

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act, 1995. No married couple has  
ordinarily resided therein since the company acquired an interest in the property. No Lease,  
Letting Agreement, Tenancy Agreement, Licence or similar agreement has been made by  
the company which would entitle any person to reside in the property. No officer, director,  
member, tenant, invitee or licensee of the company has ever resided therein.

3. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because the property is owned by the company which is incapable  
of entering into an agreement to marry, and no proceedings of any kind have been  
threatened or instituted in relation to the property under any of the provisions of the Act of  
1981.

4. No proceedings of any kind have been instituted or threatened, and no application or order  
of any kind has been made, in relation to the property, under any of the provisions of the  
Judicial Separation and Family Law Reform Act, 1989 , the Family Law Act, 1995 ("the



**FORM 10**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 7 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

- 5. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by the Company, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
- 6. I understand the effect and import of this Declaration, which has been fully explained to me by the Company's solicitor, and I am authorised by the Company to make this Declaration.
- 7. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20 \_\_\_\_\_.

\_\_\_\_\_  
 COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



FORM 11

**STATUTORY DECLARATION OF SINGLE PERSON THAT  
PROPERTY IS NOT A FAMILY HOME WHERE A DECREE  
OF DIVORCE HAS BEEN GRANTED**

Precedent  
(To be adapted as  
circumstances  
require)

I, \_\_\_\_\_  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_  
County \_\_\_\_\_) (hereinafter called "the property").

2. The property is not a family home within the meaning of that term in the Family Home  
Protection Act, 1976 as amended by the Family Law Act, 1995. No married  
couple has ordinarily resided therein since I acquired an interest therein, apart from  
myself and my former spouse \_\_\_\_\_  
(hereinafter called "my former spouse").

3. I have been married once and once only, namely to my former spouse on the \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_ and I refer to a photocopy of our Civil Marriage  
Certificate upon which marked with the letter "A" I have endorsed my name prior to  
making this Declaration. A Decree of Dissolution of the said marriage was granted by the  
Circuit Court/High Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and I refer to a photocopy thereof upon which marked with the letter "B" I have endorsed  
my name prior to making this Declaration. I have not married or entered into an agreement  
to marry any person since the date of the said Decree of Dissolution.

4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981")  
applies to the property because I have not been party to an agreement to marry which has  
terminated within the past three years, and no proceedings of any kind have been threatened  
or instituted in relation to the property under any of the provisions of the Act of 1981.



**FORM 11**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

- 5. Apart from the proceedings leading to the Decree of Dissolution mentioned in paragraph 3 hereof, no proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989, the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 (" the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).
  
- 6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by me, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.
  
- 7. I understand the effect and import of this Declaration which has been fully explained to me by my solicitor.
  
- 8. I make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_  
 who is personally known to me (or who is identified to me by  
 \_\_\_\_\_  
 who is personally known to me)  
 at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_\_\_\_ .

\_\_\_\_\_  
 COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**STATUTORY DECLARATION OF HUSBAND AND WIFE  
THAT PROPERTY IS A FAMILY HOME WHERE EITHER  
OF THEM WAS PREVIOUSLY MARRIED,  
BUT THAT PREVIOUS MARRIAGE WAS DISSOLVED**

**FORM 12**

Precedent  
(To be adapted as  
circumstances  
require)

We, \_\_\_\_\_  
and \_\_\_\_\_  
both of \_\_\_\_\_

in the County of \_\_\_\_\_ both aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ in the County of \_\_\_\_\_ (being the property comprised in folio \_\_\_\_\_ County \_\_\_\_\_) (hereinafter called "the property").
2. The property is our family home within the meaning of that term in the Family Home Protection Act, 1976.
3. We were lawfully married to each other on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. We are each the lawful spouse of the other. We refer to a photocopy of our Civil Marriage Certificate upon which we have endorsed our names prior to making this Declaration. \_\_\_\_\_ (either spouse, as applicable) was never previously married. \_\_\_\_\_ (either spouse, as applicable) was previously married, namely to \_\_\_\_\_ (former spouse) on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. We refer to a photocopy of the Civil Certificate of the said earlier marriage upon which marked with the letter "B" we have endorsed our names prior to making this Declaration. A Decree of Dissolution of the said former marriage was granted by the Circuit Court/High Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and we refer to a photocopy thereof upon which marked with the letter "C" we have endorsed our names prior to making this Declaration.
4. None of the provisions of the Family Law Act, 1981 (hereinafter called "the Act of 1981") applies to the property because neither of us has been party to an agreement to marry which





**FORM 12**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

has terminated within the past three years, and no proceedings of any kind have been threatened or instituted in relation to the property under any of the provisions of the Act of 1981.

5. Apart from the proceedings leading to the Decree of Dissolution mentioned in paragraph 3 hereof, no proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, in relation to the property, under any of the provisions of the Judicial Separation and Family Law Reform Act, 1989, the Family Law Act, 1995 ("the 1995 Act"), or the Family Law (Divorce) Act, 1996 ("the 1996 Act") and the assurance of the property to the party or parties mentioned in paragraph 8 hereof is not a disposal for the purposes of defeating a claim for relief (as defined in Section 35 of the 1995 Act and Section 37 of the 1996 Act).

6. The property is not subject to any trust, licence, tenancy or proprietary interest in favour of any person or body corporate arising by virtue of any arrangement, agreement or contract entered into by either of us, or by virtue of any direct or indirect financial or other contribution to the purchase thereof, or by operation of law, or otherwise, and the property is held free from encumbrances.

7. We understand the effect and import of this Declaration which has been fully explained to us by our solicitor.

8. We make this Solemn Declaration conscientiously believing it to be true for the satisfaction of \_\_\_\_\_ and pursuant to the provisions of the Statutory Declarations Act, 1938.

DECLARED before me by \_\_\_\_\_

and \_\_\_\_\_

who are personally known to me (or who are identified to me by

\_\_\_\_\_

who is personally known to me)

at \_\_\_\_\_

in the County of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19/20 .

\_\_\_\_\_  
COMMISSIONER FOR OATHS/PRACTISING SOLICITOR



**FORM 13**

**DECLARATION FOR THE PURPOSES OF SECTION  
54 (1) (B) OF THE FAMILY LAW ACT 1995**

Precedent  
(To be adapted as  
circumstances  
require)

I, \_\_\_\_\_ (“Immediate Vendor”)  
of \_\_\_\_\_

in the County of \_\_\_\_\_ aged 18 years and upwards SOLEMNLY AND  
SINCERELY DECLARE as follows:

1. This Declaration relates to the property known as \_\_\_\_\_  
\_\_\_\_\_

in the County of \_\_\_\_\_ (hereinafter called “the property”) and to a  
Deed of Conveyance/Assignment made the \_\_\_\_\_ day of \_\_\_\_\_  
199\_\_ between \_\_\_\_\_  
 (“Vendor in question”) of the one part and \_\_\_\_\_  
\_\_\_\_\_ of the other part (hereinafter called the  
 “Conveyance/Assignment”).

2. I have no knowledge of the existence of any proceedings calling into question the validity  
of the Conveyance/Assignment.

3. The spouse of Vendor in question has not been in actual occupation of the property since  
I acquired an interest in the property on the \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_.

4. I have no knowledge of the existence of any statement such as is referred to in Section 3  
(8) (b) and (c) of the Family Home Protection Act 1976 as inserted by Section 54 of the  
Family Law Act 1995.

5. And I make this Solemn Declaration conscientiously believing the same to be true for the  
satisfaction of \_\_\_\_\_  
and pursuant to the provisions of the Statutory Declarations Act 1938.

**APPENDIX 1**

**LAW SOCIETY CONVEYANCING HANDBOOK**

PRECEDENT FAMILY LAW  
DECLARATIONS



**FORM 13**

(Contd.)

Precedent  
(To be adapted as  
circumstances  
require)

DECLARED before me by \_\_\_\_\_

who is personally known to me (or who is identified to me by

\_\_\_\_\_

who is personally known to me)

at \_\_\_\_\_

in the County of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19/20 \_\_\_\_\_.

\_\_\_\_\_

COMMISSIONER FOR OATHS/PRACTISING SOLICITOR