

**LAND REGISTRY**
**COMMON OMISSIONS
AND ERRORS IN
LODGING
APPLICATIONS FOR
REGISTRATION**

1. Failure to lodge any fees, or sufficient fees.
2. Failure to lodge either:
 - (i) the Land Certificate where appropriate or
 - (ii) consent to the user of a Land Certificate already lodged, where appropriate.
3. Omitting to complete form 17 fully. See Rule 57.
4. Failure to state in transfers that the transferor is the registered owner. The insertion of the wrong folio number in deeds and documents (necessitating re-execution).
5. Omission of assent to registration of charge/burden/easement by the owner of the lands affected thereby. (See Form 66).
6. Failure to have P.D. stamp affixed to Deeds of Transfer.
7. Failure to furnish consents/certificates as appropriate, pursuant to the provisions of the Family Home Protection Act, 1976.
8. Failure to state out in attestation clauses or in affidavits why a deed is signed by a mark (See Rule 54).
9. Failure to state the shares in which tenants-in-common are to hold the property in deeds creating a tenancy-in-common.
10. Status of witnesses to sealing of Deeds by Companies not specified (Rule 77 (4)).
11. Amended documents not re-executed/re-sworn by the parties.
12. Failure to lodge consents under Section 88 and 90 (6) Housing Act 1966, where appropriate.
13. Failure to furnish letter of consent to sub-division from the Land Commission or certificate of compliance with the conditions specified in such letters (cf. Section 12 (1) of the Land Act 1965). Where general consent procedure applies, failure to incorporate such certificate in the Deed.
14. In sub-division cases, failure to lodge original Land Registry Map or current largest Ordinance Survey map with boundaries unambiguously marked by a thin red line. In schemes, failure to lodge copy of approved scheme map or multi-storey map with approval stamp impressed thereon.
15. Omitting the necessary certificate under Section 45 of the Land Act. Certificates are required from all persons deriving interests under documents. This applies to assents by personal representatives.
16. Incorrect stamp duty impressed on Deeds of Charge.
17. Certificates of charge (Rules 156 and 157) not furnished with discharges.
18. Deponent in Affidavit to register a Judgement Mortgage not being a competent person under the Judgement Mortgage Acts 1850, 1858.
19. Failure to strictly follow the precedent forms in Transmission cases as per Rules 94 - 97.
20. On lodgement of leases, failure to furnish up to date searches in Registry of Deeds and Judgements Office and up to date Affidavits of Discovery properly sworn. Deeds of Charge lodged with leases should be in the form applicable to unregistered land.



21. In liquidation cases, failure to furnish evidence of appointment of liquidator and failure to have seal of company properly witnessed by liquidator.
22. In receivership cases, failure to furnish evidence of appointment of Receiver and the Articles of Association of the Company. Any Deed of Transfer should be executed by the Receiver as Attorney of the company. The Common Seal of the company must not be used.

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(Contd.)

*Extract from circular sent
to the profession with the
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Practitioners are advised that if they require appurtenant rights to be registered on a folio this can be done by including a request for same when lodging their dealings. The Land Registry would prefer the request to go on a separate Form 17. The fee is £10.00.

The Land Registry have recommended that this procedure is *not* followed in the case of registration of appurtenant rights in respect of houses on housing estates (as huge delays would be caused in registering same).

For the convenience of practitioners and colleagues, and to avoid the subsequent necessity of obtaining certified copy instruments, practitioners are advised when making an application for registration of appurtenant rights to lodge a certified copy of the instrument creating the right with the request that it be date stamped and returned by the Land Registry when the dealing is completed, to be placed with the title deeds. This suggestion has been put to the Land Registry and had met with a favourable response.

REGISTRATION OF RIGHTS APPURTENANT TO REGISTERED LAND

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