



**CERTIFICATE AS TO  
NO DEATHS OR  
VOLUNTARY  
DISPOSITIONS/  
CERTIFICATES OF  
NO DEALINGS  
PENDING/  
UNDERTAKING  
TO DISCHARGE  
LAND REGISTRY  
QUERIES**

**A** practice has grown up whereby solicitors give all of the above mentioned certificates on closing regardless of whether they are requisitioned or not. The Conveyancing Committee has considered this practice and disapproves of it.

It means that a vendor's solicitor actually guarantees the title of the property he is selling. If the Conveyancing Committee recommended that these certificates be given, then it would not be possible for a vendor to sell his property without a solicitor.

**Certificates as to no Deaths or Voluntary Dispositions on Title**

When a vendor gives a Section 72 Declaration he is covering the position, inter alia, as to any acts on the title which might give rise to Capital Acquisitions Tax. (Pursuant to Section 68 (2) of the Capital Acquisitions Tax Act, 1976, inheritance tax is a burden in respect of which said Section 72 of the Registration of Title Act, 1964 applies).

However, the Conveyancing Committee is of the opinion that an additional paragraph should be inserted in the Section 72 Declaration so that the vendor declares that there have been no deaths or voluntary dispositions on the title within the previous 12 years.

In the case of unregistered titles, the title documents will show whether there were any deaths or voluntary dispositions on the title.

**Undertakings to Deal with Land Registry Queries**

The Conveyancing Committee is of the opinion that this is a very broad undertaking and should not be given by a vendor's solicitor. It is up to a purchaser's solicitor to obtain sufficient documentation on closing so as to enable him to complete the registration of his client's title.

Requisition Number 19.8<sup>1</sup> which deals with Transfers of Part asks for an undertaking *on behalf of the vendor* to discharge Land Registry mapping queries. This is the vendor's undertaking and not his solicitor's undertaking and, if given by the solicitor, it should be worded as such and the necessary authority obtained from the vendor.

**Certificates as to No Dealings Pending**

A certificate of no dealings pending can only relate to dealings in the Land Registry and accordingly is not appropriate on the disposal of unregistered property. Similarly it is inappropriate on the transfer of all the property comprised in a folio as any dealing pending must of its very nature affect the property being acquired by the purchaser. A purchaser can in this event be protected by the making of a priority search.

*1. Now Requisition 22.2.d.in the 1996 edition of the Law Society Objections and Requisitions on Title*



The need for a certificate of no dealings pending arises only where there is a purchase, lease or charge of part of registered land where other portions may have already been sold, leased or charged and these dealings are pending in the Land Registry. In these circumstances the making of a priority search would be difficult. In such a case a purchaser needs a certificate from the vendor's solicitors to the effect that those transfers or other transactions which are pending in the Land Registry do not affect the portion of the property being acquired, leased or charged by his client.

#### **CERTIFICATE AS TO NO DEATHS OR VOLUNTARY DISPOSITIONS/ CERTIFICATES OF NO DEALINGS PENDING/ UNDERTAKING TO DISCHARGE LAND REGISTRY QUERIES**

(Contd.)