



This Act has recently passed all its stages in the Oireachtas and some sections have been brought into force. Others will be brought into effect by Ministerial Order, with some Parts being implemented on different dates. Among the sections which have been brought into force are sections 58, 59 and 60, 63, and 70, the effects of which are noted below.

Much of the Act relates to the conversion of the Land Registry and Registry of Deeds into a new Property Registration Authority and will be of little immediate concern to solicitors and their clients. A number of the changes will require the making of new Rules before the changes can be brought into operation and some of these will provide for greater flexibility in the operation of the Registers.

In advance of this legislation significant changes were made in 2005 in that compulsory registration was extended to three further counties, Longford, Westmeath and Roscommon, as from the 1st April 2006 and, as and from the 1st January 2006, certificates of title on first registration are being accepted where the amount of the purchase money or compensation does not exceed €1,000,000.00, the previous figure having been €320,000.00

Among the changes in the law which been introduced are

1. A provision enabling adverse possession to a leasehold interest to be registered. (Section 50)
2. The amendment of Section 90 of the 1964 Act to enable persons who are entitled to be registered as owners of registered land to grant leases and to grant easements, etc. (Section 63)
3. Clarification that words of limitation will no longer be required to effect a grant of easements or profits a prendre. (Section 70)
4. The abolition of the need to register titles covered by the Irish Church Act 1869. (Section 52)
5. The ability to apply *ab initio* for registration with qualified title. (Section 57)
6. The phasing out of land certificates and certificates of charge, and the conversion of existing equitable mortgages into burdens under Section 69 of the 1964 Act.¹ (Section 73)
7. An amendment to Section 25 of the 1964 Act to make it clear that it relates only to the requirement to register under Section 24 of that Act, as amended (Section 24 applies to situations where registration becomes compulsory under a Ministerial Order). (Section 54)
8. A provision which enables compulsory registration to be extended by Ministerial Order to include specified areas, specified land or specified land in such an area. This would enable multi-apartment buildings to be included. (Section 53)
9. A provision that where a registered owner leases land in the Folio, the lessee is to

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1. This practice note incorporates the correction made in the August/September 2006 issue of the Gazette.



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(Contd.)

be registered as owner of the leasehold interest. Previously an application for first registration had to be made. (Section 58)

10. Rules may provide for the amendment of the periods of leases which will come within Section 69 and for which leasehold folios must be opened.(Section 59)

In addition there are two Sections which are, at best, peripheral to the registration systems, and which are already in force

1. The amendment of Section 16 of the Landlord and Tenant (Ground Rents) (No.2) Act 1978 to provide generally that a person who holds an interest under which that person would not be entitled to acquire the fee simple in the property cannot grant a sub-lease under which the sub-lessee would be become entitled to acquire the fee simple. (Section 76)
2. The amendment of Section 28 of the same Act to provide that only covenants in the lease the fee simple interest in which is being acquired, are to be extinguished on the acquisition of the fee simple. (Section 77)