



Practitioners may be aware that the Land Registry Form 17, including the electronic version currently in use, states that the lodging solicitor is the “solicitor for the applicant” for various registrations, including registration of a charge. The lodgement of a dealing containing a deed of charge, including the lodging solicitor's application for registration of the lending institution as owner of the charge, might be open to the interpretation that the lodging solicitor is acting in a legal capacity for the lending institution. The agreed position between the Law Society and the lending institutions under the certificate of title system is that the borrower's solicitor acts only for the borrower and does not act for the lending institution. The Conveyancing Committee sought confirmation from the lenders that the statement in the Land Registry Form 17 does not represent a derogation from or any relaxation of the agreed position of the borrower's solicitor under the certificate of title system.

The committee is pleased to advise practitioners that the Irish Mortgage Council (IMC), representing the lending institutions, recently wrote to confirm with the committee that it shares the Law Society's view that the borrower's solicitor is acting for the borrower and not the lender. The IMC further confirmed that, in registering the lender's charge, the borrower's solicitor is discharging part of the undertaking under the certificate of title system but is not specifically acting on behalf of the lender.

CERTIFICATE OF TITLE SYSTEM AND LAND REGISTRY FORM 17