



**T**he Joint Committee is of the opinion that there is no necessity to have a deed made in pursuance of Section 14 of the FHPA adjudged duty stamped.

Section 14 provides that no Stamp Duty, Land Registry Fee, Registry of Deeds Fee, or Court Fee shall be payable on any transaction creating a Joint Tenancy between Spouses in respect of a “family home” where the home was immediately prior to such transaction owned by either Spouse, or by both Spouses otherwise than as Joint Tenants”.<sup>1</sup>

The intention of Section 14 is to encourage Spouses where the Family Home is owned by one of them, to place the home in joint ownership.

By reason of such Statutory exemption it is not necessary for the Deed creating such Joint Tenancy to be adjudicated. In so far as the Registry of Deeds is concerned, provided there is a Certificate in the Deed and Memorial that such vesting is made in pursuance of the Act, the Registrar will register the Deed without Adjudication.

The Certificate could be in the following form:

“It is Hereby certified that the property hereby assigned/conveyed/transferred is the Family Home of the Parties hereto within the meaning of the Family Home Protection Act 1976 and that this assignment/conveyance/transfer is being made in pursuance of Section 14 of the said Act”.

In so far as the Land Registry is concerned, provided there is lodged with the Transfer, which should contain the aforementioned Certificate, a Statutory Declaration or a Certificate that the property is the family home of the parties to the Transfer, the Registrar will register the dealing without Adjudication.

## SECTION 14 OF THE FHPA, 1976

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*1. Section 114 of the Finance  
Act, 1990 provides that no  
stamp duty shall be payable  
on any transfer of property  
between spouses.  
See Practice Notes at  
pages 1.11 and 1.12 hereof*