

**REMOVAL OF
NOTICE OF
MARRIAGE
FROM FOLIO**

A practitioner brought to the attention of the Conveyancing Committee a situation where a client was the sole owner of an apartment, title to which was registered in the Land Registry. The client was married and lived in the apartment with her spouse. The apartment therefore was the family home of the couple.

The client's spouse entered a notice of marriage under Section 12 of the Family Home Protection Act 1976 on part 2 of the folio. The client subsequently entered into a separation agreement and her spouse executed a deed of waiver consenting to the sale of the said apartment.

The question put to the committee was whether it thought a notice of marriage must be removed from the folio before closing.

The view expressed by the committee was that, from a legal point of view, there are probably no conveyancing consequences of the continuation of the notice of marriage as a notice in part 2 of the folio. However the committee suggested that it would be good practice to have the notice removed if the opportunity to do so presented itself.

The committee wrote to the Land Registry to inquire if there was any specific Land Registry procedure for having such a notice removed from the folio. The reply from the Land Registry indicated that Rule 7 of the Land Registration Rules 1972 allows for the removal of a notice that no longer affects or relates to a particular property the ownership of which is registered on a folio. The Land Registry went on to say that an application could be made when the property ceases to be a family home or at or following the registration of the spouse as sole owner.

The application can be made by adapting Land Registry Form 71A and lodging it along with all supporting documentation in the Land Registry.

Practitioners should note that a notice of marriage pursuant to Section 12 of the Family Home Protection Act, 1976 registered in respect of property title to which is registered in the Registry of Deeds, cannot be removed from the register.