



The Dublin Solicitors Bar Association has been engaged in correspondence with the Registry of Deeds with a view to reducing delays in the comparison and registration of Deeds.

The Assistant Registrar has explained that delays in comparison were due to the combination of a number of factors, including above - average levels of lodgements following the postal strike. Extra staff have been assigned to the office and already considerable progress has been made in reducing the arrears, resulting in a noticeable improvement from behind the Solicitor's desk.

The Assistant Registrar took the opportunity of pointing out that a proportion of the delay was inevitably caused by material appearing to be defective at comparison stage and having to be returned to the Solicitors concerned. The most frequent defects are:

- (i) failure to complete the Memorial by the accurate inclusion of the execution and witnessing of the Deed;
- (ii) incomplete description of the premises;
- (iii) defects in the Affidavit or Jurat.

In future in order to minimise delay, the staff of the Comparison Office have been instructed to make a brief examination of all Memorials, to check for the more usual short comings. Only if a Memorial passes this examination, will comparison proceed.

It was pointed out to the Assistant Registrar that his staff had introduced, without warning or apparent authority, a practice rule that the particulars of execution and witnessing included in Memorials should be typewritten, instead of being inserted in handwriting.

For clarity, we set out of the following practical guidelines, observance of which will greatly facilitate the Registry staffs:

1. The body of the Memorial as well as the particulars of execution and witnessing, should be typewritten, for maximum legibility.
2. The Deed and its Memorial should have a properly detailed description of the premises.
3. Ensure that the Deed and its Memorial are properly witnessed and that the Affidavit of the attesting witness and the Jurat to that Affidavit are both properly completed and dated.

As a further practical aid to the completion of Memorials, we would remind Solicitors acting for Purchasers to obtain on closing detailed particulars of the witnesses to the Vendor's execution of the purchase Deed and Memorial.

REGISTRY OF DEEDS



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(Contd.)

The Association has also been discussing with the Registry of Deeds the possibility of procuring Searches by post.

This proposal was made by the Assistant Registrar, who invited the Association to consider it and let him know its views. The Conveyancing Committee of the Association was unanimously in favour of the suggestion and is so informing the Registrar.

The broad basis of the arrangement would be that the Requisition for Search would be lodged by post, together with a standard fee. When the Search was ready, it would be certified by the Registry and returned by post to the Solicitors. When the sale had been completed and the closing act registered, the Purchasers Solicitors would relodge the Search, with a standard fee, so that it could be continued and closed as heretofore. It would then be returned to the Solicitor by post.

This system would link satisfactorily with a further proposal that Registry of Deeds fees should, so far as possible, be standardised.

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**INTEREST ON
CLIENT
ACCOUNTS**

The Society recommends that when a Solicitor holds or receives for or on account of a client money on which, having regard to all the circumstances (including the amount and the length of time for which the money is likely to be held) interest ought in fairness to the client be earned for him, the Solicitor shall either:

- (a) Deposit such money in a separate designated account and account to the client for any interest earned thereon or
- (b) Pay to the client a sum equivalent to the interest which would have accrued for the benefit of the client if the money had been deposited in a separate designated account.

The Solicitor is entitled to charge fees for any work in relation to the placing of monies on deposit or accounting to the Revenue Commissioners for interest earned.

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