

REQUISITIONS  
ON TITLE

## 1996 EDITION

## NOTES

**R**equisition numbers have been changed due to new Requisitions being introduced and due to change in sequence. The format of a number of Requisitions have been changed for ease of reference with no substantive changes and accordingly are not commented on in this note.

**Requisition Nos.**

<b>Old</b>	<b>New</b>	
<b>1</b>	<b>1</b>	<b>Premises</b>
<b>1.2</b>	<b>_</b>	Reference to television aerial or cable has been deleted as more appropriate to pre-contract enquiries.
<b>1.9/10</b>	<b>1.4</b>	Reference to the HomeBond Scheme, the new name for the National House Building Guarantee Scheme has been introduced.
<b>2</b>	<b>2</b>	<b>Services - note change in heading</b>
<b>2.8</b>	<b>2.3</b>	Reference to lanes has been added. The wording "have all charges on account thereof been paid" has been dropped. If the roads are in charge it follows that a purchaser is unconcerned with payment of charges.
<b>3</b>	<b>3</b>	<b>Easements and Rights</b>
<b>4</b>	<b>4</b>	<b>Obligations/Privileges</b>
<b>5</b>	<b>5</b>	<b>Forestry</b>
<b>6</b>	<b>6</b>	<b>Fishing</b>
<b>6</b>	<b>7</b>	<b>Sporting</b> Fishing and Sporting has been split into two separate Requisitions 6 and 7 respectively. First of all a distinction had to be made between rights etc. arising by virtue of usage as against those granted by Deed wherein the latter case non exercise would not end the right and second a further distinction has to be made in regard to rights reserved to the Land Commission. In regard to Sporting Rights a further distinction had to be made between Registered Land and Unregistered title.



<b>7</b>	<b>8</b>	<b>Possession</b>
<b>7.2</b>	—	7.2 has been deleted as superfluous.
<b>8</b>	<b>9</b>	<b>Tenancies</b>
—	<b>9.1.a.</b>	This is a new paragraph to take into account the provisions of the new Landlord & Tenant Act 1994.
<b>8.2</b>	—	This Requisition has been deleted since the replies given at 9.1.c. will have already elicited this information.
—	<b>9.8.a-c.</b>	These are new Sections to take into account the provisions of the Housing (Miscellaneous Provisions) Act 1992 and Regulations thereunder .
—	<b>9.8.d.</b>	This covers the Housing (Registration of Rented Houses) Regulations 1996 which came into force on 1 May 1996.
<b>9</b>	<b>10</b>	<b>Housing (Private Rented Dwellings Act) 1982-1983</b>
<b>10</b>	<b>11</b>	<b>Outgoings</b>
<b>11</b>	<b>12</b>	<b>Notices</b>
<b>11.1</b>	<b>12.1.a</b>	The list of Acts has been expanded to include the following: Air Pollution Act Building Control Act Environmental Agency Act Registration of Title Act Water Pollution Act Wild Life Act
<b>12</b>	<b>13</b>	<b>Searches</b>
<b>13</b>	<b>14</b>	<b>Incumbrances/Proceedings</b>
<b>13.3</b>	<b>14.1.c</b>	The Bord of Works charge has been replaced with a general rent charge.

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22	15	<b>Voluntary Dispositions/Bankruptcy - note change in heading</b>
22.1	15.b.	The period of years has been reduced from ten years to five years in line with the Bankruptcy Act 1988.
-	15.c.	To cover the existing situation where there is a voluntary disposition which can be set aside by the official assignee in the event of the disponent becoming bankrupt within a period of two years from the date of the voluntary disposition <sup>1</sup> .
14	16	<b>Taxation</b>
-	16.2	This has been added to deal with Section 8 of the Capital Acquisitions Tax Act 1976.
-	16.5.a & b	These have been added to cover Probate Tax pursuant to Section 111 of the Finance Act 1993.
-	16.6	This is a new Requisition to cover any claim to property by way of adverse possession pursuant to Section 146 of the Finance Act 1994
-	16.10	This is a new Requisition to cover Section 76 of the Finance Act of 1995.
-	16.11	This Requisition is new to deal with Residential Property Tax Clearance Certificate.
14.13	16.12	This has been amended to deal with the new P.D. Form.
15	17	<b>Non Resident Vendor</b> This Requisition remains the same save and except reference to exchange control has been deleted as such controls have been abolished.
16	18	<b>Body Corporate Vendor</b>
-	18.5	This had been added to cover Section 29 of the Companies Act 1990.
-	18.6.	This has been added to cover Section 31 of the Companies Act 1990.

*1. Please note that the next reprint of the 1996 Requisitions will incorporate a further amendment to this Requisition in view of the Practice Note at page 13.62 hereof*



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|-----------------|-----------------|--|
| <b>17</b>       | <b>19</b>       | <p><b>Land Act 1965</b></p> <p>This Requisition has been changed by deletion of 17.1 and replaced by 19.1 to cover all situations where relevant. The Requisition has been further expanded to provide for a requirement of the Land Commission to consolidate.</p> <p>Any reference to Land Commission compulsorily acquiring land has been deleted in view of the fact that the land Commission are no longer acquiring lands.</p> |
| <b>18</b>       | <b>20</b>       | <p><b>Unregistered Property</b></p> <p>This requisition has been changed somewhat to deal with compulsory registration before or after completion and there is a tightening of the undertaking mentioned in the Requisition.</p>   |
| <b>21</b>       | <b>21</b>       | <p><b>Identity - note change in heading</b></p>  |
| <b>19</b>       | <b>22</b>       | <p><b>Registered Property</b></p>  |
| <b>19.1</b>     | <b>22.1.a.</b>  | <p>This Requisition asks for copy <i>certified</i> copy Folio at this stage.</p>   |
| <b>19.8/11</b>  | <b>22.1e/f.</b> | <p>These have been merely moved from “furnish on closing” to “furnish now”.</p>  |
| <b>20</b>       | <b>23</b>       | <p><b>Newly Erected Property</b></p>   |
| _               | <b>23.1.g.</b>  | <p>A new paragraph has been inserted to enable P.D. Stamp be impressed prior to completion.</p>  |
| _               | <b>23.1.h.</b>  | <p>HB10 is needed at Requisition stage.</p>  |
| <b>20.8</b>     | <b>23.2</b>     | <p>This now has a provision for assessment for Stamp Duty (for non grant type houses).</p>   |
| <b>20.14</b>    | <b>23.2.g.</b>  | <p>HG5 has been replaced by HB10.</p>  |
| <b>20.15</b>    | <b>23.2.h.</b>  | <p>HG6 has been replaced by HB11.</p>  |
| <b>20.16/17</b> | _               | <p>These Requisitions have been deleted to avoid duplication (as they are already in Registered Land Requisitions).</p>  |

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23	24	<b>Family Home Protection Act 1976 and Family Law Act 1995 note additional reference to Family Law Act 1995</b>
24	25	<b>Family Law Act 1981 (“The 1981 Act”)/Family Law Act 1995 note additional reference to Family Law Act 1995</b>
24	26	<b>Judicial Separation and Family Law Reform Act 1989/Family Law Act 1995 - note additional reference to Family Law Act 1995</b>
25	27	<b>Local Government (Planning &amp; Development) Act 1963</b>
–	27.11	This is a new Requisition pursuant to Sections 9 and 10 of the 1992 Local Government (Planning & Development) Act.
–	27.12.a & b	This is a new Requisition to deal with Section 22 of the Building Control Act of 1990.
–	28	<b>Building Control Act 1990</b> Note of the above new Requisition has already been published.
34	29	<b>Fire Services Act 1981</b>
–	29.3	This is new, bearing in mind the fact that you will not normally get evidence of compliance from the Fire Officer himself pursuant to the Fire Services Act of 1981.
–	30	<b>Safety Health and Welfare at Work (Construction) Regulations 1995 (“the Regulations”)</b> New Requisition. This Requisition will only apply where there is a “client” as defined in the Regulations. It will not apply to the majority of residential purchases.
–	31	<b>Environmental</b> Environmental law has become increasingly important in property transactions. Accordingly a new Requisition has been included and should be sufficient for most property transactions, but care should be taken with regard to commercial transaction.
32		<b>Food Hygiene Regulations</b> This is a new Requisition and it is to highlight the registration of



premises such as hotel, restaurant, takeaway, public house, butcher shop, holiday camp or food manufacturer which must comply with the requirements of the Food Hygiene Regulations.

However, it is important to note that a premises which, for example, sells sandwiches which are not prepared on the premises would have to comply with the Food Hygiene Regulations, but need not be registered.

- 26**      **33**      **Leasehold/Fee Farm Grant Property**
- 27**      **34**      **Acquisition of fee simple under the Landlord and Tenant (Ground Rent) Acts 1967**
- 28**      **35**      **Requisitions Local Government (Multi Storey Buildings) Act 1988**
- **35.2**      New Requisition to establish whether the above Act or the Building Control Act 1990 apply.
- **35.9**      New Section to elicit evidence of compliance with Local Government (Multi-Storey Buildings) Act 1988.
- 29**      **36**      **New Flats/Managed Properties**
- The heading and definitions in former Requisition 29 have been expanded to take into account privately managed developments to include houses and mixed house/apartment developments.
- 29.27**      **36.13.c.** See additional wording.
- 29.32(iii)**      **36.15.c.** See additional wording.
- 30**      **37**      **Second Hand Flats/Second Hand Managed Properties**
- **37.1.a.** This is new and is for the purpose of establishing whether or not there are problems with the management company.
- **37.2.ad** These are new and are needed **at this stage.**
- 31**      **40**      **Licensing**
- The reference to Food Hygiene Regulations has been extracted and expanded in a separate section. See Requisition No. 32.

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## CHAPTER 13

# LAW SOCIETY CONVEYANCING HANDBOOK

SEARCHES AND  
MISCELLANEOUS MATTERS



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32	41	<b>Restaurant/Hotel</b>
–	42	<b>Special Restaurant Certificate</b> This is a new Requisition to deal with a new type of Licence created by the Intoxicating Liquor Act 1988 permitting the sale of the full range of intoxicating liquors in a defined type of restaurant and the provision of a substantial meal therein.
33	43	<b>Dancing Music and Singing</b>
35	44	<b>Completion</b>

*Circulated to the profession  
on 15th May 1996*

**UPDATE:** Practitioners should bear in mind that there may be further amendments in subsequent editions of the Requisitions on Title or in subsequent practice notes.