



STATUTORY INSTRUMENTS.

**S.I. No. 457 of 2009**



REGISTRATION OF DEEDS (NO. 2) RULES 2009

**(Prn. A9/1681)**

REGISTRATION OF DEEDS (NO. 2) RULES 2009

1. (1) These Rules may be cited as the Registration of Deeds (No. 2) Rules, 2009.

(2) These Rules and the Registration of Deeds Rules 2008 to 2009 may be cited together as the Registration of Deeds Rules 2008 to 2009 (No. 2).

(3) These Rules and the Registration of Deeds Rules 2008 to 2009 shall be construed together as one.

2. These Rules shall come into operation on the 1st day of December 2009.

3. (1) Application for registration of a judgment mortgage pursuant to section 116 of the Land and Conveyancing Law Reform Act 2009 shall be made in Form 16 as set out in the schedule hereto and shall have endorsed thereon a certificate that the judgment was obtained, signed by the proper officer of the relevant court.

(2) For the purposes of registration the judgment debtor shall be deemed to be the grantor and the judgment creditor shall be deemed to be the grantee.

4. For the purposes of the registration of a charging order under section 17 of the Nursing Homes Support Scheme Act 2009, the person described as the owner shall be deemed to be the grantor and the Health Service Executive shall be deemed to be the grantee.

5. The Registration of Deeds Rules 2008 are amended by the substitution of the following for rule 12 of those rules:

*“Discharge, release and receipt of mortgage*

12. (1) Application for registration of a discharge or release or partial discharge or partial release of a mortgage shall be made in Form 6, accompanied by the discharge or release and the prescribed fee.

(2) Application for registration of a receipt on a mortgage shall be made in Form 7, accompanied by the mortgage deed with the receipt endorsed thereon, and the prescribed fee.

(3) Registration of the discharge or release of, or receipt endorsed on, any mortgage or charge may be effected by entry opposite, or at the foot of, the entry of the mortgage or charge, to the effect that the mortgage or charge has been discharged or released.”

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th November, 2009.*

6. The Registration of Deeds Rules 2008 are amended by the substitution of the following for rule 13 of those rules:

*“Discharge, release and satisfaction of judgment mortgage*

13. (1) Application for registration of satisfaction of judgment mortgage shall be made in Form 1 or 1A, as appropriate, accompanied by an affidavit or certificate of satisfaction or a discharge or release by the judgment creditor or his personal representative and the prescribed fee.

(2) Registration may be effected by entry opposite, or at the foot of, the entry of the judgment mortgage to the effect that the judgment has been satisfied, discharged or released.”.

7. The Registration of Deeds Rules 2009 are amended by the substitution of the following for rule 4 of those rules:

“4. Registration may be effected by entry opposite, or at the foot of, the entry of the property adjustment order, to the effect that the order has been complied with.”

SCHEDULE

FORM 16

Registry of Deeds

The High Court/Circuit Court/District Court

Title:

Record No:

Between:

A.B. Plaintiff

and

C.D. Defendant

**Note: To be completed in type face or with black pen using block capital letters**

1. I, AB, aged 18 and upwards, of ..... the creditor within the meaning of section 115 of the Land and Conveyancing Law Reform Act 2009 make oath and say as follows:—

2. I, AB, (or EF) of ..... (See Note) did on the day of obtain a judgment in the court against CD of ..... in the above entitled Action, Matter or Cause.

3. To the best of my knowledge and belief, the said CD, the Defendant, at the date of swearing of the affidavit, has an estate or interest in certain lands the particulars of which are set out below:

**Description of the Property:**

**POSTAL ADDRESS:** \_\_\_\_\_

**Situate in**

**TOWN:** \_\_\_\_\_ **TOWNLAND:** \_\_\_\_\_

**PARISH:** \_\_\_\_\_ **BARONY:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **COUNTY:** \_\_\_\_\_

**Area (if known)**

**Map co-ordinates (if known)**

**Geo Directory address (if known)**

**\*(USE additional sheet for further PROPERTIES)**

4. I apply for registration of the said judgment as a judgment mortgage in the register of deeds.

Signature of deponent.

Sworn this the     day of             , 20     ,  
 at  
 in the county of             before me,  
 a Commissioner for Oaths *(or other qualified person)* and I know the deponent *(or, I know*  
    , who certifies his knowledge of  
 the deponent),

I,                     , hereby certify that  
 I know the deponent.

Signature

Signature

I certify that judgment was obtained in the above entitled action in the High Court/Circuit Court/District Court

Dated the     day of             20     .

\*Signature

\*of the proper officer of the court in which the judgment was obtained.

NOTE: See section 115 of the Land and Conveyancing Law Reform Act 2009.

We, the Registration of Deeds and Title Rules Committee, constituted pursuant to the provisions of Section 74 of the Registration of Deeds and Title Act 2006 in exercise of the power conferred on us by Section 48 of the Registration of Deeds and Title Act 2006, with the concurrence of the Minister for Justice, Equality and Law Reform, do hereby make the foregoing Rules.

Dated this 19th day of November, 2009.

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Mary Laffoy, Judge of the High Court

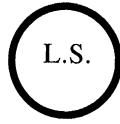
John T. Coleman, Chairman of the Property Registration Authority

Catherine Treacy, Chief Executive of the Property Registration Authority

James Dwyer, Senior Counsel

Owen M. Binchy, Solicitor

I, DERMOT AHERN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by Section 48 of the Registration of Deeds and Title Act 2006, hereby concur in the making of the foregoing Rules.



GIVEN under my Official Seal,  
25 November 2009.

DERMOT AHERN,  
Minister for Justice, Equality and Law Reform.

## EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation.)*

These Rules, which come into effect on the 1st of December 2009, provide for the registration of judgment mortgages pursuant to section 116 of the Land and Conveyancing Law Reform Act 2009, for new Form 16, for the registration of charging orders under the Nursing Homes Support Scheme Act 2009, for the amendment of rules 12 and 13 of the Registration of Deeds Rules 2008 and for the amendment of rule 4 of the Registration of Deeds Rules 2009.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
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nó trí aon díoltóir leabhar.

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