Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5.—*cont.*		and in sub-section four the words "within the same" occurring twice. Section thirteen, sub-section two, from "within" to "jurisdiction." Section twenty-four, sub-section six, from "that a pauper" to "asylum" where that word next occurs. Section sixty-two. Section ninety-nine the words "with a jury." Section one hundred and forty-nine. Section two hundred and forty-six, from "subject" to "an asylum." Section two hundred and seventy-nine. Section three hundred and thirty-eight, sub-section two, the words "in lunacy." The Second Schedule, Form 13. The Fourth Schedule, the references to "Dover" and "Maidstone" repealed as from the commencement of the Lunacy Act, 1890.

CHAPTER 66.

An Act to establish Local Registries of Titles to Land in Ireland. [5th August 1891.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Local Registration of Title (Ireland) Act, 1891.

Application of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall, except as in this Act specially provided, come into operation on the first day of January one thousand eight hundred and ninety-two.

PART I.

ESTABLISHMENT OF CENTRAL AND LOCAL REGISTERS OF OWNERS.

Establishment of registers of owners of land.

4.—(1.) There shall be established and maintained in Ireland, under the registering authorities herein-after mentioned, registers of owners of freehold land, with such additional registers in connexion therewith as are herein-after provided in regard to leaseholds and other subsidiary interests in land.

(2.) For the purposes of such registers there shall be a central office in the city of Dublin (in this Act referred to as "the central office"), and a local office in each county in Ireland (in this Act referred to as "the local office").

(3.) Subject to the provisions of this Act, the central office shall be the sole office for registration as regards land in the county of Dublin and the office for registration as regards such other land as may be prescribed, and each local office shall be the office for registration as regards land in the county at large in which such office is situated, except so far as may be otherwise prescribed; and for such purposes a city or town or county of a city or county of a town shall form part of the county at large within which it, or the greater part of it, as the case may be, is situated.

(4.) The central office shall be under the management and control of an officer, who shall be called the "registrar of titles."

(5.) Each local office shall, subject to the direction and control of the registrar of titles in such matters as shall be prescribed, be under the management and control of the Clerk of the Crown and Peace for the county, or, if the offices of Clerk of the Crown and Clerk of the Peace are not united, of the Clerk of the Crown or Clerk of the Peace, as the Lord Chancellor may direct, but, if such person is not, in the opinion of the Lord Chancellor, qualified to discharge the duties of the office, then such office shall, subject as aforesaid, be under the management and control of such other person, being a solicitor, as shall be appointed by the Lord Chancellor for that purpose.

(6.) Each local office shall be in the office kept by the Clerk of the Crown and Peace for the county pursuant to the provisions of the County Officers and Courts (Ireland) Act, 1877, or at such other place in the county as the Lord Chancellor shall from time to time sanction.

40 & 41 Vict. c. 56.

(7.) The registrar of titles and the clerk of the Crown and Peace, or such other person appointed as aforesaid, shall be the registering authorities for the purposes of this Act, and are respectively in this Act referred to as the "central registering authority" and the "local registering authority," as the case may be, and each of them is in this Act referred to as a "registering authority."

Registrar of titles and other officers.

5.—(1.) The officers attached to the Land Judge who have heretofore acted as officers in the Record of Title Office shall, from and after the commencement of this Act, be attached to the central office; and the Land Judge shall adjust the duties to be performed by the said officers under this Act in such manner as may appear expedient, and shall so arrange the same that some one of the said officers shall be in attendance on every day of the year on which the offices of the Supreme Court of Judicature in Ireland are open; and there shall be paid out of moneys to be provided by Parliament to such officers, or any of them, or to any officer or clerk attached to the Land Judge whose duties shall be increased by the operation of this Act, such sum by way of increased annual salary as the Treasury shall approve on the recommendation of the Land Judge.

(2.) The first registrar of titles shall be the officer who has heretofore acted as principal officer in the Record of Title Office: and every future registrar of titles shall be such barrister or solicitor of at least eight years standing, or such officer being a barrister or solicitor having been attached to the office of the Land Judge for a period of at least eight years, as the Land Judge shall from time to time appoint.

Appointment and remuneration of officers.

6.—(1.) There shall be attached to the central office and to each local office such officers and clerks as the Lord Chancellor, with the concurrence of the Treasury as to number, may from time to time direct, but the Treasury may, with the consent of the Lord Chancellor, grant to the central and local registering authorities such allowances as they may think proper for defraying the expense of necessary clerical assistance.

(2.) If the Lord Chancellor directs the appointment of any officers or clerks in addition to the staff existing and attached to the Land Judge, or being in the office of any clerk of the Crown and Peace, such officers and clerks shall, in the case of the local offices, be appointed in the manner provided by the ninth section of the County Officers and Courts (Ireland) Act, 1877. In the case of the central office, such officers and clerks of the Supreme Court as might, under the Supreme Court of Judicature Act (Ireland), 1877, or otherwise, be required to serve in, or might be assigned to, the Record of Title Office, may, in the like manner, be required to serve in, or be assigned to, the central office, and the central office shall be deemed to be part of the office of the Land Judge, and shall be under his control.

40 & 41 Vict. c. 56.

40 & 41 Vict. c. 57.

(3.) Such salaries and remuneration of officers and clerks, and of any persons who may be appointed local registering authorities by the Lord Chancellor as aforesaid, and such expenses of carrying this Act into effect as may be sanctioned by the Treasury, shall be paid out of moneys to be provided by Parliament.

(4.) The Lord Chancellor, with the concurrence of the Treasury, may appoint any existing officer of the Registry of Deeds, or the clerk of the Registry of Judgments, with the consent of such officer or clerk as the case may be, to be an officer of the central or of any local office, and in the case of an officer of the Registry of Deeds either without ceasing to be an officer thereof or otherwise, and in the case of any officer upon such terms as to existing rights to salary and pension as the Lord Chancellor, with the concurrence of the Treasury, and with the consent of the officer, may by order prescribe.

(5.) Any existing officer of a county court who was appointed before or after the passing of the County Officers and Courts (Ireland) Act, 1877, may, with his own consent, be appointed by the Lord Chancellor to be an officer of any local office, either without ceasing to hold his existing office or otherwise, and upon such terms as to existing rights to salary and pension as the Lord Chancellor, with the concurrence of the Treasury, and with the consent of the officer, may by order prescribe.

40 & 41 Vict. c. 56.

Remuneration of clerks of Crown and Peace.

7. There shall be paid to each Clerk of the Crown and Peace who shall act as a registering authority under this Act, such increase of salary for additional duties imposed on him by this Act, as the Lord Chancellor, with the consent of the Treasury, may direct; but every Clerk of the Crown and Peace, upon whom any additional duties are imposed in consequence of this Act, who was appointed between the passing of the County Officers and Courts (Ireland) Act, 1877, and the passing of this Act, and who elected under the provisions of the sixteenth section of the former Act to continue to practise as a solicitor, may, at any time within three years after the commencement of this Act, declare his election not to continue to practise as a solicitor, and shall thereupon be in the same position with respect to superannuation allowance as he would have been, if he had declared his election not to continue to practise at the time of his appointment.

40 & 41 Vict. c. 56.

Fees to be payable in offices.

8.—(1.) The Land Judge, with the approval of the Lord Chancellor, may, with the consent of the Treasury, fix the fees to be taken in the central and local offices respectively for the purposes of this Act; but in fixing the scale of fees care shall be taken, in the case of land, that such fees shall (so far as conveniently may be) bear a certain proportion to the valuation under the Acts relating to the valuation of rateable property in Ireland of the lands to be affected by the registration, and in the case of charges or burdens, by or under which any sum is or may be charged or secured on land, to the value of the charge or burden at the time of the registration; and such scale shall be altered from time to time in manner aforesaid, whenever the Land Judge shall think it expedient, so as to ensure, so far as possible, that no higher fees shall be authorised to be taken than will produce an annual amount sufficient to discharge the salaries, remuneration, and other expenses payable under and incidental to the working of this Act.

42 & 43 Vict. c. 58.

(2.) The Public Offices Fees Act, 1879, shall apply to fees payable under this Act.

Official seals.

9.—(1.) The central registering authority and each local registering authority shall have a separate official seal.

(2.) Judicial notice shall be taken by all courts of law of the said official seals, and any instrument purporting to be sealed with any such seal shall be admissible in evidence, and, if a copy, shall be admissible in like manner as the original.

Powers of registering authority.

10.—(1.) Subject to general rules the registering authority may, by summons under his seal, require the attendance of all such persons as he shall think fit in relation to the registration of any title.

(2.) He may, by like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce the map, survey, or book for inspection.

(3.) He may examine on oath any person appearing before him and administer an oath accordingly.

(4.) He may allow to any person summoned by him the reasonable expenses of his attendance.

(5.) Any expenses allowed in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration, and may be dealt with in such manner as may be prescribed.

(6.) If any person, after the delivery to him of a summons under this section, or of a copy thereof, and after having had a tender made to him of the expenses, if any, to which he is entitled, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under this Act, or to answer on oath or otherwise such questions as may be lawfully put to him by the registering authority under the powers of this Act, he shall, on conviction, incur a penalty not exceeding twenty pounds, which may be recovered in a summary manner.

Exercise of powers by registering authorities.

11.—(1.) All the powers and duties of the central registering authority under this Act may be exercised and performed by any other officer or officers in the central office whom the Land Judge shall from time to time nominate; and all the powers and duties of any local registering authority may be exercised and performed by any other officer or officers in the local office whom the Land Judge shall from time to time nominate.

(2.) The central registering authority may sue and be sued by the name of the central registering authority of the land registry of Ireland; and each local registering authority may sue and be sued by the name of the local registering authority of the land registry of Ireland for the county for which he is such authority.

Relations of central and local registering authorities.

12.—(1.) Provision shall be made by general rules for determining the relations between the central registering authority and the several local registering authorities, and the control to be exercised by the central registering authority over each local registering authority, and also for notifying to and recording in the central office registrations made under the provisions of this Act in the several local offices, and for notifying to and recording in the proper local office or offices registrations made in the central office.

(2.) Such rules may provide for the examination in the central office of the title to land for the purpose of first registration to be effected in any local office.

Jurisdiction of High Court and county court.

13.—(1.) The High Court and the county courts respectively shall have jurisdiction for the purposes of this Act, but the jurisdiction of the county court shall be only in such cases as may be prescribed, and the expression "the court" shall mean the High Court or the county court accordingly. In making general rules regard shall be had to the limits of jurisdiction of the county court for the time being.

(2.) Any jurisdiction of the High Court under this Act may be exercised either in open court or in chambers as may be directed by general rules.

(3.) All matters in respect of which jurisdiction is given to the High Court under this Act shall be assigned to the Land Judge.

(4.) Provided that during vacation or during the illness of the Land Judge, or during his absence, or for any other reasonable cause, such matters or any part thereof may be transacted and disposed of by or under the direction of any other Judge of the High Court named for that purpose by the Lord Chancellor.

Appeal and reference to the court.

14.—(1.) Any person aggrieved by an order or decision of a registering authority may appeal to the court in the prescribed manner, and under the prescribed conditions, and the court may annul or confirm, with or without modification, the order or decision of the registering authority.

(2.) Whenever the central registering authority entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, he may make an order referring the question to the court in the prescribed manner, and thereupon such proceedings shall be taken as may be prescribed.

(3.) In any proceeding under this section the court shall, if so requested by the central registering authority, and may in any case, if necessary, appoint a guardian or other person to represent any infant, married woman, idiot, lunatic, person of unsound mind, person absent beyond seas, unborn person, or person as to whom it is not known whether he is alive or dead; and, if satisfied that the interests of any person so represented are sufficiently protected by the representation, may make an order declaring that he shall be conclusively bound by the decision of the court, and thereupon he shall, subject to the right under this Act to appeal on special leave, be bound accordingly, as if he were a party.

(4.) The decision of the court shall be final and conclusive on all the parties except where it shall give special leave to appeal, and except in the case of a decision upon a question of law, in either of which cases an appeal may be brought in the prescribed manner to the Court of Appeal, and that Court may make such order in respect of the matter of the appeal and as to costs as it may think just, and its decision shall be final and conclusive on all the parties.

Enforcement by court of order of registry.

15. If any person disobeys an order of a registering authority, made in pursuance of this Act, the registering authority may certify the disobedience to the court, and thereupon the person guilty of the disobedience may, subject to his right of appeal to the court from such order, be punished by the court as if the order of the registering authority were the order of the court.

Registering authorities to obey orders of courts.

16.—(1.) The several registering authorities shall obey the order of any competent court in relation to any registered land on being served with the order or an office copy thereof.

(2.) A registering authority may, where he considers it necessary, apply in the prescribed manner to the court which has made such order, either to vary the same or to give directions as to the mode in which it is to be obeyed; and thereupon the court, after such notice, if any, as it may direct, may vary such order in such manner, or make such new order, as it may think fit.

Power of court in action for specific performance

17.—(1.) Where an action is instituted for the specific performance of a contract relating to registered land or a registered charge,

the court having cognizance of the action may cause all or any parties who have registered rights in the land or charge, or have entered cautions or inhibitions against the same, to appear in the action, and show cause why the contract should not be specifically performed, and the order of the court in the action shall be binding on those parties or any of them.

(2.) All costs incurred by any parties so appearing in an action to enforce against a vendor specific performance of his contract to sell registered land or a registered charge shall be taxed as between solicitor and client, and be paid by such person as the court shall order.

Record of Title Office.

Abolition of Record of Title Office under 28 & 29 Vict. c. 88.

18.—(1.) No title shall, after the commencement of this Act, be recorded under the Record of Title Act (Ireland), 1865.

(2.) Provision shall be made by general rules for the registration under this Act, without cost to the parties interested, of all titles recorded under the Record of Title Act (Ireland), 1865, and care shall be taken in such rules to protect any rights acquired in pursuance of recording under that Act.

(3.) Until a title recorded under the Record of Title Act (Ireland), 1865, is registered under this Act, the former Act shall apply thereto in the same manner as if this Act had not passed.

(4.) All books, documents, and papers in the possession of the Record of Title office, or of any person by reason of his employment in or in aid of that office, shall be dealt with in such manner as the Land Judge may by order direct, and any person failing to comply with any order of the Land Judge made for the purposes of giving effect to this sub-section may be dealt with by the Land Judge as if he were guilty of contempt of the High Court.

Registry of Deeds.

Land registered under Act to be exempted from registry of deeds.

19.—(1.) Any registered land (including in the word "land" tenements and incorporeal hereditaments) shall, from and after the date of the registration thereof, and so long as it remains so registered, be exempt from the provisions of the Acts relating to the Registry of Deeds, and a deed or other document executed or coming into operation after that date shall not, by reason only of its relating to any such land, be required to be registered in the said registry.

(2.) The registration under this Act of the ownership of a leasehold, or other subsidiary interest in land, shall not have the effect of exempting from the provisions of the Acts relating to the Registry of Deeds any interest in the land other than the interest the ownership of which is registered under this Act.

(3.) The registration under this Act of the ownership of the freehold in land shall not (except as in this Act specially provided) have the effect of exempting from the provisions of the Acts relating to the Registry of Deeds any leasehold interest in the land, whether such leasehold interest is or is not registered as a burden under this Act.

(4.) Where land is registered under this Act a memorial of the registration, in the prescribed form, shall be given to the Registrar of Deeds, who shall forthwith register the same in the Registry of Deeds without any fee or duty being charged for so doing.

(5.) When the registration in the Registry of Deeds of any deed or other document within a certain period or otherwise is required by any Act of Parliament, registration of the title under such deed or other document, within the same period (where registration within a certain period is required under this Act) shall be a compliance with the provisions of such Act.

Provisions for remitting land voluntarily registered to the law of Registry of Deeds.

20. The person registered as full owner of land (including in the word "land," tenements and incorporeal hereditaments), the first registration of which under this Act has been voluntary, may at any time, in the prescribed manner and with the prescribed consent, require the register to be closed in respect of the land; and thereupon a memorial of the closing of the register, in the prescribed form, shall be given to the Registrar of Deeds, who shall forthwith register the same in the Registry of Deeds. Such memorial, when registered, shall be conclusive evidence of the several matters therein contained; and from and after the registration of such memorial the register shall be deemed to be closed as to such lands, but shall for all purposes be deemed to have conferred an indefeasible title upon the person therein described as owner, subject as in the register is mentioned, and the land shall no longer be deemed to be registered land, and shall cease to be exempt from the provisions of the Acts relating to the Registry of Deeds.

Registration of judgment mortgages.

13 & 14 Vict. c. 29.

21.—(1.) From and after the date of the registration of any land (including in the word "land," tenements and incorporeal hereditaments) the registration of the affidavit required by the Act passed in the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter twenty-nine, and the Acts amending the same (in this section referred to as the said Acts), for the purpose of registering a judgment as a mortgage upon the land shall be made in the prescribed manner, and with such entries as may be prescribed.

(2.) Immediately upon such registration all such and the same consequences in all respects shall ensue, and all such and the same rights, powers, and remedies in all respects shall be acquired and possessed by every or any person as would have ensued or been acquired and possessed by or by reason of the registration of such affidavit in the Registry of Deeds pursuant to the provisions of the said Acts, if this Act had not passed.

PART II.

REGISTER OF LANDOWNERS.

Registration when to be compulsory and when voluntary.

22.—(1.) From and after the commencement of this Act the registration of the ownership of freehold land shall be compulsory where the land has been at any time sold and conveyed to or

vested in a purchaser under any of the provisions of the Purchase of Land (Ireland) Acts, and is subject to any charge in respect of an annuity or rentcharge for the repayment of an advance made under any of the said provisions on account of the purchase money. In all other cases first registration under this Act shall be voluntary.

(2.) Provision shall be made by general rules for the registration without any fee being charged therefor, of every person who shall within one year from the commencement of this Act make application for first registration as owner of land the registration of the ownership of which is by this Act declared to be compulsory.

(3.) Subject to the provisions of this Act all registration which is by this Act declared to be compulsory, and all registration of owners of statutory tenancies on the register of leaseholders shall be made in the proper local office, and all other registration of persons as owners of land under this Act shall be made in such office as shall be prescribed.

Compulsory registration of land sold under Purchase of Land (Ireland) Acts.

23.—(1.) In the case of any land the registration of the ownership of which is by this Act declared to be compulsory,—

(*a.*) Where the sale has been made before the commencement of this Act the Land Commission may at any time, by notice in the prescribed manner, require the owner to register his ownership of the land under this Act, and thereupon, if the owner shall not within the prescribed time make application to be registered accordingly, the Land Commission may make application in the prescribed manner to have the ownership of the land registered under this Act.

(*b.*) Where the sale is made after the commencement of this Act the Land Commission or the Land Judge, as the case may be, shall forthwith, in order that the purchaser may be registered under this Act as owner of the land, transmit to the registering authority a notice in the prescribed form; and thereupon such registering authority shall, subject to the provisions of this Act and to general rules, proceed to register the purchaser accordingly.

(2.) Provision shall be made by general rules, in the event of the original purchaser having ceased by death or otherwise to be the owner of the land before such registration, for ascertaining the person who has become the owner of the land, and for his being registered under this Act as such.

(3.) For the purpose of any such registration as aforesaid, the registering authority shall have all the same and the like jurisdiction and powers in reference to compelling the disclosure of instruments and facts affecting the title, and in reference to the production of deeds and in reference to all other matters as if the purchaser or other owner, as the case may be, had made an application to be registered as owner of the land under this Act.

Landlord selling an estate may obtain certificate o remainder.

24.—(1.) Where it is proposed to sell any land under the provisions of any of the Purchase of Land (Ireland) Acts, and such land is held under a title common to other land not proposed to be sold, the Land Commission shall, if so required by the vendor,

investigate the title to the whole or any part of such last-mentioned land, and shall issue in the prescribed manner a certificate of the title thereto, and in the event of an application being made for first registration by the owner of such last-mentioned land the registering authority may accept such certificate as evidence of the title of the person named therein as owner, as of the date of its execution.

(2.) In any case in which land has been sold to a tenant through the Land Commission, and the title to other land held under a common title has been investigated at the same time by the Land Commission, it shall be lawful for the vendor or his successor in title to apply to the Land Commission to issue to him a certificate in the prescribed form of the title of the vendor to such last-mentioned land, and if the Land Commission are of opinion that such title has been sufficiently investigated, they may, if they think fit, issue such a certificate, and such certificate shall have the same effect in all respects as a certificate issued under the preceding sub-section.

Where registration of ownership compulsory, no title acquired by transfer until registered.

25. The following provisions shall apply to all freehold land the registration of the ownership of which is by this Act declared to be compulsory:—

(1.) A person shall not, under any conveyance executed on or after the commencement of this Act, acquire any estate in any such land until he is registered as owner of the land, but on being so registered his title shall relate back to the date of the execution of the conveyance, and any dealings with the land before the registration shall have effect accordingly: Provided that the foregoing provisions shall not apply to the conveyance of any estate expectant on an estate of freehold, whether the estate so expectant be in reversion or in remainder, or to any conveyance by way of mortgage or of transfer of mortgage.

(2.) On the death on or after the commencement of this Act of any owner of such land, when succession duty is paid by or on behalf of any person entitled to be registered as owner of the land or any part thereof, the Commissioners of Inland Revenue shall be entitled, and they are hereby required, to demand payment from such person of the amount of the fee which would be necessary to be paid for the registration of such person as owner of the land, and upon receipt of such payment they shall pay such amount to the central registering authority, and shall signify to such registering authority the name of the person and the land in respect of which the duty was paid, and thereupon such registering authority shall give such person notice that on production of the proper evidence he may be registered as owner of the land without further payment.

Application for first registration.

26. An application for first registration as an owner of land may be made by such persons and shall, subject to the provisions of this Act, be made in such manner, and subject to such notice, and shall be supported by such examination or evidence of the title to the land, as may be prescribed.

Subsequent registrations to be made in office of first registration.

27.—(1.) Subject to the provisions of this Act, every application for registration of a person as owner of land, or of any charge or burden, or of any right affecting, or of any leasehold estate derived out of, registered land shall be made in the office in which the first registration of ownership of the land shall have been made; and the register as regards any such land, charge, burden, right, or estate, shall mean the register kept in the office in which such first registration shall have been made.

(2.) Provision may be made by general rules for the transfer of the registration of any land from a local to the central office, or from the central to a local office, on the application of the owner, and with the prescribed consents, and after such transfer has been effected in the prescribed manner the register as regards any such land shall mean the register kept in the office to which registration has been so transferred.

Classes of owners who may be registered.

28. A person may be registered either—

(1.) as full owner of land, that is to say, as tenant in fee simple thereof; or

(2.) in the case of settled land, as limited owner of the land, that is to say, as tenant in tail or tenant for life thereof, or as having under the Settled Land Acts, 1882 to 1889, the powers of a tenant for life thereof.

Provisions for general note on the register in regard to burdens arising from previous interest of purchasing tenant.

29.—(1.) Before the first registration of any person as owner of land purchased under any of the provisions of the Purchase of Land (Ireland) Acts, the registering authority shall, if so required by the applicant for registration, ascertain and enter on the register in the prescribed manner all burdens which, upon the prescribed examination of title, appear to affect the land, except those to which, though not registered, all registered land is declared by this Act to be subject.

(2.) Where the applicant for such registration has not so required, the registering authority may, if he shall think fit, dispense with the ascertainment of such of the burdens affecting the land as have arisen from the interest vested in the purchaser by the conveyance or vesting order (as the case may be) being deemed to be a graft upon his previous interest in the land or as have arisen in any other manner from the existence of such previous interest; but, where the registering authority so dispenses with the ascertainment of such burdens, he shall ascertain and enter on the register in the prescribed manner all other burdens which upon the prescribed examination appear to affect the land, except those to which, though not registered, all registered land is declared by this Act to be subject.

(3.) Where the registering authority dispenses with the ascertainment of burdens under the provisions of this section, he shall note on the register in the prescribed manner that the registration is made subject to any rights or equities arising from the interest vested in the purchaser by the conveyance or vesting order (as the case may be) being deemed to be a graft upon his previous interest in the land or arising in any other manner from the existence of

such previous interest; and, upon such note being made, such (if any) of the said rights or equities which would have affected the land if registration had not been made under this Act, shall have full force and effect notwithstanding the registration; and the provisions as to burdens, to which, though not registered, all registered land is declared by this Act to be subject, shall apply to such rights and equities (if any).

(4.) The registered owner may at any time apply to the registering authority in the prescribed manner to ascertain and enter on the register any burdens the ascertainment of which may have been dispensed with under the provisions of this section, and the registering authority shall thereupon ascertain and enter such burdens on the register, and shall cancel such note as aforesaid, the entry whereof shall thenceforth be of no force or effect.

Effect of registration.

30.—(1.) On the registration of a person as full owner of land, an estate in fee simple in the land shall be vested in the person so registered.

(2.) On the registration of a person as limited owner of land, an estate in fee simple in the land shall be vested in the person so registered and the other persons entitled to the several estates and interests comprised in the subject of the settlement collectively, according to such estates and interests respectively.

(3.) In either case the estate of the registered owner shall be subject as follows:—

(*a.*) to the burdens, if any, registered as affecting the land; and

(*b.*) except so far as the contrary is expressed in the register, to the burdens to which, though not registered, all registered land is declared by this Act to be subject,

but shall be free from all other rights, including rights of Her Majesty, Her heirs and successors.

(4.) Provided that if the registered owner holds the land as trustee nothing in this section shall affect his duties or liabilities as such trustee.

(5.) A person may be registered as owner of freehold land if, on the prescribed examination of title, it appears to the registering authority that the person or persons on whom the registration will, according to the foregoing provisions of this section, confer an estate in fee simple in the land, is or are justly entitled thereto, subject only to such burdens, duties, and liabilities as aforesaid.

(6.) On an application for registration as owner of land, the applicant shall disclose to the registering authority all burdens which to his knowledge affect the land, and the registering authority shall enter on the register all burdens which appear on examination of the title to affect the land, except those to which, though not registered, all registered land is declared by this Act to be subject.

(7.) Where a person claims to be registered as owner of land on the ground that he has contracted to buy such land, but such land has not been conveyed to him, he shall not be so registered except with the consent of his vendor.

Land certificate.

31. On registration of a person as owner of land, the registering authority shall deliver to him a certificate in the prescribed form (in this Act referred to as a "land certificate") of his title to the land.

Rectification in pursuance of order of exchange.

32. Where an order has been made by a court of competent jurisdiction for the exchange of registered land the registering authority shall rectify the register in such manner as may be necessary to give effect to the order.

Fraudulent dispositions and entries.

33.—(1.) Subject to the provisions of this Act with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

(2.) Any entry, erasure, or alteration in the register made by fraud shall be void as between all parties or privies to the fraud.

Conclusiveness of register.

34.—(1.) The register shall be conclusive evidence of the title of the owner to the land as appearing thereon; and such title shall not, in the absence of actual fraud, be in any way affected in consequence of such owner having notice of any deed, document, or matter relating to the land; but nothing in this Act shall interfere with the jurisdiction of any court of competent jurisdiction based on the ground of actual fraud or mistake, and any such court may upon such ground make an order directing the register to be rectified in such manner and on such terms as it thinks just.

(2.) Where any error occurs in the registration of the ownership of land (whether of misstatement, misdescription, omission or otherwise, and whether in the register or in any map attached thereto), the Court, upon such application and in such manner as may be prescribed and after such notice, if any, as it may direct, may, if in the opinion of the Court such error can be corrected without injury to any person, order such error to be corrected upon such terms as to costs or otherwise as it may think fit; and thereupon the registering authority shall rectify the register in such manner as may be necessary to give effect to the order; and, if the error also occurs in the land certificate delivered on the occasion of the registration, shall issue a new land certificate in the prescribed form and cancel the old certificate, and for that purpose may order any person in whose possession such last-mentioned certificate is to bring the same to the office and deliver it to the registering authority; but such delivery of a new certificate shall be without prejudice to any claim of lien or other claims thereon, and shall be on such terms as to costs as may seem just.

Transfers and Transmissions.

Transfer of registered land.

35.—(1.) A registered owner of land may transfer the land or any part thereof, and the transferee shall be registered as owner of the land transferred: Provided that a limited owner shall not be

empowered without the consent or order now required by law to transfer a principal mansion house or the demesnes thereof or other lands usually occupied therewith, and that a transferee from a limited owner shall not be registered as owner except on evidence that the purchase money (if any) has been paid either to the persons entered on the register as trustees or into court.

(2.) There shall be executed on the transfer an instrument in the prescribed form, or in such other form as may appear to the registering authority to be sufficient to convey the land, but until the transferee is registered as owner of the land transferred, that instrument shall not confer on the transferee any estate in the lands.

(3.) On registration of the transferee, the registering authority shall deliver to him a land certificate.

(4.) Where part only of the land is transferred, the registering authority shall either allow the transferor to retain his land certificate with an entry therein as to the part transferred, or, if the transferor shall so request, deliver to him a new land certificate in respect of the land retained by him.

Effect of transfer.

36.—(1.) On the registration of a transferee of land as full owner of the land, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall be vested in the registered transferee an estate in fee simple in the land transferred, subject to such of the following burdens as for the time being subsist in reference to the land, namely,—

(*a.*) The burdens (if any) registered as affecting the land; and

(*b.*) The burdens to which, though not registered, all registered land is declared by this Act to be subject;

but, except as is mentioned in this section, free from all other rights, including rights of Her Majesty, Her heirs and successors:

Provided that where the transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights, subject to which the transferor held the land transferred.

(2.) On the registration of a transferee of land as limited owner of the land under a settlement, the registration shall have the same effect as in the case of a transferee registered as full owner, except that the estate in fee simple conferred by the registration shall vest in the transferee and the other persons entitled to the several estates and interests comprised in the subject of the settlement collectively, according to such estates and interests respectively.

Transmission of registered land from limited owner; and on death.

37. With respect to the transmission of registered land the following provisions shall have effect:—

(1.) Where land of which the owner is registered as limited owner under a settlement passes to another person on the determination of the estate of the limited owner, the person to whom the land so passes may be entered in the register as owner of the land, and the registering authority on his

application or on that of the trustees of the settlement, if any, shall register him accordingly as full owner or as limited owner as the case may be.

(2.) On the death of a sole registered full owner of land, or of the survivor of several registered full owners of land, not being registered as tenants in common, such person shall be registered as full owner in the place of the deceased owner as may, on the application in the prescribed manner of any person interested in the land, be appointed by the registering authority, regard being had to the rights of the several persons interested in the land, subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the registering authority under this section.

Saving of consent to alienation, &c.

38.—(1.) Nothing in this Act shall affect the provisions of any Act of Parliament by which the alienation, assignment, subdivision, or sub-letting of any land is prohibited or in any way restricted.

(2.) It shall be the duty of the registering authority to note upon the register in the prescribed manner the prohibitive or restrictive provisions of any such Act of Parliament; but such provisions shall be deemed to be burdens to which, though not registered, all registered land is by this Act declared to be subject.

Defeasance of registered owner's estate.

39. In case of the defeasance of the estate of a registered owner of land, that is to say, where

(*a.*) under a power of sale conferred by a mortgage effected before the first registration of the land; or

(*b.*) under a deed poll executed in pursuance of the Lands Clauses Acts or in pursuance of any statutory provision to the same effect; or

(*c.*) under a sale in execution of any judgment, order, decree, or process of a court; or

(*d.*) under a power of appointment; or

(*e.*) under a vesting order; or

(*f.*) in any other case not provided for by this Act, and which may be prescribed;

the ownership of the land passes to another person otherwise than by transfer from the registered owner or from his legal representatives, then, subject to general rules, the registering authority shall, on the application of that person, and on production of the prescribed evidence, register him as owner of the land in the prescribed manner.

Provided that, unless the registering authority is satisfied that the application is made with the concurrence of the registered owner, or, in case of his death, if he is full owner, of his legal representatives, and if he is not full owner, of such persons as may be prescribed, the registering authority shall, subject to general rules, before registering the applicant as owner of the land, give notice of the application to the registered owner, or, in case of his death, if he is full owner, to his legal representatives, and if he is not full owner, to such persons as may be prescribed; and the registering authority may, if he thinks fit, decline to register the

applicant as owner of the land, except in pursuance of an order of the court.

Charges.

Creation and effect of charge on registered land.

40.—(1.) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise, and the owner of the charge shall be registered as such.

(2.) There shall be executed on the creation of a charge, otherwise than by will, an instrument of charge in the prescribed form, or in such other form as may appear to the registering authority to be sufficient to charge the land, but until the owner of the charge is registered as such, that instrument shall not confer on the owner of the charge any interest in the land.

(3.) On registration of the owner of the charge the registering authority shall deliver to him a certificate of charge in the prescribed form.

(4.) On registration of the owner of a charge on land for the payment of any principal sum of money with or without interest, the instrument of charge shall operate as a mortgage by deed within the meaning of the Conveyancing Acts, 1881, 1882, and the registered owner of the charge shall, for the purpose of enforcing his charge, have all the rights and powers of a mortgagee under a mortgage by deed.

(5.) On registration of the owner of a charge by way of annuity, the owner of the charge shall have such remedies for recovering and compelling payment of the annuity as are described in section forty-four of the Conveyancing and Law of Property Act, 1881.

44 & 45 Vict. c. 41.

(6.) If the registered owner of a charge on land sells the land in pursuance of any of his powers, his transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration on a transfer for valuable consideration by a registered owner.

(7.) When it is expressed in the instrument of charge that any person covenants for payment of the principal sum charged, there shall be implied a covenant by that person with the registered owner for the time being of the charge to pay the sum charged and interest (if any) thereon at the time and rate specified in the certificate of charge, and also a covenant, if the sum or any part thereof is unpaid at the time so specified, to pay interest half-yearly at the specified rate on so much of the principal sum as for the time being remains unpaid.

Transfer of charge.

41.—(1.) The registered owner of a charge may transfer the charge to another person as owner thereof, and the transferee shall be registered as owner of the charge.

(2.) There shall be executed on the transfer of a charge an instrument of transfer in the prescribed form, or in such other form as may appear to the registering authority to be sufficient to transfer the charge, but until the transferee is registered as owner of the charge, that instrument shall not confer on the transferee any interest in the charge.

(3.) The registering authority shall deliver to the registered transferee a certificate of charge in the prescribed form.

(4.) On registration of the transferee of a charge, the instrument of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, 1881, 1882, and the transferee shall

(*a.*) have the same title to the charge as a registered transferee of land under this Act has to the land, under a transfer for valuable consideration or without valuable consideration, as the case may be; and

(*b.*) have for enforcing his charge the same rights and powers in respect of the land as if the charge had been originally created in his favour.

Discharge of registered charge.

42.—(1.) The registering authority shall at the request of the registered owner of a charge on land, or on proof in such manner as is herein-after mentioned, or in such other manner as may be prescribed, of the satisfaction of a charge or of any part of a charge on land, or of the release of any part of registered land from a registered charge, note the satisfaction or release on the register, and thereupon the charge shall to the extent so noted cease to operate.

(2.) For the purposes of this section, the receipt of the registered owner for the time being of a charge shall be sufficient proof of the satisfaction of the charge, or of any part of the charge, and a release signed by the registered owner for the time being of a charge shall be sufficient proof of the release of any part of registered land subject to that charge.

Transmission, &c. of charges.

43. The provisions of this Act with respect to the transmission of registered land and the defeasance of the estate of the registered owner shall apply, with the necessary modifications, to transmissions and defeasances in the case of registered charges on land.

Other Interests in Registered Land.

Creation and effect of subordinate rights and interests.

44.—(1.) Subject to the provisions of this Act, the registered owner of land shall alone be entitled to transfer or charge the land by registered disposition, and the registered owner of a charge shall alone be entitled to transfer the charge by registered disposition.

(2.) Nothing in this Act shall prevent a person from creating any right in or over any registered land or registered charge, but any right created or arising in relation to registered land after the first registration of the land shall not affect a registered transferee of the land or charge for valuable consideration, or the registered owner of a charge created on the land for valuable consideration, unless that right is either—

(*a.*) Registered as a burden affecting the land; or

(*b.*) One of the burdens to which, though not registered, all registered land is by this Act declared to be subject.

(3.) Any right in or over registered land may be protected by means of such cautions and inhibitions as are in this Act in that behalf mentioned.

Burdens which may be registered as affecting registered land.

45.—(1.) There may be registered as affecting registered land any of the following burdens, namely:—

(*a.*) Any incumbrance on the land existing at the time of the first registration of the land;

(*b.*) Any charge on the land created in pursuance of the foregoing provisions of this Act after the first registration of the land;

(*c.*) Any rentcharge (not being a rentcharge to which, though not registered, all registered land is by this Act declared to be subject) or fee farm or other perpetual rent issuing out of the land;

(*d.*) Any power to charge land with payment of money, whether created or arising before or after the first registration of the land;

(*e.*) Any trust for securing money created or arising after the first registration of the land;

(*f.*) Any lien on the land for unpaid purchase money;

(*g.*) Any lease where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds thirty-one years, or where the term is for any less estate but the occupation is not in accordance with the lease;

(*h.*) Any writ, order, delivery in execution, or other process of a court, whether existing before or after the first registration of the land;

(*i.*) Any judgment mortgage, recognizance, Crown bond, inquisition, or lis pendens, whether existing before or after the first registration of the land;

(*j.*) Any easement, profit à prendre, or mining right created by express grant or reservation after the first registration of the land;

(*k.*) Any covenant or condition relating to the use or enjoyment of the land or of any specified portion thereof;

(*l.*) Any estate in dower;

(*m.*) Any such other matter as may be prescribed.

(2.) A burden may be registered under this section on the application of the registered owner of the land, or of any person entitled to or interested in the burden, but if the application is made without the concurrence of the registered owner of the land or such other concurrence as may be prescribed, the burden shall not be registered except in pursuance of an order of the court.

(3.) Any covenant or condition registered under this section may be modified or discharged by order of the court on proof to the satisfaction of the court that the covenant or condition does not run with the land, or is not capable of being enforced against the owner of the land, or that the modification or discharge thereof will be beneficial to the persons principally interested in the enforcement thereof.

(4.) The registering authority may, on the prescribed evidence and subject to the prescribed conditions, modify or cancel any entry under this section of a burden not being such a covenant or condition as aforesaid.

Effect of registration as a burden under this Act.

46.—(1.) Registration of a burden under this Act shall have the same effect as, and make unnecessary, registration of any deed or document relating to such burden, in pursuance of any other public general or local and personal Act of Parliament or of any Provisional Order confirmed by Parliament, but in the case of a leasehold the ownership of which is not registered in any subsidiary register under this Act, such exemption from the necessity of registration in pursuance of the Acts relating to the Registry of Deeds shall extend only to the lease itself, and not to any other deed or document relating to the title to the leasehold.

(2.) Registration of a judgment as a burden under this Act shall have the same effect as and make unnecessary, for any purpose as regards the land, the registration, re-registration, or re-docketing of the judgment in the Registry of Judgments.

(3.) Registration of a recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office as a burden under this Act shall have the same effect as and make unnecessary, for any purpose as regards the land, the registration of such recognizance, bond, judgment, statute, inquisition, or acceptance of office in the Registry of Judgments; but every recognizance, bond, judgment, statute, inquisition, and acceptance of office, which before the passing of this Act required to be registered in the said office, shall after the commencement of this Act be registered in the prescribed manner in the register under this Act, and no such recognizance, bond, judgment, statute, inquisition, or acceptance of office shall, after the expiration of five years from the date of such registry, affect any registered land as to purchasers, mortgagees, or creditors, unless and until it shall be re-registered in the prescribed manner in the register under this Act within five years before the execution of the conveyance, settlement, mortgage, lease, or other instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued, and so, toties quoties, at the expiration of every succeeding five years.

Burdens which are without registration to affect registered land.

47. Subject to the first proviso in this section contained, all registered land shall be subject to such of the following burdens as for the time being affect the land, whether those burdens are or are not registered, namely—

(*a.*) Succession duty, crown rents, quit-rents, tithe rentcharges, and payments in lieu of tithe or tithe rentcharge;

(*b.*) Land improvement charges and drainage charges;

(*c.*) Annuities or rentcharges for the repayment of advances made under the provisions of any of the Purchase of Land (Ireland) Acts on account of purchase money;

(*d.*) Annuities charged under the provisions of section twenty-seven of the Landlord and Tenant (Ireland) Act, 1870; 33 & 34 Vict. c. 46.

(*e.*) Rights of the public or of any class of the public;

(*f.*) Customary rights, franchises, seignorial rights, and liabilities arising from tenure;

(*g.*) Easements and profits á prendre, unless they are respectively created by express grant or reservation after the first registration of the land;

(*h.*) Tenancies created for any term not exceeding thirty-one years, or for any less estate, in cases where there is an occupation under such tenancies; and

(*i.*) Statutory tenancies;

Provided as follows:

(i.) Where it is proved to the satisfaction of the registering authority that any land registered or about to be registered is exempt from, or has ceased to be subject to, succession duty, crown rent, quit-rent, tithe rentcharge, payments in lieu of tithe or tithe rentcharge, land improvement charge, drainage charge, or annuity or rentcharge for the repayment of any advance made on account of purchase money as herein-before is mentioned, the authority may enter on the register notice of the fact; and

(ii.) Where the existence of any of the burdens in this section mentioned is proved to the satisfaction of the registering authority, the authority may, with the consent of the applicant or registered owner, or in pursuance of an order of the court, enter notice thereof on the register.

Mines, minerals, and mining rights.

48.—(1.) A person may be registered as owner of land with or without all or any of the mines and minerals therein, or as owner of any mines and minerals: Provided that a person registered as owner of land shall not as such be registered as owner of the mines and minerals therein.

(2.) Where a person is registered as owner of land, but the registration does not extend to all the mines and minerals therein, all such powers of working, way leaves or rights of way, rights of water and drainage, and other powers, easements, rights and privileges for or incident to or connected with mining purposes, as are for the time being subsisting over the land, and are not created by express grant or reservation after the first registration of the land, shall be, though not registered, burdens on the land.

Priority of registered burdens.

49. Subject to any entry to the contrary on the register, burdens which are registered as affecting the same land, and which if unregistered would rank in priority according to the date of their creation, shall, if created or arising since the first registration of the land, rank according to the order in which they are entered on the register, and not according to the order in which they are created or arise, and shall rank in priority to any other burden affecting the land and created or arising since the first registration of the land, not being a burden to which, though not registered, all registered land is by this Act declared to be subject.

Power of charging to be exercised

50. Where a power to charge registered land, or a trust for securing money on registered land, is registered as a burden on the

land, it may be exercised or executed by the creation of a registered charge and not otherwise, and the person empowered under any such power or trust to charge the land with the payment of any money shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land, and the charge shall be entered in its proper priority. by registered charge.

51.—(1.) Where a person has under or by virtue of any public general or local and personal Act of Parliament, or of any provisional order confirmed by Parliament, a charge on registered land for the payment of any money, or a power to charge registered land with the payment of any money, he shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land. Powers with respect to statutory charges.

(2.) Registration of a charge under this section shall have the same effect as, and make unnecessary, registration thereof in pursuance of any other Act of Parliament or of any provisional order confirmed by Parliament.

52. A right to be registered as the owner of any registered land in derogation of the title of the registered owner shall not be acquired by any mere possession, however long, commencing after the first registration of the land, but where any person but for the provisions of this Act would have obtained a title by mere possession to any registered land, he may apply to the court in the prescribed manner for an order declaring his title to such land, and the court, if satisfied that such title would have been acquired but for the provisions of this Act, may make an order declaring such title, and ordering the register to be rectified in such manner as it thinks just. No acquisition of title by mere adverse possession without order of court.

Register of Leaseholders.

53.—(1.) There shall be maintained a separate register of leaseholders, and the provisions of this Act with respect to the registration of an owner of freehold land, to the transfer and transmission of such land, to defeasances of estates therein, and to charges on and other dealings with such land, including the provisions as to compulsory registration in the case of land sold under the Purchase of Land (Ireland) Acts, shall apply to an owner of a leasehold estate derived immediately or mediately out of freehold land, with such modifications as may be prescribed for the purpose of adapting those provisions to the case of leaseholders, and a leaseholder registered in pursuance of this Act shall, for the purposes of such register of leaseholders, be deemed an owner of land within the meaning of this Act, but the title conferred upon a leaseholder registered in pursuance of this Act shall be subject to all the covenants and conditions of the lease under which the leaseholder holds, and shall not extend to the title of the lessor unless the court having in the prescribed manner investigated the title of the lessor to make the lease shall direct an official note to be entered on the register of leaseholders to the effect that the title of Registry of leaseholders.

the lessor to make the lease has been so investigated and found to be good and valid; and in such case the validity of the lease shall not be afterwards impeached on any ground whatever.

(2.) For the purposes of this section—

(*a.*) The expression "leaseholder" shall include an under leaseholder;

(*b.*) The expression "leasehold estate" shall mean an estate for a term of years of which more than twenty-one are unexpired at the date of registration, not being a term for securing money, with or without a covenant for renewal, and shall include an estate held at a rent under a lease for a life or lives, or determinable on a life or lives and also a statutory tenancy;

(*c.*) A person holding land at a rent under a lease for a life or lives, or determinable on a life or lives, with or without a covenant for renewal, shall be deemed to be a leaseholder and not a freeholder; and

(*d.*) Where a lease of land is converted under the provisions of any Act into a fee farm grant or grant in perpetuity the registering authority shall note on the register in the prescribed manner the fact of such conversion, and provision shall be made by general rules for the transfer, on the prescribed examination of title, of land from the register of leaseholders to the register of owners of freehold land, but, until such transfer is made, the registered leaseholder shall not, under the provisions of this Act, have any further or other title to the land than he would have had if the lease had not been so converted.

Subsidiary Registers.

Subsidiary registers of rights.

54.—(1.) Provision may from time to time be made by general rules for registering the owner of any of the following rights where the title to any such right is not otherwise registered under this Act, namely—

(*a.*) any right which may be registered as a burden affecting registered land; and

(*b.*) any right to any tithe rentcharge, tithes impropriate, or other incorporeal hereditaments of freehold tenure enjoyed in gross, which is declared by this Act to be, though not registered, a burden on registered land,

and for applying the provisions of this Act with respect to the registration of the title to land or charges to the registration of the owner of rights capable of registration in pursuance of this section either without modification or with such modification as may be provided by the rules.

(2.) Nothing in this Act or in any rules under this Act shall make the first registration of any person under this section compulsory.

Boundaries.

Description of registered land.

55. Registered land shall be described by the names of the denominations on the ordnance maps in which the lands are included, or by reference to such maps, in such manner as the registering authority thinks best calculated to secure accuracy, but, except as provided by this Act, the description of the land in the register or on such maps shall not be conclusive as to the boundaries or extent of the land.

Ordnance maps to be kept in registry offices.

56. There shall be kept in the central office the last revised Ordnance maps for the whole of Ireland, and in each local office such maps for the county in which such office is situated. Provisions may be made by general rules for marking or defining on such maps in the prescribed manner the lands the title to which has been registered under this Act, and for reference in the register to such maps, and such maps shall be open to public inspection at such times, in such manner, and upon such terms as shall be prescribed.

Entry of boundaries in certain cases.

57. Where the boundaries of any registered land have been ascertained and defined by any conveyance executed by any of the Commissioners for Sale of Incumbered Estates in Ireland, or of the judges of the Landed Estates Court, or of the Land Judges, under the provisions of any of the Landed Estates Court Acts, or of the Landlord and Tenant (Ireland) Act, 1870, or any Act amending the same, or by any conveyance or vesting order executed or made by the Land Commission under any of the provisions of the Purchase of Land (Ireland) Acts, in every such case the registering authority may, if he thinks fit, after the prescribed notices, enter on the register as conclusive such boundaries, and they shall thereupon be conclusive upon all parties.

33 & 34 Vict. c. 46.

Entry of boundaries by agreement.

58.—(1.) The registering authority may at any time, on the application of the registered owners of adjoining lands, or of the registered owner of land and an unregistered owner of adjoining land, and on the prescribed conditions being complied with, settle and enter on the register as conclusive the boundaries between those lands or any parts thereof, with such alterations, if any, as may from time to time be agreed upon.

(2.) An entry in pursuance of this section shall be conclusive only as between the parties to the application and their respective successors in interest, and shall not operate to confirm the title to the lands the boundaries whereof are settled.

Settlement of boundaries on transfer.

59.—(1.) On the transfer of part of any registered land, the registering authority, on the prescribed conditions being complied with, may enter on the register as conclusive the boundaries between the part transferred and the part not transferred.

(2.) If on any transfer of registered land any question arises as to the boundaries or extent of the land transferred, the registering authority shall, on the application of the transferor or transferee, have jurisdiction to decide the question as between them, and for

that purpose may, if it seems expedient, adopt the decision of any person agreed on by them or appointed by the registering authority.

Meaning of owner in regard to boundaries.

60. For the purposes of the provisions of this Act with respect to boundaries, the owner of unregistered land is the person who is in possession thereof claiming to be entitled to the first estate of freehold therein, or a receiver over such estate appointed by a court of competent jurisdiction, and acting under the order of such court.

PART III.

FURTHER PROVISIONS AS TO REGISTRATION.

Proceedings on or before Registration.

Caution against first registration of land.

61.—(1.) Any person claiming such an interest in unregistered land as entitles him to object to a disposition thereof being made without his consent, or claiming to be an incumbrancer on unregistered land, may, if claiming otherwise than under an instrument registered in the Registry of Deeds, on producing an affidavit in the prescribed form of his interest, lodge a caution with the registering authority to the effect that the cautioner is entitled to notice of any application that may be made for registration of an owner of the land.

(2.) Thereupon an owner of the land shall not be registered until notice has been served on the cautioner to appear and oppose, if he thinks fit, the registration, and the prescribed time has elapsed since the date of the service of the notice, or the cautioner has entered an appearance, whichever first happens.

(3.) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

Provision for doubts as to title of registered owner.

62. Subject to general rules the registering authority, where two or more persons are applying to be registered as owner of the same land, may decide the question, subject to appeal, or may refer the parties to the court.

Trusts not to be entered on register.

63. Except as expressly provided by this Act, there shall not be entered on the register or be receivable by the registering authority notice of any trust, implied, express, or constructive.

Undivided shares and co-owners.

64.—(1.) The owner of any one or more undivided shares in land or a charge may be registered with the addition of the prescribed entries in the register for the purpose of showing the share which he holds in the land or charge.

(2.) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land or of a charge on land, and where two or more persons are so registered they shall be deemed to be joint tenants, unless there is an entry in the register to the effect that they are tenants in common.

(3.) On the registration of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of those owners is reduced below a certain specified number, no registered disposition of the land or charge is to be made, except under the order of the court.

(4.) On the registration of two or more persons as owners of the same land or of the same charge, if the registering authority is satisfied that any number of those owners less than the whole are entitled to make a registered disposition of the land or charge, he shall make an entry on his register to that effect, and such number of those owners shall have power to make a registered disposition of the land or charge without an order of the court notwithstanding the foregoing provisions of this section.

Lands of different tenures.

65. If on an application for the registration of an owner of any land it appears to the registering authority that the land comprises land of freehold tenure and also land of a tenure other than freehold, intermixed and undistinguishable, the registering authority may, notwithstanding anything in this Act, register the owner of the land, but shall enter notice on the register of the facts appearing in relation to the tenure of the land, and the tenure of the portion of the land other than freehold shall remain unaffected by the registration; but nothing herein contained shall prevent the owner of such last-mentioned land registering his ownership in the registry of leaseholders.

Discovery of instruments and facts affecting title.

66.—(1.) Before the completion of the registration of the owner of any land in respect of which an examination of title is required, an affidavit shall be produced to the effect that, to the best of the deponent's knowledge and belief, all deeds, wills, instruments of title, and incumbrances affecting the title applied for, and all facts material to that title, have been disclosed in the course of the examination of title.

(2.) The registering authority may require any person making an affidavit in pursuance of this section to state in his affidavit what means he has had of becoming acquainted with the several matters referred to in this section; and if the registering authority is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration or, as the case may be, to make the entry, until such further or other evidence is produced.

Production o deeds.

67. When an application has been made to register an owner of land, if any person has in his possession or custody any deeds, wills, or instruments affecting the title, to the production of which the applicant or any trustee for him is entitled, the registering authority may require that person to show cause, within a time limited, why he should not produce such deeds, wills, or instruments, or any of them; and, unless cause is shown to the satisfaction of the registering authority within the time limited, he may order that the deeds, wills, or instruments, or any of them, shall

be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as he thinks fit.

Deeds to be marked with notice of registration.

68. Subject to general rules, the registering authority may, if he thinks fit, before registering a person as owner of land, require him to produce such documents of title as will in the opinion of the registering authority, when stamped or otherwise marked, give notice to any purchaser or other person dealing with the land of the fact of the registration, or otherwise to satisfy the registering authority that the fact of the registration cannot be concealed from a purchaser or other person dealing with the land, and may stamp or otherwise mark any documents so produced.

Cautions and Inhibitions.

Caution against registered dealings.

69.—(1.) Any person entitled to any right in, to, or over registered land or a registered charge, may, on producing an affidavit in the prescribed form of his right, lodge a caution with the registering authority to the effect that no dealing with the land or charge is to be had on the part of the registered owner until notice has been served on the cautioner.

(2.) Thereupon the registering authority shall not, without the consent of the cautioner, register any dealing with the land or charge, as the case may be, until he has served notice on the cautioner, warning him that his caution will lapse after the expiration of the prescribed time.

(3.) After the expiration of that time the caution shall lapse unless an order to the contrary is made by the registering authority, and on the caution so lapsing the land or charge may be dealt with as if the caution had not been lodged.

(4.) If before the expiration of that time the cautioner, or some other person on his behalf appears and gives, if required by the registering authority, sufficient security to indemnify every person against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the registering authority may, if he thinks fit, delay registering any dealing with the land or charge for such further period as he thinks just.

(5.) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

Inhibition of registered dealings.

70.—(1.) The court, or, subject to an appeal to the court, the registering authority, on the application of any person interested in any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or registering authority thinks expedient, make an order or, in the case of an application to the registering authority, an entry, inhibiting for a time, or until the occurrence of an event to be named in the order or entry, or except with the consent of or after notice to some specified person, or generally until further order or entry, any dealing with any registered land or registered charge.

(2.) The registering authority, on the application of the person who has obtained an order of the court under the provisions of this section, shall make an entry of the order on the register in the prescribed manner.

(3.) The court or registering authority may annex to any such order or entry any terms or conditions they think fit, and may discharge any such order or cancel any such entry, and generally may exercise such powers as the justice of the case requires; but nothing herein contained shall empower the registering authority to discharge an order made by the court.

(4.) Provided as follows:—

(*a.*) Nothing in this section shall authorise any restrictions to be imposed on the powers of a limited owner under the Settled Land Acts, 1882 to 1890.

(*b.*) It shall not be the duty of the registering authority to make any such entry, except on such terms as to payment of fees and otherwise as may be prescribed, or to enter any restriction which he thinks unreasonable, or calculated to cause inconvenience.

(*c.*) Any entry made under this section may be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested therein.

(*d.*) Where a restriction is imposed under this section on the power to satisfy a registered charge on land the registered owner of the land or other person entitled to redeem the charge may, in such manner as may be directed by rules of court, pay into court the money required to satisfy the charge, and thereupon satisfaction of the charge shall be notified on the register.

Settled Land.

Provisions as to limited owners.

71.—(1.) Where a person is registered as limited owner under a settlement, the names of the trustees of the settlement, if any, shall be entered in a separate column of the register.

(2.) The registration of a person as limited owner of settled land in pursuance of this Act shall not—

(*a.*) confer on the person so registered, as against any person claiming under the settlement, any greater powers of dealing with the land than those of a tenant for life under the Settled Land Acts, 1882 to 1890; nor

(*b.*) confer on the assignee, or trustee in bankruptcy, devisee, or legal personal representative of the limited owner any greater estate or interest than he would otherwise have; nor

(*c.*) take away from any trustee under the settlement any powers of dealing with the land which he would otherwise have.

(3.) Where a person is by operation of law or otherwise assignee of a person registered as limited owner of land, the name of the assignee shall, on his application, be entered in the register with the addition of the word "assignee," or of such other words as may be prescribed: in default of such application, the effect of the entry on the registry shall be as if there had been no assignment.

(4.) Where a new trustee is appointed, the registering authority shall, on application, and on production of the prescribed evidence, enter his name accordingly.

(5.) The provisions of this Act with respect to the registration of limited owners shall not apply in the case of settled land within the meaning of section sixty-three of the Settled Land Act, 1882, unless the settlement confers on the limited owner the powers conferred by the Settled Land Act, 1882 on a tenant for life, or an order made under the Settled Land Act, 1884, is in force at the time of the application for registration. Where such an order is made with respect to registered land, it shall be to the effect that the person who is to exercise the powers of a tenant for life of the land in pursuance of that section shall be registered as limited owner of the land subject to such inhibitions (if any) as may be considered expedient, and it shall not be necessary to register the order as a lis pendens.

45 & 46 Vict. c. 38.

47 & 48 Vict. c. 18.

(6.) A person shall not be affected with notice of the trusts of any settlement by reason of any person being registered as limited owner under the settlement or by reason of any reference to the settlement being entered on the register.

Trustees.

Power for trustee to apply to Court for directions.

72.—(1.) Where a trustee or other person acting in a fiduciary capacity is in doubt as to the person who ought to be registered under this Act, or as to any other matter with respect to which he is required or authorised to act under this Act, he may in such manner as may be directed by rules of court apply to the Court for directions.

(2.) The costs, charges, and expenses properly incurred by a trustee or other person acting in a fiduciary capacity (including a limited owner exercising powers under the Settled Land Acts or this Act) in or in connexion with any proceeding or application required or authorised by this Act, or by any rules under this Act, shall be deemed to be costs, charges, and expenses properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, the registering authority, be finally ascertained and declared by that authority.

Married Women: Infants: Lunatics.

Married women.

73.—(1.) Subject to the provisions of this section, this Act shall apply to a married woman as if she were a feme sole.

(2.) Provided that in the case of a woman who was married before the first of January one thousand eight hundred and eighty-three, and whose title to land accrued before that date, her husband may, on showing that he is entitled in her right to the rents and profits of the land, be registered as owner of the land, with an entry in the register to the effect that he is so registered in right of his wife, and in such case, if the land is freehold, no registered disposition of the land shall be made during her life without her consent.

Infants.

74.—(1.) Where the registered owner of land or a charge is an infant, he shall be so described in the register, but that description may be removed on the prescribed application.

(2.) An infant may for all or any of the purposes of this Act be represented by such person as may be prescribed in that behalf by general rules, or by such person as may be appointed in that behalf by the court.

Lunatics.

75.—(1.) In the case of a lunatic so found by inquisition, the committee of his estate may represent him for all or any of the purposes of this Act.

(2.) In the case of a person of unsound mind not so found by inquisition, the court may from time to time appoint a guardian to represent him for all or any of the purposes of this Act.

Bankruptcy.

Effect of bankruptcy of registered owner.

20 & 21 Vict. c. 60.

76.—(1.) If a registered owner of any land or charge is adjudicated a bankrupt, or has had a resolution or agreement approved and confirmed in the matter of a petition presented by him under section three hundred and forty-three of the Irish Bankrupt and Insolvent Act, 1857, and the land or charge thereby becomes vested in assignees or trustees for the benefit of the creditors of the registered owner, the assignees or trustees under the bankruptcy or arrangement, as the case may be, shall be entitled to be registered as owners of the land or charge in the place of the bankrupt or arranging debtor, as the case may be, or, in the case of settled land, as his assignees.

(2.) If a petition of bankruptcy is presented by or against, or a petition under section three hundred and forty-three of the Irish Bankrupt and Insolvent Act, 1857, is presented by the registered owner of any land or charge, the Chief Registrar of the Court of Bankruptcy in Ireland, or, in the case of a local bankruptcy court, the local registrar shall, in the prescribed manner give the prescribed notice of the presenting of the petition to the prescribed registering authority, and thereupon notice of the presenting of the petition shall be entered on the register; and in the case of the registered owner being adjudicated a bankrupt section three hundred and twenty-eight of the Irish Bankrupt and Insolvent Act, 1857 (which relates to the protection of bonâ fide transactions without notice), shall in its application to registered dispositions of the land or charge, have effect as if the date of the entry of the notice were substituted for the date of the filing of the petition of bankruptcy.

(3.) When any notice of the presenting of a petition has been served under the provisions of this section, and the registered owner has been adjudicated a bankrupt, if the adjudication is afterwards annulled, the Chief Registrar of the Court of Bankruptcy in Ireland or, in the case of a local bankruptcy court, the local registrar shall in the prescribed manner give the prescribed notice of the annulling of the adjudication to every registering authority to whom notice of the presenting of the petition has been given.

Future Advances.

Effect of registered charge for future advances.

77.—(1.) Where a registered charge of a specified sum is expressed to be created on any land for the purpose of securing (whether with or without present advances) future advances to an amount not exceeding that sum, the registered owner of the charge shall be entitled in priority to any subsequent charge to the payment of any sum due to him in respect of advances up to the full amount of the specified sum, except as to any advances which may have been made after the date and with express notice in writing of the subsequent charge.

(2.) The expression "future advances" in this section includes sums from time to time due on an account current, and all sums which by agreement, or the course of business between the parties, are considered to be advances on the security of the charge.

Crown Lands.

Facilities for registration of Crown lands.

78.—(1.) With respect to any land or right vested in Her Majesty the Queen, her heirs or successors, either in right of the Crown, or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof (if any), or, if none, then such person as Her Majesty, her heirs or successors, may by writing under the sign manual appoint, may represent the owner of the land or right for all the purposes of this Act, and may be registered with such special description of the nature of the ownership as may be prescribed.

(2.) The public office or body aforesaid, or the person appointed under this section, shall be entitled to receive such notices, and to make and enter any such application or cautions, and to do all such other acts as any owner of land or of a right in land (as the case may be) is entitled to receive, make, enter, or do under this Act.

(3.) For the purpose of any law or custom relating to Her Majesty in right of the Crown, the registration of land in the register under this Act shall be deemed to be a matter of record, and shall have the same effect as, and shall render unnecessary, the registration of land in a court of record, in the Consolidated Record and Writ Office of the High Court, in the office of Land Revenue Records and Enrolments, or in any other office.

Registry of land below high-water mark and other land subject to rights of Crown.

79. Where application is made for the registration of an owner of land which is not held under a conveyance or vesting order executed or made under the provisions of any Act of Parliament by which the right of the Crown is excluded, the registering authority shall send notice in writing to the Commissioners of Woods, and if it appears to the registering authority that the land comprises land below high-water mark at ordinary spring tides, also to the Board of Trade, and thereupon the Commissioners or Board, as the case may be, may, if it seems fit, lodge a caution in respect of the registration.

Stamp Duties.

80. Before registering any proposed purchaser on the first registration of an owner of land, and before registering any disposition of registered land, it shall be the duty of the registering authority to ascertain that all such stamp duties have been satisfied as would be payable if the land had been conveyed by an unregistered disposition to the proposed purchaser or the disposition to be registered had been an unregistered disposition. **Stamp duties.**

Certificates and Notices.

81.—(1.) Subject to general rules, the land certificate or certificate of charge granted on the registration of an owner of land, or of a charge on land, shall be produced to the registering authority on any subsequent transaction in relation to the land or charge requiring registration, as the case may be, and shall be either cancelled or so altered as to be brought into conformity with the register. **Certificates.**

(2.) Subject to general rules, the registering authority may, on the application of the registered owner, or of any person appearing to the registering authority to be entitled to require the production of a land certificate or certificate of charge, order any person in whose custody the certificate may be, to produce the same to the registering authority for the purpose of any dealing with the registered land or charge which can be effected without the consent of the person having the custody of the certificate.

(3.) The production of a certificate under this section shall not alter the right to the custody of the certificate, and shall not affect any lien of any person thereon.

(4.) A land certificate or certificate of charge shall be primâ facie evidence of the several matters therein contained.

(5.) Subject to any registered rights the deposit of a land certificate or certificate of charge shall, for the purpose of creating a lien on the land or charge to which the certificate relates, have the same effect as a deposit of the title deeds of land or of a charge thereon has heretofore had.

82.—(1.) Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the registering authority a place of address in the United Kingdom. **Addresses and notices.**

(2.) Subject to general rules, every notice by this Act required to be given to any such person shall be served by the registering authority, and shall be served personally, or sent through the post in a registered letter marked outside in the prescribed manner and directed to the person at the address furnished to the registering authority, and, unless returned, shall, in the absence of proof to the contrary, be deemed to have been received by the person addressed within such period as may be prescribed.

(3.) A registered purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof, unless he had knowledge of such omission or non-receipt before registration.

PART IV.

DEVOLUTION OF INTEREST IN FREEHOLD REGISTERED LAND SOLD UNDER PURCHASE ACTS.

Application of Part IV.

83. This part of this Act shall apply to freehold registered land which shall have been at any time sold and conveyed to or vested in a purchaser under any of the provisions of the Purchase of Land (Ireland) Acts, and to no other land. For the purposes of this part of this Act "freehold registered land" includes leasehold registered land which is not of chattel tenure.

Devolution of legal interest on death in freehold registered land sold under Purchase Acts.

84.—(1.) Where any such land is vested in any person without right of survivorship to any other person, it shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time as if it were a chattel real vesting in them or him.

(2.) This section shall apply to any such land over which a person executes by will a general power of appointment as if it were land vested in him solely.

(3.) On the death either of a sole registered full owner or of the survivor of several registered full owners of any such land not being registered as tenants in common, the personal representatives of the sole owner or survivor shall alone be recognised by the registering authority as having any right in respect of the land, and shall have the same powers of dealing with the land, and any registered dispositions by them shall have the same effect, as if they were the registered owners of the land.

(4.) Where any such land is settled by the will of a testator dying after the commencement of this Act and there are no trustees of the settlement, the executors proving the will shall for the purposes of this Act be deemed to be the trustees of the settlement unless and until trustees of the settlement are appointed.

(5.) Probate and letters of administration may be granted in respect of such land only, although there is no personal estate.

44 & 45 Vict. c. 41.

(6.) Section thirty of the Conveyancing and Law of Property Act, 1881, shall not apply to any such land, without prejudice to anything done or any right acquired thereunder.

(7.) This section applies only in cases of death after the commencement of this Act.

Succession to beneficial interest in such land on intestacy.

85.—(1.) On the death of a person intestate as to any such land, the beneficial interest therein shall devolve upon and, subject to the provisions of this Act, be divisible among the same persons as if it were personal estate as to which he had died intestate,

(2.) There shall be abolished as regards such land—

(*a.*) All existing rules of law and canons of descent, and of devolution by special occupancy; and

(*b.*) Tenancy by the curtesy; and

(*c.*) Dower.

Provided that a husband or wife married before the passing of this Act, who, but for this section, would have been entitled to tenancy by the curtesy, dower, or other estate or interest, shall, at his or her own option, be entitled to the same in lieu of the interest conferred on him or her by this section.

(3.) This section applies only in cases of death after the commencement of this Act.

(4.) This section shall not apply to any freehold registered land of any person who is at the commencement of this Act entitled to that real estate, either in possession or in remainder or reversion, and is at that date, and remains thenceforth until his death, incapable, by reason of infancy or of unsoundness of mind, of disposing of that real estate.

Provisions as to administration of such land.

86.—(1.) Subject to the powers, rights, duties, and liabilities herein-after mentioned, the personal representatives of a deceased person shall hold such land as trustees for the persons by law beneficially entitled thereto, and those persons shall, subject to the provisions of this Act, have the same power of requiring a transfer thereof as they have of requiring a transfer of personal estate.

(2.) All enactments and rules of law relating to the effect of probate or letters of administration as respects chattels real, and as respects the dealing with chattels real before probate or administration, and as respects the payment of costs of administration and other matters in relation to the administration of personal estate, and the powers, rights, duties, and liabilities of personal representatives in respect of personal estate, shall apply to such land so far as the same are applicable, as if the land were a chattel real vesting in them or him, save that it shall not be lawful for some or one only of several joint personal representatives, without the authority of the court, to sell or transfer such land.

(3.) In the administration of the assets of a person dying after the commencement of this Act, seized of or entitled to any land to which this part of this Act applies, such land shall be administered in the same manner, subject to the same liabilities for debts, costs, and expenses, and with the same incidents as if it were personal estate: provided that nothing herein contained shall alter or affect the order in which real and personal assets respectively are now applicable in or towards the payment of funeral and testamentary expenses, debts, or legacies.

Provision for registration of heir or devisee of such land.

87.—(1.) At any time after the death of the owner of any such land, his personal representatives may assent, in the prescribed form, to any devise contained in the will of such deceased person, or may transfer the land to any person entitled thereto as heir, devisee, or otherwise; and may make the assent or transfer, either subject to a charge for the payment of any money which the

personal representatives are liable to pay or without any such charge; and on such assent or transfer, subject to a charge for all moneys (if any) which the personal representatives are liable to pay, all liabilities of the personal representatives in respect of the land shall cease, except as to any acts done or contracts entered into by them before such assent or transfer.

(2.) At any time after the expiration of one year from the death of the owner of any such land, if his personal representatives have failed on the request of the person entitled to the land to transfer the land to that person, the court may, if it think fit, on the application of that person, and after notice to the personal representatives, order that the person so entitled be registered as owner of the land either solely or jointly with the personal representatives.

(3.) No fee shall be payable on any transfer under this section by personal representatives to a person beneficially entitled to land.

(4.) The production of an assent by the personal representatives in the prescribed form shall authorise the registering authority to register the person named in such assent as the full owner or limited owner of the land, as the case may be.

Liability for duty.

88. Nothing in this part of this Act shall render any land to which it applies liable to probate duty or legacy duty, or exempt it from succession duty.

Meaning of "heirs."

89. In relation to freehold registered land, to which this part of this Act applies, the following provisions shall have effect:—

(1.) The word "heir" or "heirs" used as a word of limitation in any Act of Parliament, deed, or instrument passed or executed either before or after the commencement of this Act, shall have the same effect as if this Act had not passed.

(2.) The word "heir" or "heirs" used as a word of purchase in any Act of Parliament, deed, or instrument passed or executed before the commencement of this Act shall bear the same meaning as if this Act had not passed.

(3.) The word "heir" or "heirs" used as a word of purchase in any Act of Parliament, deed, or instrument passed or executed after the commencement of this Act shall, unless a contrary intention appears, be construed to mean the person or persons, other than a creditor, who would be beneficially entitled to the personal estate of the ancestor if the ancestor had died intestate.

(4.) Subject as aforesaid, references to the heirs of any person in any Act of Parliament, deed, or instrument passed or executed either before or after the commencement of this Act, shall be construed to refer to his personal representatives.

PART V.

MISCELLANEOUS PROVISIONS.

Indemnity of registering authority.

90. The registering authority shall not, nor shall any person acting under his authority or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or

proceeding for or in respect of any act or matter bonâ fide done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

Penalties for fraud.

91.—(1.) If any person commits any of the following offences, that is to say,—

(*a.*) in the course of any proceedings before a registering authority or the court in pursuance of this Act, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document or fact; or,

(*b.*) fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry, erasure, or alteration in the register; or,

(*c.*) in any affidavit required or authorised to be made for any purpose under this Act, or under any order or general rules made in pursuance of this Act, wilfully makes a false statement in any material particular;

he shall be guilty of a misdemeanor, and if convicted on indictment shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award.

Saving of civil remedy.

(2.) No proceeding or conviction for any offence declared by this Act to be a misdemeanor shall affect any remedy to which any person aggrieved by the offence may be entitled.

Saving of obligation to make discovery.

(3.) Nothing in this Act shall entitle any person to refuse to make a complete discovery in any legal proceeding, or to answer any question or interrogatory in any civil proceeding; but no such discovery or answer shall be admissible in evidence against that person in any criminal proceeding under this Act.

Power to establish insurance fund.

92.—(1.) There shall be established, in accordance with a scheme to be settled by general rules under this Act, an insurance fund to be raised out of insurance fees payable on registered transactions relating to land.

(2.) The insurance fund shall be invested in such names and manner as the Treasury shall from time to time direct.

(3.) If the insurance fund is at any time insufficient to pay compensation for any loss chargeable thereon, the deficiency shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof; but any sum so paid out of the Consolidated Fund or the growing produce thereof shall so soon as may be possible be repaid out of the money subsequently standing to the credit of the insurance fund.

(4.) Accounts of the fund shall be kept, and be audited as public accounts, in accordance with such regulations as the Treasury from time to time make.

(5.) Provision may from time to time be made by general rules for any matters which appear to be necessary or proper

for giving effect to this section, and the scheme to be settled as aforesaid.

Application of insurance fund.

93.—(1.) The insurance fund established under this Act shall be applicable to the following purposes, namely:—

(*a.*) To indemnify a person for his loss as owner, incumbrancer, or otherwise, in respect of any land, arising from some other person being, on the first registration registered as owner of the land, or from the non-registration or incorrect registration of any burden affecting the land.

(*b.*) To indemnify a person for his loss as owner, incumbrancer, or otherwise, in respect of any land, caused by an entry in the register made subsequent to the first registration of an owner of the land, where the entry was either obtained by forgery or fraud, or made by any error on the part of the registering authority or any of his officers:

(*c.*) To indemnify a transferee for valuable consideration of a registered charge on land against any loss arising in respect of the charge from any entry in the register respecting the charge, where the entry was either obtained by forgery or fraud, or made by any error on the part of its registering authority or any of his officers.

(2.) A person shall not be entitled to compensation for any loss where he has caused or substantially contributed to the loss by any act, neglect, or default of himself or his agent.

(3.) A person deriving title from a person entitled to indemnity shall be entitled to the same in the place of the person from whom he so derives title.

(4.) Where an indemnity is in pursuance of this section paid to a person in respect of any land or charge, it shall be applicable in discharge of any incumbrances affecting the estate or interest of that person in the land or charge.

(5.) Where compensation is paid the registering authority on behalf of the Crown shall have the same right of recovering the amount of compensation for any loss from any person who caused or derived any advantage from the loss as the person who suffered the loss, his executors, administrators or assigns would have had if, irrespectively of this Act, the loss were an injury caused by the first-mentioned person to the person who suffered the loss.

(6.) A claim for compensation shall not be entertained after the expiration of six years from the time when the right to the compensation accrued, unless the person entitled to claim was then under disability, in which case the claim shall not be entertained after the expiration of two years from the termination of such disability.

(7.) The right to compensation shall be deemed to have accrued in regard to any estate or interest in possession at the date of the registration in respect of which compensation is claimed, and in regard to any estate or interest in remainder or reversion at the date when such estate or interest would but for such registration have fallen into possession.

94.—(1.) The Land Judge, with the approval of the Lord Chancellor, may, by order, make general rules for carrying into effect the object of this Act, and in particular, without limiting the foregoing power, in respect of all or any of the following matters; that is to say, Power to make rules.

(*a.*) The conduct of the business in the central and local offices, and the powers and duties of the central and local registering authorities, and of all officers and persons attached to the said offices; and

(*b.*) The relations between the central office and the local offices; and

(*c.*) The conduct of transfers of land at and through the medium of the said offices, and the publication of information relating to transfers of land; and

(*d.*) The making, keeping, and indexing of the registers and the authentication and preservation of documents relating to title; and

(*e.*) The procedure to be observed, the precautions to be taken, the notices to be given, and the evidence to be adduced in all proceedings in connexion with registration, and the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land proposed to be registered; and

(*f.*) The form in which and conditions under which entries in the register are to be made, and may be modified or cancelled; the order in which entries relating to the same land are to be made, and the correction of clerical errors in the register or in any document connected with registration; and

(*g.*) The form and contents of any instrument, certificate, memorial, affidavit, or other document required or authorised to be used or given under or for the purposes of this Act; and

(*h.*) The registration of the ownership of mines and minerals, rents, tithes impropriate, and other incorporeal hereditaments, and of other hereditaments of a special nature; and

(*i.*) The conditions under which a new land certificate or certificate of charge may be given in place of a certificate lost, defaced, or destroyed; and

(*j.*) The custody of any instruments from time to time coming into the hands of any officer of the central or any local office; and

(*k.*) The inspection of and making copies of or extracts from any register or document in the custody of the central or any local office; and

(*l.*) The costs and fees to be charged by or allowed to solicitors or other persons in or incidental to or consequential on the registration of land, or other registered transaction in relation to land or charges thereon, or any matters authorised to be registered under this Act, or any other matter required to be done for the purpose of carrying this Act into execution, or otherwise in discharge of the duties imposed by this or any other Act on the registering authorities, with power to require

those costs and fees to be payable by commission, percentage, or otherwise; and

(*m.*) The circumstances (if any) under which payment of any such costs or fees may be remitted; and

(*n.*) The taxation of costs and the persons by and to whom costs are to be taxed and paid; and

(*o.*) The entering into security for the costs of appeals under this Act; and

(*p.*) Any matter by this Act directed or authorised to be prescribed, or for which general rules are by this Act directed or authorised to be made.

(2.) The assent of the Treasury shall be necessary for any general rules relating to fees or involving expenditure of public money.

(3.) Any general rules made in pursuance of this Act shall be judicially noticed, and shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament, and after any such rules have been laid before Parliament, they shall be deemed to have been duly made and to be within the powers of this Act.

(4.) Provided that if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days during which the said House shall have sat, praying that any such rules be annulled, Her Majesty may thereupon, by Order in Council, annul the same, and the rules so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings or things which may in the meantime have been taken or done under the same.

Construction of terms in Act.

95.—(1.) In this Act, unless there is something inconsistent in the context,—

"Clerk of the Crown and Peace" means Clerk of the Crown or Clerk of the Peace, as the case may be, where the offices of Clerk of the Crown and Clerk of the Peace have not been united under the provisions of the County Officers and Courts (Ireland) Act, 1877;

40 & 41 Vict. c. 56.

"Conveyance" and "incumbrance" have respectively the same meaning as in the Conveyancing Acts 1881, 1882;

51 & 52 Vict. c. 49.

52 Vict. c. 13.

"Disposition" includes transfer and charge;

"Existing" means existing at the commencement of this Act;

"Fee simple" includes estates held under fee farm grants and perpetuity grants;

"Freehold land" means land the full ownership of which is an estate in fee simple;

"General rules" means such general rules as are by this Act authorised to be made.

20 & 21 Vict. c. 60.

35 & 36 Vict. c. 58.

"Irish Bankruptcy Acts" means the Irish Bankrupt and Insolvent Act, 1857, and the Bankruptcy (Ireland) Amendment Act, 1872, and any Act amending the same;

"Judgment mortgage" means an affidavit of ownership registered under the provisions of an Act passed in the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter twenty-nine, and any Act amending the same; 13 & 14 Vict. c. 29.

"Land" includes all corporeal hereditaments, but no other hereditaments. It also includes an undivided share in land;

"Land improvement charge" includes any charge for land improvement loans payable to the Commissioners of Public Works in Ireland under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, and the Acts amending the same; 10 & 11 Vict. c. 32.

"Drainage charge" includes any charge payable under the same Act and the Acts amending it, or under the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, or any subsequent Act, and also any charge payable under the Drainage and Improvement of Lands Act (Ireland), 1863, or any Provisional Order under the said Act confirmed by Parliament, or under any other Act for the improvement or drainage of lands in Ireland; 5 & 6 Vict. c. 89. 26 & 27 Vict. c. 88.

"Land Commission" means the Irish Land Commission;

"Land Judge" means the Land Judge of the Chancery Division of the High Court for the time being;

"Landed Estates Court Acts" means the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter seventy-seven, and any Act continuing, extending, or amending the same, and the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-two, and any Act amending the same; 12 & 13 Vict. c. 77. 21 & 22 Vict. c. 72.

"Lease" means any contract of tenancy and includes an agreement for a lease;

"Lord Chancellor" includes Lords Commissioners and Lord Keeper of the Great Seal of Ireland;

"Personal representatives" means an executor or administrator, and includes a special executor and an executor named in a will in exercise of a power by a woman married before the year one thousand eight hundred and eighty-three, unless and until a general administration of her estate and effects has been granted;

"Possession" includes the receipt of the rents and profits;

"Prescribed" means prescribed by any general rules made in pursuance of this Act;

"Purchase of Land (Ireland) Acts" means the Irish Church Act, 1869, the Landlord and Tenant (Ireland) Act, 1870, the Landlord and Tenant (Ireland) Act, 1872, the Land Law (Ireland) Act, 1881, the Tramways and Public Companies (Ireland) Act, 1883, the Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887, the Purchase of Land (Ireland) Amendment Act, 1888, the Purchase of Land (Ireland) Amendment Act, 1889, and any Act amending any of the said Acts; 32 & 33 Vict. c. 42. 33 & 34 Vict. c. 46. 35 & 36 Vict. c. 32. 44 & 45 Vict. c. 49. 46 & 47 Vict. c. 43. 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33.

"Record of Title Office" means the office established by the Record of Title (Ireland) Act, 1865;

"Register" means a register maintained under this Act;

"Registered land" means land of which an owner has been registered under this Act;

"Registry of Deeds" means the office for registering memorials of deeds, conveyances, and wills, established by the Act of the Parliament of Ireland of the sixth year of the reign of Queen Anne, chapter two;

6 Anne, c. 2.

"Acts relating to the Registry of Deeds" means the last-mentioned Act and every Act amending the same or in any way regulating the Registry of Deeds;

"Registry of Judgments" means the office established by the Act of the session of the seventh and eighth years of the reign of Her present Majesty, chapter ninety;

7 & 8 Vict. c. 90.

"Acts relating to the Registry of Judgments" means the last-mentioned Act, and every Act amending the same.

"Right" includes estate, interest, equity, and power;

"Settlement," "settled land," "tenant for life," and "trustees of the settlement" have respectively the same meanings as in the Settled Land Acts, 1882 to 1889;

"Statutory tenancy" includes judicial lease under the Land Law (Ireland) Act, 1881, and any Act amending the same, and any tenancy in respect of which a judicial rent has been fixed under any of those Acts;

44 & 45 Vict. c. 49.

"Tithe rentcharge" includes any annual sum payable to the Land Commission under the thirty-second section of the Irish Church Act, 1869, as amended by any subsequent Act;

32 & 33 Vict. c. 42.

"Unregistered land" means land of which an owner has not been registered under this Act;

"Will" includes codicil, and expressions referring to the making of a will include the revival or re-execution of a will, but not the confirmation only of a will previously made.

(2.) For the purposes of this Act an estate or interest in remainder or reversion not disposed of by a settlement and reverting to the settlor or descending to the testator's heir, shall be an estate or interest comprised in the subject of the settlement.

Saving for escheats, &c.

96. Nothing in this Act shall affect any right of Her Majesty to any escheat or forfeiture or the right of the Crown to any freehold registered land to which the Crown would be entitled by escheat, but this section shall not exempt such land from liability to debts in like manner as in any other case.