

# SEANAD ÉIREANN

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**AN BILLE UM CHLÁRÚ GNÍOMHAS AGUS TEIDIL 2004**  
**— AN COISTE**  
**REGISTRATION OF DEEDS AND TITLE BILL 2004**  
**— COMMITTEE**

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*Leasuithe*  
*Amendments*

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*Government amendments are distinguished by an asterisk.*

## SECTION 1

- \*1. In page 5, lines 15 to 17, to delete subsection (2) and substitute the following new subsection:

“(2) The Registration of Title Act 1964 and this Act may be cited together as the Registration of Deeds and Title Acts 1964 and 2004 and are to be construed together as one.”.

## SECTION 2

- \*2. In page 5, line 18, to delete “shall come” and substitute “comes”.

## SECTION 3

- \*3. In page 5, before section 3, to insert the following new section:

“3.—In this Act—

‘Act of 1964’ means the Registration of Title Act 1964;

‘Authority’ means the Property Registration Authority established under *section 9*;

‘functions’ includes powers and duties, and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties.”.

# [*This is the appropriate reference if amendment 10 is accepted*]

[*Acceptance of this amendment involves the deletion of section 3 of the Bill*].

4. In page 5, before section 3, to insert the following new section:

“Cesser of Part 2 insofar as it relates to new registrations. 3.—Part 2 of this Act shall cease to apply to the registration of new deeds as and from the date on which the Act of 1964 is applied by the Minister so as to require compulsory registration of title throughout this State.”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

## SECTION 4

\*5. In page 5, before section 4, to insert the following new section:

“Repeals and consequential amendment of Act of 1964.

4.—(1) The enactments specified in the Schedule to this Act are repealed to the extent specified in the third column thereof.

(2) References in the Act of 1964 to the Registrar, and references in any other enactment to the Registrar of Titles or Registrar of Deeds, are deleted and references to the Authority inserted.

(3) Accordingly, the words ‘he’, ‘him’ and ‘his’ which refer to the Registrar, Registrar of Titles or Registrar of Deeds in that Act or other enactment are also deleted and, as appropriate, ‘it’ or ‘its’ inserted.

(4) The Act of 1964 is further amended by the deletion of ‘central office’ in sections 8, 108(2) and 121(2) and the insertion of ‘Land Registry’.”.

*[Acceptance of this amendment involves the deletion of section 4 of the Bill].*

## SECTION 5

\*6. In page 6, before section 5, but in Part 1, to insert the following new section:

“Expenses.

5.—The expenses incurred in respect of the Authority under this Act and the Act of 1964 and any other expenses incurred by the Minister in the administration of those Acts shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.”.

\*7. In page 6, before section 5, but in Part 1, to insert the following new section:

“Laying of orders and general rules before Houses of Oireachtas.

6.—An order under *section 21#* or a general rule under *section 26* or *section 126* of the Act of 1964 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the subsequent 21 days on which that House has sat after it is laid before it, the order or rule is annulled accordingly, but without prejudice to the validity of anything previously done under it.”.

*#[This is the appropriate reference if amendment 22 is accepted]*

\*8. In page 6, before section 5, but in Part 2, to insert the following new section:

“Establishment day.

7.—The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.”.

\*9. In page 6, before section 5, but in Part 2, to insert the following new section:

“Definition (Part 2).

8.—In this Part, ‘Chief Executive’ means the Chief Executive of the Authority.”.

SECTION 5—*continued*

**\*10.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Property  
Registration  
Authority.

9.—(1) On the establishment day there stands established a body to be known as An tUdarás Clárúcháin Maoine or, in the English language, the Property Registration Authority (in this Part referred to as the ‘Authority’), with the functions conferred on it by this Act.

(2) The Authority—

(a) is a body corporate with perpetual succession and an official seal,

(b) may sue, and be sued, in its corporate name, and

(c) may, with the consent of the Minister, acquire, hold and dispose of land or an interest in land or any other property.

(3) Subject to this Act, the Authority is independent in the performance of its functions.

(4) The seal of the Authority may be authenticated by—

(a) the signature of the chairperson or another member authorised by the Authority to act in that behalf, and

(b) the signature of the Chief Executive or another member of the staff of the Authority so authorised.

(5) Judicial notice shall be taken of the seal.

(6) In any proceedings a document purporting to be a document made or issued by, and to be sealed with the seal of, the Authority and any copy so sealed of such a document is admissible, without further proof, as evidence of the document and the matters mentioned in it.

(7) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorised by it for that purpose.”.

**\*11.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Functions of  
Authority.

10.—(1) The functions of the Authority are—

(a) to manage and control the Registry of Deeds and the Land Registry,

(b) to promote and extend the registration of ownership of land,

SECTION 5—*continued*

- (c) to deal with applications under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978,
  - (d) to undertake or commission, or collaborate or assist in, research projects and activities relating to the registration of ownership of land, including the compilation of statistical data needed for the proper planning, development and provision of services related to such registration,
  - (e) to perform any additional functions conferred on it under *subsection (6)*, and
  - (f) to keep the Minister informed of progress in relation to the registration of ownership of land and to assist him or her in the development of policy in relation to such registration.
- (2) The Authority may disseminate, to such extent and in such manner as it considers appropriate, information in relation to the services provided by it and their availability.
- (3) The Authority may, subject to this Act, do anything which it considers necessary or expedient to enable it to perform its functions.
- (4) The functions of the Authority may be performed on behalf of the Authority by any member or members of its staff who is or are authorised by it to do so.
- (5) A member of the staff of the Authority who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, unless the contrary is shown.
- (6) The Minister may by order confer on the Authority such additional functions connected with the functions for the time being of the Authority as he or she considers appropriate.
- (7) An order under this section—
- (a) shall be made with the consent of the Minister for Finance and after consultation with the Authority,
  - (b) may be subject to any conditions specified in the order, and
  - (c) may contain such incidental, supplemental or consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to it.
- (8) The Minister may by order amend or revoke an order under this section, including an order under this subsection.”.

SECTION 5—*continued*

\*12. In page 6, before section 5, but in Part 2, to insert the following new section:

“Membership. 11.—(1) The Authority shall consist of not more than 11 members.

(2) Notwithstanding *subsection (1)*, until the first appointment to the Authority of a person elected by members of its staff in accordance with *subsection (5)(d)*, the Authority shall consist of not more than 10 members.

(3) The members of the Authority shall be appointed by the Minister, who shall designate one of them as its chairperson.

(4) In appointing persons to be members of the Authority the Minister shall, subject to *subsection (5)*, have regard to the desirability of their having knowledge or experience of conveyancing practice and procedure, business, finance, management, administration, consumer affairs or any other subject which would, in his or her opinion, be of assistance to the Authority in performing its functions.

(5) Of the members of the Authority,—

(a) one shall be a person who is a practising barrister nominated by the General Council of the Bar of Ireland,

(b) one shall be a person who is a practising solicitor nominated by the Council of the Law Society of Ireland,

(c) one shall be an officer of the Minister,

(d) one shall be a member of the staff of the Authority elected by secret ballot of such members—

(i) if notice of the holding of the first election is given before the establishment day, in such manner as the Minister directs in writing, or

(ii) in any other case, in such manner as the Authority, with the consent of the Minister, determines.

(6) Subject to *subsection (7)*, members of the Authority shall hold office for a term of 4 years from the date of their appointment.

(7) (a) Five of the members (excluding the chairperson) first appointed to the Authority shall hold office for a term of 3 years from the date of their appointment, and those members shall be selected by the drawing of lots by the chair-

SECTION 5—*continued*

person at a meeting of the Authority to be held for that purpose as soon as may be after the establishment day.

(b) A member who is not present at the meeting may be so selected.

(c) The quorum of the meeting is 7.

(8) A person may not be appointed to be a member for more than 2 consecutive terms.

(9) A member may resign from the Authority by letter addressed to the Minister.

(10) The resignation takes effect on the day on which the Minister receives the letter.

(11) A member holds office as such member until his or her term of office expires, unless he or she sooner dies, resigns, is removed from office or otherwise ceases to be a member.

(12) The Minister may for stated reasons at any time remove from office a member of the Authority for misbehaviour or where the Minister considers that either—

(a) the member has become incapable through ill health of performing his or her functions as a member, or

(b) the member's removal is necessary for the effective performance by the Authority of its functions.

(13) A member of the Authority ceases to be a member on—

(a) being adjudicated bankrupt,

(b) making a composition or arrangement with creditors,

(c) being sentenced to imprisonment on conviction on indictment,

(d) ceasing to be ordinarily resident in the State, or

(e) if on appointment he or she was a person to whom any paragraph of *subsection (5)* applied, ceasing to be such a person.

(14) The chairperson holds office as such chairperson until his or her term of office as a member of the Authority expires, unless he or she sooner dies, resigns or is removed from office or otherwise ceases to be a member but, if re-appointed as a member, he or she is eligible to be designated by the Minister as chairperson.

(15) In making appointments to the Authority the

SECTION 5—*continued*

Minister shall have regard to the extent to which each sex is represented in its membership and ensure that an appropriate balance in this respect is maintained.

(16) Each member of the Authority shall act on a part-time basis and be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.”.

**\*13.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Vacancies. 12.—(1) Subject to *section 16(2)#*, the Authority may act notwithstanding any vacancy or vacancies in its membership.

(2) If a member of the Authority dies, resigns, ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the vacancy.

(3) A person so appointed holds office for the remainder of the term of office of the member whom he or she replaces and is eligible for reappointment for one further term.

(4) Where a vacancy occurs, the Minister shall take steps to fill it as soon as practicable.”.

*#[This is the appropriate reference if amendment 17 is accepted]*

**\*14.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Membership etc. of Dáil, Seanad or European Parliament. 13.—(1) A member of the Authority ceases to be a member on—

(a) accepting nomination as a member of Seanad Éireann,

(b) being elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) being regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament is, while so entitled or such a representative, disqualified for appointment as a member of the Authority or for employment by it in any capacity.”.

**\*15.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Disclosure of interests. 14.—(1) Where a member of the Authority or a member of an advisory committee, a consultant or an

SECTION 5—*continued*

adviser appointed by the Authority has (otherwise than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by the Authority or advisory committee, he or she shall—

- (a) in advance of any consideration of the matter, disclose that interest and its nature to the Authority or advisory committee, as the case may be,
- (b) neither influence nor seek to influence any decision to be made in relation to it,
- (c) not make any recommendation in relation to it,
- (d) not take part in any consideration of it,
- (e) absent himself or herself from any meeting, or part of a meeting, at which it is being considered or discussed,
- (f) not be counted towards a quorum during any such consideration or discussion, and
- (g) not vote on any decision relating to the matter.

(2) Without prejudice to the generality of *subsection (1)*, a person is regarded for the purposes of this section as having beneficial interest if—

- (a) he or she or any connected relative, any nominee of his or hers or any connected relative of the nominee is a member of a company or any other entity which has a beneficial interest in, or material to, a matter to be considered by the Authority or advisory committee,
- (b) he or she or any connected relative is in partnership with or in the employment of a person who has a beneficial interest in, or material to, such a matter,
- (c) he or she or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
- (d) any connected relative has a beneficial interest in, or material to, such a matter.

(3) For the purposes of this section a person is not regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of the person, or of any company or other entity or person mentioned in *subsection (2)*, which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or in performing any function in relation to it.

SECTION 5—*continued*

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with *subsection (1)*, it shall be determined by the Authority or advisory committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Where a disclosure under *subsection (1)* is made to the Authority or an advisory committee, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(6) Where a member of the Authority does not make a disclosure in accordance with this section, the Minister shall determine the appropriate action (including removal from office) to be taken.

(7) Where a person, other than such a member, does not make a disclosure in accordance with this section, the Authority shall determine the appropriate action (including removal from office as a member of an advisory committee or termination of contract) to be taken.

(8) In this section ‘connected relative’ means, in relation to a person, the person’s spouse or partner or the parent, brother, sister or child of the person or of the person’s spouse or partner.’’.

**\*16.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Non-disclosure of confidential information.

15.—(1) Unless otherwise provided for by law, a person shall not, without the consent of the Authority, disclose any confidential information obtained while performing, or as a result of having performed, duties as a member of the Authority or advisory committee or as a consultant or an adviser appointed by the Authority.

(2) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a fine not exceeding €2,500.

(3) In this section, ‘confidential information’ includes information that is expressed by the Authority to be confidential as regards either particular information or information of a particular class or description.’’.

**\*17.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Meetings.

16.—(1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but in each year it shall hold not less than one meeting in each period of 3 months.

(2) Subject to *section 11(7)(c)#*, the quorum of a meeting of the Authority is 4 or such other number (not being less than 4) as the Authority may from time to time determine.

*#[This is the appropriate reference if amendment 12 is accepted]*

SECTION 5—*continued*

- (3) The Minister shall fix the date, time and place of the first meeting of the Authority.
- (4) At a meeting of the Authority—
  - (a) the chairperson of the Authority shall, if present, be chairperson of the meeting,
  - (b) if and so long as the chairperson of the Authority is not present or if the office of chairperson is vacant, the members of the Authority present shall choose one of their members to be chairperson of the meeting, and
  - (c) every question is determined by a majority of the votes of the members present and voting on the question and, if there is an equal division of votes, the chairperson of the meeting shall have a second or casting vote.
- (5) Subject to this Part, the Authority may regulate its own procedures.”.

**\*18.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Committees, consultants and advisers to Authority.

17.—(1) Subject to the approval of the Minister, the Authority may from time to time appoint such and so many advisory committees and such and so many consultants or advisers as it may consider necessary to assist it in the performance of its functions.

(2) The appointment of a person to an advisory committee or as a consultant or adviser is for such period and subject to such terms and conditions as the Authority may consider appropriate.

(3) Any fees or expenses payable to a member of an advisory committee or to a consultant or an adviser must be agreed by the Minister with the prior consent of the Minister for Finance.

(4) An advisory committee must include persons who have special knowledge and experience related to the purposes of the committee concerned.

(5) The Authority may at any time dissolve an advisory committee.

(6) The Authority shall ensure the maintenance of an appropriate balance as between men and women in an advisory committee’s membership.

(7) The Authority may engage under contract such, and such number of, persons to provide such services to the Authority under such terms and conditions as

SECTION 5—*continued*

may, with the approval of the Minister and the consent of the Minister for Finance, be determined by the Authority.”.

**\*19.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Strategic plans.

18.—(1) The Authority shall, as soon as practicable after it is established and thereafter within 6 months before each third anniversary of its establishment, prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing 3-year period.

(2) A strategic plan shall—

(a) set out the key objectives, outputs and related strategies of the Authority, including its use of resources,

(b) comply with any directions issued from time to time by the Minister in relation to the form and manner of the plan’s preparation, and

(c) have regard to the need to ensure the most beneficial and efficient use of the Authority’s resources.

(3) The Minister shall, as soon as practicable after a strategic plan has been so approved, cause a copy of it to be laid before each House of the Oireachtas.”.

**\*20.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Reports to Minister.

19.—(1) The Authority shall, not later than 30 June in each year, make a report to the Minister on the performance of its functions and on its activities during the preceding year.

(2) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(3) The report shall be in such form and include information regarding such matters as the Authority considers appropriate or the Minister may from time to time direct.

(4) The Authority may from time to time make other reports to the Minister on the performance of its functions.

(5) The Authority shall give the Minister such information as he or she may require relating to—

(a) any matter concerning the policies and activities of the Authority,

(b) any specific document or account prepared by it,

SECTION 5—*continued*

or

(c) any report referred to in *subsection (1)* or *(4)*.

(6) For the purposes of *subsection (1)* the period between the date of the establishment of the Authority and the following 31 December is deemed to be the preceding year referred to in that subsection.”

**\*21.** In page 6, before section 5, but in Part 2, to insert the following new section:

“General  
policy  
directives.

20.—(1) The Minister may, from time to time as occasion requires, issue to the Authority such general directives in writing in relation to policy concerning registration of deeds or ownership of land or any other function of the Authority as he or she considers necessary.

(2) The Authority shall, in performing its functions, comply with any directive under this section.

(3) Nothing in this Act is to be construed as enabling the Minister to exercise any power or control in relation to any particular case with which the Authority is or may be concerned.”

**\*22.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Fees.

21.—(1) Subject to *subsection (2)*, the Minister, with the consent of the Minister for Finance, may by order fix the fees to be charged by the Authority for its services and may revoke or amend any such order, including an order under this subsection.

(2) The fees shall not be fixed at a level calculated to produce an annual amount which is less than that sufficient to discharge the salaries, remuneration and other expenses payable under and incidental to the working of this Act and the Act of 1964.

(3) Any provision of this Act or general rules requiring or authorising anything to be done or any document to be issued by the Authority is to be construed as requiring or authorising it to be done or the document to be so issued on payment of the prescribed fee.

(4) Fees payable under this section shall be collected and taken in such manner as the Minister for Finance may from time to time direct and be paid into and disposed of for the benefit of the Exchequer in accordance with the directions of that Minister.

(5) The Public Offices Fees Act 1879 does not apply to fees payable under this section.”

SECTION 5—*continued*

\*23. In page 6, before section 5, but in Part 2, to insert the following new section:

“Chief Executive.

22.—(1) There shall be a chief executive officer of the Authority (in this Part referred to as the ‘Chief Executive’).

(2) The Minister shall appoint the Chief Executive on the recommendation of the Chief Executive of the Public Appointments Service.

(3) The Chief Executive is a civil servant in the service of the Government.

(4) His or her appointment is—

(a) on such terms and conditions as the Minister may, with the consent of the Minister for Finance, determine, and

(b) is subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 1996.

(5) The Chief Executive shall manage and control generally the staff, administration and business of the Authority and perform such other functions as may be conferred on him or her by or under this Act or as may be determined by the Authority.

(6) The Chief Executive is responsible to the Authority—

(a) for performing his or her functions and implementing its functions, and

(b) for providing to the Authority such information (including financial information) in relation to the performance of those functions as the Authority may from time to time require.

(7) Such of the functions of the Chief Executive as he or she may specify from time to time may, with the consent of the Authority, be performed by such member of the staff of the Authority as may be authorised in that behalf by the Chief Executive.

(8) The functions of the Chief Executive may be performed during his or her absence, or when the post of Chief Executive is vacant, by such member or members of the staff of the Authority as it may from time to time designate for that purpose.

(9) Notwithstanding *subsection (2)*, the person who is the Registrar of Deeds and Titles immediately before the establishment day shall be the first Chief Executive of the Authority and shall hold that office subject to terms and conditions which are not less favourable than those of the person’s appointment as such Registrar.”.

SECTION 5—*continued*

**\*24.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Chief Executive to be accounting officer. 23.—The Chief Executive is the accounting officer in relation to the appropriation accounts of the Authority for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.”.

**\*25.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Attendance of Chief Executive before Oireachtas Committee. 24.—(1) Subject to *subsection (2)*, the Chief Executive shall, at the request in writing of a committee of the Oireachtas, attend before it to give account for the general administration of the Authority, including its strategic plans.

(2) In this section ‘committee of the Oireachtas’ means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (except the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of a committee so appointed.”.

**\*26.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Staff of Authority. 25.—(1) Subject to *subsection (3)* and *section 22(2)#*, the Authority may appoint such number of persons to be members of its staff as it may determine.

(2) Subject to *subsection (3)*, the Authority shall determine the grades of members of its staff and the numbers in each grade.

(3) A determination of the Authority under *subsection (1)* or *(2)* is subject to the approval of the Minister and the consent of the Minister for Finance.

(4) Members of the staff of the Authority are civil servants in the Civil Service of the Government.

(5) The Authority is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 1996) in relation to its staff.”.

*#[This is the appropriate reference if amendment 23 is accepted]*

**\*27.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Transfer of staff to authority. 26.—Every person who immediately before the establishment day was a member of the staff of the Land Registry and Registry of Deeds shall become a member of the staff of the Authority on that day.”.

**\*28.** In page 6, before section 5, but in Part 2, to insert the following new section:

SECTION 5—*continued*

“Transfer of  
land and other  
property.

27.—(1) On the establishment day—

- (a) land that immediately before that day was vested in the Minister, the Minister for Finance or the Commissioners of Public Works and is designated by the Minister, with the consent of the Minister for Finance, for use solely for purposes related to the Authority’s functions, and
- (b) any rights, powers and privileges relating to or connected with the land,

stand vested in the Authority, without any conveyance or assignment, for the estate or interest therein that immediately before the establishment day was vested in any of the persons referred to in *paragraph (a)*, but subject to any trusts and equities then affecting the land.

(2) On the establishment day, property other than land, including any chose in action, that immediately before that day was being used in connection with a function of the Registrar of Deeds or Registrar of Titles or Registrar of Deeds and Titles corresponding to a function of the Authority stands vested in the Authority without any assignment.

(3) A chose in action vested in the Authority under *subsection (2)* may, on and after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name, and the Authority or the Minister need not give notice of the vesting to any person bound by the chose in action.

(4) On the establishment day, documents and records that were held by the Land Registry and Registry of Deeds immediately before that day stand vested in the Authority.

(5) The Minister may, and shall on application by the Authority, issue a certificate that specified property is property to which this section applies or does not apply.

(6) In any proceedings a certificate purporting to be so issued is admissible, without further proof, as evidence of the matters stated in it.”.

\*29. In page 6, before section 5, but in Part 2, to insert the following new section:

“Preservation  
of contracts.

28.—Any contract, agreement or arrangement made—

- (a) between the Minister and the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, or
- (b) between any other person and any of those Registrars,

and in force immediately before the establishment day—

SECTION 5—*continued*

- (i) continues in force on or after that day, and
- (ii) has effect as if the name of the Authority were substituted in the contract, agreement or arrangement for the name of the Registrar concerned.”.

**\*30.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Pending proceedings. 29.—If, immediately before the establishment day, any proceedings are pending in any court or tribunal to which the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles is a party, the name of the Authority is substituted in the proceedings for that of the Registrar concerned, and the proceedings do not abate by reason of the substitution.”.

**\*31.** In page 6, before section 5, but in Part 2, to insert the following new section:

“Saving for certain acts. 30.—Nothing in this Act affects the validity of any act done before the establishment day by or on behalf of the Registrar of Deeds, the Registrar of Titles or the Registrar of Deeds and Titles, and any such act, if and in so far as it was operative immediately before that day, has effect on and after that day as if it had been done by or on behalf of the Authority.”.

**\*32.** In page 7, subsection (1), to delete line 15.

**\*33.** In page 7, subsection (1), to delete lines 20 to 22.

**\*34.** In page 7, subsection (1) line 23, to delete “of Deeds”.

SECTION 6

**\*35.** In page 7, between lines 38 and 39, to insert the following subsection:

“(3) The Registry shall be under the management and control of the Property Registration Authority.”.

SECTION 7

*\*Section opposed.*

SECTION 8

*\*Section opposed.*

SECTION 9

*\*Section opposed.*

**36.** In page 8, line 15 after “name” to insert “or, if an appointment is made under section 7(3), in the name of the Registrar of Deeds and Titles”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 10

**37.** In page 8, subsection (1), line 16, after “Registrar” to insert “of Deeds pursuant to the repealed enactments”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

**\*38.** In page 8, lines 16 to 18, to delete subsection (1).

SECTION 11

*\*Section opposed.*

SECTION 12

*\*Section opposed.*

SECTION 13

**\*39.** In page 9, subsection (1), line 7, to delete “Registrar” and substitute “Authority”.

SECTION 14

**40.** In page 9, subsection (1), line 15, after “form” to insert “or a form to the like effect”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 17

**41.** In page 9, subsection (2), line 39, after “proceedings” to insert “or any matter in respect of which proceedings have been instituted prior to the commencement of this section”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 18

**\*42.** In page 9, subsection (1)(a), line 41, to delete “Registrar” and substitute “Authority”.

**\*43.** In page 10, subsection (1)(b), line 3, to delete “Registrar” and substitute “Authority”.

SECTION 20

**\*44.** In page 10, subsection (1), line 23, to delete “Registrar” and substitute “Authority”.

**\*45.** In page 10, subsection (2), line 26, to delete “Registrar” and substitute “Authority”.

**\*46.** In page 10, subsection (3), line 30, to delete “Registrar” and substitute “Authority”.

SECTION 21

\*47. In page 10, line 36, to delete “prescribed” and substitute “determined by the Authority”.

SECTION 22

\*48. In page 10, line 38, to delete “prescribed” and substitute “determined by the Authority”.

49. In page 10, line 38, after “search,” to insert “copy,”  
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 23

\*50. In page 11, line 1, to delete “section 8(3)” and substitute “section 9#(6)”.

*#[This is the appropriate reference if amendment 10 is accepted]*

\*51. In page 11, paragraph (b), line 7, to delete “Registry” and substitute “Authority”.

SECTION 26

\*52. In page 11, before section 26, to insert the following new section:

“26.—The Registration of Deeds and Title Rules Committee established by *section 44* may, with the agreement of the Minister, make general rules for the purpose of enabling this Part to have full effect and, without prejudice to the generality of the foregoing, may make provision in those rules in relation to any of the following matters:

- (a) the form, content and indexing of the register and records,
- (b) the forms of application for registration of deeds,
- (c) the procedures to be observed in connection with registration, including the allocation of serial numbers to applications for registration and their cancellation where the applications are refused,
- (d) the form and manner in which entries in the register are to be made, modified or cancelled,
- (e) any other matter referred to in this Part as prescribed.”.

*[Acceptance of this amendment involves the deletion of section 26 of the Bill]*

SECTION 27

53. In page 12, between lines 4 and 5, to insert the following

“, and in the case of any such deed, its registration and priority shall be determined in accordance with the law in force at the

SECTION 27—*continued*

time it was lodged or presented for registration, or registered, as the case may be”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 28

*\*Section opposed.*

SECTION 29

*\*Section opposed.*

**54.** In page 12, line 8, to delete “this Part” and substitute “*section 26*”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

SECTION 30

**\*55.** In page 12, between lines 23 and 24, to insert the following definition:

“‘record’ includes any book, index or document and any information in electronic or other non-legible form which is capable of being converted into a permanent legible form.”.

SECTION 31

**\*56.** In page 13, line 11, to delete “Registry.’” and substitute “Registry.”.

**\*57.** In page 13, between lines 11 and 12, to insert the following subsection:

“(3) The Land Registry shall be under the management and control of the Property Registration Authority.’”.

SECTION 32

*\*Section opposed.*

SECTION 33

*\*Section opposed.*

SECTION 35

**58.** In page 13, line 39, to delete “originating in the Land Registry”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

**\*59.** In page 14, line 1, to delete “Registrar” and substitute “Authority”.

**\*60.** In page 14, line 5, to delete “Registrar” and substitute “Authority”.

SECTION 36

**\*61.** In page 14, lines 22 to 26, to delete paragraph (a) and substitute the following new paragraph:

“(a) For the purposes of such registration—

SECTION 36—*continued*

- (i) the Registrar, in respect of the period before the commencement of *section 36* of the *Registration of Deeds and Titles Act 2004*, is deemed to have had power in any particular case to adopt any map which the Registrar considered satisfactory, and
- (ii) on such commencement, the Authority may in any particular case adopt any map which it considers satisfactory.”.

SECTION 40

**\*62.** In page 15, before section 40, to insert the following new section:

“40.—Section 120 (compensation for error, forgery or fraud in relation to registration) of the Act of 1964 is amended—

- (a) in subsections (1) and (3), by the deletion of ‘by the court’, and
- (b) in subsection (5), by the substitution of the following paragraph for paragraph (b):
  - ‘(b) if the claim is not settled, the claimant or the Minister for Finance may apply to the court to determine the amount (if any) of compensation payable.’.”.

*[Acceptance of the amendment involves the deletion of section 40 of the Bill]*

SECTION 43

**\*63.** In page 16, before section 43, to insert the following new section:

“43.—Section 126 (power to make rules and orders) of the Act of 1964 is amended—

- (a) by the substitution of the following subsection for subsections (1) and (2) and the renumbering of subsection (3) as subsection (2):
  - ‘(1) The Registration of Deeds and Title Rules Committee established by *section 44* of the *Registration of Deeds and Title Act 2004*, with the agreement of the Minister for Justice, Equality and Law Reform, may make general rules for carrying into effect the objects of this Act and, in particular, without prejudice to the generality of the foregoing, in respect of all or any of the following matters:
    - (a) the form and content and the indexing of registers and registry maps,
    - (b) the authentication of documents relating to title,
    - (c) the procedures to be observed, precautions to be taken, notices to be given and evidence

SECTION 43—*continued*

to be adduced in proceedings in connection with registration,

- (d) the circumstances under which and the persons to whom reference is to be made in respect of the examination of any title to land for which an application for registration is made,
- (e) the form and manner in which entries in registers are to be made, modified or cancelled,
- (f) the order in which entries relating to land are to be made,
- (g) the correction of errors in registers or maps or in any record connected with registration,
- (h) the form and content of any document required or authorised to be used or given under or for the purposes of this Act,
- (i) the conditions under which a new land certificate or certificate of charge may be issued in place of a lost, defaced or destroyed certificate,
- (j) the inspection of and making of copies or reproductions of, or extracts from, any records in the custody of the Land Registry,
- (k) the custody and preservation of records in the Land Registry,
- (l) the taxation of costs of any proceedings in connection with registration and the persons by and to whom costs are to be taxed and paid,
- (m) the entering into security for the costs of appeal under this Act,
- (n) any other matter referred to in this Act as prescribed.’

(b) by the deletion of subsection (4).’.

*[Acceptance of this amendment involves the deletion of section 43 of the Bill]*

SECTION 44

**64.** In page 16, subsection (2), between lines 27 and 28, to insert

“(b) the Chief Executive Officer of the Courts Service or his or her nominee.”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

**\*65.** In page 16, subsection (2), line 28, to delete paragraph (b) and substitute the following new paragraph:

“(b) the chairperson of the Authority.”.

SECTION 44—*continued*

\*66. In page 16, subsection (2), line 29, to delete paragraph (c) and substitute the following new paragraph:

“(c) the Chief Executive of the Authority,”.

67. In page 16, subsection (2)(b), line 29, after “Titles” to insert “(if an appointment under *section 7(3)* has not been made)”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

68. In page 16, subsection (2), between lines 33 and 34, to insert the following new paragraph:

“(f) a person nominated by the Minister”.

—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell, Michael McCarthy.*

\*69. In page 16, subsection (3), line 35, to delete “Registrar of Titles” and substitute “Chief Executive of the Authority”.

SCHEDULE

\*70. In page 19, Part 2, line 43, to delete “Sections 10, 11 and 13(2)” and substitute “Sections 4, 9 to 15 and 17”.

LONG TITLE

\*71. In page 5, line 5, after “ACT” to insert “TO ESTABLISH A BODY TO BE KNOWN AS AN tUDARÁS CLÁRUCHÁIN MAOINE OR, IN THE ENGLISH LANGUAGE, THE PROPERTY REGISTRATION AUTHORITY, WITH THE FUNCTIONS CONFERRED ON IT BY THIS ACT, INCLUDING THE MANAGEMENT AND CONTROL OF THE REGISTRY OF DEEDS AND THE LAND REGISTRY,”.