



SEANAD ÉIREANN

**AN BILLE UM ATHCHÓIRIÚ AN DLÍ TALÚN AGUS
TÍOLACHTA 2006
LAND AND CONVEYANCING LAW REFORM BILL 2006**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM ATHCHÓIRIÚ AN DLÍ TALÚN AGUS TÍOLACHTA 2006 —AN COISTE

LAND AND CONVEYANCING LAW REFORM BILL 2006 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government Amendments are distinguished by an asterisk.*

SECTION 1

1. In page 13, line 15, to delete “and Conveyancing”.
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*

SECTION 3

- *2. In page 14, to delete lines 6 and 7.
3. In page 15, line 6, after “land,” to insert “unless excluded from any interest in land.”.
—*Senator Maurice Cummins.*
- *4. In page 15, line 31, to delete “and a judgment mortgage”.
- *5. In page 16, line 26, after “means” to insert “the estate or interest which arises from”.

SECTION 4

6. In page 17, subsection (1)(e), line 13, before “by” where it firstly occurs to insert the following:
“in the case of a person who has consented to receive notice by electronic means, and subject to any conditions of such consent.”.
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*

SECTION 5

7. In page 17, subsection (1)(c), line 37, after “giving” to insert “full”.
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*
8. In page 17, lines 38 to 47, to delete subsection (2).
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*

SECTION 8

9. In page 18, subsection (2), line 27, after “*subsection (1),*” to insert the following:
“and without prejudice to section 26(2)(f) of the Act of 2005.”.
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*

[SECTION 9]

SECTION 9

10. In page 18, between lines 40 and 41, to insert the following subsections:

“(3) In so far as they survive, titles of honour or dignity arising from feudal baronies and manorial lordships are abolished.

(4) If after the commencement of this section a person purports to sell or offer for sale a title of honour or dignity abolished by *subsection (3)*, he or she shall be guilty of an offence.”

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

11. In page 19, subsection (3)(b), line 4, to delete “in” and substitute “under”.

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

12. In page 19, between lines 9 and 10, to insert the following subsection:

“(4) Subject to this Act a fee simple shall be freely alienable by the owner thereof.”

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

13. In page 19, between lines 9 and 10, to insert the following subsection:

“(4) A tenant of a local authority who whether before or after the commencement of this section purchases a fee simple from the authority may alienate the fee simple without the consent of the authority.”

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

SECTION 12

14. In page 20, before section 12, to insert the following new section:

“Interests in apartment developments.

12.—(1) (a) It shall be a condition of any planning permission for an apartment development that the applicant will form a management company and arrange for the issue of shares in the company to purchasers of apartments in the development.

(b) Where a permission has been granted prior to the commencement of this section for an apartment development, the developer shall form a management company (if not already formed) and arrange for the issue of shares in the company to purchasers of apartments in the development (if not already issued) within 12 months of the commencement of this section.

(2) Section 34(4)(f) of the Act of 2000 is amended by the addition after “houses” of “or apartments”.

(3) On demand made by a majority of the purchasers of apartments in an apartment development, or on completion of the development, whichever first occurs, or in the case of developments completed prior to the commencement of this section, on the date which is 12 months from the commencement of this section, the developer shall transfer ownership and management of all common areas to the management company referred to in *subsection (1)*.

[SECTION 12]

(4) A purchaser may apply in a summary manner to the court in the event of a failure to comply with this section and the court may require the applicant or developer to take such steps as the court directs to comply with the section and to pay compensation to the purchaser in such amount as the court thinks fit.”

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

15. In page 21, subsection (5), line 12, to delete “*section 11(4)*” and substitute “*section 11(3)*”.

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

SECTION 13

***16.** In page 21, subsection (3), line 29, after “entitled” to insert “provided any protectorship has ended”.

17. In page 21, between lines 29 and 30, to insert the following subsection:

“(4) Where on the commencement of this section, or on a person becoming entitled to a fee tail after such commencement, another person’s estate or interest in land is extinguished by virtue of *subsection (3)*, the second-mentioned person may apply to the court within 12 years of such extinguishment for an order determining the amount of compensation if any that should be paid to the second-mentioned person, and such order may make provision for charging the payment on the land subject to such conditions as the court sees fit.”

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

SECTION 22

***18.** In page 26, subsection (3), to delete lines 16 and 17 and substitute the following:

“(3) In considering an application under *subsection (1)(i)* and *(iii)* the court shall have regard to the interests of the beneficiaries as a whole and, subject to these, to—”.

SECTION 28

19. In page 27, before section 28, but in Part 6, to insert the following new section:

“Creation of a joint tenancy.

28.—Where a co-ownership is to be established, it shall be established as a tenancy in common and no joint tenancy shall be created unless—

(a) it is the stated intention of all parties to the co-ownership to create a joint tenancy, and

(b) each party to the co-ownership has signed a declaration to the effect that he or she understands—

(i) the difference between a tenancy in common and a joint tenancy,

(ii) that the creation of a joint tenancy means that, upon his or her death, his or her interest in the land passes automatically to the surviving co-owner(s), and

[SECTION 28]

(iii) that a joint tenancy cannot be severed other than in accordance with *section 28*.”.

—*Senator Maurice Cummins*.

*20. In page 28, subsection (2), line 1, after “the” to insert “prior”.

SECTION 29

*21. In page 28, subsection (2), between lines 21 and 22, to insert the following:

“(d) an order dispensing with consent to severance of a joint tenancy as required by *section 28* where such consent is being unreasonably withheld.”.

*22. In page 29, between lines 12 and 13, to insert the following subsection:

“(6) The equitable jurisdiction of the court to make an order for partition of land which is co-owned whether at law or in equity is abolished.”.

SECTION 33

23. In page 30, subsection (1), line 21, to delete “only on registration of a court order” and substitute “on registration of a court order or otherwise”.

—*Senator Maurice Cummins*.

SECTION 38

*24. In page 31, before section 38, to insert the following new section:

“Implied grant.

38.—(1) The rule known as the Rule in *Wheeldon v Burrows* is abolished and replaced by *subsection (2)*.

(2) Where the owner of land disposes of part of it or all of it in parts, the disposition creates by way of implication for the benefit of any part disposed of any easement over the part retained, or other part or parts simultaneously disposed of, by the grantor which—

(a) is necessary to the reasonable enjoyment of the part disposed of,

(b) was reasonable for the parties, or would have been if they had adverted to the matter, to assume at the date the disposition took effect as being included in it.

(3) This section does not otherwise affect—

(a) easements arising by implication as easements of necessity or in order to give effect to the common intention of the parties to the disposition,

(b) the operation of the doctrine of non-derogation from grant.”.

[*Acceptance of this amendment involves the deletion of section 38 of the Bill.*]

[SECTION 42]

SECTION 42

*25. In page 34, subsection (4), lines 12 to 19, to delete paragraph (a) and substitute the following:

“(a) a building owner fails within a reasonable time to—

(i) make good damage, or to reimburse the costs and expenses, under *subsection (2)(a)*, or

(ii) pay reasonable costs or compensation under *subsection (2)(b)*,

the adjoining owner may recover such costs and expenses or compensation as a simple contract debt in a court of competent jurisdiction.”.

SECTION 43

26. In page 34, to delete lines 24 to 26 and substitute the following:

“43.—(1) Where a building owner and an adjoining owner are in dispute in relation to the exercise or proposed exercise of rights under *section 42*, either party may apply to the court in a summary manner and the court may give such directions as it thinks fit, and may in particular make an order authorising the carrying out of specified”.

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

SECTION 46

27. In page 35, before section 46, but in Chapter 3, to insert the following new section:

“High hedges.

46.—Where a person complains that trees or hedges grown or maintained by a neighbouring owner are of such a height as to constitute an unreasonable interference with any easement enjoyed by the complaining owner, or unreasonably interfere with light whether or not an easement exists in that regard, the person may apply to the court which may make such order, including an order directing the neighbouring owner to remove or reduce the height of any trees or hedges.”.

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

SECTION 52

28. In page 37, line 34, to delete “if it thinks fit” and substitute “where it is just and equitable to do so”.

—*Senator Maurice Cummins.*

SECTION 53

29. In page 37, subsection (2), line 41, to delete “as it thinks fit” and substitute “as is just and equitable”.

—*Senator Maurice Cummins.*

[SECTION 56]

SECTION 56

- 30.** In page 39, subsection (1), lines 5 to 9, to delete paragraph (a).
—*Senator Maurice Cummins.*
- *31.** In page 39, subsection (2)(b), line 29, to delete “property” and substitute “land”.
- *32.** In page 39, subsection (2)(c), line 33, to delete “property” and substitute “land”.
- *33.** In page 40, subsection (7)(b)(i), line 24, to delete “subsists” and substitute “exists”.
- *34.** In page 40, subsection (7)(b)(ii), line 26, to delete “a subsisting” and substitute “an existing”.

SECTION 60

- *35.** In page 42, subsection (3), line 10, to delete “trust” and substitute “use”.

SECTION 62

- *36.** In page 43, subsection (2)(b), to delete lines 2 to 10 and substitute the following:

“(i) if made by an individual—

- (I) it is signed by the individual in the presence of a witness who attests the signature, or
- (II) it is signed by a person at the individual’s direction given in the presence of a witness who attests the signature, or
- (III) the individual’s signature is acknowledged by him or her in the presence of a witness who attests the signature, or
- (IV) it is signed and sealed by the individual;”.

SECTION 65

- *37.** In page 44, subsection (1), line 9, to delete “is expressed” and substitute “appears”.

SECTION 78

- *38.** In page 50, subsection (5), lines 44 and 45 and in page 51, lines 1 to 5, to delete paragraph (b) and substitute the following:

“(b) extended by providing expressly in the conveyance that—

- (i) the land conveyed, or
- (ii) the part of the land which remains vested in the covenantor,
stands charged with the payment of all money which would otherwise become payable under the implied covenant.”.

[SECTION 85]

SECTION 85

- 39.** In page 54, paragraph (a), line 4, before “conditions” to insert “general”.
—*Senators Joanna Tuffy, Brendan Ryan, Kathleen O’Meara, Derek McDowell,
Michael McCarthy.*

SECTION 86

- *40.** In page 54, lines 11 to 27, to delete subsections (1) to (3) and substitute the following:

“Legal mortgages. 86.—(1) A legal mortgage of land may only be created by a charge by deed and such a charge, unless the context requires otherwise, is referred to in this Part as a “mortgage”; and “mortgagor” and “mortgagee” shall be read accordingly.

(2) From the commencement of this Chapter, any—

- (a) instrument purporting to convey a legal estate or interest in land by way of mortgage, or
- (b) other transaction which under any instrument or statutory provision would operate otherwise as a mortgage by conveyance of a legal estate or interest in land,

operates as if it were a mortgage under this Part.

(3) From the commencement of this Chapter, any power, whenever created, to mortgage or lend money on mortgage of a legal estate or interest in land operates as a power to mortgage the legal estate or interest by a charge under this Part or to lend money on the security of such a charge.”.

SECTION 87

- *41.** In page 54, subsection (1), line 39, to delete “charge by way of”.

- *42.** In page 55, subsection (2), lines 10 and 11, to delete all words from and including “first” in line 10 down to and including “mortgage” in line 11 and substitute “first legal mortgagee”.

SECTION 88

- *43.** In page 55, subsection (1), line 21, to delete “subsists” and substitute “exists”.

SECTION 92

- *44.** In page 57, lines 1 to 11, to delete subsection (1) and substitute the following:

“92.—(1) Where—

- (a) money advanced or owing under a mortgage, or any part of it, is expressed to be advanced by or owing to two or more persons out of money, or as money, belonging to them on a joint account, or

[SECTION 92]

(b) such a mortgage is made to two or more persons jointly and not in shares, the mortgage debt, or other money or money's worth for the time being due to those persons, shall, as between them and the mortgagor, be deemed to belong to them on a joint account.”.

*45. In page 57, subsection (3), lines 18 and 19, to delete “, obligation or transfer”.

*46. In page 57, between lines 19 and 20, to insert the following subsection:

“(4) In this section “mortgage” includes an obligation for payment of money and a transfer of a mortgage or of such an obligation; and “mortgagor” shall be read accordingly.”.

SECTION 93

*47. In page 57, subsection (1)(a), line 24, after “mortgage” to insert “, legal or equitable,”.

SECTION 94

48. In page 58, subsection (1), line 4, after “unless” to insert the following:

“, not more than one year before such taking of possession,”.

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

*49. In page 58, subsection (3), lines 15 to 22, to delete paragraph (b) and substitute the following:

“(b) on making an order for possession, or at any time before the enforcement of such an order,

(i) stay the enforcement, or

(ii) postpone the date for delivery of possession, or

(iii) suspend the order,

for such period or periods as it thinks reasonable and, if an order is suspended, the court may subsequently revive it.”.

SECTION 95

50. In page 58, subsection (1)(a), line 36, after “property,” to insert “and”.

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

51. In page 58, subsection (1), line 40, after “apply” to insert “*ex parte*”.

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

52. In page 58, subsection (1), lines 40 to 42, to delete all words from and including “the” where it secondly occurs in line 40 down to and including “property,” in line 42 and substitute “the court or the District Court”.

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

[SECTION 98]

SECTION 98

- *53. In page 60, paragraph (c), line 21, to delete “property” and substitute “land”.
- *54. In page 60, paragraph (d), line 27, to delete “property” and substitute “land”.
- *55. In page 60, paragraph (d)(i), line 31, to delete “property” and substitute “land”.
- *56. In page 60, paragraph (d)(ii), line 33, to delete “property” and substitute “land”.
- *57. In page 60, paragraph (d)(ii), line 39, to delete “property” and substitute “land”.

SECTION 105

- *58. In page 64, lines 9 to 13, to delete subsection (2).

SECTION 107

- *59. In page 64, before section 107, to insert the following new section:

“Future advances.

107.—(1) Where a mortgage is expressed to be created on any land for the purpose of securing future advances (whether with or without present advances), the mortgagee is entitled, in priority to any subsequent mortgage, to the payment of any sum due in respect of any such future advances, except any advances which may have been made after the date of, and with express notice in writing of, the subsequent mortgage.

(2) In *subsection (1)* “future advances” includes sums from time to time due on a current account and all sums which by agreement or in the course of business between the parties are considered to be advances on the security of the charge.

(3) Save in regard to the making of such future advances the right to tack in any form is abolished, but without prejudice to any priority acquired by tacking before the commencement of this Chapter.

(4) This section—

- (a) applies to mortgages made before or after the commencement of this Chapter,
- (b) does not apply to registered land.”.

[*Acceptance of this amendment involves the deletion of section 107 of the Bill.*]

SECTION 108

- *60. In page 66, subsection (3)(d), line 1, to delete “property” and substitute “land”.

SECTION 110

- *61. In page 67, subsection (3)(a), line 2, to delete “subsisted” and substitute “existed”.

[SECTION 113]

SECTION 113

**Section proposed to be deleted.*

SECTION 115

**Section proposed to be deleted.*

SECTION 116

***62.** In page 68, lines 30 to 34, to delete subsection (1) and substitute the following:

“116.—(1) Registration of a judgment mortgage under *section 114* entitles the judgment mortgagee to seek an order for sale from the court and such other order for enforcement of the mortgage against the judgment debtor’s estate or interest in land as the court thinks appropriate.”.

***63.** In page 68, subsection (2), line 35, to delete “equity” and substitute “right”.

***64.** In page 68, subsection (3), line 38, to delete “an equity” and substitute “a right”.

SECTION 118

***65.** In page 69, to delete lines 12 to 14 and substitute the following:

“ “(3) In the case of a judgment mortgage, the right of action accrues from the date the judgment becomes enforceable and not the date on which it is registered as a mortgage.”.”.

SECTION 119

**Section proposed to be deleted.*

Section opposed.

—*Senator Maurice Cummins.*

SECTION 121

***66.** In page 69, line 31, to delete “charge by way of legal mortgage within the meaning of *PART 9*” and substitute “legal mortgage under *Part 9*”.

SECTION 123

***67.** In page 70, line 13, to delete “the creditor has the obligations, powers and rights specified” and substitute “with the effect stated”.

SECTION 124

**Section proposed to be deleted.*

[*NEW SECTIONS*]

NEW SECTIONS

*68. In page 70, before Schedule 1, to insert the following new section:

“PART 12#

MISCELLANEOUS

Registration of *lis pendens*.

[JMA 1850, s. 5]

125.—A *lis pendens* does not bind a purchaser of land for valuable consideration, without actual knowledge of it, unless it is registered in the prescribed manner in the Judgments Office within 5 years before the making of the conveyance to the purchaser.”.

[#The proposed new Part comprehends the inclusion of amendment No. 69.]

*69. In page 70, before Schedule 1, to insert the following new section:

“Abolition of power to seize a tenancy.

126.—The power of the sheriff, or of other persons entitled to exercise the sheriff’s powers, to seize a tenancy under a writ of *feri facias* or other process of execution is abolished.”.

SCHEDULE 1

*70. In page 71, before Schedule 1, to insert the following new Schedule:

Section 8(1).

“SCHEDULE 1

AMENDMENTS

Enactment (1)	Provision (2)	Nature of amendment (3)
Trustee Act 1893	Section 15	The substitution of “sections 55 and 56 of the <i>Land and Conveyancing Law Reform Act 2006</i> ” for “section two of the Vendor and Purchaser Act, 1874”.
Housing (Gaeltacht) Act 1929	Section 9	In subsection (2)— (a) the substitution of “legal mortgage under Part 9 of the <i>Land and Conveyancing Law Reform Act 2006</i> ” for “mortgage made by deed within the meaning of the Conveyancing Acts, 1881 to 1911”,

[SCHEDULE 1]

		(b) the substitution of “that Act” for “those Acts” in both places where it occurs.
Minerals Development Act 1940	Section 52	In subsections (1) and (2), the deletion of the words “as tenant for life or person having the powers of a tenant for life under a settlement or”.
Harbours Act 1946	Section 169	In subsection (5), the deletion of— (a) “or by reason of his being an infant”, (b) “for his life, or”.
Statute of Limitations 1957	Section 2 Section 25	In subsection (1), the substitution of “ ‘judgment mortgage’ means a mortgage registered by a judgment creditor under <i>section 114</i> of the <i>Land and Conveyancing Law Reform Act 2006</i> ,” for the definition of “judgment mortgage”. In subsection (4), the deletion of “any settled land, within the meaning of the Settled Land Acts, 1882 to 1890, or”.
Charities Act 1961	Section 34 Section 37	In subsection (4), the deletion of “, or the redemption and reconveyance of land which is subject to the mortgage or charge”. In subsection (1)— (a) in paragraph (h), the substitution of “land,” for “land.”, (b) the insertion of the following paragraph after paragraph (h): “(i) the making of an application for a works order under <i>section 43</i> of the <i>Land and Conveyancing Law Reform Act 2006</i> .”.
Companies Act 1963	Section 231	In subsection (2)(a), the deletion of—

[SCHEDULE 1]

		<p>(a) “fee farm grant, sub fee farm grant,”,</p> <p>(b) “any rent reserved on any such grant or”.</p>
Registration of Title Act 1964	<p>Section 3</p> <p>Section 37</p> <p>Section 38</p> <p>Section 39</p> <p>Section 44</p> <p>Section 45</p> <p>Section 46</p> <p>Section 47</p> <p>Section 51</p> <p>Section 60</p>	<p>In the definition of “freehold land”, the insertion of “in possession” after “fee simple”.</p> <p>In the definition of “leasehold interest”, the substitution of “estate” for “interest” where it first occurs.</p> <p>The deletion of the definitions of “Bankruptcy Acts”, “Registry of Deeds”, “Settled Land Acts”, “settlement”, “settled land”, “tenant for life” and “trustees of the settlement”.</p> <p>In subsection (3), the deletion of “In either case,”.</p> <p>In subsection (1), the deletion of “full or limited”.</p> <p>The deletion of “full or limited”.</p> <p>In subsection (3), the deletion of “In either case,”.</p> <p>The deletion of “full or limited”.</p> <p>In subsection (1), the deletion of “Subject, in the case of a limited owner, to the Settled Land Acts,”.</p> <p>In subsection (2), the deletion of—</p> <p>(a) “if he is full owner,” in each place where it occurs,</p> <p>(b) “and if he is not full owner, of such persons as may be prescribed”, and</p>

[SCHEDULE 1]

	<p>Section 61</p> <p>Section 100</p>	<p>(c) “, and, if he is not full owner, to such persons as may be prescribed”.</p> <p>In subsection (3)(a), the deletion of “full or limited”.</p> <p>In subsection (4), the deletion of “full owner or limited”.</p> <p>In subsection (2), the deletion of “(including a limited owner exercising powers under the Settled Land Acts or this Act)”.</p>
Succession Act 1965	Section 60	<p>In subsection (1)—</p> <p>(a) in paragraph (c), the substitution of “a sub-lease of the land” for “a sub fee farm grant of the land, or a sub-lease thereof”,</p> <p>(b) in paragraph (c), the deletion of “sub fee farm grant or”,</p> <p>(c) the deletion of “grant or”,</p> <p>(d) the deletion of “any rent reserved on such grant or”.</p>
Housing Act 1966	Section 71	<p>In subsection (4)—</p> <p>(a) the substitution of “legal mortgage under <i>Part 9</i> of the <i>Land and Conveyancing Law Reform Act 2006</i>” for “mortgage made by deed within the meaning of the Conveyancing Acts, 1881 to 1911”,</p> <p>(b) the substitution of “that Act” for “those Acts” in both places where it occurs.</p>
Charities Act 1973	Section 4	<p>In subsection (3), the deletion of “or the redemption and reconveyance of land which is subject to the mortgage or charge”.</p>

[SCHEDULE 1]

<p>Bankruptcy Act 1988</p>	<p>Section 50</p> <p>Section 51</p> <p>Section 61</p> <p>Section 87</p>	<p>In subsection (1), the deletion of “or a leasehold interest in land”.</p> <p>The substitution of the following for subsection (1):</p> <p>“(1) A judgment creditor who registers a judgment mortgage under <i>section 114 of the Land and Conveyancing Law Reform Act 2006</i> shall not, by reason of such registration, be entitled to any priority or preference over simple contract creditors in the event of the person against whom such judgment mortgage is registered being adjudicated bankrupt, unless the judgment mortgage is registered at least three months before the date of the adjudication.”.</p> <p>In subsection (3)(a)—</p> <p>(a) the deletion of “fee farm grant, sub fee farm grant,”,</p> <p>(b) the deletion of “any rent reserved on any such grant or”.</p> <p>In subsection (4), the substitution of “a judgment mortgage under <i>section 114 of the Land and Conveyancing Law Reform Act 2006</i>” for “an affidavit of a judgment mortgage under the Judgment Mortgage (Ireland) Act 1850”.</p> <p>In subsection (5), the substitution of “judgment mortgage” for “affidavit”.</p>
<p>Trustee Savings Bank Act 1989</p>	<p>Section 23</p>	<p>The substitution of the following for subsection (5):</p>

[SCHEDULE 1]

		<p>“(5) Where a Trustee Savings Bank is a creditor under a judgment within the meaning of <i>section 111</i> of the <i>Land and Conveyancing Law Reform Act 2006</i>, a judgment mortgage may be registered under <i>section 114</i> of that Act by the secretary or other officer or the law agent of the bank duly authorised in that behalf by the bank.”.</p>
Housing (Miscellaneous Provisions) Act 1992	Section 5	<p>In subsection (6)—</p> <p>(a) the substitution of “legal mortgage under <i>Part 9</i> of the <i>Land and Conveyancing Law Reform Act 2006</i>” for “mortgage by deed within the meaning of the Conveyancing Acts, 1881 to 1911”,</p> <p>(b) the substitution of “that Act” for “those Acts” in both places where it occurs.</p>
Family Law Act 1995	Section 10	<p>In subsection (1)(e), the substitution of “under <i>section 29</i> of the <i>Land and Conveyancing Law Reform Act 2006</i>” for “for the partition of property or under the Partition Act, 1868, and the Partition Act, 1876”.</p>
Powers of Attorney Act 1996	Section 16	<p>In subsection (2), the deletion of “or as a tenant for life within the meaning of the Settled Land Act, 1882, or as a trustee or other person exercising the power of a tenant for life under <i>section 60</i> of that Act”.</p>
Family Law (Divorce) Act 1996	Section 15	<p>In subsection (1)(e), the substitution of “under <i>section 29</i> of the <i>Land and Conveyancing Law Reform Act 2006</i>” for “for the partition of property or under the Partition Act, 1868, and the Partition Act, 1876”.</p>

[SCHEDULE 1]

		“(g) a judgment mortgage registered under section 114 of the Land and Conveyancing Law Reform Act 2006;”.
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[Acceptance of this amendment involves the deletion of Schedule 1 of the Bill.]

SCHEDULE 2

***71.** In page 72, line 20#, in the third column, after “Section 2” to insert the following:

“so far as it relates to contracts for the sale or other disposition of estates or interests in land”.

[# Note: A printing error has resulted in incorrect line references in page 72 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 72 of the Bill.]

***72.** In page 73, between lines 35 and 36#, to insert the following:

4 Geo. 4 c. 18	Crown Lands Act 1823	The whole Act
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[# Note: A printing error has resulted in incorrect line references in page 73 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 73 of the Bill.]

***73.** In page 73, line 41#, in the first column, to delete “c. 86” and substitute “c. 74”.

[# Note: A printing error has resulted in incorrect line references in page 73 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 73 of the Bill.]

***74.** In page 75, between lines 40 and 41#, to insert the following:

27 & 28 Vic. c. 107	Drainage and Improvement of Lands Supplemental Act Ireland 1864	The whole Act
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[# Note: A printing error has resulted in incorrect line references in page 75 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 75 of the Bill.]

[SCHEDULE 2]

***75.** In page 77, between lines 23 and 24#, to insert the following:

No. 22 of 1933	Perpetual Funds (Registration) Act 1933	The whole Act
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[# Note: A printing error has resulted in incorrect line references in page 77 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 77 of the Bill.]

***76.** In page 77, line 28#, in the third column, after “62(8),”, to insert “72(1)(j),”.

[# Note: A printing error has resulted in incorrect line references in page 77 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 77 of the Bill.]

***77.** In page 77, lines 30 and 31#, in the third column, to delete “58(2) and 95” and substitute “58(2), 95 and 97”.

[# Note: A printing error has resulted in incorrect line references in page 77 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 77 of the Bill.]

SCHEDULE 3

***78.** In page 79, lines 30 and 31, to delete “property” and substitute “land”.

***79.** In page 79, lines 46 and 47, to delete “property” and substitute “land”.

***80.** In page 80, line 15, to delete “property” and substitute “land”.