

Practitioner's Guide 2010
Mapping Procedures for First Registration of a Property, Sub-divisions of Registered Property and Rights over Registered Property

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Mapping Procedures for First Registration of a Property, Sub-divisions of Registered Property and Rights over Registered Property

1. Introduction:

1.1. The following notes are intended as a guide to Solicitors and other land professionals who are lodging application maps for first registration, for subdivisions of registered property, and applications to register rights over registered property. By adhering to these procedures applicants will avoid errors which would necessitate subsequent rectifications and will help reduce delays within the Registry.

The Authority is always willing to consider special problems relating to a particular case.

1.2. The purpose of this guide is to provide an update on changes that are being introduced and will continue to be introduced as a result of the conversion of the Registry map records into electronic form. It is aimed at legal advisors and land professionals such as solicitors, surveyors and Registry staff.

1.3. The guide deals with acceptance of ITM coordinate maps in both electronic and paper form and also provides information about sourcing ITM coordinate map products that are suitable for registration purposes.

1.4. It provides information about how carry out map searches, how to order ITM maps on-line, and also explains why three new hardcopy products were introduced. (Title Plans Maps, Special Registration Maps and Official Map Search).

1.4.1. Training guides on how to order Special Registration Maps, how to carry out an 'Official Map Search' and how to do an 'Area Search' are available on our website as Adobe Shockwave Files

1.5. There are new guidelines for lodging development schemes in both hardcopy and electronic form (using CAD files) and an updated version of Multi-storey registration guidelines and MSB checklist.

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2. Mapping of Title Boundaries:

2.1. The boundary system adopted under the Registration of Title Act, 1964 is known as a non-conclusive boundary system. The non-conclusive provision dispenses with the need for determining the exact location of title boundaries when defining the extent of registered properties and the ownership of the physical features which mark the limits of a property is left undetermined. In the case of boundaries located within buildings, the exact line or plane of the title boundary is also left undetermined.

2.2. The non-conclusive boundary system will not indicate whether a title boundary includes a hedge or a wall and ditch or runs along the centre of a wall or fence or runs along its inner or outer face or how far it runs within or without it or whether or not the land registered includes the whole or any portion of an adjoining road or stream. However, the location of the physical features within which the title boundary lies or the points between which an undefined title boundary runs must be accurately defined on the application map.

3. The Land Registry Map:

3.1. Land Registry map is based on the Ordnance Survey (OSi) map for the State and the map scales adopted for any specified area are those which the Authority may direct. (See Section 84 of the Act of 1964 as substituted by section 61 of the Act of 2006)* The basic map scales are 1:1,000, 1:2,500 and 1:5,000 in the digitised counties.

3.2. Every applicant submitting a map for registration purposes is under legal obligation to furnish sufficient information thereon to enable the lands to be accurately shown on the Registry map. (See Section 85 of the Act of 1964 as substituted by section 62 of the Act of 2006 and Rules 15(1)(c) and 56 of LR 1972 as substituted respectively by Rules 9 and 16 of the LR Rules 2009)*.

3.3. Official Property Registration Authority Map Products

There are three Official PRA Map products: -

- **Special Registration Map (SRM)**
- **Title Plan**
- **Official Map Search.**

3.3.1. All Official Property Registration Maps reference the **ITM** (Irish Transverse Mercator) coordinate reference system.

Customers should consider their requirements before deciding which of the three map products best suits their needs.

3.4. **Special Registration Map (SRM)** is a user defined representation of the Registry map.

The SRM is often more suitable for registration purposes because the customer is provided with a tool in www.landdirect.ie to specify the scale of the map and the location required.

However, it should be noted that an SRM, when enlarged from the published scale, cannot be expected to give measurements to a greater degree of accuracy than that of the smaller published scale.

3.5. **Title Plans** are a representation of the plan(s) contained within a specified Folio or property on a Folio.

Title Plans maybe issued at 1/1,000, 1/2,500 or 1/5,000 scale depending on the size of the plan(s) contained within a specified folio.

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Title Plans are automatically generated by the system which has been designed to fit all of the plans contained on the specified Folio onto a single A3 size page. Where there is more than one plan on a Folio the system may issue each plan on a different A3 page and depending on the area of the plans some pages may issue at different scales.

The larger the area of the plan the greater the likelihood that the map will issue at one of the smaller scales:

- A 1/2,500 scale Title Plan map measures 800m X 600m (covering an area of 48ha) however, most rural properties are irregular in shape so plans that measure 20 hectares or more are less likely to fit on a single A3 page at 1/2,500 scale.
- A 1/1,000 scale Title Plan measures 320m X 260m (covering an area of 8.32ha) so irregular shaped sites of 3 hectares or more located in urban areas are less likely to issue at 1/1,000 scale.

Title Plans do not always provide a map that is suitable for registration purposes so for that reason **we recommend that customers consider ordering an SRM for registration purposes**

3.6. **Official Map Search** (OMS) is a user defined representation of the Registry map together with a list of Folios numbers for the registered properties that are shown on the map issued.

The OMS provides customers of www.landdirect.ie with a facility to search for Folio numbers within a user defined area of the Registry map. The customer is issued with an official map in the same form as the SRM together with a list of all the folios numbers for the properties shown on the map.

For examples of each of the above mentioned products see Appendix 8(a)

Photocopies or scanned copies of the above maps are not acceptable for registration purposes.

3.6.1. Some areas that were formerly covered by 1/2,500 scale OSi County Series mapping may now only be covered by 1/5,000 scale OSi digital mapping. Smaller sites/land parcels (up to 0.202 hectares) may be difficult to mark clearly on maps at 1/5000 scale and may therefore unsuitable for subdivision purposes. In such cases, where the ITM Title Plan is issued at 1/10,000 or 1/5,000 and the scale is not suitable for marking the boundaries, customers can apply for an ITM 'Special Registration Map' to issue on the next largest published scale, 1/2,500 or larger. Similarly, in areas that are only covered by 1/2,500 scale, customers can request an SRM at 1/1,000 scale.

The Land Registry is available to discuss special issues or circumstances relating to scale in the preparation of particular maps for registration purposes.

3.6.2. SRMs may also be requested for marking properties for First Registration applications.

3.6.3. Where boundaries have been transferred to a larger scale or to a different map series, whether on paper or in a digital environment, measurements must not be expected to give a degree of accuracy greater than that of the smaller scale or older map series.

Note: Special Registration Maps may only be applied for through www.landdirect.ie.

Although customers of www.landdirect.ie can capture a screen **image of the Registry map**, that image **is not an Official Property Registration map** and can be used for reference purposes only.

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4. Scale and accuracy:

4.1. It is not possible even when using the highest order of survey techniques to achieve perfect accuracy when drawing/digitising features on a map. OSi maps are therefore subject to accuracy limitations. This means that scaled measurements between features shown on the map may not exactly match the actual distance measured between the same features on the ground. Different levels of accuracy apply depending upon the scale of the map and the original method used to create it.

Please contact Ordnance Survey Ireland www.osi.ie for details on the scale and accuracy of their maps.

5. Application Maps:

5.1. An application dealing with part of registered property and an application for first registration of a property must be accompanied by a plan of the property referred to and be drawn on a suitable map as outlined in Appendices 1, 2, 3, 4, 5, 6, 8(a) and 8(b). Original application maps that are lodged in paper form are scanned and made available to Registry staff for digitisation purposes.

5.2. Sites marked on the application maps are digitised from the geo-positioned images of the application map unless they are supplied in CAD format to the Registry as ITM coordinate geometry. See Appendix 7

5.3. Maps attached to counterpart/copy leases must be identical to the map attached to original lease documents in colouring and scale.

5.4. Maps accompanying official search applications under Rule 190 (1) (b) (c) of the LR Rules 1972 as substituted by Rule 23 of the LR Rules 2009* must also be drawn on the current largest scale map published by Ordnance Survey.

5.4.1. Customers who wish to apply for an official search map may do so at any PRA office or online through an account holder at www.landdirect.ie Customers do not have to supply a map if using the 'Official Map Search' facility as they will be issued with an Official Property Registration Map together with a report on the ownership of the properties contained within the user defined bounding rectangle. Such maps when issued by the Registry may be acceptable for registration purposes where the scale of the paper map is suitable.

5.4.2. In some cases the Title Plans may be issued at a scale that is smaller than the OSi published scale to facilitate showing the entire holding on a single A3 page. Where the site is not defined entirely as OSi topographic detail the Registry may request that the site be marked on a larger scale map to ensure the boundaries can be accurately digitised.

5.4.3. Where the scale of a 'Title Plan' is unsuitable for registration purposes, customers can order a 'Special Registration Map' to print a specific area at a larger standard metric scale through www.landdirect.ie. Special Registration Maps can be ordered up to 1/1000 scale. See Appendix 8(a)

5.5. Original OSi ITM coordinate 'Land Registry Compliant Maps' are acceptable for registration purposes. See Appendix 8(b).

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6. Preparation of Application Maps:

6.1. Maps lodged for registration purposes must be prepared to the accuracy standard of the OSi map, be not less than A4 in paper size and clearly display the County and map scale.

6.1.1. Where new boundaries for registration are coincident with current OSi topographic detail they must be highlighted in colour.

6.1.2. New boundaries for registration that are not coincident with current OSi topographic detail must be shown by thin red lines the centres of which denote the correct field positions of the boundaries.

6.2. It is in the applicant's interest to ensure that maps are prepared in accordance with accepted land surveying practice and procedures. All slope distances must be reduced to the horizontal (and if necessary to mean sea level) before plotting work or area computation is carried out.

6.2.1. The Authority may require the production of any map, survey or book for inspection under Section 16 (2) of the Act of 1964*.

6.2.2. Where part(s) of an adjoining river or roadway are included in an application for registration, separate area values should be stated for the parts on the map and a composite area quoted in the deed. **In all cases an indication should be given as to whether adjoining roadways are in public or private ownership.**

6.2.3. Customers can submit ITM coordinate geometry captured directly in the field in the form of a CAD file. (See Appendix 7) A hard copy must then be lodged with the application and must be printed at the OSi published scale for the area.

7. ITM and National Grid or Irish Grid coordinates:

7.1. Only ITM coordinates will be acceptable.

7.2. Under no circumstances should coordinates be submitted for points that have not been physically marked on the ground.

8. Responsibility of Applicant:

8.1. Responsibility for the accuracy of the areas and boundaries given in documents lodged rests with the applicant. To ensure that the mapped locations of boundaries and rights submitted for registration reflect the applicant's intentions, it is recommended that:

8.1.1. The locations of boundary corners, rights of way, pipelines etc. be unambiguously defined and clearly marked on the ground before survey for registration is carried out.

8.1.2. Maps submitted for registration be prepared and certified by competent Land Surveyors.

8.2. Areas must be supplied in the following cases

- Every First Registration application where the area exceeds 1 hectare.
- Every Transfer of Part where the existing Folio records an area.
- Any other application where the applicant requires the area to be recorded on the Folio.
- Any Folio may have an area inserted on request of the registered owner/applicant or solicitor where the area is certified by a suitably qualified person
- The onus for accuracy of an area rests with the applicant and will not be verified by the Registry

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8.3. Appurtenant Rights

8.3.1. Solicitors for the applicants should consider all mapped appurtenant and subject rights and apply for appropriate registrations. The Registry will consider such applications.

8.4. If these procedures are to operate successfully, the co-operation of the applicant, the surveyor and particularly the vendor's/grantor's solicitor is essential. (See Rule 53, LR Rules, 1972)*

8.5. *NON COMPLIANCE WITH THE LAND REGISTRY'S MAPPING REQUIREMENTS WILL RESULT IN THE APPLICATION BEING REJECTED.*

For examples and further details on the preparation of application maps. See Appendices 1 – 9

9. ***REGISTRATION OF DEEDS AND TITLE ACT 1964 AND 2006**

SECTION 16 of the Act of 1964

(1) Subject to general rules, the Authority may, by summons under his/her seal, require the attendance of all such persons as he/she thinks fit in relation to the registration of any title.

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

SECTION 84 of the Act of 1964 as substituted by section 61 of the Act of 2006

"Registry maps.

84.-(1) Provision may be made by general rules—

(a) for identifying on maps (in this Act referred to as 'registry maps') land whose ownership has been registered under this Act, and
(b) for reference in the register to those maps.

(2) (a) For the purposes of such registration—

(i) the Registrar, in respect of the period before the commencement of *section 61* of the *Registration of Deeds and Title Act 2006*, 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.

(b) For the purposes of this Act and the repealed enactments, any map so adopted is, and is deemed always to have been, a registry map.

(3) A registry map shall be in such form, including an electronic or other non-legible form which is capable of conversion into a permanent legible form, as may be prescribed."

SECTION 85 of the Act of 1964 as substituted by section 62 of the Act of 2006

"Description of registered land

85.— (1) Registered land shall be described and identified by reference to the registry maps concerned in such manner as may be prescribed.

(2) Except as provided by this Act, neither the description of land in a register nor its identification by reference to a registry map is conclusive as to its boundaries or extent"

10. ***LAND REGISTRATION RULES, 1972 – 2009 (No. 2)**

RULE 15(1) of the 1972 as substituted by Rule 9 of the LR Rules 2009:

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"(1) An application for registration of the ownership of freehold property to which rules 19 (3), 19 (4), 20 (1), 21 or 22 does not apply, shall, unless the Authority otherwise directs, be accompanied by –

(c) an application map, unless the application otherwise sufficiently identifies the property aforesaid on the registry map".

RULE 53 of the LR Rules 1972

"If it appears to the Authority that any application or instrument is improper in form or in substance or is not clearly expressed or does not indicate with sufficient precision the particular interest or land which it is intended to affect or refers only to matters which are not the subject of registration under the Act or involves registration of a restriction which would be unreasonable or calculated to cause inconvenience or is otherwise expressed in a manner inconsistent with the principles upon which the register is to be kept, it may refuse registration, either absolutely or except subject to such modifications therein as it shall approve".

RULE 56 of the LR Rules 1972 as substituted by Rule 16 of the LR Rules 2009:

"(1) An instrument dealing with part of the property in a folio of the register shall be accompanied by an application map which shall be referred to in the instrument.

(2) Where appropriate, the provisions of rule 30 shall apply to such map"

RULE 174 of the LR Rules 1972 as substituted by Rule 20 of the LR Rules 2009:

"174. (1) Registry maps shall be maintained in paper form or in electronic form, for the plans of property described in the registers.

(2) Where the registry maps are in paper form they shall include –

(a) general and/or index maps showing thereon the position and extent of every registered property,

(b) any map adopted under the provisions of section 84(2) of the Act (as substituted by section 61 of the Act of 2006).

(3) Where the registry maps are held in electronic form they may be displayed or reproduced in such a manner as the Authority may determine.

(4) The maps maintained shall be on such map projection, with necessary or obvious adjustments to conform to Ordnance Survey Ireland detail or with such consents of after such enquiries or notices, as the Authority directs. Where this is not feasible maps may be maintained for such areas and on such scales as the Authority allows."

RULE 190 of the LR Rules 1972 as substituted by Rule 23 of the LR Rules 2009:

"(1) Any person may apply to the Authority to make an official search and to certify:-

(b) Whether the ownership of a parcel of land, to be identified on such map as the Authority may allow is entered in the register of ownership of freehold land or whether the ownership of any leasehold interest or right in or to or over the parcel is entered in the register of ownership of leasehold interests or in the register maintained under section 8 (b) of the Act: or

(c) as to the entries made in a register or registry map since first registration of the property comprised therein or during any specified period subsequent thereto".

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Rule 198 of the LR Rules 1972 as substituted by Rule 24 of the LR Rules 2009:

- "198 (1) Any person, on payment of the prescribed fee, may search in the registry maps, the index of names, the index of lands and the folios of the registers during the hours the Registry is open to the public.
- (2) Where the Authority is satisfied that the appropriate arrangements are in place for searching outside public hours, by electronic means, such searching may be conducted between the hours of 7.00 a.m. and 8.00 p.m., Monday to Friday, and 7 a.m. and 12.00 p.m. on Saturday.
- (3) Copies of folios or maps or extracts from folios or maps may be obtained on payment of the prescribed fee. Where the register or part thereof is in electronic form, a reproduction in paper form may be issued as a copy."

