

REQUISITIONS ON TITLE 2019 EDITION



EXPLANATORY MEMORANDUM

NOTES:

Requisitions that are not relevant to the type of property and/or the title being purchased should be deleted in advance of issuing the requisitions on title.

OLD REQ. 2015	NEW REQ. 2019	EXPLANATION OF CHANGE MADE
Blank pages	Blank pages	For the online edition of the new Requisitions, the blank pages that were in the old hard copy have been removed – after front cover, Index page, and pages 25, 26, 27, 28, 29, 32, 35, 38, 39, 44, 45, and 46 in the old edition. This will not affect the new hard copy print edition which will still have blank pages where appropriate (after front cover, Index page, and pages 24, 25, 26, 27, 28, 30, 31, 34, 37, 38, 40, 42, 43, 44 and 45) to facilitate sections being removed if not required.
---	Tidy up	Examples of general tidying up of language and terms include - <ul style="list-style-type: none"> • ‘provide’ ‘hand over’ ‘give’/ ‘give particulars’ have been changed to ‘furnish’/‘furnish details’ throughout • ‘completion’ has been changed to ‘closing’ throughout • Where “if so, furnish details.” previously appeared as a separate sub-section, it has now been amalgamated with the relevant requisition where appropriate. • Where appropriate, some sub-sections have been amalgamated with the main requisition.
Dates	Dates	Where dates were previously shown as 01 April, 09 May, etc, the ‘o’ has been removed throughout and they now appear as 1 April, 9 May, etc.
Front page	Front page	The title of the document has been changed to reflect the fact that the 2019 Requisitions will be presented at the pre-contract stage by the Vendor and that any objections will be raised by the Purchaser after that point by way of correspondence. The edition year has been updated to 2019.
---	Front page	‘Tax Type’ has been added under ‘PPS No./Tax No.’ for both Purchaser and Vendor, because Revenue reserves the right to ask for a tax type for stamping purposes in certain cases.

---	Front page	<p>A new sentence has been added at the bottom of the front page confirming that the set of requisitions being used in the particular transaction is the unamended 2019 Edition of the Law Society’s Requisitions on Title. The intention is that the Purchaser’s solicitor does not need to check whether there have been any changes made to the text of the requisitions themselves or whether any additional requisitions have been added to the standard Law Society document produced to them in the particular transaction. This statement is incorporated in the requisitions with replies endorsed sent by the Vendor’s solicitor to the Purchaser’s solicitor when sending out the draft contract for sale at the outset of the transaction. These replies (unless revised prior to the Date of Sale) will be deemed correct as of the Date of Sale pursuant to General Condition 6(d) of the 2019 Conditions of Sale.</p> <p>Bear in mind that in residential mortgage lending it is a requirement of the certificate of title system that solicitors undertake and certify that the current edition of the Law Society’s Requisitions (and Conditions of Sale) will be/have been used in the transaction: otherwise, a qualification to a solicitor’s undertaking and certificate of title would have to be agreed pre-contract with a lender.</p>
Page 1	Page 1	<p>The space for raising Objections on Title has been removed as objections will now be dealt with by correspondence, not in the Requisitions document.</p> <p>Three additional guidance notes for the use of the document have been added –</p> <ul style="list-style-type: none"> • Information requested in the requisitions is to be provided contemporaneously with the replies, unless otherwise stated. • Where documents or drafts are requested in the requisitions, a copy or draft will be provided with the replies and original on closing, unless otherwise stated. Accordingly, the word ‘now’ has been removed from most instances of “furnish now” or similar phrases. • A definition of ‘Not Applicable’ has been provided – it means that the matter the subject of the requisition does not arise in respect of the property.
1. PREMISES	1. PREMISES	<p>Two parts of the old Non-Title Information Sheet previously part of the 2017 Conditions of Sale (which have now been removed) dealing with contents and BER have been transferred to this requisition.</p> <p>The items previously at 1.(a)(iii) to (vi) (electricity, gas, telephone, ISDN line) and 1.(c) (television) of the former Non-Title Information Sheet have been deleted as these are all utilities rather than services and are matters for an inspection of the property and are not matters of title.</p>
---	1.1	<p>This was transferred from the Non-Title Information Sheet and covers the question of contents included in the sale. Subsequent subsections have been re-numbered accordingly.</p>
---	1.3.	<p>This was transferred from the Non-Title Information Sheet and covers the question of Building Energy Rating (BER). Subsequent subsections have been re-numbered accordingly.</p> <p>1.3.b. is new and calls for production of a provisional BER certificate in the case of a building in the course of construction in appropriate cases.</p>
2.	2.	<p>The title of this requisition has been changed from ‘Services’ to ‘Water Services/ Local Authority Services’.</p>

2.1.a.	2.1.a.	This section, previously called “Drainage”, is now called “Sewerage” and has been expanded to require evidence of registration in all categories, including mains sewerage which is addressed in the revised subsection (ii). The category ‘other’, (which includes a system which is not on site, or not domestic, i.e. also serving an additional property or an additional purpose), is now addressed in the new subsection (iv) which requires registration with Protect Our Water.
2.1.b.	2.1.b.	This section, ‘Water’, has been expanded to require evidence of registration with Irish Water in respect of mains water which is addressed in the revised subsection (ii). The category ‘other’ (which includes a system which is not on site, e.g. a group water scheme, or not domestic, i.e. also serving an additional property or an additional purpose), is now addressed in the new subsection (iv).
2.1.c. to e.	---	Former enquiries about electricity, telephone and gas have been deleted as these are considered to be utilities rather than services.
2.2. - 2.5.	2.2.a. - e.	Former 2.2 to 2.5 have been replaced with a new 2.2. comprised of five subsections.
2.2.	2.2.a.	‘Services’ is defined in 2.2.a. as ‘roads, lanes, footpaths, public lighting and surface-water drains’, the latter not having been transferred to Irish Water.
2.3.	2.2.b.	If a solicitor’s certificate is being provided, it must be from the vendor’s solicitor in the current transaction and must be based on an inspection by the solicitor of the local authority records or on the solicitor’s own personal knowledge. A draft is requested to be furnished with the replies to requisitions.
---	2.2.c.	If an historical local authority letter is being provided, confirmation is sought in 2.2.c. that there has been no change in the position certified in a local authority letter, or in the circumstances, since the local authority letter issued. This is a new requisition. If the vendor is not satisfied to confirm that there has been no change, an up to date letter from the local authority should be furnished.
2.4.	2.2.d.	Change in numbering.
2.5.	2.2.e.	Change in numbering.
9.	9. 9.1.e. 9.3.c 9.3.d. 9.9.	This section previously covered matters that were common to both commercial and residential tenancies. It has been re-worked to cover only commercial tenancies. This has been expanded to seek details of any agreement between the landlord and tenant that is not in writing. This is a new requisition seeking details of any rent review and a copy of any signed memorandum of rent review or copy determination. This is a new requisition seeking confirmation of no arrears of rent. This is a new requisition enquiring if any notices were served by either the landlord or the tenant on the other.
10.1.1. – 10.1.7	10.1.1. – 10.1.13.	Legislative references have been updated in the heading to cover the ‘Residential Tenancies Acts 2004 to 2016 (“the Acts”)’. References to ‘PRTB’ have been changed to ‘RTB’ throughout. New requisitions have been added or amendments made to existing requisitions to deal with lettings within the past two years, payment of any security deposit, how rent is collected, any arrears, rent pressure zones and to eliminate any duplication where possible.

---	10.1.	This requisition is new and relates to properties that are currently let and to properties which, if not currently let, were let within the past two years. Subsequent requisitions have been re-numbered accordingly.
---	10.4.	This requisition is new and deals with payment of any security deposit.
---	10.5.	This requisition is new and seeks information on how rent is collected and any arrears.
---	10.6.	This requisition is new and relates to property located in a rent pressure zone that is not currently let.
10.6. & 10.7.	10.7	This requisition is new and seeks information on any rent review in relation to property that is currently let.
10.3.	10.8.	Change in numbering.
10.5.	10.9	Change in numbering.
10.4.	10.10.	Change in numbering. Old 10.4.c. seeking all documentation in relation to any dispute before the RTB has been deleted. New 10.10.c. seeks confirmation that the Vendor and/or the tenant have complied with any RTB order. New 10.10.d. seeks confirmation of whether the Vendor and/or the tenant has sought to enforce any RTB order and the outcome. Old 10.4.d. has been renumbered as new 10.10.e.
---	10.11.	This requisition is new and requests a letter from the Vendor notifying the tenant of the sale and authorising payment of rent to the Purchaser.
10.8.	10.12.	Change in numbering.
10.9.	10.13.	Change in numbering.
---	11.5.b.	This is a new requisition which asks whether there are arrears of commercial rates due to the local authority by either the owner or, if different, the occupier. This is to flag for the vendor and the purchaser that a letter should be sent to the local authority in relevant cases notifying them of the transfer of a tenant's interest in the lease, so as to relieve the landlord of the potential liability under Section 32 of the Local Government Reform Act 2014 for a previous tenant's arrears of rates. Subsequent subsections have been re-numbered accordingly.
11.6.a.	11.6.a.	This requisition has been amended to clarify that the enquiry relates to commercial water rates and/or refuse charges.
11.9.	11.9.	This requisition has been amended so as to require that any apportionment account is furnished to the purchaser as least five working days prior to closing.
12.1.a.	12.1.a.	The Fines (Payment and Recovery) Act 2014 has been added to the list of legislation under which a relevant notice certificate or order has been served or in respect of which the vendor may have notice of intention to serve any notice, issue any certificate or make any order in relation to the Subject Property or any part of it.
13.4.	13.4.	'Sheriff's / Receiver of Fines Office' has been added to the list of offices where the purchaser may carry out searches.

14.2.a.(ii)(b)	14.2.a.(ii)(b)	This requisition has been amended from “certificate of exemption” to “certificate of exemption/statutory declaration as appropriate” in respect of each relevant liability date for NPPR.
---	14.3.	This is a new subsection relating to the enquiries which should be made in relation to the Fines (Payment and Recovery) Act 2014. It asks if a fine was imposed, and (if so and if it remains unpaid) whether a recovery order was made. If so, evidence is required that this order has ceased to have effect. Subsequent subsections have been re-numbered accordingly.
18.	18.	Legislative references to the Companies Act 2014 have been added and, where necessary, references to the Companies Act 1990 have been replaced and/or amended. Other minor punctuation changes were made throughout.
22.2.	22.1.	As any required copies or drafts will now be furnished by the Vendor along with the replies to requisitions in advance of contract, with originals being furnished on closing, old 22.2 has been amalgamated with 22.1. in order to remove duplication. New 22.1.d. clarifies that a draft Section 72 declaration is required with the replies to requisitions only where a Section 72 burden is being disclosed by the Vendor. New 22.1.e. has been expanded to require, where relevant, an affidavit to convert qualified title to absolute (in addition to the previous requirement under old 22.1.e. for an affidavit to convert possessory title to absolute). All subsequent subsections have been renumbered accordingly.
26.7.a., b. & c.	26.7.a., b. & c.	Old 26.7.a. required in relation to any unauthorised development (as may have been disclosed in reply to requisition 26.6.a.) that a retention permission would be obtained prior to closing. This requisition has been deleted and there is now no automatic assumption that a retention permission will be required. It is now a matter for a purchaser to decide whether or not to proceed with a purchase in the knowledge that there is an unauthorised development, or, in the alternative, require by way of special condition in the contract that the Vendor obtain a retention permission prior to completion. The three requirements set out in new 26.7.a., b. and c. now relate to any retention permission as may have been obtained (instead of to any unauthorised development to which old 26.7.a., b., c. and d. related). The subsequent three subsections have been renumbered accordingly.
27.2.	27.2.	Reference to the fact that, in the event that it is claimed that the property is not affected by the building regulations, “Evidence by way of a statutory declaration of a competent person may be required to verify the reply.” has been deleted because the parties will have agreed pre-contract what evidence, if any, will be given.
---	27.4.c.	This is a new subsection. It deals with the ‘opt out’ situation and sets out what is required – a copy of the opt out declaration (or a certified copy if the declaration on the Building Control Register is not accessible to the public), together with evidence that it was registered by the building control authority, and a certificate / opinion of compliance from a competent person confirming that all necessary requirements of the Building Control Regulations have been met. The old 27.4.c. has been re-numbered as 27.4.d..
27.4. c.	27.4. d.	The words ‘...and neither of the circumstances in a. or b. above apply,...’ have been replaced with the words ‘...and none of the circumstances in a., b. or c. above apply, ...’

29.2.	29.1.	<p>As any required copies or drafts will now be furnished by the Vendor along with the replies to requisitions in advance of contract, with originals being furnished on closing, old 29.2 has been amalgamated with 29.1. in order to remove duplication.</p> <p>New 29.1.d. and e. have been amended to clarify that the required indemnities are to be under seal.</p> <p>New 29.1.f. clarifies that the final certification under HomeBond or similar is required on closing.</p> <p>The subsequent requisition old 29.3. has been renumbered as 29.2.</p>
---	31.7.	<p>This was transferred from the Non-Title Information Sheet to the Environmental section of the requisitions. It seeks information on radon.</p> <p>Some of the other paragraphs in the Environmental section from the 2015 Requisitions have been amalgamated and renumbered.</p>
32.	32.	The old heading 'FOOD AND FOOD HYGIENE' has been corrected to read 'FOOD AND FEED HYGIENE'.
36	36.	The heading of this requisition (which deals with property where the MUDs Act applies) has been amended by removing the words "...and where the following requisitions were not raised pre-contract". The previous wording was designed for the old regime where requisitions were raised post-contract: as all requisitions will now be raised pre-contract, the wording being removed is superfluous.
37.	37.	The heading of this requisition (which deals with property where the MUDs Act does not apply) has been amended by removing the words "...and where the following requisitions were not raised pre-contract". The previous wording was designed for the old regime where requisitions were raised post-contract: as all requisitions will now be raised pre-contract, the wording being removed is superfluous.
40. – 43.	40. – 43.	An introductory note has been added at the start of the licensing requisitions to indicate that reference to the Vendor shall include the licensee as the context requires or admits. This is to deal with the situation where the Vendor is not the licensee.
40.11. & 40.12.	40.11	The old 40.12 has been amalgamated with 40.11 and 40.11 has been re-worded. Subsequent requisitions have been renumbered accordingly.
40.22.a.	40.21.a.	The previous reference to 1997 in old 40.22.a. has been corrected in new 40.21.a. so as to refer to the Misuse of Drugs Act 1977.
40.22.b.,c. & d.	43.3.a., b. & c.	The three subsections in old 40.22. more properly belong with Requisition 43. because Section 3 of the Licensing (Combating Drugs Abuse) Act 1997 relates to public dancing licences and public music and singing licences. They have been moved to 43.3. and renumbered as a., b. and c. and the wording of new subsection a. has been amended accordingly.
43.	43.	Capitals have been removed in 1. and 2. and the word 'public' added in 2.a.
43.3.a., b., c. & d.	43.3.d.	The old 43.3.a., b., c. and d. have been amalgamated and re-worded in 43.3.d.

44.	44.	Additional pages added to facilitate a longer list of closing documents.
Signature page	Signature page	<p>The signature block for the Purchaser's solicitor has been removed.</p> <p>The paragraph in the old requisitions whereby the Purchaser reserved the right to make any further objections or requisitions arising out of the replies and the result of searches has been removed.</p> <p>The signature block for the Vendor's solicitor has been amended to clarify that the replies are signed by the solicitor for and on behalf of the Vendor.</p>
Back page	Back page	The title of the requisitions and edition number have been amended as for the front page.

Conveyancing Committee

November 2018