

REQUISITIONS 2015 - EXPLANATORY MEMORANDUM

NOTE:

Requisitions that are not relevant to the type of property and/or the title being purchased should be deleted by the purchaser's solicitor in advance of issuing the requisitions on title. In addition, Requisitions 29 to 43 all start on a right-hand page to facilitate the removal of any of them that are not relevant to a particular transaction.

Old Req.	New Req.	Explanation of Change Made
1.4	1.4	This has been amended to reflect the change from National House Building Guarantee Scheme to HomeBond, Premier or other alternative policy/scheme.
2.1.a	-	This has been expanded to three sub sections to obtain more detailed information in light of new requirements for registration of domestic waste water treatment systems.
2.1.b	-	This has been expanded to two sub sections to obtain more detailed information on the type of water supply and, where applicable, any water services licence.
2.2	-	The requirement for a letter of consent to transfer of telephone line and instrument to the purchaser has been deleted. The remaining sub sections have been renumbered accordingly.
2.3	2.2	The wording of the old requisition as to whether the services "abutting or servicing" the property have been taken in charge has been amended to read "abutting and servicing", as it is important that both are covered.
2.4	2.3	<p>It was not clear from the wording of the old requisition whether the solicitor's certificate referred to was intended to be one given by the solicitor acting for the current vendor or one given by the solicitor for a previous vendor on title. Because it is possible that an 'in charge' road may have its status redesignated to that of a road not in charge of a local authority, it is possible that a solicitor's certificate given in a previous transaction might no longer be reliable. The information re services 'in charge' being given to a purchaser in each sale/purchase transaction should reflect the position current at the time of that transaction. The wording has been changed to clarify that it is a certificate from the solicitor of the current vendor that is sought here.</p> <p>The same wording as before has been retained in relation to the solicitor's certificate being given only on the basis of an inspection by the solicitor of local authority records or on the basis of the solicitor's personal knowledge.</p>
4.1	4.1	The wording "party wall" has been amended to read "boundary wall".
5.1 to	5.1 to	The various sub sections of the old requisition have been

5.6	5.3.b	consolidated and rearranged.
-	5.3.c to 5.5	These have been added in order to obtain an official Departmental indemnity form in respect of any existing forestry grant, details on any agreement affecting the right to fell trees, and to ascertain if there has been any breach of the Forestry Acts or if any proceedings are threatened etc.
6.1 to 6.4	6.1 to 6.2	The old requisition has been divided into two sections, one dealing with fishing licences and the other dealing with fishing rights to which the property might be subject, and has been expanded to include any related easement exercised in connection with any right to fish.
7.1 to 7.4	7.1 to 7.2	The old requisition has been divided into two sections, one dealing with sporting licences and the other dealing with sporting rights to which the property might be subject, and has been expanded to include any related easement exercised in connection with any sporting right.
9	9	The title of this requisition has been amended to signify that this requisition applies to both residential and commercial properties.
-	9.1.e	This is new and is intended to obtain information on any other agreement between a landlord and tenant not already caught by existing requisitions.
-	9.3.b	This is new and is intended to obtain practical information on how the rent is paid by the tenant to the vendor.
-	9.4.c	This is new and is intended to protect a purchaser who might otherwise find following closing that a tenant might claim that a deposit had been paid to a vendor and this deposit was not handed over by the vendor to the purchaser on or prior to closing.
9.8	-	The old requisition on tenancies to which the Housing (Miscellaneous Provisions) Act 1992 applied has been deleted as it is no longer relevant.
10	10	The title of this requisition has been amended to reflect the fact that it now covers residential tenancies pursuant to three different pieces of legislation instead of only one piece of legislation previously covered.
-	10.1 to 10.7	These requisitions are new and deal with residential tenancies under the Residential Tenancies Act 2004 as amended. The new requisitions are intended to obtain information on tenancies registered with the Private Residential Tenancies Board (PRTB) and information on whether or not there are ongoing disputes, claims by tenants, etc.
-	10.8	This is new and is intended to obtain information on any long occupation equity leases under the Landlord and Tenant (Amendment) Act 1980 as amended.

10	10.9	The entirety of the old requisition 10 is now comprised in a sub section of the new requisition i.e. 10.9.
-	11.5	This is a new requisition to deal with commercial rates under Section 32 of the Local Government Reform Act 2014. Subsequent sub sections have been renumbered accordingly.
11.6	11.7	The words “rent charge” have been added to this requisition as rent charges are seen to belong more appropriately under ‘Outgoings’ than under ‘Incumbrances/Proceedings” (where they were previously dealt with under 14.1.6).
12.1.a	12.1.a	<p>The list of Acts in this requisition has been expanded to include relevant new legislation passed since the last edition of the requisitions was published. The new Acts / new categories of Acts are:-</p> <ul style="list-style-type: none"> • Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 • Finance (Local Property Tax) Acts • Land and Conveyancing Law Reform Acts • Local Government (Charges) Acts • Local Government (Household Charge) Acts • Local Government Reform Act 2014 • Multi-Unit Developments Act 2011 • National Asset Management Agency Act 2009 • Planning and Developments Acts • Residential Tenancies Acts • Taxes Consolidation Acts • Water Services Acts <p>Categories of Acts listed in the last edition where further legislation since passed is relevant to the new edition are:-</p> <ul style="list-style-type: none"> • Building Control Acts • Fire Services Acts • Land Acts • Safety in Industry Acts
-	13.3.b	This sub section has been added to obtain information on a vendor’s personal insolvency arrangements under the Personal Insolvency Act 2012, if applicable.
13.4	13.4	<p>The wording of the old requisition “Purchaser will make Searches where necessary” has been replaced by “Purchaser will make appropriate searches to include but not limited to”. This is in recognition of the possibility that a purchaser may wish to make additional searches in appropriate cases e.g. if a vendor is non-resident, a non- resident company, etc.</p> <p>In addition, five new registers have been added to the list to take account of EU personal insolvency legislation and new Irish personal insolvency legislation:-</p> <ul style="list-style-type: none"> • Register of EU Personal Insolvencies

		<ul style="list-style-type: none"> • Register of Debt Relief Notices • Register of Protective Certificates • Register of Debt Settlement Arrangements • Register of Personal Insolvency Arrangements <p>Solicitors should establish with their legal searchers that searches in the above registers are included as part of closing searches.</p>
14.1.b.	-	The enquiry about charges under the Public Health Act has been removed as it is no longer relevant.
14.1.c.	-	The old enquiry about rent charges has been moved to 11.7
-	14.2.a	This is a new sub section dealing with the NPPR charge because unpaid NPPR is a charge on property.
-	14.2.b	This is a new sub section dealing with the household charge because unpaid household charge is a charge on property.
-	14.2.c	This is a new sub section dealing with the local property tax (LPT) because unpaid LPT is a charge on property.
-	15.1	This is a new requisition which requires the vendor to specifically state whether or not there is a voluntary disposition on title. Subsequent sections have been renumbered accordingly.
15.a.	15.2.a.	The words “to delay hinder or defraud” have been added to this requisition after the words “without fraudulent intent” being part of what a disponent is required to aver to in a statutory declaration in cases where there has been a voluntary disposition on title.
16.2 to 16.4 and 16.6	16.2	<p>The old requisitions on capital acquisitions tax (CAT) have been removed as CAT is no longer a charge on property.</p> <p>The new requisition 16.2 deals with the only remaining instance in which a certificate of discharge from CAT is required i.e. by the Land Registry where an application for registration is made that is based on adverse possession. This was previously requisition 16.6.</p> <p>The legislative references have been updated.</p>
16.7 to 16.10	16.3 to 16.6	The requisitions on capital gains tax have been renumbered and the legislative references have been updated where appropriate.
-	16.7	This is a new requisition seeking the vendor’s tax number / tax type and the property ID number for LPT, all duly vouched, which are now needed by a purchaser in order to stamp a deed.
16.12	-	The old requisition in relation to particulars delivered stamp has been deleted as it is no longer required.
16.13	16.8	This requisition in relation to stamp duty apportionment for partially residential property has been renumbered.

16.5	16.9	<p>The old requisition requesting a certificate of discharge from probate tax in relation to any death on title after 17 June 1993 has been removed as it is no longer required because probate tax was abolished on 06 December 2000 and is no longer a charge on property except in one case.</p> <p>The only remaining instance in which probate tax may be a charge on property is set out in Section 140 of the Finance Act 1994 - where a person registered as owner died after 17 June 1993 and before 06 December 2000 leaving a life interest to the surviving spouse with the remainder interest to a third party after the death of the spouse. The probate tax on the deceased's estate was deferred in such cases until the remainder interest crystallised i.e. on the death of the spouse. If unpaid, the deferred probate tax, once crystallised, remains a charge on the property for a period of 12 years thereafter. A purchaser requires a certificate of discharge from probate tax in these cases.</p>
-	16.10	This is a new requisition that calls for all documents that the vendor has agreed to furnish under the contract and pursuant to the provisions of the Value-Added Tax Consolidation Act 2010 as amended and the replies to Pre-Contract VAT Enquiries to be handed over to the purchaser on closing.
NOTE re VAT:		In November 2008 what was then requisition 16A in relation to VAT was removed from the Requisitions on Title. VAT has been a pre-contract matter since that time.
17.1.a	17.1.a	The legislative reference has been updated.
18	18	The title of this requisition has been amended so as to signify that some of the requisitions will apply to body corporate vendors previously on title and not just to the current body corporate vendor.
18.2.a	18.2.a	This requisition clarifies that it applies to both the vendor and any other body corporate on title.
18.2.b	18.2.b	It is clarified that this requisition applies only to the current vendor company.
18.3	18.3	It is clarified that this requisition applies only to the current vendor company.
18.4	18.4	It is clarified that this requisition applies only to the current vendor company.
18.5.c	18.5.c	This requisition has been broken out into sections and reworded in part for clarity.
19	19	The title of this requisition has been amended to take account of the enactment of the Land Act 2005.

19.1 to 19.5	19.1 to 19.3	<p>The old requisition has been replaced in full to take account of the fact that sections 12 and 45 of the Land Act 1965 have been repealed. The new requisition deals with any remaining requirements in relation to –</p> <ul style="list-style-type: none"> • any vesting order providing for consolidation with the property sold, • any land purchase annuities in excess of €200, and • any Land Registry requirements for first registration in cases where there are outstanding consents pursuant to sections 12 or 45 in transactions prior to 04 November 2005.
20.3.b	-	<p>It has been decided to remove the old requisition that called for a vendor's undertaking that if requested to do so within two years from the completion of sale, the vendor would supply any additional information which he might reasonably be able to supply and produce and furnish any documents in his possession that may be required to effect compulsory registration. It was considered that such an undertaking is not necessary because the vendor is contractually obliged to supply such information and produce such documents by virtue of General Condition 29 of the standard Law Society contract for sale.</p>
22.1.a	22.1.a	<p>It is clarified that it is a copy of a certified copy folio written up to date that is required at requisitions stage.</p>
22.1.f	22.1.f	<p>This requisition has been partially reworded to clarify that it is a duly marked map complying with Land Registry mapping requirements that is required at requisitions stage.</p>
22.2.a	22.2.a	<p>This requisition has been amended in light of the abolition of Land Certificates to reflect that what is now required on closing is a certified copy folio written up to date.</p>
22.2.b	-	<p>The old requisition seeking confirmation that a Land Certificate had not been applied for is no longer required. The remaining subsections have been renumbered accordingly.</p>
22.2.d	22.2.c	<p>This requisition has been partially reworded to clarify that it is map of the property duly marked complying with Land Registry mapping requirements that is required on closing.</p>
23	29	<p>The sequence of this requisition in the overall document has been changed and all remaining subsections have been renumbered accordingly.</p>
23.1.f. & (g)	-	<p>These two sub-sections in relation to Floor Area Certificates and PD forms are no longer relevant and have been removed.</p>
23.1.h	29.1.f	<p>This requisition has been reworded to obtain information about registration with HomeBond, Premier or alternative policy/scheme together with a copy of the policy document.</p>

23.2.a	29.2.a	This requisition has been reworded to remove any reference to the purchase deed being either assessed for stamp duty or adjudicated exempt, or PD stamp impressed as these matters are no longer relevant.
23.2.b	-	Reference to a memorial to the deed has been removed as it is no longer relevant.
23.2.g and h.	29.2.f	The two old requisitions have been amalgamated and reworded to reflect the current requirement for final certification with HomeBond, Premier or alternative policy/scheme.
24	23	The sequence of this requisition in the overall document has been changed and the remaining subsections have been renumbered accordingly. The title of the requisition has been expanded to include the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.
24.1	23.1	Reference to the above 2010 Act has been added to this requisition.
24.2	23.2	References to 'civil partner', 'civil partnership' and 'copy civil partnership registration certificate' have been added.
24.4	23.4	Reference to the above 2010 Act and to dispositions by civil partners on or after 01 January 2011 has been added. The position in respect of all conveyances of unregistered property by married persons on title on or after 12 July 1976 and by civil partners on title on or after 01 January 2011 has been set out by way of alternative requirements depending on the circumstances.
24.5	-	The old requisition is no longer required and has been deleted.
25	24	The sequence of this requisition in the overall document has been changed and the remaining subsections have been renumbered accordingly.
-	24.5	This requisition is new and it summarises the requirements under the preceding 24.1 to 24.4.
26	25	The sequence of this requisition in the overall document has been changed and the remaining subsections have been renumbered accordingly. Reference to the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 has been added in the title.
26.1	25.1	Reference to the 2010 Act has been added to this requisition.
26.2	25.2	Reference to the 2010 Act has been added to this requisition. In addition, it has been clarified that the confirmation required by this requisition is to be by way of a statutory declaration.

26.4	25.4	This requisition has been expanded to clarify that a declaration is required in respect of the current sale (whether registered or unregistered title) and, in respect of unregistered title, a statutory declaration is required in respect of all previous transactions on title since the various Acts listed in the heading came into operation.
27	26	The sequence of this requisition in the overall document has been changed and the remaining subsections have been renumbered accordingly. The legislative references in the title have been updated.
-	26.3	This is a new requisition. A withering permission is one granted for residential development on foot of an application for permission lodged after 25 August 1999 and before the planning authority incorporated its housing strategy into its development plan. Under section 96 (15) of the Planning and Development Act, 2000 the permission withered on 31 December 2002 or two years from the date of the permission, whichever would have been the later. By virtue of section 4 of the Planning and Development (Amendment) Act 2002 the life of such a “withering permission” was extended so as to have the normal life of a planning permission (usually 5 years). However, dwellings built on foot of a permission which would have withered but for the 2002 Act were made subject to a levy of 1% of the sale price if such sale price was equal to or in excess of €270,000 or 0.5% of the sale price if such sale price is less than that amount. This new requisition seeks to establish if the planning permission for a dwelling was a withering permission and, if so, to obtain a receipt for payment of any applicable levy or establish the reason why a levy was not payable, as applicable.
27.4.a	26.5.a	This requisition has been expanded to include a broader range of types of area designated under the Planning Acts for any specific purpose or objective.
-	26.5.c. and d.	These two requisitions are new and seek information on protected structures and tree preservation orders.
27.5	26.6.a. to 26.6. d.	The three new requisitions at subsections b., c. and d. have been added to seek further information in relation to any unauthorised developments.
-	26.7.d	This requisition is new and seeks information on any substitute consent issued pursuant to Part XA of the Planning and Development Act 2000 as amended in respect of any unauthorised development.
27.9	26.10	It is clarified that “particulars of any application for permission” is intended to include particulars of any retention permission.
27.10.a	26.11.a	This requisition has been expanded to include a question on whether any agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act 2000 (the requisition previously referred only to Section 38 of the Local Government (Planning and Development) Act 1963).

27.11.c.	26.12.c.	Sub-section c. has been expanded to add references to a statement of compensation having been registered under Section 72 of the 1963 Planning Act and/or Section 188 of the Planning and Development Act 2000.
-	26.12.d.	Sub-section d. is new and seeks details of any statement of compensation registered on the planning register if such a statement was disclosed in the reply to 26.12.c.
27.12. to b.	26.13.b. to c.	Sub-section b. of the old requisition has been broken out into two sub-sections - b. and c.
28	27	The sequence of this requisition in the overall document has been changed and remaining subsections have been renumbered accordingly. The title of the requisition has been expanded to include the Building Control Acts up to 2014.
28.3	-	The old requisition has been removed because evidence of compliance with the regulations is now dealt with under requisition 27.4.
	27.4 a. to c.	<p>Sub-section a. of this requisition deals with the new building regulations that apply where a commencement notice was lodged on or after 01 March 2014 and part IIIC of the Building Control Regulations 1997 applies. The only requirement in relation to the new building regulations is that a copy of the statutory certificate of compliance on completion (or a certified copy if the certificate of compliance on completion on the building control authority's register is not accessible to the public) together with evidence that it was registered by the building control authority will be furnished.</p> <p>Sub-section b. of this requisition deals with the position where a commencement notice was lodged on or after 01 March 2014 and Part IIIC does not apply. This subsection will apply to a limited number of works commenced after 01 March 2014 which are not exempt from building regulations, but where S.I. No. 9 of 2014 does not apply and therefore no statutory certificate of compliance on completion will be available. In such cases a non-statutory form of certificate from a competent person certifying compliance with all necessary requirements of the building regulations and that the property is exempt from the requirements of Part IIIC is required.</p> <p>Sub-section c. of this requisition deals with cases where the old building regulations apply i.e. where a commencement notice was lodged before 01 March 2014. In such cases, the usual certificate/opinion on compliance by a competent person is required.</p>
28.5	27.5	The old requisition was drafted to deal with cases where a fire safety certificate was required. The new requisition covers an expanded list of cases where various other certificates may be required i.e. a fire safety certificate or a revised fire safety certificate or a disability

		access certificate or a revised disability access certificate or a regularisation certificate.
28.8.a	27.8.a	Requisition 27.8.a. contains a new additional reference to the Circuit Court.
29	30	The sequence of this requisition in the overall document has been changed and the subsections have been renumbered accordingly. The title of this requisition has been expanded to add a reference to the Fire Services Act 2003.
30	28	The sequence of this requisition in the overall document has been changed and the subsections have been renumbered accordingly. The title of the requisition has been expanded to add references to the Safety Health and Welfare at Work Regulations of 2001, 2003, 2006 to 2013, and 2013.
30.1	28.1	The wording/phrasing of this requisition has been changed to bring further clarity.
30.2	28.2	The wording/phrasing of this requisition has been changed to bring further clarity. It now requires that a copy of the safety file be furnished at requisitions stage or that confirmation be given as to where the safety file is available for inspection. This replaces the previous requirement that a copy of the safety file be furnished at requisitions stage and the original safety file on completion.
-	31.1. and 2.	These are two new requisitions designed to find out if the property in sale is designated as a "European Site". The rest of the subsections in this requisition have been renumbered accordingly.
31.1	31.3	The wording of this requisition previously referred to the European Community Act 1972 and to a range of laws and rules referred to as "the Environmental Controls". It has been changed to now refer to "Environmental Laws" with a revised description of the range of types of law covered by this new reference.
31.2. and 3.	31.4	The two old requisitions have been replaced by the new one which seeks copies of any notices issued if such a notice was disclosed in the reply to requisition 31.3 together with evidence of compliance therewith.
31.4. to 5.	31.5.a. and b.	The two old requisitions have been replaced by the new one and with an updated reference to any "Environmental Laws".
-	31.6. to 9.	These are new requisitions designed to obtain information on any permit, licence or consent issued under any Environmental Laws. 31.8. and 31.9. have been introduced to obtain information on any waste in the property which will not be removed by the vendor prior to completion.

32	32	The title of this requisition has been changed from “Food Hygiene Regulations” to “Food and Food Hygiene”.
-	32.2a. and b.	These requisitions are new and they seek information on the applicability of EU regulations and evidence of registration and approval of relevant authorities together with evidence of compliance with any requirements relating to such registration and approval. The remaining requisitions have been renumbered accordingly.
32.2.a. to c.	32.3.a. to e.	Subsections 32.3.a. and b. are new and they seek information on any inspections of the property subsequent to registration with the competent authority together with copies of any correspondence relating to such inspections. 32.3.c. to e. replace the old 32.2.a. to c. and expand on the old requisitions by adding references to ‘the competent authority’, ‘the Food Safety Authority’ or ‘any official agency of the Food Safety Authority’ (previously, only ‘health authority’ was referred to).
34	34	The title of this requisition has been changed to reflect the fact that it now deals with the acquisition of fee simple by way of three alternative procedures and the old requisition has been broken out into three sections – <ul style="list-style-type: none"> • the first dealing with acquisition of fee simple under the Landlord and Tenant (Ground Rents) Act 1967, • the second dealing with acquisition of the fee simple under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, and • the third dealing with acquisition of the fee simple by other means.
36	36	The entire of the old requisition on new flats / new managed properties has been removed (as has also occurred with the old requisition 37 in relation to second-hand flats / second-hand managed properties). Since the enactment of the Multi-Unit Developments Act 2011 (“the MUDs Act”), it is more logical to divide property types between those that are subject to the MUDs Act and those that are not, it no longer being relevant whether they are new or second-hand. The new requisition 36 deals with new or second-hand property in a managed development to which the MUDs Act applies. The bulk of this requisition is in the same format and wording as the MUDs Precedent Pre-Contract Enquiries (available in the precedents area of the Law Society’s website) which it is recommended by the Conveyancing Committee be raised pre-contract in cases where the MUDs Act applies. The only item in the new requisition 36 that is different to the existing MUDs Precedent Pre-Contract Enquiries is that 36.3. and 36.10.a. both include an updated reference to the constitution of an OMC (relevant where such OMC was incorporated on or after 01 June 2015). Requisition 36 should only be raised at the requisitions stage of a

		<p>transaction in cases where its contents were not raised as pre-contract enquiries at the pre-contract stage.</p> <p>In cases where it is appropriate to raise requisition 36, a vendor should reply to sub-sections 1. to 18. <u>and</u> either 19 to 23. or 24 to 26.</p> <ul style="list-style-type: none"> • Sub-sections 1. to 18. are relevant to all units in a multi-unit development to which the MUDs Act applies. • Sub-sections 19. to 23. apply only a multi-unit development in which a residential unit was not sold prior to 01 April 2011. • Sub-sections 24. to 26. apply only to multi-unit development in which a residential unit was sold prior to 01 April 2011.
37	37	<p>The entire of the old requisition on second-hand flats / second-hand managed properties has been removed (as has also occurred with the old requisition 36 in relation to new flats / new managed properties). Since the enactment of the Multi-Unit Developments Act 2011 (“the MUDs Act”), it is more logical to divide property types between those that are subject to the MUDs Act and those that are not, it no longer being relevant whether they are new or second-hand.</p> <p>The new requisition 37 contains new requisitions in relation to new or second-hand property in a managed development to which the MUDs Act does not apply. These are in the same format and wording as the new Non-MUDs Precedent Pre-Contract Enquiries available in the precedents area of the Law Society’s website.</p> <p>Requisition 37 should only be raised at the requisitions stage of a transaction where its contents were not raised as pre-contract enquiries at the pre-contract stage.</p> <p>The new requisition 37 contains the remaining relevant requisitions from the old requisition 37.</p>
39	-	<p>The old requisition 39 on milk quotas has been removed in its entirety because milk quotas were abolished as and from midnight on 31 March 2015.</p>
-	39	<p>This requisition is entirely new and is titled National Asset Management Agency Act 2009 (“the NAMA Act”). It has been slotted in to the section previously allocated to milk quotas.</p> <ul style="list-style-type: none"> • 39.1 asks whether the property in sale is affected by any easement or profit a prendre arising under section 144 of the NAMA Act. • 39.2 asks if any initial notice has been published or served under section 160 of the NAMA Act. • 39.3 seeks to find out if the property in sale is “relevant land” as defined in section 172 (1) of the NAMA Act and related matters, including whether there is or was previously any requirement to notify NAMA of any “dealing” in the property pursuant to that Section. • 39.4 seeks information on whether any party on title is or was

		<p>prohibited from acquiring an interest in the property in sale by reason of section 172 (3) of the NAMA Act.</p> <ul style="list-style-type: none"> • 39.5 seeks general information on any application made to the court by NAMA or a NAMA group entity under section 211 of the NAMA Act and seeks information on whether the vendor is aware of any circumstances whereby the proposed sale or any prior sale of the property might defeat delay or hinder the acquisition by NAMA or a NAMA group entity of an eligible bank asset or other related assets or rights.
40.1. to 40.14.	40.1. to 40.14	<p>Subsections 1 to 14 of this requisition are in the same format and wording as the old requisition other than the following four matters:-</p> <ul style="list-style-type: none"> • The new 40.6.a. in addition to asking if there are any conditions, restrictions or qualifications attached to the licence, includes a new question in relation to any conditions agreed with any authority by the vendor. • The old version of 40.7 asked if the property is regularly open for the conduct of the publican's business, whereas the new version of 40.7 asks if the property has regularly been open for the conduct of the publican's business in the past twelve months. • The new version of 40.10.c., in addition to asking for a copy of the relevant court order, includes a new requirement i.e. a copy of the certified copy plans lodged in court in connection with an application for an alteration or enlargement of the licensed area of the property. • The old version of 40.14 asked for details of all convictions against the licensee for the time being since 04 July 1960 or since the day upon which the licence was first granted, whichever date is the later. The new version of 40.14 asks for details of all convictions against the licensee for the time being during the past six years or since the date upon which the licence was first granted whichever date is the later.
40.15	-	<p>The old 40.15 has been removed as section 26 of the Intoxication Liquor Act, 1927 providing for a special order against recording a conviction (where the conviction was of a trivial nature) was amended by section 15 of the Intoxication Liquor Act, 1943 to provide that no order shall be made after the passing of the 1943 Act under Section 26 of the Act of 1927. The remaining subsections have been renumbered accordingly.</p>
40.16	40.15	<p>The old 40.16 is now 40.15 and has been expanded to ask if there are any convictions or endorsements recorded on the licence at present (whereas the old requisition enquired only in relation to convictions).</p>
40.17	-	<p>The old 40.17 asking if there are any convictions recordable on the licence has been removed as it is no longer relevant. The remaining subsections have been renumbered accordingly.</p>
40.18.a.	40.16.a.	<p>The qualifying wording set out in the first half of the old 40.18.a.</p>

and b.	and b.	(stating that the requisition applies to property sold to a <i>bona fide</i> purchaser for money or monies worth at any time since 04 July 1960 or since the date upon which the licence was first granted whichever date was the later) has been removed as it is no longer relevant. The remaining wording of the old 40.18.a. is retained in the format set out in new 40.16.a. – it asks if there has at any time been an application for an order under section 30 of the Intoxicating Liquor Act 1927 directing that any offences recorded should cease to be recorded. The new 40.16.a. also contains additional wording to indicate that the enquiry relates to applications made at any time within the past ten years.
40.19	40.17	The old 40.19 is now 40.17 and the wording has been expanded to include an enquiry about prosecutions pending against the vendor for alleged breach of the licensing laws (the old 40.19 enquired only as to any summonses pending against the vendor for such alleged breach).
-	40.22.a. to d.	40.22 is new and seeks information on any convictions of the vendor under drug trafficking legislation with related enquiries about any resulting revocation of the vendor's licence.
41	41	This requisition remains as before except that any reference to "Bord Failte" has been changed to "Fáilte Ireland".
42.7. to 11.	-	The old subsections 42.7. to 11. have been removed as it is no longer necessary for a property with a special restaurant licence to register with Fáilte Ireland (previously Bord Failte).
42.12. and 13.	42.7. and 8.	These two old subsections have been renumbered following on the removal of the old 42.7. to 11. as above, but the wording remains the same other than the fact that the new 42.7.a. does not include a reference to "Bord Failte" (which reference was removed because it is no longer necessary to register a special restaurant licence with Fáilte Ireland (previously Bord Failte)).
42.14	-	The old 42.14 has been removed as it is no longer required to register a special restaurant licence with Fáilte Ireland (previously Bord Failte).
43	43	The wording of this requisition remains the same for the most part with the exception that the new version of 43.1.b. includes an additional requirement for the vendor to hand over on closing a copy of the current liability insurance policy, because this is now a common requirement of the court dealing with any transfer of such licences.

Conveyancing Committee

May 2015