

Important Note:

An application for a certificate stating that Section 96 of the Planning and Development Act, 2000 (as amended) shall not apply to a grant of permission in respect of the Development concerned is known as an application for a “**Certificate of Exemption**”.

An application for a Certificate of Exemption must be accompanied by a **Statutory Declaration** (as defined by the Statutory Declarations Act, 1938). An application form (available on website) should also be completed and enclosed along with all necessary drawings and maps of sufficient size and detail to clearly identify the land to which the application relates.

This Statutory Declaration sample is typical of the information that must be contained in a statutory declaration and only be used if all statements (a – h) are applicable to your individual application. It is necessary that all these statements are included and should they not apply, alternative declaration must be drafted to take into account any such differences.

For Example: If you were not the sole and legal beneficial owner/s for the period of 5 years preceding this application, then you must give all the particulars as to who was the legal and beneficial owner/s before you, over the preceding 5 years. (sample Statutory Declaration a)). Therefore the sample Statutory Declaration should be amended to take account of these facts even though you may not now be acting in concert with any person/s.

All certificate applications should be made before applying for permission in respect of a development and certificates of exemption are granted to the applicant.

STATUTORY DECLARATION

I/We _____ of _____

aged eighteen years and upwards do solemnly and sincerely declare the following:

- a) I/We hold the sole and legal and beneficial freehold/ leasehold **ownership** of the land on which it is proposed to carry out the development at the above address and as indicated on the map/s attached with this application. Furthermore, I/We have been the sole and legal and beneficial **owner/s** of the property on which it is proposed to carry out this development in respect of the period of **five years** preceding this application.

Section 97(5)(a) – Planning and Development Act, 2000

- b) I/We are **not acting in concert** with any other person or persons.

Section 97(5)(b) – Planning and Development Act, 2000

- c) I/We do not and have **not** at any time during the said period had an **interest in any land in the immediate vicinity** of the land on which it is proposed to carry out such development.

Section 97(5)(c)(i) – Planning and Development Act, 2000

- d) “Particulars of **any interest that any person with whom the applicant is acting in concert** has, or had at any time during the said period, in any land in the said immediate vicinity, of which the applicant has knowledge”

Not applicable if not acting in concert with any other persons (See ‘b’ above).

Section 97(5)(c)(ii) – Planning and Development Act, 2000

- e) I/We have **not been granted a certificate**, which currently remains in force within the period of 5 years prior to the date of making this application, under Section 97 of the Act, ‘nor have I/We ever **acted in concert with any person/s** who has/have been granted a certificate which currently remains in force within the period of **5 years** prior to the date of this application under Section 97 of the Act.

Article 49(a) – Planning and Development Regulations, 2001

- f) I/We have not carried out, or have not been granted permission to carry out, any development consisting of the provision of **4 or fewer houses** or of housing **on land of 0.1 hectares or less**, within the period of 5 years prior to the date of making this application for a certificate under Section 97, on land in respect of which the certificate is being sought or land in its immediate vicinity within 400 metres under Section 97(2)(b) – Planning and Development Act 2000 (as amended) (save that any such development was

carried out, or permission granted, before 1st November 2001 is disregarded), 'nor have I/We ever **acted in concert with any person/s** nor have any person/s carried out any development consisting of the provision of **4 or fewer houses** or of housing on **land of 0.1 hectares or less**, within the period of 5 years prior to the date of making this application for a certificate under section 97, on land in respect of which the certificate is being sought or land in its immediate vicinity within 400 metres.

Article 49(b) – Planning and Development Regulations, 2001

g) I/We are **not aware of any facts or circumstances** that would constitute grounds under Section 97(12) of the Planning and Development Act, 2000 (as amended) for the refusal by the Planning Authority to grant a certificate.

Section 97 (5)(d) – Planning and Development Act 2000

h) Any other information as may be prescribed

Section 97(5)(a) – Planning and Development Act, 2000

I/We make this **statutory declaration** conscientiously believing the same to be true and by virtue of the statutory declarations Act, 1938.

Declared by the said Applicant/s _____

on this _____ day of _____ 200 _____ at _____

(solicitors office)

Before me a Commissioner for Oaths and a practising Solicitor

Signed:

Declarant

**Commissioner for Oaths and
Practising Solicitor**

(Solicitors Stamp)