
Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Land Law (Miscellaneous Provisions) Act (Northern Ireland) 1932. (See end of Document for details)

SCHEDULE

Section 1.

DETERMINATION OF PERSONS ENTITLED TO BALANCE OF PROCEEDS OF SALE

- 1 The Solicitor to the Ministry shall make out a certificate specifying the date of the sale, the amount realised, the particulars of the payments made, the amount of the balance of the proceeds of the sale, and the name of the registered owner of the holding and the number and title of the folio of the Register of Titles relating to the holding, or (where registration of title has not been effected) such particulars as will enable the holdings to be identified. The certificate shall be signed by the Solicitor to the Ministry or by the Assistant Solicitor.
- 2 The Solicitor to the Ministry shall obtain an office copy of the folio of the Register of Titles evidencing the title to the holding as such folio stood at the date of the sale of the holding by the Ministry, or (where registration of title has not been effected) such other evidence of the title to the holding at that date as the said Solicitor may consider necessary.
- 3 The Solicitor to the Ministry shall, without delay, notify the amount of the balance to all such persons as may appear from the Register of Titles, or otherwise to be likely to be entitled to or interested in the balance, and shall refer them to the provisions of this Schedule which prescribe the procedure towards obtaining payment of the balance or any part thereof.
- 4 To obtain payment of the balance, or any part thereof, in a case to which article 6 of this Schedule does not apply, the claimant shall attend before the Solicitor to the Ministry in person, or by solicitor, to prove his claim, and for that purpose shall, within thirty days after the date of the notification under article 3 of this Schedule, file an affidavit which shall state as concisely as is compatible with clearness the title to, and particulars of the incumbrances and other claims (if any) affecting, the balance, and shall refer to the deed and other muniments of title on which the claimant relies, and the claimant shall produce the same to the Solicitor to the Ministry in so far as they are within his procurement.
- 5 If the claimant is entitled to the entire balance, the affidavit shall state specifically that he is so entitled, and that there is not any other person to his knowledge or belief who has or claims any estate, right, title or interest in or to the balance, or any part thereof; or, if there is any such person, the nature of the claim of such person shall be stated.
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 - (1) Where the balance does not exceed thirty pounds, and it appears from the Register of Titles as it stood at the date of the sale by the Ministry that the claimant would be entitled to such balance, the aforesaid affidavit of title may be dispensed with.
 - (2) Where the balance does not exceed fifteen pounds, and it appears from the Register of Titles that the claimant would be entitled thereto, subject to unascertained equities (if any) arising from his interest being a graft on the previous interest of the tenant in the holding, the ascertainment of such equities and the aforesaid affidavit of title may be dispensed with.

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- 7 The Solicitor to the Ministry shall make such requisitions as may be necessary, and may, subject to the foregoing provisions of this Schedule, require such evidence of title of any claimant as the said Solicitor may consider necessary.
- 8 When the claimant or claimants have proved title to the satisfaction of the Solicitor to the Ministry, the said Solicitor shall certify, in order of priority, the amounts of the claims to the Ministry for payment out of the account of the proceeds of the sale.

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