Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

An Act to revise the law relating to the registration of the title to land; to extend the compulsory registration of the title to land; to repeal and re-enact with certain amendments the law relating to the registration of statutory charges; and for matters connected therewith. [23rd June 1970]

WHEREAS, pursuant to section 12(2)(b) of the Northern Ireland Act 1962 [M1], the consent of the Lord Chief Justice has been obtained to the provisions of sections 59(1) and (4) and 85(3)(*m*) of this Act, of which—

(a) section 59(1) and (4) imposes certain duties on the Bankruptcy Registrar; and

(b) section 85(3)(*m*) authorises the making of Land Registry Rules providing for the taxation of costs by the taxing master of the **[**[F1]Court of Judicature**]**.

And Whereas the Clerk of the Parliaments has certified accordingly pursuant to section 1 of the Legislative Procedure Act (Northern Ireland) 1933 [M2], as applied by section 12(4) of the Northern Ireland Act 1962 for the purposes of the said section 12(2)(b).

F1 Words in preamble of Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**

Modifications etc. (not altering text)

C1 functions transf. by SR 1999/481

C2 Act applied (27.3.2006) by Insolvency Rules (Northern Ireland) 1991 (S.R. 1991/364), rule 229A(3) (as substituted by Insolvency (Amendment) Rules (Northern Ireland) 2006 (S.R. 2006/47), rule 9(1), **Sch. 1 Pt. 6 para.91**)

Marginal Citations

M1 1962 c. 30

M2 1933 c. 4

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Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

PART I

THE LAND REGISTRY

1 Land Registry.

(1) There shall continue to be a land registry in Northern Ireland which shall be called "the Land Registry" .

Subs.(2) rep. by 1992 NI 7

(3) The provisions of Schedule 1 shall apply in relation to the appointment of officials and other staff of the Land Registry, the functions of such officials and staff and to the official seals**[**[F2] used or**]** to be used in the Land Registry.

(4) The**[**[F2] Land Registry**]** shall be the office for registration of the ownership of all land in Northern Ireland and, subject to Schedule 1, shall be under the control and management of an officer who shall be called the Registrar of Titles (in this Act referred to as "the Registrar").

Subs.(5) rep. by 1992 NI 7

F2 1992 NI 7

2 Power of Registrar to summon witnesses.

(1) The Registrar may, by summons under the seal of the**[**[F3] Land Registry**]** require the attendance of any person whom he may consider to be necessary, in connection with any matter relating to registration under this Act, for examination under this section and may, by like summons, require any person to produce for his inspection any document in his custody or under his control relating to that matter**[**[F3] (and may do so notwithstanding that any such document is subject to a lien)**]**.

(2) The Registrar may, by like summons, require any person having the custody of any map, survey, record or book made or kept in pursuance of any statutory provision to produce the map, survey, record or book for his inspection.

(3) The Registrar may examine on oath or otherwise any person appearing before him, and may accordingly administer an oath.

(4) The Registrar may allow to any person summoned by him pursuant to subsection (1) or (2) the reasonable expenses of his attendance.

(5) Any expenses allowed pursuant to subsection (4) shall be deemed to be costs incurred in or about proceedings for registration, and may be dealt with in such manner as may be prescribed.

(6) If any person, after being served with a summons under subsection (1) or (2), or with a copy thereof, and after having had tender made to him of the travelling and subsistence expenses, if any, to which he is entitled, wilfully neglects or refuses—

(a) to attend, or to produce any document, in pursuance of the summons under subsection (1); or

(b) to produce any map, survey, record or book which he may be required to produce pursuant to the summons under subsection (2); or

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(c) to answer on oath or otherwise any questions lawfully put to him by the Registrar;

he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding**[**[F4] level 3 on the standard scale**]**.

F3 1992 NI 7
F4 1984 NI 3

[[F5]**3 Indemnity of Land Registry officials.**

The person who is registrar shall not, nor shall any assistant registrar or other officer or person appointed under paragraph 5 of Schedule 1, be liable to any action, suit or proceedings for or in respect of any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred under this Act or any other statutory provision on the Registrar, the Land Registry, any assistant registrar or any officer or person appointed for the service of the Land Registry.**]**

F5 1992 NI 7

PART II

JURISDICTION OF HIGH COURT AND COUNTY COURTS

4 Jurisdiction of the High Court and county courts.

The High Court and, in relation to matters coming within the jurisdiction of a county court, the county court shall have jurisdiction for the purposes of this Act; and "the court" shall, in this Act, be construed accordingly.

5 Power of court in action for specific performance.

Where an action is instituted for the specific performance of a contract relating to registered land, the court before which the action is pending may cause all or any parties who have registrable rights in the land, or have entered cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the order of the court in the action shall be binding on those parties or any of them.

6 Appeal and reference to the High Court.

(1) Any person aggrieved by any order of the Registrar, or by any decision of the Registrar other than a decision on a matter expressly stated to be in his discretion, may appeal to the High Court, and that Court may annul or confirm, with or without modification, the order or decision.

(2) Whenever the Registrar entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, he may make an order referring the question to the High Court.

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(3) Save as is otherwise provided by section 61, the High Court, in any proceeding under this section, shall, if so requested by the Registrar, and may in any case, if necessary, appoint, for the purposes of that proceeding, a guardian or other person to represent any minor, person of unsound mind, person absent from Northern Ireland, unborn person or person as to whom it is not known whether he is dead or alive.

(4) The High Court may, if it is satisfied that the interests of any person represented as is mentioned in subsection (3) are sufficiently protected by the representation, make an order declaring that he shall be conclusively bound by the decision of the Court and, thereupon, he shall, subject to section 7, be bound accordingly as if he were a party.

7 Appeal from the High Court.

The decision of the High Court under section 6 shall be final and conclusive on all the parties except that an appeal shall lie, in accordance with rules of court, to the Court of Appeal—

(a) where the decision involves any question of law;

(b) in any other case, with the leave of the High Court or the Court of Appeal.

8 Enforcement by High Court of order of Registrar.

If any person disobeys an order of the Registrar made in pursuance of this Act or Land Registry Rules, the Registrar may certify the disobedience to the High Court, and, thereupon, the person guilty of the disobedience may, subject to his right of appeal to that Court from such order, be punished by that Court as if the order of the Registrar were the order of that Court.

9 Registrar to obey order of court.

(1) The Registrar shall obey the order of any court of competent jurisdiction in relation to registered land on being served with the order or an office copy thereof.

(2) The Registrar may, where he considers it necessary, apply personally and without notice or formality to the court which has made such an order either to vary the same or to give directions as to the mode in which it is to be obeyed, and, thereupon, that court may, after such notice, if any, as it may direct, vary such order in such manner, or make such new order, or give such directions, as it may think fit.

PART III

REGISTRATION OF OWNERSHIP

THE REGISTERS

[[F6]10 The title register.

(1) There shall be maintained by or on behalf of the Registrar in accordance with the provisions of this Act and of Land Registry Rules a register (in this Act referred to as "the title register") of title to—

(a) freehold estates in land;
(b) leasehold estates in land;
(c) land comprising incorporeal rights held in gross; and
(d) such other rights in land as may be prescribed.

(2) The references to estates in paragraphs (a) and (b) of subsection (1) exclude rights such as are mentioned in paragraph (c); and "leasehold estates" in paragraph (b) excludes a leasehold estate granted for a term of 21 years or less.**]**

F6 1992 NI 7

11 Conclusiveness of registers.

(1) Save as is otherwise provided by or under this Act,**[**[F7] the register**]** shall be conclusive evidence of the titles shown on that register and of any right, privilege, appurtenance or burden as shown thereon, and the title of any person shown thereon shall not, in the absence of actual fraud, be in any way affected in consequence of his having notice of any deed, document or matter relating to or affecting the title so shown.

(2) Notwithstanding anything entered on any register before the passing of the Mineral Development Act (Northern Ireland) 1969 , the registration of any person as owner of any land shall not include any rights to or in relation to—
(a) petroleum vested in the Ministry of Commerce by virtue of the Petroleum (Production) Act (Northern Ireland) 1964 ; or
(b) mines and minerals vested in that Ministry by virtue of the said Act of 1969.

(3) Without prejudice to subsection (2), the registration of any person as owner of any land shall not as such be evidence of his title to any mineral rights in that land, unless a note to the contrary is entered on the**[**[F7] title register**]**.

F7 1992 NI 7

OWNERS AND CLASSES OF TITLE

12 Classes of owners who may be registered.

Subject to the provisions of section 60 regarding minors, a person may be registered in accordance with Land Registry Rules—
(a) in the case of a freehold estate, as owner in fee simple (in this Act referred to as the "full owner" of that estate); or
[F8](b) in the case of a settled freehold estate,—
(i) if he is a tenant in tail; or
(ii) if he is a tenant for life; or
(iii) if he has under the Settled Land Acts the powers of a tenant for life;
as the limited owner of that estate; or]
(c) in the case of a leasehold estate, as the person in whom the leasehold estate is vested in possession (in this Act referred to as the "full owner" of that estate); or

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(d) in the case of a settled leasehold estate, if he is either a tenant for life or has under the Settled Land Acts the powers of a tenant for life, as the limited owner of that estate.

F8 1978 NI 4

13 Classes of title with which owner may be registered.

(1) On first registration of the ownership of a freehold estate, a person may be registered with—

(a) an absolute title; or

(b) a good fee farm grant title; or

(c) a possessory title; or

(d) a qualified title.

(2) On first registration of the ownership of a leasehold estate, a person may be registered with—

(a) an absolute title; or

(b) a good leasehold title; or

(c) a possessory title; or

(d) a qualified title.

FREEHOLD ESTATES

14 Application for first registration of freehold estate.

(1) An application for first registration of the ownership of a freehold estate may be made by—

(a) the owner of an estate in fee simple in the land (including a personal representative, but excluding a mortgagee where there is a subsisting right of redemption); or

(b) a tenant for life, or a person who has under the Settled Land Acts the powers of a tenant for life; or

(c) any other person authorised in that behalf by any statutory provision;

whether or not such estate is subject to incumbrances.

(2) An application under subsection (1) shall be made for registration with—

(a) an absolute title; or

(b) a good fee farm grant title; or

(c) a possessory title**[**[F9]; or**]**

[[F9](d) a qualified title.**]**

(3) Where the applicant is a personal representative, any registration under this section shall be made—

(a) by registering in the**[**[F9] title register**]**, as owner of the estate, the person who is entitled thereto under the will or on the intestacy of the deceased owner; or

(b) by registering in the[F9 title register], as owner of the estate, a transferee for valuable consideration of the lands from such personal representative; or

(c) by entering on the[F9 title register] a note showing the nature of the estate of the deceased owner with particulars of the date of his death and of the grant of representation, including the names and addresses of the personal representatives.

(4) The entry of a note referred to in subsection (3)(c) shall operate as if it were the registration of the deceased owner of the estate and as if it were the entry of the note referred to in paragraph 3 of Schedule 4.

(5) A person shall not be registered under this section as an owner[F9 until his right to be so registered has been shown to the satisfaction of the Registrar].

(6) If, on an application for first registration as an owner of a freehold estate with one of the classes of title specified in subsection (2), the Registrar decides that the person to be registered as owner of the estate should be registered with a title of another of those classes[F9]. . . , the Registrar may, subject to such conditions as may be prescribed, register that person accordingly.

F9 1992 NI 7

15 Effect of first registration of freehold estate with an absolute title.

(1) On first registration of a person as full owner of a freehold estate with an absolute title, an estate in fee simple in the land shall, subject to subsections (3) and (4), vest in the person so registered, whether or not it was theretofore vested in him.

(2) On first registration of a person as limited owner of a freehold estate with an absolute title, the person so registered shall, subject to subsections (3) and (4), be, in respect of that land—

(i) a tenant for life; or

(ii) a tenant in tail; or

(iii) a person having under the Settled Land Acts the powers of a tenant for life;

and that land shall be subject to the settlement in respect of which that person is registered as limited owner.

(3) In either of the cases specified in subsections (1) and (2), the estate of the registered owner shall be subject to—

(a) any registered burdens affecting the estate;

(b) any other matters appearing from the register to affect the estate; and

(c) [F10without prejudice to Schedule 5, Part II, paragraph 1] any Schedule 5 burdens affecting the estate;

but, subject to section 11(3), shall be free from all other rights, including rights of the Crown.

(4) If, on first registration, the registered owner holds the estate as trustee, nothing in this section shall affect his duties and liabilities as such trustee.

F10 1992 NI 7

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16 Effect of first registration of freehold estate with a good fee farm grant title.

(1) On first registration of a person as full or limited owner of a freehold estate with a good fee farm grant title, the person so registered shall, subject to the estates mentioned in subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that estate with an absolute title.

(2) The first registration of a person as full or limited owner of a freehold estate with a good fee farm grant title shall not prejudice or affect any estate arising by virtue of any grant superior to the fee farm grant under which he holds the land.

17 Effect of first registration of freehold estate with a possessory title.

(1) On first registration of a person as full or limited owner of a freehold estate with a possessory title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that estate with an absolute title.

(2) The first registration of a person as full or limited owner of a freehold estate with a possessory title shall not prejudice or affect the enforcement of any right adverse to, or in derogation of, the title of that person (or, in the case of a limited owner, of that person and of any other person entitled under the settlement in respect of which the first-mentioned person is registered as limited owner) and subsisting or capable of arising at the time of first registration of the title so registered.

(3) "Right", in subsection (2), includes any right or equity existing by reason of the interest of such owner being deemed to be a graft upon his previous interest in the land.

18 Qualified title to freehold estate.

(1) If, on an application for first registration of any person as full or limited owner of a freehold estate[F11]. . . , it appears to the Registrar[F11]. . . that the title can be established only for a limited period, or only subject to certain qualifications, the Registrar may, by an entry made on the register, except from the effect of registration any estate—

(a) arising before a specified date; or

(b) arising under a specified document; or

(c) otherwise particularly described in the register;

and a title registered subject to any such exception shall be called a "qualified title" .

(2) The first registration of a person as full or limited owner of a freehold estate with a qualified title shall have the same effect as first registration with an absolute title or, as the case may be, with a good fee farm grant title, save that first registration with a qualified title shall not prejudice or affect the enforcement of any estate appearing from the register to be excepted.

F11 1992 NI 7

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LEASEHOLD ESTATES

19 Application for first registration of leasehold estate.

(1) An application for first registration of the ownership of a leasehold estate may be made by—

(a) the owner of the leasehold estate (including a personal representative or a person having under the Settled Land Acts the powers of a tenant for life, but excluding a mortgagee where there is a subsisting right of redemption); or

(b) any other person authorised in that behalf by any statutory provision;

whether or not such estate is subject to incumbrances.

(2) An application under subsection (1) shall be made for registration with—

(a) an absolute title; or

(b) a good leasehold title; or

(c) a possessory title**[**[F12]; or**]**

[[F12](d) a qualified title.**]**

(3) Where the applicant is a personal representative, any registration under this section shall be made—

(a) by registering in the**[**[F12] title register**]**, as owner of the estate, the person who is entitled thereto under the will or on the intestacy of the deceased owner; or

(b) by registering in the**[**[F12] title register**]**, as owner of the estate, a transferee for valuable consideration of the lands from such personal representative; or

(c) by entering on the**[**[F12] title register**]** a note showing the nature of the estate of the deceased owner with particulars of the date of his death and of the grant of representation, including the names and addresses of the personal representatives.

(4) The entry of a note referred to in subsection (3)(c) shall operate as if it were the registration of the deceased owner of the estate and as if it were the entry of the note referred to in paragraph 3 of Schedule 4.

(5) A person shall not be registered under this section with an absolute title**[**[F12] until he has produced such evidence of title to—

(a) the leasehold estate; and

(b) the freehold estate; and

(c) any intermediate estate which may exist,

as the Registrar considers necessary to justify registration with the proposed class of title**]**.

(6) A person shall not be registered under this section with a title other than an absolute title**[**[F12] until his right to be so registered has been shown to the satisfaction of the Registrar.**]**

(7) If, on application for first registration as owner of a leasehold estate with one of the classes of title specified in subsection (2), the Registrar decides that the person to be registered as owner of the estate should be registered with a title of another of those classes[F12]. . . , he may, subject to such conditions as may be prescribed, register that person accordingly.

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F12 1992 NI 7

20 Effect of first registration of leasehold estate with an absolute title.

(1) On first registration of a person as full owner of a leasehold estate with an absolute title, the leasehold estate shall, subject to subsections (3) and (4), vest in the person so registered, whether or not it was theretofore vested in him.

(2) On first registration of a person as limited owner of a leasehold estate with an absolute title, the person so registered shall, subject to subsections (3) and (4), be, in respect of that land, a tenant for life or, as the case may require, a person having under the Settled Land Acts the powers of a tenant for life, and that land shall be subject to the settlement in respect of which that person is registered as limited owner.

(3) In either of the cases specified in subsections (1) and (2), the estate of the registered owner shall be subject to—

(a) any registered burdens affecting the estate;

(b) any other matters appearing from the register to affect the estate; and

(c) **[**[F13]without prejudice to Schedule 5, Part II, paragraph 1,**]** any Schedule 5 burdens affecting the estate;

but, subject to section 11(3), shall be free from all other rights, including rights of the Crown.

(4) If, on first registration, the registered owner holds the estate as trustee, nothing in this section shall affect his duties and liabilities as such trustee.

F13 1992 NI 7

21 Effect of first registration of leasehold estate with a good leasehold title.

(1) On first registration of a person as full or limited owner of a leasehold estate with a good leasehold title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.

(2) The first registration of a person as full or limited owner of a leasehold estate with a good leasehold title shall not prejudice or affect the enforcement of any right adverse to, or in derogation of, the title of the lessor to grant the lease.

22 Effect of first registration of leasehold estate with a possessory title.

(1) On first registration of a person as full or limited owner of a leasehold estate with possessory title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.

(2) The first registration of a person as full or limited owner of a leasehold estate with a a possessory title shall not prejudice or affect the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to, or in derogation of, the title of that person (or, in the case of a limited owner, of that person and of any other person entitled

under the settlement in respect of which the first-mentioned person is registered as limited owner) and subsisting or capable of arising at the time of first registration.

23 Qualified title to leasehold estate.

(1) If, on an application for first registration of any person as full or limited owner of a leasehold estate[F14]. . . , it appears to the Registrar[F14]. . . that the title, either of the lessor to the reversion or of the lessee to the leasehold estate, can be established only for a limited period, or only subject to certain qualifications, the Registrar may, by an entry made on the register, except from the effect of registration any estate—

(a) arising before a specified date; or

(b) arising under a specified document; or

(c) otherwise particularly described in the register;

and a title registered subject to any such exception shall be called a "qualified title" .

(2) The first registration of a person as full or limited owner of a leasehold estate with a qualified title shall have the same effect as first registration with an absolute title or, as the case may be, with a good leasehold title save that first registration with a qualified title shall not prejudice or affect the enforcement of any estate appearing from the register to be excepted.

F14 1992 NI 7

COMPULSORY FIRST REGISTRATION

24 Compulsory first registration.

(1) Subject to subsection (2), the first registration of the ownership of any land shall be compulsory in the cases specified in column 1 of Part I of Schedule 2.

(2) Subsection (1) shall not apply so as to require the registration of any rights to or in relation to mines and minerals or petroleum vested in the Ministry of Commerce by virtue of any statutory provision.

(3) In any case where the first registration of any land is compulsory, the effect of non-registration shall be as specified, in respect of that case, in column 2 of Part I of Schedule 2.

(4) The provision of Part II of Schedule 2 shall apply for the purpose of extending, in certain cases, the period under Part I of that Schedule within which land must be registered.

(5) The provisions of Part III of Schedule 2 shall have effect for the purpose of interpreting the provisions of Part I of that Schedule.

[[F15](6) The provisions of Part IV of Schedule 2 shall have effect in connection with the registration of a leasehold estate the title to which is required to be registered under subsection (1) and entry 4 in Part I of Schedule 2.**]**

F15 1992 NI 7

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25 Extension of compulsory registration.

[[F16](1)**]** The Ministry of Finance (in this Act referred to as "the Ministry") may, by order made subject to**[**[F16] negative**]** resolution, declare that any**[**[F16] local government district**]**, or any part of a**[**[F16] local government district**]**, shall be a compulsory registration area, for the purposes of entry 2 in Part I of Schedule 2, from such day as may be specified in the order, not being a day earlier than**[**[F16] three months**]** after the making of the order.

[[F16](2) A compulsory registration area declared under subsection (1) shall not be affected by any subsequent alteration in the boundaries of, or the subsequent abolition of, the local government district in question.**]**

F16 1992 NI 7

RECLASSIFICATION OF TITLE

26 Reclassification of registered titles.

The title to any registered land may be reclassified subject to and in accordance with the provisions of Schedule 3.

EXTINGUISHMENT OF LEASEHOLD ESTATES

27 Extinguishment of leasehold estates.

[[F17](1) Where a registered leasehold estate—

(a) is, under any statutory provision, converted into an estate in fee simple, whether or not subject to a fee farm rent; or

(b) becomes merged in the freehold or in a superior leasehold estate; or

(c) has otherwise been extinguished,

the Registrar shall, on application in such manner and subject to such conditions as may be prescribed, and on production of such evidence of the title as the Registrar considers necessary,—

(i) cancel the entry in the title register relating to the estate which has been so converted, merged or extinguished; and

(ii) if a superior title has been acquired in circumstances where this subsection applies but has not been registered, register that title in the title register with such class of title as appears to the Registrar to be appropriate; and

(iii) when a superior title is registered, make such alterations in any entry relating to the land in question in the title register as appear to the Registrar to be appropriate.**]**

(2) Until the entry in the**[**[F17] title register**]** has been cancelled pursuant to**[**[F17] subsection (1)(i)**]** and, where necessary, until the superior title has been registered pursuant to**[**[F17] subsection (1)(ii)**]**, the owner of the superior estate shall not, under the provisions of this Act, have any further or other title to the land than he would have had if the leasehold estate had not been converted or, as the case may be, merged or extinguished.

F17 1992 NI 7

EXAMINATION OF TITLE

28 Examination of title by Registrar.

Subject to the following provisions,**[**[F18] where the examination of any title is required under this Act or is necessary to facilitate any registration, such examination**]** shall be conducted in such manner as may be prescribed—

(a) due notice shall be given, where the giving of such notice is prescribed, and**[**[F18], where notice is given, an**]** opportunity shall be afforded to any person desirous of objecting to**[**[F18] submit**]** his objections to the Registrar;

(b) the Registrar shall have jurisdiction to hear and determine any such objection;

(c) if the Registrar[F18]. . . is of opinion that the title is, notwithstanding a defect therein, a title the holding under which will not be disturbed, he may, in his discretion,**[**[F18] register**]** such title, or may require the applicant to apply to the court, upon a statement signed by the Registrar, for its sanction to the registration.

F18 1992 NI 7

29 Affidavit required before registration.

(1) Before the completion of the registration of any person as owner of any land[F19]. . . , the applicant for registration**[**[F19] or his solicitor shall**]**, if so required by the Registrar, make an affidavit that, to the best of his knowledge and belief—

(a) all deeds, wills and other documents of title affecting the title the subject of the application;

(b) all incumbrances affecting such title; and

(c) all facts material to such title;

have been disclosed in the**[**[F19] documentation lodged in connection with the particular application for registration**]**.

(2) The Registrar may require any person making an affidavit in pursuance of subsection (1) to state in his affidavit what means he has had of becoming acquainted with the several matters referred to in that subsection.

(3) Without prejudice to subsections (1) and (2), the Registrar may, if he is of the opinion that any further or other evidence is necessary or desirable before completing the registration, refuse to complete the registration until such further or other evidence is produced.

F19 1992 NI 7

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Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

30 Production of deeds, etc.

(1) When an application has been made to the Registrar**[**[F20] and**]** the examination of any title to land**[**[F20] is necessary to facilitate registration**]**, then, if any person has in his possession or custody any document or evidence of title relating to or affecting that title, to the production of which the applicant or any trustee for him is entitled, the Registrar may require that person to show cause, within a specified time, why he should not produce such document or evidence of title to the Registrar, or otherwise as the Registrar may think fit.

(2) Unless, in such case, cause is shown to the satisfaction of the Registrar within the time specified, he may order the document or evidence of title to be produced, at the expense of the applicant, at such time and place, and in such manner and on such terms, as the Registrar thinks fit**[**[F20] (and may do so notwithstanding that any such document is subject to a lien)**]**.

F20 1992 NI 7

31 Deeds, etc., to be marked with notice of registration.

A person shall not be registered as owner of any land until he has produced to the Registrar, if so required by the Registrar, such documents of title as, in the opinion of the Registrar, ought to be endorsed with a note of the fact of such registration in order that such fact cannot be concealed from a purchaser or other person dealing with the land.

PART IV

DEALINGS WITH REGISTERED LAND

GENERAL PROVISIONS

32 Dealings with registered land.

(1) Save as is otherwise provided by or under this Act or by any other statutory provision, the registered owner of any land shall alone be entitled to deal with that land by registered disposition.

(2) Except as provided by this subsection**[**[F21] and paragraph 1(2) of Part I of Schedule 7**]**, nothing in this Act shall prevent a person from creating any estate in any registered land as if that land had been unregistered land; but—

(a) all estates in registered land shall be subject to the provisions of this Act;[F21]. . .

Para.(b) rep. by 1992 NI 7

[[F22](3) An application for—

(a) first registration; or

(b) registration of a dealing with registered land,

may be made by electronic communication if the application is made in respect of an authorised dealing with that land.

(4) For the purposes of this section and section 32A an "authorised dealing" is

a dealing which is directed by the Registrar to be an authorised dealing for the purpose of electronic applications.

(5) A direction given by the Registrar under subsection (4)—

(a) shall be made after consultation with the Law Society of Northern Ireland;

(b) shall be published in such manner as the Registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;

(c) may include incidental, supplementary, saving and transitional provisions; and

(d) may be varied or revoked by a subsequent direction.**]**

F21 1992 NI 7

F22 S. 32(3)-(5) added (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), **art. 2(2)**

[F23 32A Validity of electronic documents

Notwithstanding any statutory provision that may require a transaction relating to an estate or interest in land to be effected by deed or instrument in writing, any authorised dealing with an estate or interest in land may be effected in accordance with the procedure laid down in Schedule 1A.**]**

F23 S. 32A inserted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, **2(3)**

33 Powers of person entitled to be registered.

(1) Where a person who has become entitled to be registered as owner of any registered land, either on transmission on the death of a registered owner or in consequence of a disposition by a registered owner, wishes to deal with the land, he may, subject to subsections (2) and (3), do so in such manner and subject to such conditions as may be prescribed.

(2) Any dealing by a person entitled to be so registered shall, subject to such modifications as may be necessary to define clearly the land, be in the same form as is required for such a dealing by a registered owner, but registration of any such dealing shall not be made until the person executing the document has been registered as owner, or until his right to be so registered has been shown to the satisfaction of the Registrar.

(3) Subject to the provisions of this Act with regard to registered dealings for valuable consideration, registration of a dealing by a person entitled to be so registered before he is registered shall have the same effect as if he had been so registered.

34 Transfers of registered land.

(1) Save as is otherwise provided by or under this Act or by any other statutory provision and subject, in the case of a limited owner, to the Settled Land Acts, a registered owner of any land may transfer the land, or any part thereof.

(2) There shall be executed on any such transfer a document in the prescribed form, or in such other form as**[**[F24] is approved or allowed by the Registrar.**]**

(3) Any such transfer shall be completed by the registration of the transferee as owner of the land, but, until such registration, the document shall not operate to transfer the land.

(4) On registration of a transferee of any land as full owner of the land, the document of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts, and there shall be vested in the registered transferee the land transferred, subject—

(a) to all registered burdens and to all other matters appearing from the register to affect the land;

(b) **[**[F24]without prejudice to Schedule 5, Part II, paragraph 1,**]** to any Schedule 5 burdens affecting the land;

(c) if the transfer is made without valuable consideration, to subsection (5); and

(d) if the transferee holds the land as a trustee, to his liabilities and duties as such;

but, subject to section 11(2) and (3), free from all other rights, including rights of the Crown.

(5) Where such a transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise than for valuable consideration, be subject to all unregistered rights subject to which the transferor held the land transferred.

(6) The registration of a transferee as limited owner of any land shall have the same effect as registration of him as a full owner thereof, except that—

(a) in the case of a transfer of a freehold estate, the fee simple; and

(b) in the case of a transfer of a leasehold estate, the leasehold estate;

shall be vested in the transferee and the other persons entitled under the settlement in respect of which the transferee is registered as limited owner.

Subs.(7) rep. by 1992 NI 7

(8) Land Registry Rules may provide for the modification of the provisions of this section in its application to the transfer of charges.

F24 1992 NI 7

35 Words of transfer.

(1) Subject to subsection (2) and to section 34(3)—

(a) a document of transfer of a registered freehold estate without words of limitation shall be construed as passing the fee simple, or other the whole estate which the transferor had power to transfer, unless a contrary intention appears in the document of transfer;

(b) a document of transfer of a registered freehold estate to a corporation sole by his corporate designation without the word “successors” shall be construed as passing the fee simple, or other the whole estate which the transferor had power to transfer, unless a contrary intention appears in the document of transfer;

(c) in a document of transfer of any registered land, a resulting use or trust for the transferor shall not be implied merely by reason that the property is not expressed to be transferred to the use or benefit of the transferee; and

(d) [[F25] without prejudice to Article 10 of the Property (Northern Ireland) Order 1978] a registered owner of a freehold estate may transfer estates therein to several persons in succession, including himself, and co-registered owners of a freehold estate may transfer estates therein to themselves, without the necessity of a grant to uses or the creation of a trust for that purpose.

(2) Subsection (1) shall apply only to documents of transfer executed after the commencement of this Act.

F25 1978 NI 4

36 Defeasance of registered owner's estate.

(1) In any of the following cases of defeasance of the estate of a registered owner, that is to say, where—

(a) under a power of sale conferred by a mortgage effected before the first registration of the land;

(b) under a deed poll executed in pursuance of the Lands Clauses Acts or of any other statutory provision to the same effect;

(c) under a sale in execution of the judgment of any court;

(d) under a power of appointment;

(e) under a vesting order;

(f) under any statutory provision;

(g) in any other case which may be prescribed;

the ownership of the estate passes to another person otherwise than by transfer from the registered owner or his personal representatives, then, subject as may be prescribed, the Registrar shall, on the application of that person and on production of such evidence as may be prescribed**[**[F26] and subject to subsections (2) and (3)**]**, register him as owner of the estate.

[[F26](2) Where it appears to the Registrar that the application may have been made without the knowledge of the registered owner, the Registrar may, before registering the applicant as owner of the estate, send notice of the application to the registered owner.

(3) The Registrar may, in his discretion, decline to register the applicant as owner except in pursuance of an order of the court.**]**

F26 1992 NI 7

37 Transmission of registered land.

The provisions of Schedule 4 shall have effect in relation to the transmission of registered land on the death of a registered full owner and on the determination of the estate of a registered limited owner.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

BURDENS GENERALLY

38 Matters which are burdens affecting registered land without registration.

(1) Notice of the existence of any of the burdens specified in Part I of Schedule 5, as for the time being subsist, may, [F27 without prejudice to Article 8(a) of the Property (Northern Ireland) Order 1978 and] subject to such conditions as may be prescribed, be entered on the**[**F28 title register**]**, but every such burden shall, unless under the provisions of Part II of that Schedule the contrary is expressed on that register, affect the land whether or not such notice is so entered.

(2) [F27 Without prejudice to Article 8(a) of the Property (Northern Ireland) Order 1978] the provisions of Part II of Schedule 5 shall apply in relation to Schedule 5 burdens.

F27 1978 NI 4
F28 1992 NI 7

39 Registration of certain burdens.

(1) Any of the matters specified in Part I of Schedule 6 may, subject to Part X of this Act, be entered as burdens on the**[**F29 title register**]**.

(2) [F30 Without prejudice to Article 8(a) of the Property (Northern Ireland) Order 1978] the provisions of Part II of Schedule 6 shall apply in relation to the registration of Schedule 6 burdens.

F29 1992 NI 7
F30 1978 NI 4

40 Priority of registered burdens.

Save as otherwise provided by this Act or by any other statutory provision and subject to any entry to the contrary contained in the**[**F31 title register**]**, registered burdens affecting the same land F31. . . shall, if created or arising since the first registration of the land, rank according to the order in which they are entered or deemed to have been entered on**[**F31 the title register**]** and not according to the order in which they are created or arise, and shall rank in priority to any other burden (not being a Schedule 5 burden) affecting the land and created or arising since the first registration of the land.

F31 1992 NI 7

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

MONEY BURDENS

41 Creation and effect of charges on registered land.

(1) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise.

(2) A charge under subsection (1) may be created by deed or by will and, subject to subsection (3), the Registrar shall, on registering such a charge as a burden, register the ownership of that charge in such**[**[F32] manner**]** as he may consider proper.

(3) Where a charge created by will does not expressly charge any registered land with payment to a specified person of a specified sum, with or without interest, or of an annuity, the Registrar shall not, unless the court otherwise directs, be obliged to register the ownership of that charge in**[**[F32] the title register**]**.

(4) Any power, howsoever conferred, to borrow or lend money on the security of a mortgage shall be construed as including power to do so on the security of a registered charge.

(5) Part I of Schedule 7 shall apply in relation to the registration and effect of charges created by registered full owners of land and registered limited owners of land and by persons having the like power to create such charges.

(6) Part II of Schedule 7 shall apply in relation to the creation and effect of charges by registered limited owners of land acting in conjunction with all other persons entitled under the settlement.

(7) Part III of Schedule 7 shall apply in relation to the validity of certain charges purporting to have been registered in the Land Registry at the 28th July 1957.

F32 1992 NI 7

42 Exercise of power of charging land

(1) Where—

(a) a power to charge registered land; or

(b) a trust for securing money on registered land;

is registered as a Schedule 6 burden, it may be exercised or executed by the creation of a charge and not otherwise, and the person empowered under any such power or trust to charge the registered land with the payment of any money shall have the like power to create a charge on the land for that money as the registered owner of that land, and the charge shall, subject to subsection (2), be entered on the**[**[F33] title register**]** in its proper priority.

(2) In the absence of any agreement to the contrary made by the persons entitled to make such agreement, a charge created under a registered power shall be entered on the register as of the same priority as that power.

F33 1992 NI 7

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

43 Priority of registered charge for future advances.

(1) **[**[F34]Where—

(a) a deed or other instrument creating a registered charge states that the charge is created for the purposes of securing future advances (whether with or without present advances); and

(b) the entry in the title register relating to the charge—

(i) contains a statement similar to that in paragraph (a); or

(ii) otherwise refers to the charge without specifying the amount secured**]**

the registered owner of the charge shall be entitled in priority to any subsequent charge to the payment of any sum due to him in respect of such future advances, except any advances which may have been made after the date of, and with express notice in writing of, the subsequent charge.

(2) In this section, "future advances" includes sums from time to time due on an account current and all sums which by agreement or the course of business between the parties are considered to be advances on the security of the charge.

F34 1992 NI 7

44 Powers with respect to charges under certain statutory provisions.

(1) Where a person has, under any statutory provision other than this Act, a charge on registered land for the payment of any money or a power to charge registered land with the payment of any money, he shall have the same power to create a registered charge on the land for that money as if he were the registered owner of the land.

(2) Registration of a charge under this section shall have the same effect as, and make unnecessary, registration thereof in pursuance of any other statutory provision.

45 Term of years vested in trustee for raising money out of registered land.

Where a term of years is vested, whether before or after the commencement of this Act, in a trustee or other person for the purpose of raising money out of registered land, such vesting shall operate as a trust for securing money on such registered land or, as the case may be, as a power to charge that registered land and, accordingly, the trust or power may be registered as a Schedule 6 burden.

46 Term of years vested in trustee for raising money, or mortgage, prior to first registration.

(1) Where any land is first registered after the commencement of this Act and prior to such registration, a term of years is vested in a trustee or other person for the purpose of raising money out of that land, such vesting shall, on the first registration of the land, operate as a trust for securing money on that land or, as the case may be, as a power to charge that land and, accordingly, the trust or power may be registered as a Schedule 6 burden.

(2) Where, immediately prior to first registration, any land is subject to any mortgage, or to any term of years to secure money actually raised, such mortgage or term of years shall operate as a charge on the land, and shall be registered as a charge thereon and not otherwise, and the provisions of Part I of Schedule 7 shall have effect accordingly.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

RIGHTS OF RESIDENCE

47 Right of residence on registered land.

Where—

(a) a right of residence in or on any registered land, whether a general right of residence in or on that land or an exclusive right of residence in or on part of that land; or

(b) a right to use a specified part of that land in conjunction with a right of residence referred to in paragraph (a);

is granted by deed or by will, such right shall be deemed to be personal to the person beneficially entitled thereto and the grant made by such deed or will shall not operate to confer any right of ownership in relation to the land upon such person, but registration of any such right as a Schedule 6 burden shall make it binding upon the registered owner of the land and his successors in title.

MODIFICATION AND DISCHARGE OF BURDENS

48 Modification and discharge of burdens other than charges.

(1) A covenant or condition registered as a Schedule 6 burden pursuant to entry 12 in Part I of that Schedule [[F35] may be—

(a) modified or discharged by the Registrar, with the consent of the persons concerned; or

(b) discharged by the court on being satisfied that the covenant or condition—

(i) does not run with the land; or

(ii) is not capable of being enforced against the owner of the land.]

(2) The Registrar may, on the production of such evidence and subject to such conditions as may be prescribed, modify or cancel any entry in**[**[F36] the register**]** of any burden, being neither a charge nor a covenant or condition to which subsection (1) applies.

F35 1978 NI 4
F36 1992 NI 7

49 Discharge, etc., of registered charges.

(1) The Registrar shall—

(a) at the request or with the concurrence of the registered owner of the charge; or

(b) on proof in the manner specified in subsection (2) or in such other manner as may be prescribed;

note on the**[**[F37] title register**]**

(i) the satisfaction of a registered charge or of any part thereof;

(ii) the release of any part of registered land from a registered charge;

and, thereupon, the charge shall, to the extent so noted, cease to operate.

(2) For the purposes of subsection (1), the receipt of the registered owner of a charge shall be sufficient proof of the satisfaction of the charge or, as the case may be, of the part thereof, and a release signed by the registered owner of a charge, or, where the registered owner is a body corporate, under the seal of the body corporate, shall be sufficient proof of the release of any part of registered land subject to that charge.

F37 1992 NI 7

CREATION OF SECURITY BY DEPOSIT OF LAND CERTIFICATE, ETC.

50 Creation of security by deposit of land certificate or certificate of charge.

Subject to—

(a) any registered burdens and[F38]. . . all other matters appearing from the register to affect the land**[**[F38] at the date of the deposit mentioned below**]**;

(b) any Schedule 5 burdens affecting the land**[**[F38] at the date of the deposit mentioned below**]**; and

(c) Land Registry Rules;

the deposit of a land certificate, or a certificate of charge, by the registered owner, for the purpose of giving security for the payment of any sum of money, shall have the same effect as a deposit of title deeds has in respect of unregistered land.

F38 1992 NI 7

PART V

GENERAL PROVISIONS AS TO REGISTRATION

[[F39]**50A Souvenir land.**

(1) Land Registry Rules may make provision—

(a) for enabling the Registrar, in such circumstances and subject to such conditions as may be prescribed, to declare any area of land to be subject to a souvenir land scheme if the Registrar is satisfied that the land comprised in that area consists wholly or mainly of land—

(i) which has been, or is proposed to be, disposed of (by way of sale or otherwise) in souvenir plots; or

(ii) of which part has been, and the remainder is proposed to be, so disposed of;

(b) with respect to the cancellation of declarations and the extension or reduction of the area to which any declaration relates;

(c) for authorising or requiring the Registrar not to accept applications under this Act relating to souvenir land or notices, cautions or other documents relating to that land;

(d) for excepting souvenir land from any requirement under this Act for compulsory registration;

(e) for securing that transactions relating to souvenir land which is registered take effect as if the land were not registered land; and

(f) generally for modifying or excluding in relation to souvenir land the operation of any provision in this Act or any Land Registry Rules.

(2) In this section—

"declaration" means a declaration by the Registrar, made in pursuance of Land Registry Rules made under subsection (1)(a), that an area of land is subject to a souvenir land scheme;

"souvenir land" means land situated within an area in respect of which a declaration is for the time being in force;

"souvenir plot" means any piece of land which, being of inconsiderable size and little or no practical utility, is unlikely to be wanted in isolation except for the sake of pure ownership or for sentimental reasons or commemorative purposes.**]**

F39 1992 NI 7

51 Entry of rights appurtenant to land.

Where, on an application by the registered owner or other person entitled, the title to any right, privilege or appurtenance belonging, appurtenant or attached to any registered land is proved to the satisfaction of the Registrar, he shall make an entry in the**[**[F40] title register**]** showing the existence of such right, privilege or appurtenance.

F40 1992 NI 7

S.52 rep. by 1992 NI 7

53 Acquisition of title by possession.

(1) Subject to the provisions of this section,**[**[F41] the Limitation (Northern Ireland) Order 1989**]** shall apply to registered land as it applies to unregistered land.

(2) Where there has been a defeasance of an estate in any registered land in consequence of any of the provisions of the said Statute and—

(a) a person claims to have acquired a right by possession to be registered as owner of an estate in that land; or

(b) the personal representatives of a deceased person claim that the deceased or such representatives in right of the estate of the deceased had acquired such a right;

the person so claiming or, as the case may be, the personal representatives may apply to the Registrar, in such manner as may be prescribed, for registration of the title to that estate.

(3) Without prejudice to section 6(2), the Registrar may, and shall if requested to do so by the applicant or by any other person who has lodged an objection to the application, refer the application for decision to the court.

(4) On any application under this section, where the Registrar or, as the case may be, the court decides that a title has been acquired by the applicant or, where the application is made by the personal representative of a deceased person, by the deceased or by such representatives in right of the estate of the deceased, the registration of that title shall be effected in such manner as the Registrar may think proper but not so as to prejudice any estate of any other person in the land to which the application relates, being an estate which is not extinguished by the operation of the said Statute.

F41 1989 NI 11

54 Notice of trusts.

(1) Save as is expressly provided by this Act**[**[F42] or Land Registry Rules**]**, notice of a trust shall not be entered on**[**[F42] the title register**]**.

(2) None of the following persons shall, by reason merely of the receipt by the Registrar of a document for the purpose of registration, be affected by notice of any trust contained in, or arising out of matters contained in, such document—

(a) the Registrar;

(b) a registered transferee for valuable consideration of the land;

(c) a registered owner of a burden created for valuable consideration on the land;

(d) a person claiming an estate created for valuable consideration in a registered burden on the land.

(3) In this section, "trust" includes express, implied and constructive trusts.

F42 1992 NI 7

[[F43]54A Liens

(1) No lien other than a lien on land shall be the subject of an entry in the title register.

(2) The power of the Registrar to make an order for production of any certificate of title or other title deed shall not be restricted by notice of the existence of any lien.**]**

F43 1992 NI 7

55 Undivided shares and co-owners.

(1) The owner of any one or more undivided shares in any land may, for the purpose of showing the share which he holds in the land, be registered with the addition of such entries in the**[**[F44] title register**]** as may be prescribed.

(2) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land, and, where two or more persons are so registered, they shall be deemed to be joint tenants unless there is any entry to the contrary in the**[**[F44] title register**]**.

(3) On the registration of two or more persons as owners of the same land, an entry may, with their consent, be made on the appropriate register to the effect that, when the

numbers of those owners is reduced below a certain specified number, a disposition of the land shall not be registered except under an order of the court, or of the Registrar made after due examination of the title.

(4) On the registration of two or more persons as owners of the same land, if the Registrar decides that any number of those owners less than the whole is entitled to make a registered disposition of the land, he shall make an entry on the**[**[F44] title register**]** to that effect, and, notwithstanding anything contained in this section, that number of those owners shall have power to make a registered disposition of the land without an order of the court or Registrar.

F44 1992 NI 7

56 Special provisions applicable to settled land and to charitable trusts, etc.

(1) The provisions of Part I of Schedule 8 shall apply to settlements affecting any registered land.

(2) The provisions of Part II of Schedule 8 shall apply to charitable and certain other trusts affecting any registered land.

57 Power for trustee to apply to the court for directions.

(1) Where a trustee or other person acting in a fiduciary capacity is in doubt as to the person who ought to be registered pursuant to this Act, or as to any other matter with respect to which he is required or authorised to act by or under this Act, he may apply to the court for directions.

(2) The costs properly incurred by a trustee or other person acting in a fiduciary capacity (including a limited owner exercising powers conferred on him by or under the Settled Land Acts or this Act) in, or in connection with, any proceeding or application required or authorised by or under this Act shall be costs properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, the Registrar, be ascertained and decided by the Registrar.

58 Provisions as to incumbrances created or issued by a body corporate which are not registered or protected.

Where a body corporate incorporated under any statutory provision is registered under this Act as owner of any registered land, the Registrar shall not be concerned with, and a person claiming under a registered dealing for valuable consideration shall not be affected by, any mortgage, charge, debenture, debenture stock, trust deed or other incumbrance created or issued by the body corporate, whether or not registered or recorded under any other statutory provision, unless such incumbrance is**[**[F45] registered as a burden**]** or is protected by the entry on the**[**[F45] title register**]** of a caution**[**[F45], an inhibition or a notice**]**.

F45 1992 NI 7

[[F46]59 Transmissions on bankruptcy of registered owner.

(1) Upon the bankruptcy of the registered owner of any land his trustee shall (on production of the prescribed evidence to be furnished by the official receiver or trustee in bankruptcy that the land is comprised in the bankrupt's estate) be entitled to be registered as owner of the land or, as the case may be, as a tenant in common of the land with another or others.

(2) Where a trustee in bankruptcy disclaims a registered leasehold estate under Articles 288 to 292 of the Insolvency (Northern Ireland) Order 1989, and an order is made by the High Court vesting the leasehold estate in any person, the order shall direct the alteration of the**[**[F47] title register**]** in favour of the person in whom the leasehold estate is so vested, and in such case the Registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to**[**[F47] compensation**]** under this Act shall arise by reason of such alteration.**]**

F46 1989 NI 19
F47 1992 NI 7

59A Effect of transmissions on bankruptcy

(1) Subject to subsection (2), where a trustee in bankruptcy is registered as owner of land he shall in all respects, and in particular as respects registered dealing with the land, be in the same position as if he had taken the land under a transfer for valuable consideration.

(2) The trustee in bankruptcy shall hold the land in respect of which he is registered for the purposes upon and subject to which the land is applicable by law, and subject to all unregistered rights subject to which the bankrupt held the land.

60 Minors.

(1) Where the person entitled to be registered as owner of any land is a minor, he shall be so described in the**[**[F48] title register**]**.

(2) Where a minor registered owner of any land ceases to be a minor, he may apply, in such manner as may be prescribed, to have the description “minor” in the**[**[F48] title register**]** cancelled.

(3) A minor may, for all or any of the purposes of this Act, be represented by such person as may be prescribed or by such person as the court**[**[F48] or, in the case of a reference to the Lands Tribunal, that Tribunal**]** may appoint.

F48 1992 NI 7

[[F49]61 Persons suffering from mental disorder.

Where a person is incapable, by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, of managing and administering his property and affairs, his controller or (if no controller is acting for him) any person authorised in that behalf may, under an order of the High Court or (as the case may

be) the court**[**[F50] or, in the case of a reference to the Lands Tribunal, that Tribunal**]**, represent him for all or any of the purposes of this Act.**]**

F49 1986 NI 4
F50 1992 NI 7

PART VI

MAPS AND BOUNDARIES

[[F51]62 The registry map.

(1) There shall be maintained by or on behalf of the Registrar a series of maps (in this Act referred to as "the registry map"), based on ordnance maps.

(2) On the registry map there shall be marked or defined, in such manner as may be prescribed, the land the title to which has been registered under this Act.**]**

F51 1992 NI 7

[[F52]63 Description of registered land.

(1) Registered land shall be described in the title register—
  (a) by means of a verbal description and a reference to the registry map; or
  (b) by means of a verbal description and a filed plan, based on an ordnance map; or
  (c) in such other manner as, in the opinion of the Registrar, secures accuracy.

(2) The description of land in the title register need not include its area.**]**

F52 1992 NI 7

64 Effect of description of registered land.

(1) Except as provided by this Act, the description of any land in**[**[F53] the register**]** shall not be conclusive as to the boundaries or extent of the land.

(2) The Registrar may at any time, on the application of the registered owners of adjoining registered lands or of the registered owner of any registered land and of the owner of any adjoining unregistered land, and on the prescribed conditions being complied with, settle and enter on**[**[F53] the register**]** as conclusive the boundaries between those lands or any parts thereof, with such alterations, if any, as may from time to time be agreed upon.

(3) For the purposes of subsection (2), an entry in**[**[F53] the register**]** made pursuant to an application under that subsection shall be conclusive only as between the parties to the application and their respective successors in title, and shall not operate to confirm the title to the lands the boundaries whereof are settled.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

(4) On the transfer of part of any registered land, the Registrar, on the prescribed conditions being complied with, may enter on**[**[F53] the register**]** as conclusive the boundaries between the part transferred and the part not transferred.

(5) If, on the transfer of any registered land, any question arises as to the boundaries or extent of the land, the Registrar shall, on the application of the transferor or of the transferee, have jurisdiction to decide the question as between them, and, for that purpose, the Registrar may, if he thinks fit, adopt the decision of any person agreed on by them or appointed by him.

F53 1992 NI 7

PART VII

CAUTIONS AND INHIBITIONS

65 Cautions against first registration.

(1) Any person claiming—

(a) such an interest in unregistered land as entitles him to object to a dealing therewith being made without his consent; or

(b) to be an incumbrancer on unregistered land;

may—

(i) if he claims otherwise than under a document registered in the registry of deeds; or

(ii) if he claims under a document registered in the registry of deeds but satisfies the Registrar that such registration does not adequately protect that person's interest;

on producing an affidavit in such form as may be prescribed of his interest, lodge a caution with the Registrar to the effect that the cautioner is entitled to notice of any application that may be made for registration of an owner of the land.

(2) Upon the lodgment of a caution under subsection (1), an application for first registration shall not be determined until notice has been served on the cautioner to appear and oppose, if he thinks fit, the registration, and—

(a) such time as may be prescribed has elapsed since the date of the service of the notice; or

(b) the cautioner has entered an appearance;

whichever first happens.

(3) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

66 Cautions against registered dispositions, etc.

(1) Any person interested in any registered land may, on producing an affidavit in such form as may be prescribed specifying his estate in the land, lodge a caution with the

Registrar to the effect that[F54] no dealing with the land on the part of the registered owner should be registered until notice has been served on the cautioner.

(2) Upon the lodgment of a caution under subsection (1), the Registrar shall not, without the consent of the cautioner,[F55] register any dealing on the part of the registered owner of the estate until the Registrar has served notice on the cautioner warning him that his caution will lapse after the expiration of such time as may be prescribed.

(3) After the expiration of that time, the caution shall lapse unless an order to the contrary is made by the Registrar, and, on the caution so lapsing,[F56] the dealing may be registered as if the caution had not been lodged.

(4) If, before the expiration of that time, the cautioner, or some other person on his behalf, appears and gives, if so required by the Registrar, sufficient security to indemnify every person against any damage that may be sustained by reason of the dealing being delayed, the Registrar may delay registering any[F57] dealing for such further period as he thinks just.

(5) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

(6) In the case of a caution lodged under this section by a Government department or by a public or local body, the Registrar may accept a certificate, in such form as may be prescribed, instead of an affidavit.

(7) Land Registry Rules may provide for the application of the provisions of this section, subject to such modifications as may be prescribed, to cautions against reclassification of any registered land.

F54 Applied with modifications by SR 1994/424
F55 Applied with modifications by SR 1994/424
F56 Applied with modifications by SR 1994/424
F57 Applied with modifications by SR 1994/424

67 Inhibitions of registered dealings.

(1) The Registrar or the court may—
  (a) on the application of any person interested in any registered land; and
  (b) after receiving the consent of the persons concerned or after directing such inquiries, if any, to be made and such notices to be given, and upon hearing such persons, as he or, as the case may be, the court may think fit;

make an entry, or, as the case may be, order the Registrar to make an entry, inhibiting—
  (i) for a specified time; or
  (ii) until the occurrence of an event to be named; or
  (iii) except with the consent of, or after notice to, some specified person; or
  (iv) generally until further entry or, as the case may be, further order;

any dealing with the land.

(2) The Registrar or the court may—
  (a) annex to any such entry such terms and conditions as he or, as the case may be, the court may think fit;

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

(b) discharge any such order or cancel any such entry;

(c) generally exercise such powers as he or, as the case may be, the court may think fit;

but, except as provided by subsection (4), nothing in this subsection shall empower the Registrar to discharge an entry made pursuant to an order of the court unless the order has authorised him to do so.

(3) Nothing in this section shall authorise any restrictions to be imposed on the powers under the Settled Land Acts of a tenant for life or a person having the powers of a tenant for life.

(4) Any entry made pursuant to this section may be withdrawn or modified at the request or with the agreement of all the persons for the time being appearing from the register to be interested therein, or of such other persons as may be prescribed.

[[F58]67A Protection of creditors prior to registration of trustee in bankruptcy.

(1) If a bankruptcy petition is presented by or against any person who appears to the High Court to be the registered owner of any land, the Court shall give notice to the Registrar of the presenting of the petition, in such manner as may be prescribed, and notice of the presenting of the petition shall thereupon be entered on the**[**[F59] title register**]**.

(2) A notice registered under subsection (1) shall protect the rights of all creditors, and unless cancelled by the Registrar in the prescribed manner such notice shall remain in force until a bankruptcy inhibition is registered or the trustee in bankruptcy is registered as owner.

(3) Where a bankruptcy order is made and the bankrupt is a registered owner of land, the official receiver or the trustee in bankruptcy shall notify the Registrar in the prescribed form and the Registrar shall thereupon enter an inhibition ("a bankruptcy inhibition") against the title of the registered owner of the land.

(4) No fee shall be charged for the entry of a notice under subsection (1) or a bankruptcy inhibition under subsection (3).

(5) From and after the entry of a bankruptcy inhibition (but without prejudice to dealings with or in right of interests having priority over the estate of the bankrupt owner), no dealing affecting the land of the registered owner, other than the registration of the trustee in bankruptcy, shall be entered on the**[**[F59] title register**]** until the inhibition is cancelled as to the whole or part of the land dealt with.

(6) Without prejudice to section 34(4), where under a disposition of registered land to a purchaser in good faith for valuable consideration such purchaser is registered as owner of an estate, then, notwithstanding that the person making the disposition is adjudged bankrupt, the title of his trustee in bankruptcy shall, as from the date of the registration of such disposition, be void as against such purchaser unless at that date, either a notice under subsection (1) or a bankruptcy inhibition has been registered; but a purchaser who, at the date of the executiion of the registered disposition has actual knowledge of the bankruptcy petition or the adjudication, shall be deemed not to take in good faith.

(7) Nothing in this section shall impose on a purchaser a liability to make any search under the Registration of Deeds Acts.

(8) If neither a notice under subsection (1) nor a bankruptcy inhibition is registered against a registered owner of land, nothing in this section shall prejudicially affect a registered disposition of any registered land acquired by the bankrupt after adjudication.

(9) If and when a bankruptcy inhibition is wholly or partially cancelled, for any cause other than by reason of the registration of the trustee in bankruptcy, any registered estate vested in the trustee in bankruptcy shall, as respects the registered estate to which the cancellation extends, be divested and the same shall vest in the registered owner in whom it would have been vested if there had been no adjudication in bankruptcy.

[In this section references to a disposition of registered land include a lease, a charge
[F59](10) and the creation or disposal of any interest in such land or in a charge of such land, and "purchaser" includes a lessee, a chargee and a person in whose favour such an interest is created or disposed of.**]]**

F58 1989 NI 19
F59 1992 NI 7

68 Inhibitions in consequence of discovery of error.

(1) Whenever it appears to the Registrar that any error which may be capable of rectification has been made in registration, he may in his discretion, enter on the**[**[F60] title register**]** such inhibition against such dealings with the land affected by such error as he may think fit for the purpose of**[**[F60] avoiding**]** any claim for compensation in respect of any loss occasioned by any registration made after such error is discovered and before it is rectified and of giving notice to all persons who may thereafter be affected thereby.

(2) An inhibition entered on**[**[F60] the title register**]** pursuant to this section shall not—
(a) affect any registration which is actually pending in the**[**[F60] Land Registry**]**; or
(b) prevent the completion of any such registration.

(3) Whenever the Registrar enters an inhibition on**[**[F60] the title register**]** pursuant to this section, he shall send notice of such inhibition, and short particulars of the error because of which it was entered, to—
(a) all persons who appear from that register to be affected by such error; and
(b) such other persons, if any, as he may think proper.

F60 1992 NI 7

PART VIII

RECTIFICATION AND INDEMNITY

69 Rectification of errors.

(1) Subject to subsection (3), where any error (whether of misstatement, misdescription, omission or otherwise) occurs in**[**[F61] the register**]**, the court, upon such application and in such manner as may be prescribed by rules of the appropriate court and after such

notices, if any, as it may direct, may order such error to be rectified upon such terms as to costs or otherwise as it may think fit.

[[F61](2) Where, in the opinion of the Registrar, an incorrect entry in, or omission from, the register is of a clerical nature, he may, after making such enquiries (if any) and serving such notices (if any) as he considers necessary, rectify the register.

(2A) The Registrar may in his discretion, after making such enquiries (if any), serving such notices (if any) and obtaining such consents (if any) as he considers necessary, amend any mistake in, or omission from, any document presented to the Land Registry, if, in his opinion, the mistake or omission is of a clerical nature.

(2B) The Registrar may, after making such enquiries (if any) and serving such noticies (if any) as he considers necessary, order the rectification of the register where all persons interested—

(a) consent to the rectification; or

(b) do not, within the prescribed period after being served with notice of the Registrar's intention to order the rectification, notify the Registrar in writing that they object to the rectification.

(2C) Where the Registrar exercises the power conferred by subsection (2) or (2B) he may make such order as to the costs of rectification as the persons interested may, in writing, agree.**]**

(3) **[**[F61]The register**]** shall not be rectified under subsection (1) so as to affect the title of a registered owner, unless such rectification can be made without loss or damage to any person claiming for valuable consideration and in good faith through such registered owner and unless—

(a) the registered owner or, as the case may be, a person claiming as aforesaid through the registered owner or anyone acting on behalf of either has, by his act, neglect or default, been in any way responsible for, or has contributed to, the error; or

(b) in the case of an error made before such registered owner was so registered, he was, in fact, aware of such error at the time of his registration as owner; or

(c) in the case of an error made after such registered owner was so registered, he or a solicitor acting on his behalf became aware of such error at a time when such error was capable of being rectified without causing loss or damage to any person except the expense of such rectification; or

(d) the immediate disposition to such registered owner, or the disposition to any person through whom he claims otherwise than for valuable consideration, was void; or

(e) such registered owner acquired the land otherwise than for valuable consideration and rectification of the error could have been made against the person through whom he claims if such person had been the registered owner; or

(f) such registered owner consents to rectification;

but so that this subsection shall—

(i) limit the power of the court to rectify**[**[F61] the register**]** only where the registered owner of the land is in possession thereof; and

(ii) not limit the power of the court to rectify**[**[F61] the register**]** in any particular case if the court is satisfied that it would be unjust not to rectify the register against the registered owner.

(4) The provisions of subsections (1) and (3) shall extend, with any necessary modifications, to the rectification of**[**[F61] the register**]** by order of a court of competent jurisdiction, exercising any jurisdiction based on the ground of fraud or mistake, in like manner as those subsections apply to the rectification of errors by order of the court.

F61 1992 NI 7

S.70 rep. by 1992 NI 7

71 Claims for compensation.

(1) Claims for compensation for any loss arising from any matter specified in paragraph 1(1) of Schedule 9 may be made in accordance with the provisions of that Schedule.

(2) Where any such claim for compensation is allowed, it shall**[**[F62] be paid by the Department out of money appropriated for the purpose**]**.

[[F62](3) Subject to subsections (3A), (3B) and (3C), where any such compensation is paid by the Department, the Department shall be entitled to recover the amount so paid from all or any of the following persons—

(a) any person who caused or substantially contributed to the loss in question;

(b) any person who has, directly or indirectly, derived title or any other advantage—

(i) from such a person as is mentioned in paragraph (a), or

(ii) by reason of an error or omission giving rise to the loss;

and, without prejudice to the generality of the foregoing provision, the Department may enforce any express or implied covenant or other right which the person receiving the compensation would have been entitled to enforce in relation to the matter in respect of which the compensation is paid.

(3A) A person shall not be treated for the purposes of subsection (3)(a) or (b)(i) as having caused or substantially contributed to the loss unless he has done so by his fraud or lack of proper care; and where a person substantially contributed to the loss (but did not cause it completely), the amount recoverable under subsection (3) from him or from any person who has derived title or other advantage from him shall be such amount as is just.

(3B) The Department is not entitled under subsection (3) to recover any amount from a person by reason only of his derivation of title or advantage as mentioned in paragraph (b) of that subsection where that person has derived the title or other advantage for valuable consideration and he has not caused or contributed to the loss by his fraud.

(3C) Where the Department is entitled to recover an amount under subsection (3)(b) from a person who did not cause or substantially contribute to the loss, that amount shall not exceed the value, immediately before the Department gives notice to that person of its intention to recover an amount from him under subsection (3), of the advantage obtained by him.**]**

[[F62](4) Any question arising as to whether the Department is entitled to recover some amount under subsection (3) from a particular person, as to the quantum of that amount or as to the enforcement of any right by the Department under that subsection shall be referred to and determined by the Lands Tribunal.

(5) A question referred under subsection (4) and one referred under paragraph 10 of Schedule 9 (entitlement to and amount of compensation) may be determined in the same proceedings.

(6) Except where the amount recoverable by the Department under subsection (3) is determined as mentioned in subsection (5),—

(a) the right of the Department to recover any amount under subsection (3) shall be deemed to accrue on the date on which the Department pays the compensation to which that right relates; and

(b) a claim to recover such an amount shall not be the subject of a reference under subsection (4) after the expiration of one year from the time when the right to recover that amount accrued or after the expiration of 12 years from the time of the error or omission which gave rise to the loss, whichever first occurs.

(7) When the Lands Tribunal determines that any amount is recoverable under subsection (3), it may make an order for the payment of that amount and such an order is a money judgment for the purposes of Article 4 of the Judgments Enforcement (Northern Ireland) Order 1981.**]**

F62 1992 NI 7

PART IX

MISCELLANEOUS PROVISIONS

72 Exemption from registration in the registry of deeds.

(1) The registration under this Act of the ownership of any estate in land shall, on and after the date of registration, exempt that estate, and, if a person is registered as limited owner thereof, any estate expectant on the determination of his ownership, from the provisions of the Registration of Deeds Acts, and, subject to subsection (2), a document relating to any such estate and executed or coming into operation after that date shall not, unless it also relates to unregistered land, be registrable in the registry of deeds.

(2) The registration under this Act of the ownership of any estate in land shall not have the effect of exempting from registration in the registry of deeds any document relating to the title to any other estate in the land (other than a deed creating such estate), unless the title to such other estate is otherwise required to be registered or is registered under this Act.

(3) Where any freehold or leasehold estate is first registered under this Act, a notice of the registration, in such form as may be prescribed, shall be given to the Registrar of Deeds, who shall forthwith register the same, without the payment of any fee for so doing, and file it as a memorial.

73 Exemption from registration in registry of deeds of documents relating to burdens registered under this Act.

Registration of a burden under this Act shall have the same effect as, and make unnecessary, registration in the registry of deeds in pursuance of any other statutory provision (including a local or private Act) of any document relating to such burden.

74 Execution of documents containing reservations.

(1) In any document executed on or after the commencement of this Act and relating exclusively to registered land, a reservation of an estate shall operate at law without—
   (a) any execution of the document by the grantee of the estate out of which the reservation is made; or
   (b) any regrant by such grantee of the estate so reserved;

   so as to create the estate so reserved and so as to vest the same in possession in the person (whether or not he is the grantor) for whom the benefit of the reservation is made.

(2) For the purposes of subsection (1), a conveyance of an estate expressed to be made subject to another estate, not in existence immediately before the date of the conveyance, shall operate as a reservation, unless a contrary intention appears.

75 Avoidance of stipulations in documents precluding registration of title.

Any stipulation in any document relating to any estate in land capable of registration under this Act whereby any person is precluded from making an application to register his title to that estate shall be void.

76 Avoidance of certain stipulations in contracts for transfer of, or charge on, registered land.

Any stipulation in a contract for the transfer or charge of any registered land whereby any party to the contract is precluded from making requisitions as to burdens generally, or as to any particular Schedule 5 burden, which may affect the land shall be void.

77 Facilities for registration of Crown Land.

(1) With respect to any land vested in Her Majesty, either in right of the Crown or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof, if any, or, if none, then such person as Her Majesty may, by writing under the sign manual, appoint, may represent the owner of the land for all the purposes of this Act and may be registered with such special description of the nature of the ownership as may be prescribed.

(2) The public officer or body referred to in subsection (1), or the person appointed under that subsection, shall be entitled—
   (a) to receive such notices;
   (b) to make and enter any such application or caution; and
   (c) to do all such other acts;

   as any owner of land is entitled to receive, make, enter or do under this Act.

(3) For the purpose of any law or custom relating to Her Majesty in right of the Crown, the registration of land in**[**[F63] the register**]** under this Act shall be deemed to be a matter of record, and shall have the same effect as, and shall render unnecessary, the registration of that land in a court of record or in any office of the High Court.

F63 1992 NI 7

78 Foreshore and seabed.

If it appears to the Registrar that any land, application for the first registration of the ownership whereof is made to him, comprises foreshore or seabed, or both, he shall not make such registration unless and until he is satisfied that at least one month's notice in writing of the application has been given to the Crown Estate Commissioners.

79 Land certificates and certificates of charge.

(1) Land Registry Rules shall provide for the preparation and issue of certificates of title in relation to the ownership of registered land, and such certificates of title shall be called—

(a) where the title is title to land other than a charge, a land certificate;

(b) where the title is title to a charge, a certificate of charge.

(2) Land Registry Rules may provide generally for matters relating to land certificates and certificates of charge and, in particular, may—

(a) provide for the custody of such certificates;

(b) provide for the compulsory production to the Registrar of such certificates;

(c) specify the evidential value, in any court, of the contents of any such certificate;

(d) specify the circumstances in which dealings may, and those in which dealings shall not, be entered or noted on**[**[F64] the register**]** without the production of such a certificate;

(e) provide for the endorsement or rectification of such certificates;

(f) specify the circumstances in which a new certificate may be issued in replacement of a certificate which has already been issued, and provide for the issue of such new certificates.

[[F64](g) provide for the cancellation and destruction of land certificates and certificates of charge which have been lodged in the Land Registry (whether or not new certificates are to be issued in their place).**]**

[[F64](3) A provision made under subsection (2)(b) shall have effect notwithstanding that a certificate to which the provision applies is subject to a lien.**]**

F64 1992 NI 7

80 Special provisions relating to certain vesting orders and fiats.

The provision of Schedule 10 shall apply with respect to vesting ordes and fiats mentioned in paragraph 1 of that Schedule.

81 Searches.

(1) **[**[F65]The register and any relevant document shall be available**]** for public inspection during the hours for which the Land Registry remains open for the transaction of public business and, subject to Land Registry Rules, any person may search**[**[F65] in the register or inspect the document**]**, and shall be entitled, on making application to the Registrar in such form as may be prescribed, to receive copies of, or extracts from, so much of the**[**[F65] register or relevant document**]** as relates to the land specified in such application.

[[F65](1A) In subsection (1) "relevant document" means a document retained in the Registry in connection with a registration under the Act of 1891, an application for registration under this Act or a registration under this Act.**]**

(2) Land Registry Rules may provide for applications to the Registrar for official searches in**[**[F65] the register**]**, for the carrying out of such searches for**[**[F65] the provision of information by certificate or otherwise regarding**]** the result of such searches and for matters connected therewith.

[[F65](2A) Without prejudice to the generality of subsection (2), Land Registry Rules may make provision with respect to applications for searches in the register, and the provision of information, by telephone or other automated means.**]**

(3) Where the Registrar is satisfied that the person to whom a certificate of the result of an official search is issued has entered into a contract to purchase, or take a lease of, or lend money on the security of a charge on, the land to which the certificate relates, the Registrar shall, at the request of that person, make an entry in the**[**[F65] title register**]** in such manner as may be prescribed.

(4) In any case referred to in subsection (3), an application for registration of the document to complete the contract shall, if the application is in order and is delivered at the**[**[F65] Land Registry**]** within**[**[F65] such period as may be prescribed**]**, rank in priority before any other application for registration made in respect of the land within that period.

F65 1992 NI 7

82 Penalties for fraud.

(1) Any person who—

(a) in the course of any proceedings before the Registrar or the court**[**[F66] or the Lands Tribunal**]** in pursuance of this Act, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress or is privy to the suppression of any document or fact; or

(b) fraudulently procures, attempts to procure fraudulently or is privy to the fraudulent procurement of any entry, erasure or alteration in**[**[F66] the register or the Statutory Charges Register or any index to that Register**]**;

shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding three years, or to**[**[F67] an unlimited fine**]**, or to both.

(2) A proceeding or conviction for any offence under subsection (1) shall not affect any remedy to which any person aggrieved by the offence may be entitled.

(3) Nothing in this Act shall entitle any person to refuse to make a complete discovery in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, but such a discovery or answer shall not be admissible in evidence against that person, or the husband or wife of that person, in any criminal proceeding under this Act.

F66 1992 NI 7
F67 1984 NI 3

83 Effect of fraudulent dispositions and fraudulent acts.

(1) Subject to the provisions of this Act with respect to compensation and to registered dispositions for valuable consideration, any dealing with any registered land which, if unregistered, would be fraudulent and void shall, notwithstanding registration, be fraudulent and void in like manner.

(2) If any person—

(a) fraudulently procures; or

(b) is privy to the fraudulent procurement of;

any entry on, erasure from or alteration of**[**[F68] the register, the Statutory Charges Register, any index to that Register or any**]**, land certificate or certificate of charge, any entry, erasure or alteration so made by fraud shall be void as between all persons who are parties or privy to the fraud.

F68 1992 NI 7

84 Fees.

(1 [F69] The Ministry may, by order made after consultation with the Rules Committee established by section 85 and subject to affirmative resolution, prescribe the fees to be taken in the Land Registry for the purposes of this Act, and the manner in which such fees may be paid, and shall ensure, so far as is practicable, that those fees shall be such as to produce an annual amount sufficient**[**[F70] to meet so much of the operating expenses of the Land Registry as is attributable to its registration functions**]**.

[[F70](1A) In subsection (1) "registration functions" means the functions of the Land Registry in registering any matter under this Act and its functions under section 81 and section 86(3), (4) and (5).**]**

(2) Any provision in, or prescribed under, this Act requiring or authorising anything to be done, or any certificate or other document to be issued by, the Registrar, or in or from the Land Registry, shall be construed as requiring or authorising the same on payment of such fees as may be prescribed by order under subsection (1).

(3) Nothing in this Act shall make it obligatory for any act to be done in the Land Registry, or for that Registry to permit any act to be done in that Registry, in respect of which a fee is payable, except on payment of that fee or on arrangements being made, in accordance with an order under subsectioin (1), for the payment of that fee.

F69 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6

F70 1992 NI 7

85 Rules.

(1) There shall be establilshed a rules committee (to be called the "Land Registry Rules Committee") which shall, subject to the provisions of this section, be responsible for advising and assisting the Minister in connection with his functions under this section.

(2) The Land Registry Rules Committee shall consist of—

(a) a Judge of the **[**[F71]Court of Judicature**]**, nominated by the Lord Chief Justice, who shall be Chairman of the Committee;

(b) a barrister nominated by the General Council of the Bar of Northern Ireland;

(c) two solicitors nominated by the Incorporated Law Society of Northern Ireland; and

(d) the Registrar.

[[F72](2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(a)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

(3) The Minister, with the advice and assistance of the Land Registry Rules Committee, may make rules providing for the practice and procedure to be followed in the Land Registry and generally for giving effect to this Act and, in particular, may make rules with respect to all or any of the following matters—

(a) anything which under this Act may or is to be prescribed;

(b) the conduct of transfers and the publication of information relating to transfers;

[[F73](ba) authorising the Registrar to refuse to register the ownership of any unregistered land where this Act or some other statutory provision does not make it compulsory to register that ownership;**]**

(c) the making, keeping and indexing of**[**[F73] the register or the Statutory Charges Register**]**;

(d) the authentication and preservation of documents relating to title and generally for the custody of documents received in the Land Registry and for providing copies of, or extracts from, such documents;

(e) the precautions to be taken, the notices to be given and the evidence to be adduced in all proceedings in connection with registration, and the persons to whom, and the circumstances under which, reference is to be made in respect of the examination of any title to land proposed to be registered;

[[F73](ea) registration of a title by reference to a map other than the registry map pending the making of an entry on the registry map;**]**

(f) the furnishing of addresses by persons whose names are entered on**[**[F73] the register or the Statutory Charges Register**]**;

(g) the registration of title on the exchange of holdings;

(h) the registration, by way of a note on the**[**[F73] title register**]**, of any easement or right created by a document which appears to affect adversely the land, and so far as practicable by reference to the document creating the same;

(i) consequential matters in relation to the creation and effect of any additional burden prescribed by virtue of entry 16 in Part I of Schedule 6;

(j) the form in which, and conditions under which, entries in**[**[F73] the register or the Statutory Charges Register**]** are to be made and may be modified or cancelled, the order in which entries relating to the same land are to be made and the correction of clerical errors in**[**[F73] the register or the Statutory Charges Register**]** or in any document connected with registration;

(k) the form and contents of documents required or authorised to be used or given under or for the purposes of this Act;

[F74](l) the costs to be charged by, or allowed to, solicitors or other persons in relation to this Act in respect of contentious business (within the meaning of the Solicitors (Northern Ireland) Order 1976), the persons by and to whom such costs are to be paid and the taxation of such costs by the taxing master of the**[**[F75]Court of Judicature**]** or other taxing officer;

(m) the award by the Registrar of costs in respect of any proceedings on a hearing before him, and the measurement of such costs by the Registrar, with the consent of all the parties concerned and having regard to the provisions of any order made by the Non-contentious Costs Committee under Article 64 of the Solicitors (Northern Ireland) Order 1976 , or the taxation of such costs by the taxing master of the**[**[F76]Court of Judicature**]** or other taxing officer;

(mm) the enforcement through the Enforcement of Judgments Office of awards by the Registrar for the payment of costs;]

(n) requiring security for the costs of any appeal under this Act;

(o) adapting this Act to the registration of ownerships under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948, and providing for the easy transfer of such ownerships;

(p) prescribing the particulars to be furnished on, and the mode of, registration of any statutory charge.

[[F77](q) the postponing of the registration of a notice under section 67A(1) or a bankruptcy inhibition under section 67A(3) where the name, address and description of the debtor or bankrupt appearing in the notice for the registration of the bankruptcy petition or bankruptcy order are not identical to those stated in the**[**[F73] title register**]**, until the Registrar is satisfied as to the identify of the debtor or bankrupt;

(r) the requiring of the official receiver to notify to the Registrar any mistake occurring in the bankruptcy order or any other fact relevant to any proposed amendment in the**[**[F73] title register**]**; and the enabling of the Registrar to make any consequential amendment;

(s) the providing for the whole or partial cancellation (subject to notice to the official receiver or trustee in bankruptcy) of a bankruptcy inhibition registered under section 67A(3) in prescribed circumstances.**]**

[[F73](t) regulating the manner in which documents lodged in the Land Registry are to be preserved or recorded, and the destruction of such documents where they have become superseded by entries in the title register or have ceased to have effect.**]**

(4) Rules made under subsection (3) shall be subject to negative resolution.

F71 Words in s. 85(2)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**

F72 S. 85(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 19**; S.I. 2006/1014, **art. 2(a)**, Sch. 1
F73 1992 NI 7
F74 1978 NI 4
F75 Words in s. 85(3)(l) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**
F76 Words in s. 85(3)(m) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**
F77 1989 NI 19

[F78 85A Documents and records.

(1) Any reference in this Act to a document includes a reference to information recorded in such non-legible form as may be prescribed.

(2) Records required or authorised to be kept under this Act by or on behalf of the Registrar may be kept in any form the Registrar thinks fit, if it is possible to inspect the information contained in them and to obtain a copy of it in legible form.

(3) Where any provision of this Act provides for a document to be given to or by the Land Registry or the Registrar, Land Registry Rules may make further provision in relation to the application of that provision to automated forms of communication.

(4) Land Registry Rules may authorise documents to be used for the purposes of this Act if they satisfy any prescribed conditions, notwithstanding that they are not original documents.

(5) In this section—

"document" includes information recorded in any form;

"inspect" includes inspect by automated means;

"legible" means capable of being read with the naked eye;

"record" includes the register, the Statutory Charges Register and an index.**]**

F78 1992 NI 7

PART X

THE STATUTORY CHARGES REGISTER

86 The Statutory Charges Register.

(1) For the purposes of this Part, there shall continue to be maintained**[**F79 by or on behalf of the Registrar**]** a register (which shall be called "the Statutory Charges Register"), and the Registrar shall, upon application being made to him in such manner as may be prescribed, register thereon all matters which under this Part or any subsequent statutory provision are required to be so registered.

(2) The Statutory Charges Register shall be in such form as may be prescribed and shall, for the purpose of enabling a person to trace any entry in that Register, have an index which may be in the form of a map or maps, or in such other form as may be

prescribed, and different forms of indices may be prescribed in respect of registered and unregistered land and in respect of land in different areas.

(3) The Statutory Charges Register shall be**[**[F79] available**]** for public inspection during the hours for which the Land Registry remains open for the transaction of public business and, subject to Land Registry Rules, any person may search therein or in any index thereto kept in pursuance of this Part, and shall be entitled, on making application to the Registrar in such form as may be prescribed, to receive copies of, or extracts from, so much of the Statutory Charges Register as relates to the land specified in such application.

(4) Land Registry Rules may provide for applications to the Registrar for official searches in the Statutory Charges Register or in any index thereto kept pursuant to this Part, for the carrying out of such searches, for**[**[F79] the provision of information by certificate or otherwise regarding**]** the result of such searches and for matters connected therewith.

[[F79](5) Without prejudice to the generality of subsection (4), Land Registry Rules may provide for applications for searches in the register, and the provision of information, by telephone or other automated means.**]**

F79 1992 NI 7

87 Matters registrable in the Statutory Charges Register.

(1) Subject to the provisions of this Part, the matters specified in Schedule 11 (in this Act referred to as "statutory charges") affecting unregistered as well as registered land in Northern Ireland shall be registered in the Statutory Charges Register.

(2) For the purposes of this section, any sum which is recoverable by a local authority (whether in the right of the authority or on behalf of any other person) under any of the statutory provisions mentioned in Schedule 11 from successive owners or occupiers of the property in respect of which the sum is recoverable shall, whether such sum is expressed to be a charge on the property or not, be deemed to be a statutory charge.

(3) Nothing in this Part shall operate to impose any obligation to register in the Statutory Charges Register any statutory charge, created or arising before, on or after the 23rd January 1951, which is a registered burden.

(4) Nothing in this Part shall operate to discharge any liability in respect of any statutory charge which is not for the time being required to be registered.

88 Provisions as to registration and priority.

(1) [F80] Notwithstanding anything to the contrary contained in any statutory provision in force on the 1st April 1951, a statutory charge shall be void as against a purchaser of any estate in the land to which the charge relates unless—

(a) where the land is registered land, the statutory charge is registered pursuant to this Part before the purchaser is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased; or

(b) where the land is unregistered land, the statutory charge is registered pursuant to this Part before the registration in the registry of deeds of the document whereby the estate purchased is assured to the purchaser; or

(c) a notice (in this Act referred to as a "priority notice") in respect of the statutory charge is registered under section 89 either before the purchaser is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased or (as the case may be) before the registration in the registry of deeds of the document whereby the estate purchased is assured to the purchaser; or

(d) the statutory charge is created or arises after the purchaser has entered into an enforceable contract for the purchase and the purchaser has received actual notice of the statutory charge either before he is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased or (as the case may be) before the registration in the registry of deeds of the document whereby the estate purchased is assured to him.

(2) For the purposes of subsection (1), "purchaser" means any person who has entered into an enforceable contract to acquire for money or money's worth any estate in the land to which the statutory charge relates or who, after the creation of the statutory charge, has acquired for money or money's worth any such estate.

(3) Save as is provided by subsection (1), a statutory charge shall, on registration pursuant to this Part as affecting any land, bind that land to the same extent as such land would have been bound had this Part not been enacted.

(4) Subject to subsections (3) and (5), where a statutory charge is at any time registered pursuant to this Part in the Statutory Charges Register as affecting any registered land, such statutory charge shall be deemed to have been registered at that time as a Schedule 6 burden in the folio or folios in which the title to the land is registered.

(5) Where, by virtue of subsection (4), any statutory charge is deemed to have been registered as a Schedule 6 burden in the folio at the same time as any other estate is registered in that folio, such statutory charge and such estate shall, subject to subsection (3), be deemed to be so registered in the order in which they were created.

(6) Subject to subsections (3) and (7), where a statutory charge is at any time registered pursuant to this Part as affecting any unregistered land, such statutory charge shall be deemed to have been created by a document bearing the date of the creation of the charge and registered in the registry of deeds, pursuant to the Registration of Deeds Acts, at the time of the registration of the statutory charge, as a document affecting the land.

(7) Where, by virtue of subsection (6), any document is deemed to have been registered in the registry of deeds at the same time as any other document affecting the land is registered there, such documents shall, subject to subsection (3), be deemed to be so registered in order of date.

(8) Registration in the Statutory Charges Register shall not render a statutory charge valid if it is not otherwise so nor render any land subject to any statutory charge to which, if this Part had not been enacted, the land would not be subject.

(9) Where—

(a) any matter required by section 87, or by any subsequent statutory provision, to be registered in the Statutory Charges Register is, by virtue of subsection (1), void as against any purchaser; and

(b) any such matter involves the prohibition of any act or omission which would terminate or restrict or otherwise prejudice any right exercisable by that purchaser in relation to the land of which he is the purchaser;

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a prosecution arising out of such prohibition shall not lie against that purchaser in respect of any such act or omission.

F80 1978 NI 15

89 Priority notices.

(1) Any person intending to make an application for the registration of any contemplated statutory charge pursuant to this Part or to any of the Land Registry Rules may, before the creation of the statutory charge, give to the Registrar a priority notice in such form as may be prescribed, and such priority notice shall be entered in the Statutory Charges Register.

(2) Where, within three months after a priority notice has been given as mentioned in subsection (1), an application for registration is made which refers to that priority notice, the registration shall be deemed to have been made when the charge was created, and the provisions of section 88 shall have effect accordingly.

90 Use of registers existing on 2nd April 1951.

Where a statutory charge created or arising before the 2nd April 1951 has been registered in any register or other record kept by a government department or local authority which—

(a) existed on that date;

(b) contains accurate particulars of the statutory charge and such description of the land to which the statutory charge relates as will enable such land to be readily identified; and

(c) is open to public inspection;

it shall be a sufficient compliance with this Part and with any Land Registry Rules if a reference to the register or other record so kept, sufficient to enable the relevant entry therein to be traced, is recorded in the Statutory Charges Register against the land to which the statutory charge relates.

91 Cancellation and modification of statutory charges.

[F81](1) Where any registered statutory charge has—

(a) been discharged or become unenforceable; or

(b) otherwise ceased to affect any land; or

(c) been declared invalid by any court of competent jurisdiction;

it shall be the duty of the local authority or other person or body on whose application the charge was registered to make application to the Registrar for the cancellation of the registration of the statutory charge.

(2) On receipt of an application under subsection (1), the Registrar shall cancel the registration of the statutory charge by deleting or removing any entry relating thereto from the Statutory Charges Register and from any index to that Register.

(3) Without prejudice to subsections (1) and (2), the Registrar may, where he decides (whether on the application of any person interested in any land to which a registered statutory charge relates or otherwise) that the statutory charge—

(a) is invalid; or

(b) does not affect the land; or

(c) has been discharged or become unenforceable; or

(d) has otherwise ceased to affect the land;

cancel the registration thereof in the manner specified in subsection (2) after giving at least one week's notice in writing by registered post or by the recorded delivery service to all persons appearing to him to be interested in the statutory charge.

(4) Where a registered statutory charge for a specified sum has been discharged in part by payment of a portion of that sum, it shall be the duty of the authority or person receiving such payment to notify the Registrar, and the Registrar shall note such part payment in the entry in the Statutory Charges Register relating to the statutory charge.

(5) The Registrar may also make such other modifications of any entry in the Statutory Charges Register as he may, from time to time, decide to be necessary.

F81 1978 NI 15

92 Application of certain other provisions of the Act to statutory charges.

(1) Land Registry Rules may, in relation to the Statutory Charges Register and the registration of any statutory charge, apply, with such modifications as may be specified therein, any of the following provisions of this Act, namely—

(a) Part I;

(b) sections 8, 62, 63,**[**[F82] and 71**]**;

(c) Schedules 1 and 9.

(2) The provisions of sections 6 and 7 shall apply to any decision of the Registrar made under section 91.

(3) Except as provided by this section, the provisions of this Act, other than of sections**[**[F82] 82, 83, 84, 85, 85A and 86 to 99**]** and of Schedules 12 to 14, shall not apply in relation to the Statutory Charges Register or to the registration of any statutory charge.

(4) References in this Act, and in any statutory provision amended by this Act, to this Part include references to Schedule 11.

F82 1992 NI 7

PART XI

SUPPLEMENTARY

93 Financial provisions.

(1 [F83] Subject to subsection (2), such salaries and remuneration of officials and other staff appointed to the Land Registry, and such other expenses incurred by, through or on behalf of the Land Registry in the operation of this Act, as the Ministry may, approve may be defrayed out of moneys provided by Parliament.

Subs.(2) rep. by 1992 NI 7

F83 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6

94 Interpretation.

In this Act—

"the Act of 1891" means the Local Registration of Title (Ireland) Act 1891 ;

[[F84]"bankruptcy order" means an order adjudging an individual bankrupt;

"bankruptcy petition" means a petitition to the High Court for a bankruptcy order;**]**

"certificate of charge" has the meaning assigned to it by section 79(1);

"compulsory registration area" means any area declared to be such by the Ministry by an order under section 25;

"Conveyancing Acts" means the Conveyancing Acts 1881 to 1911;

"the court" has the meaning assigned to it by section 4;

[[F84]"debtor" in relation to a bankruptcy petition, means the individual to whom the petition relates.**]**

[[F85]"electronic communication" has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001;**]**

"estate", without prejudice to section 45(2) of the Interpretation Act (Northern Ireland) 1954 , includes a charge;

"full owner" has the meanings assigned to it by section 12(a) and (c);

[[F86]"insolvency administration" means the administration in bankruptcy of the insolvent estate of a deceased person;

"insolvency administration order" means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

"insolvency administration petition" means a petition for an insolvency administration order;**]**

"judgment" includes judgment, decree, order and dismiss;

[[F86]"the Judgments Enforcement Order" means the Judgments Enforcement (Northern Ireland) Order 1981;**]**

"land", without prejudice to section 45(1) of the Interpretation Act (Northern Ireland) 1954, includes a charge;

"land certificate" has the meaning assigned to it by section 79(1);

"Land Purchase Acts" includes the Irish Church Act 1869 ;

"the Land Registry" has the meaning assigned to it by section 1(1);

"Land Registry Rules" means rules made under section 85(3);

"lease" means any contract of tenancy and includes an agreement for a lease;

"leasehold estate" means an estate in land under a lease, not being a term for securing money, with or without a covenant for renewal, and includes an estate held at a rent under a lease for a life or lives, or determinable on a life or lives, and, where a lease in possession and a reversionary lease to take effect in possession upon the expiry of the lease in possession are so held that the estate under both leases belongs to the same person otherwise than in different capacities, such leases, so far as they relate to land comprised in both leases, shall for the purposes of this Act be treated as creating one continuous term in possession;

"limited owner", in relation to registered land, means a person registrable under section 12(b) or (d) as a limited owner and a person described in**[**[F87] the title register**]**, pursuant to section 60(1), as a minor owner;

[F88 "local authority" means a district council;]

Definition rep. by 1992 NI 7

"the Ministry" has the meaning assigned to it by section 25;

"mortgage" has the same meaning as in the Conveyancing Acts;

[F86"the Order" means the Insolvency (Northern Ireland) Order 1989;**]**

"pending action" means any action or proceeding, pending in the**[**F89Court of Judicature**]** or in a county court, relating to any registered land;

"personal representatives" means the executors or executor, original or by representation, or the administrators or administrator for the time being of a deceased person;

"possession" includes the receipt of the rents and profits or the right to receive the same, if any;

"prescribed" means prescribed by Land Registry Rules;

"priority notice" has the meaning assigned to it by section 88(1)(c);

"public or local body" includes any authority or body specified in paragraph 1 of Schedule 1 to the**[**F90 Financial Provisions (Northern Ireland) Order 1983 as an authority or body to whom government loans may be made**]**;

[F87"the register" means the title register and the registry map;**]**

Definitions rep. by 1992 NI 7

"registered burden" means a Schedule 6 burden which has been registered or deemed to have been registered in the**[**F87 title register**]**;

"registered charge" means a charge which has been registered or deemed to have been registered in the**[**F87 title register**]**;

"registered statutory charge" means a statutory charge which is registered pursuant to Part X in the Statutory Charges Register;

"the Registrar" has the meaning assigned to it by section 1(4);

[F86"the Registration of Deeds Act" means the Registration of Deeds Act (Northern Ireland) 1970;**]**

"the registry map" has the meaning assigned to it by section 62**[**F87 (1)**]**;

[F86"the Rules" means the Insolvency Rules (Northern Ireland) 1991;**]**

"Schedule 5 burden" means a burden specified in Part I of Schedule 5;

"Schedule 6 burden" means a burden specified in Part I of Schedule 6;

"Settled Land Acts" means the Settled Land Acts 1882 to 1890;

"settlement", "settled land" , "tenant for life" and "trustees of the settlement" have respectively the same meanings as in the Settled Land Acts;

"statutory charge" has the meaning assigned to it by section 87(1);

"statutory provision" has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 ;

[F87"the title register" means the register maintained pursuant to section 10;**]**

"words of limitation" includes any words which operate as words of limitation.

F84 1989 NI 19

F85 S. 94: definition of "electronic communication" inserted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, **2(4)**

F86 SR 1991/365

F87 1992 NI 7

F88 SRO (NI) 1973/340

F89 S. 94: words in definition of "pending action" substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**

F90 1983 NI 1

S. 95, with Schedule 12, effects amendments

96 Transitional provisions and savings.

The transitional and saving provisions specified in Schedule 13 shall have effect for the purposes of this Act.

S. 97, with Schedule 14, effects repeals

98 Application to the Crown.

Subject to the provisions of this Act, this Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

99 Citation and commencement.

(1) This Act may be cited as the Land Registration Act (Northern Ireland) 1970.

(2) So much of Schedule 10 as relates to vesting orders shall be included among the Acts which may be cited as the Land Purchase Acts.

(3) *Commencement*

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SCHEDULES

SCHEDULE 1

Section 1(3), (4) and (5).

ADMINISTRATIVE PROVISIONS RELATING TO LAND REGISTRY

APPOINTMENT OF REGISTRAR OF TITLES

1 The Registrar shall be appointed by the Ministry after consultation with the Lord Chief Justice.

2 A person shall not be appointed to be Registrar unless he is either a barrister or solicitor and has practised as such for not less than ten years.

3 For the purposes of paragraph 2, service by a barrister or a solicitor in the**[**[F91] Land Registry**]** or in some other legal appointment under the Crown shall be deemed to be practice as a barrister or solicitor, as the case may be.

F91 1992 NI 7

[[F92]OTHER OFFICIALS**]**

F92 1992 NI 7

4 [F93] The Ministry may, after consultation with the Lord Chief Justice, appoint such number of persons, who are either barristers or solicitors, to be assistant registrars as it considers is necessary for the service of the**[**[F94] Land Registry**]**.

F93 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6
F94 1992 NI 7

5 [F95] The Ministry may appoint such other officers and persons as, in the opinion of the Ministry, are necessary for the service of the**[**[F96] Land Registry**]**.

F95 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6
F96 1992 NI 7

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[F97 FUNCTIONS]

F97 1992 NI 7

6 Each assistant registrar appointed under paragraph 4 and each officer and other person appointed under paragraph 5 shall exercise, in accordance with this Act[F98 or any other statutory provision (including Land Registry Rules)], such of the functions of the Registrar as may be assigned to him by the Registrar, and shall be responsible to the Registrar for the exercise of the functions so assigned.

F98 1992 NI 7

[F99 7 An assistant registrar nominated by the Registrar may, in accordance with any general or specific directions given by the Registrar and notwithstanding any vacancy subsequently occurring in the office of Registrar, act as Registrar and exercise all or any of the functions of the Registrar.

F99 1992 NI 7

8 Where the Registrar is absent from the Land Registry or the office of Registrar is vacant and no person is acting as Registrar under paragraph 7 in accordance with a direction that he exercise all the functions of the Registrar, the senior assistant registrar present may act as Registrar and exercise all the functions of the Registrar.

9 All acts done by an assistant registrar under paragraph 7 or 8 shall, without proof of, respectively, the directions or circumstances, have the same effect in all respects as if they had been done by the Registrar.

THE OFFICIAL SEAL

10 The Land Registry shall have an official seal.

11 (1) Judicial notice shall be taken by all courts of the official seal of the Land Registry, and any document purporting to be sealed with that seal shall be admissible in evidence; and if the document is a copy of another document or a copy in legible form of a record kept in non-legible form, the copy shall be admissible in like manner as the original document or record.

(2) In this paragraph “legible” and “record” have the same meaning as in section 85A.

(3) This paragraph also applies to the official seal of the central office or a local office (under this paragraph as originally enacted) which has been affixed to any document before the commencement of Article 3 of the Registration (Land and Deeds) (Northern Ireland) Order 1992.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
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[F100SCHEDULE 1A

ELECTRONIC REGISTRATION

F100 Sch. 1A inserted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, 2(5), **Sch.**

Interpretation of this Schedule

1 In this Schedule—

"digital signature" means data in electronic form which is incorporated into or logically associated with an electronic document which serves as a method of authentication and which is—

(a) uniquely linked to the signatory;

(b) capable of identifying the signatory;

(c) created using a signature creation device that the signatory can maintain under the signatory's sole control; and

(d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

"electronic document" means a document created as an electronic communication within the Land Registry computer system;

"the Land Registry computer system" means the computer system operated by the Registry to enable creation of electronic documents and the electronic generation and communication of applications for registration of an estate or interest in land and automated registration of any such estate or interest;

"signatory" means a person who holds a signature creation device and acts either on his own behalf or on behalf of the person he represents;

"signature creation data" means unique data (including, but not limited to, codes or private cryptographic keys) which are used by the signatory to create an electronic signature;

"signature creation device" means configured software or hardware used to implement the signature creation data.

Validity of electronic documents

2 An electronic document which is valid in respect of the formalities of execution detailed in paragraph 3 shall be valid for the creation, transfer, variation or extinction of an estate or interest in land.

Formalities of execution of electronic documents

3 (1) An electronic document shall be valid in respect of the formalities of execution if that document has been authenticated by the person executing the document, or if there is more than one such person by each person, in accordance with sub-paragraph (2).

(2) An electronic document is authenticated if the digital signature of each person by whom the document purports to be authenticated—

(a) is incorporated into or logically associated with the electronic document;

(b) was created by the signatory by whom it purports to have been created;

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(c) was created in accordance with such conditions as may be set out in directions given by the Registrar; and

(d) is certified in accordance with the provisions in sub-paragraph (4) and such conditions as may be set out in directions given by the Registrar.

(3) A direction given by the Registrar under sub-paragraph (2)—

(a) shall be made after consultation with the Law Society of Northern Ireland;

(b) shall be published in such manner as the Registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;

(c) may include incidental, supplementary, saving and transitional provisions; and

(d) may be varied or revoked by a subsequent direction.

(4) For the purpose of this Schedule a digital signature incorporated into or associated with an electronic document is certified by any person if that person (whether at the time of or after the creation of the electronic document) has made a statement confirming that—

(a) the signature;

(b) a means of producing, communicating or verifying the signature; or

(c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the document, the integrity of the document or both.

Equivalent treatment of electronic documents

4 (1) An electronic document authenticated in accordance with paragraph 3(2) is to be regarded for the purposes of any statutory provision as having the same effect as if the electronic document were a deed or a written document.

(2) Where a person executes an electronic document in more than one capacity, authentication of that document by that person in accordance with this Act shall be sufficient to bind that person in all such capacities, unless a contrary intention appears from the document.

Presumption as to the authentication of electronic documents

5 Where an electronic document purports to be authenticated in accordance with the provisions of this Schedule the Registrar shall be entitled to presume that such electronic document was authenticated by the person by whom it purports to be authenticated.**]**

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
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SCHEDULE 2

Section 24.

COMPULSORY REGISTRATION

PART I

COMPULSORY REGISTRATION AND EFFECT OF NON-REGISTRATION

Land subject to compulsory registration	Effect of non-registration
1. Freehold land which has been at any time sold and conveyed to or vested in, or deemed to have been vested in, any person under the Land Purchase Acts and was, on or after the 1st January 1892, subject to an annuity or rent-charge for the repayment of an advance made under any of those Acts on account of purchase money.	An estate in any such freehold land shall not be acquired under any conveyance executed on or after the 1st January 1892 until the title thereto is registered under this Act; but, on such registration, the title shall relate back to the date of execution of that conveyance.
2. Any freehold or leasehold estate, where the estate (not being an estate**[**[F101] comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)**]** and not being a mortgage) is acquired in respect of land situate in a compulsory registration area— (a) in the case of a freehold estate, upon a conveyance on sale; or (b) in the case of a leasehold estate— (i) on the grant of such an estate, where the term granted exceeds twenty-one years; or (ii) on the assignment on sale of such an estate, where the residue of the term granted exceeds, at the date of assignment, twenty-one years.	Subject to Part II, the conveyance on sale of the freehold estate or the grant or assignment on sale of the leasehold estate shall become void on the expiration of three months from the date of execution thereof unless, within that period, application is made, in such manner as may be prescribed, for registration in the**[**[F101] title register**]** of the person entitled to be registered as owner by virtue of the conveyance, grant or assignment, or of his successor in title.
3. Without prejudice to entry 2, land (other than a mortgage**[**[F101] or land comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)**]**) which is compulsorily acquired by a Government department or by a public or local body after the commencement of this Act and the ownership of which is registrable in**[**[F101] the title register**]**.	Notwithstanding anything contained in any other statutory provision, an estate in the land shall not be acquired by any person deriving title under the Government department or public or local body until the title to the**[**[F101] land**]** is registered under this Act.
4. A lease referred to in paragraph (a) or (b) of entry 6 in Part I of Schedule 6, where such lease is made after the commencement of this Act and after the first registration of the land out of which the lease is granted.	Subject to Part II, the lease shall, so far as it affects any registered land, become void on the expiration of**[**[F101] six**]** months from the date thereof unless, within that period, application is made, in such manner as may be prescribed, for—

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	(a) entry as a Schedule 6 burden on the appropriate register of the lease; and (b) registration in the**[**[F101] title register**]** of the person entitled to be registered as owner by virtue of the lease, or of his successor in title.
5. A perpetual rent-charge or a fee farm rent issuing immediately out of land and created by a grant made after the commencement of this Act and after the first registration of that land.	Subject to Part II, the grant shall, so far as it affects any registered land, become void on the expiration of**[**[F101] six**]** months from the date of such grant unless, within that period, application is made, in such manner as may be prescribed, for— (a) entry as a Schedule 6 burden on the**[**[F101] title register**]** of the rent-charge or rent; and (b) registration in the**[**[F101] title register**]** of the persons entitled to be registered as owners of the land and of the rent-charge or rent by virtue of the grant, or of their respective successors in title.
6. A fishing or sporting right created by express grant or reservation after the commencement of this Act and after the first registration of the land out of which the right is granted or reserved, where the right is held in gross and is of freehold tenure, or of leasehold tenure when the term granted exceeds twenty-one years.	Subject to Part II, the grant or reservation creating the fishing or sporting right shall, so far as it affects any registered land, become void on the expiration of**[**[F101] six**]** months from the date of such grant or reservation unless, within that period, application is made, in such manner as may be prescribed, for— (a) entry as a Schedule 6 burden on the**[**[F101] title register**]**, in such manner as may be prescribed, of the right; and (b) registration in the**[**[F101] title register**]** of the person entitled to be registered as owner by virtue of the grant or reservation, or of his successor in title.
7. Any estate in land required by any other statutory provision to be registered in the Land Registry.	As is provided by that statutory provision.

F101 1992 NI 7

PART II

POWER TO EXTEND TIME FOR FIRST COMPULSORY REGISTRATION

Notwithstanding the period of three months referred to in column 2 in respect of**[**[F102] entry 2, and the period of six months so referred to in respect of entries 4, 5 and 6**]**, the Registrar may, on the application of any person interested in any particular case to which that period applies and in which the Registrar is satisfied that the application for registration—

(a) cannot be made within that period, or can only be made within that period by incurring unreasonable expense; or

(b) has not been made within that period by reason of some accident or other sufficient cause;

[[F103]order that the period be extended; and, if the Registrar so orders, then, upon the registration of the owner, or, as the case may be, of his successor in title, a note of that fact shall be recorded on the application.**]**

F102 1992 NI 7
F103 Words in Sch. 2 Pt. II substituted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, **2(6)**

F102 1992 NI 7
F103 Words in Sch. 2 Pt. II substituted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, **2(6)**

PART III

INTERPRETATION OF PART I

In Part I—

"assignment on sale" means an assurance on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a leasehold estate may be made, and includes an assignment by way of exchange where money is paid for equality of exchange, but does not include an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion;

"conveyance", in entry 1 therein, does not include a conveyance conveying an estate expectant on a freehold estate, whether the estate so expectant is in reversion or remainder, or a conveyance by way of mortgage or transferring a mortgage;

"conveyance on sale" means an assurance made on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a freehold estate may be made and includes a conveyance by way of exchange where money is paid for equality of exchange.

[[F104]**PART IV**

PROVISIONS RELATING TO CERTAIN LEASES

F104 1992 NI 7

1 This Part applies to the estate created by a lease to which entry 4 in Part I applies, where the lease is made after the commencement of Article 10 of the Registration (Land and Deeds) (Northern Ireland) Order 1992.

2 For the purpose of—

(a) sections 72 and 73 of this Act (exemption from registration in, and notice to, the registry of deeds);

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(b) section 5 of the Registration of Deeds Act (Northern Ireland) 1970 (documents that need not be registered in the registry of deeds); and

(c) Articles 46, 48 to 52 and 132 of the Judgments Enforcement (Northern Ireland) Order 1981 (orders charging land; vacating of charges),

an estate to which this Part applies shall be deemed to be registered land as from the time when the lease is made.

3 No notice of the registration of an estate to which this Part applies need be given to the registrar of deeds under section 72(3) or otherwise.

4 Pending registration of an estate to which this Part applies—

(a) an order made by the Enforcement of Judgments Office charging land held for that estate shall not be capable of registration in the registry of deeds, nor, subject to sub-paragraph (b), shall it be capable of registration in the Land Registry;

(b) on the application of the person on whose application the order charging the land was made, notice of the order may be registered in the title register against the land out of which the lease was granted;

(c) so long as the notice subsists in the title register, the lessee shall not be registered as owner of the estate, nor shall any person claiming under him be registered as owner of the estate or any derivative estate, unless the charge—

(i) has been satisfied, or

(ii) has ceased to have effect, or

(iii) is entered on the title register as a burden;

and the entry relating to the notice shall state the restrictive effect thereof.

5 This Part does not prejudice the generality of section 72 (exemption from registration in the registry of deeds).**]**

SCHEDULE 3

Section 26.

RECLASSIFICATION OF TITLE

RECLASSIFICATION OF TITLES FORMERLY SUBJECT TO NOTES AS TO EQUITIES AND DEEMED TO BE POSSESSORY TITLES

1 Subject to paragraph 4, where the title to any registered land is deemed, by virtue of paragraph 2 of Part I of Schedule 13, to be a possessory title, the Registrar may, on the application, in accordance with Land Registry Rules, of the registered owner of the land, reclassify the title as absolute.

RECLASSIFICATION OF TITLES ON EFFLUX OF TIME

2 Subject to paragraph 4, where a person is registered or deemed to be registered (otherwise than by virtue of paragraph 2 of Part I of Schedule 13) with a possessory

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title to any estate in registered land and an application is made for registration of a transfer of that estate for valuable consideration, the Registrar may—

(a) on the application of the registered owner or of the transferee;

(b) if satisfied that**[**[F105] twelve**]** years have elapsed since the first registration of the estate and the registered owner was, immediately prior to the transfer, in possession of the estate; and

(c) after giving such notices as may be prescribed;

register the transferee—

(i) in the case of a freehold estate, with an absolute title or, if the circumstances of the case so require, with a good fee farm grant title; or

(ii) in the case of a leasehold estate, with a good leasehold title.

F105 1992 NI 7

RECLASSIFICATION OF TITLES IN OTHER CASES

3 Subject to paragraphs 4 and 5, where any person is registered with a title to any estate in registered land other than an absolute title, the Registrar may—

(a) on his own initiative or on the application, in such manner as may be prescribed, of the registered owner of the estate or of some other person claiming to be entitled thereto;[F106]. . .

Sub-para (b) rep. by 1992 NI 7

register the registered owner or such other person as he is satisfied is entitled to be registered as such—

(i) if the existing registration is with a good fee farm grant title or a good leasehold title, with an absolute title; or

(ii) if the existing registration is with a possessory title or a qualified title, with an absolute title, a good fee farm grant title or a good leasehold title, as the case may require.

F106 1992 NI 7

ADVERSE CLAIMS

4 If any claim adverse to the title of the registered owner is made, the Registrar shall not reclassify the title under this Schedule until such claim has been disposed of.

EVIDENCE OF TITLE AND NOTICES

5 In any case to which paragraph 3 applies, an applicant for re-classification shall produce such evidence of title as the Registrar may require, and the Registrar shall not reclassify the title until—

(a) that evidence of title has been furnished to him; and

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(b) such notices, if any, as may be prescribed, or as he may require to be given, have been given.

SCHEDULE 4

Section 37.

TRANSMISSION OF REGISTERED LAND

TRANSMISSION ON DEATH OF A FULL OWNER IN RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT

1 (1) Without prejudice to the rights of the owner of any registered burden, on the death of a registered full owner of any land, not being a joint tenant whose interest ceased at death, the personal representatives of the deceased owner shall alone be recognised by the Registrar as having any right to deal with the estate of the deceased owner in the land, and any dispositions by them shall have the same effect as if they were the registered owners.

[F107](2) Where the personal representative, or one of the personal representatives, of the deceased owner is a trust corporation within the meaning of Article 9 of the Administration of Estates (Northern Ireland) Order 1979 , any officer authorised for the purpose by the corporation, or by its directors or governing body, may, on behalf of the corporation, swear affidavits and do any act or thing which may be required, by reason of the corporation's appointment as a personal representative, for the purpose of any application, dealing or proceeding under this Act or under Land Registry Rules, and the acts of an officer so authorised shall be binding on the corporation.]

F107 1979 NI 14

2 Nothing in this Act or in any other statutory provision shall require the Registrar to register as owner a person in his capacity as a personal representative.

3 The Registrar may enter on the**[**[F108] title register**]** a note of the fact of the death of a registered owner, stating the particulars of representation.

F108 1992 NI 7

4 The production of an assent or transfer in the prescribed form from the personal representatives shall authorise the Registrar to register the person named in such assent or transfer as full owner or limited owner of the land, as the case may be**[**[F109], and to register any burdens specified in the assent or transfer and the ownership of such burdens, where so specified**]**.

F109 1992 NI 7

5 On an application to the court under subsection (3) of section 34 of the Administration of Estates Act (Northern Ireland) 1955 in respect of registered land, the court may, notwithstanding anything in that subsection—

(a) order that the applicant be registered as owner of the land;

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(b) dispense with notice to the personal representatives when it is satisfied that—

(i) at least six years have elapsed since the death of the deceased; and

(ii) the personal representatives are dead or out of the jurisdiction.

TRANSMISSION OF ESTATE OF LIMITED OWNER ON DEATH, IN RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT, OR OTHERWISE

6 **[**[F110](1)**]** **[**[F110]Without prejudice to sub-paragrah (2) and paragraph 6A,**]** on the determination of the estate of a limited owner of registered land, the Registrar shall, on application in such manner as may be prescribed, register as owner the person entitled to be registered as such.

[[F110](2) Where—

(a) a person has been registered as limited owner by virtue of paragraph 4; and

(b) the estate ("the relevant estate") of that person is determined;

then, the assent or transfer mentioned in paragraph 4 shall, on application in such manner as may be prescribed, authorise the Registrar—

(i) to register as full or limited owner (as the case may be) the person named in the assent or transfer (or his successor in title) as the person entitled to the land on the determination of the relevant estate; and

(ii) to register any burdens specified in the assent or transfer and, where the ownership of such burdens is specified in the assent or transfer, the owner so specified or his successor in title.**]**

F110 1992 NI 7

[[F111]FUNCTIONS OF REGISTRAR IN RELATION TO ASSENTS OR TRANSFERS BY PERSONAL REPRESENTATIVES**]**

F111 1992 NI 7

6A Where an application for registration is made for the purposes of paragraph 4 or 6(2), the Registrar—

(a) shall not call for any information as to why the assent or transfer was made;

(b) shall assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.

APPLICATION OF PARAGRAPHS 1 TO**[**[F112] 6A**]**

F112 1992 NI 7

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7 Paragraphs 1 to[F113 6A] shall, in relation to transmissions on death, apply in the case of persons dying after the commencement of this Act.

F113 1992 NI 7

TRANSMISSION OF REGISTERED LAND IN THE CASE OF PERSONS DYING BEFORE THE COMMENCEMENT OF ACT

8 Subject to paragraph 9, the provisions of the law in force immediately before the commencement of this Act shall apply in the case of persons dying before that date as if this Act had not been passed.

9 Nothing in paragraph 8 shall prevent—

(a) the replacement (with or without amendment), by Land Registry Rules, of orders and rules under the Act of 1891 relating to the practice and procedure applicable in the case of persons dying before the commencement of this Act; or

(b) the fixing, by order under section 84, of fees in respect of such practice and procedure.

SCHEDULE 5

Section 38.

BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

PART I

LIST OF BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

1 …[F114] Crown rents.

F114 1975 c.7

2 Quit rents, tithe rent-charges and payments in lieu of tithe or tithe rent-charges created before the commencement of this Act.

3 Annuities or rent-charges for the repayment of advances made under any of the Land Purchase Acts on account of purchase money.

4 Annuities charged under section 27 of the Landlord and Tenant (Ireland) Act 1870 , where such charge has been created before the commencement of this Act.

5 Any statutory provision by which the alienation, assignment, sub-division or sub-letting of any land is prohibited or in any way restricted.

6 In the case of a registered leasehold estate, all express and implied covenants, conditions and liabilities incident to the lease under which the estate is held.

7 Rights of the public or of any class of the public.

8 Customary rights, franchises and liabilities arising from tenure.

9 Easements and profits *à prendre,* unless they are created by express grant or reservation after the first registration of the land, not being a grant or reservation required to be registered in the Statutory Charges Register.

10 Any rights to or in relation to mines and minerals or petroleum vested in the Ministry of Commerce by virtue of any statutory provision.

11 Where a person is registered as owner of any land[F115]. . . but the registration does not extend to all mineral rights in that land, all such powers of working, wayleaves or rights of way and rights of water and drainage, and other powers, easements, rights and privileges for, or incident to or connected with, mining purposes, as are for the time being subsisting over the land and are not created by express grant or reservation after the first registration of the land.

F115 1992 NI 7

12 Any lease where the term granted does not exceed twenty-one years (or, in the case of leases granted before the commencement of this Act, thirty-one years) and where there is an occupation under any such lease.

13 In the case of any land in respect of which the owner is registered with a title other than an absolute title, all rights excepted from the effect of first registration.

14 Subject to the provisions of this Act, all rights acquired, or in the course of being acquired, consequent on**[**[F116] the Limitation (Northern Ireland) Order 1989**]**.

F116 1989 NI 11

15 The right of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where—

(a) upon inquiry made of such person, the right is not disclosed; or

(b) the right is a Schedule 6 burden.

[[F117]16 Any covenant (within the meaning of the Property (Northern Ireland) Order 1997) which continues to burden land by virtue of—

(a) Article 35(8) or 35A(7) of that Order; or

(b) section 16(2) of the Ground Rents Act (Northern Ireland) 2001.**]**

F117 2001 c. 5 (NI)

PART II

PROVISIONS AFFECTING SCHEDULE 5 BURDENS

1 Where it is proved to the satisfaction of the Registrar that any land registered or about to be registered is exempt from, or has ceased to be subject to, any burden specified in Part I, he may enter notice of the fact on the**[**[F118] title register**]**.

F118 1992 NI 7

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2 The Registrar shall note on the**[**[F119] title register**]**, in such manner as may be prescribed, the prohibitive or restrictive provisions of any statutory provision to which entry 5 in Part I applies.

F119 1992 NI 7

SCHEDULE 6

Section 39.

REGISTRATION OF CERTAIN BURDENS

PART I

LIST OF BURDENS TO WHICH SECTION 39 APPLIES

1 Any charge on the land created after the first registration of the land.

2 Any rent-charge or perpetual rent (not being a rent-charge or rent which, by virtue of entry 2 or 3 in Part I of Schedule 5, affects registered land without registration) issuing out of the land, whether created before or after the first registration of the land.

3 Any power to charge the land with the payment of money, whether created or arising before or after the first registration of the land.

4 Any trust for securing money on the land created or arising before or after the first registration of the land.

5 Any lien on the land for unpaid purchase money, whether existing before or after the first registration of the land.

6 Any lease of the land where the term granted—

Para.(a) rep. by 1997 NI 8

(b) exceeds twenty-one years, or, in the case of a lease granted before the commencement of this Act, thirty-one years; or

(c) is for twenty-one years or less (or, in the case of a lease granted before the commencement of this Act, thirty-one years or less), but there is not any occupation under the lease;

whether granted before or after the first registration of the land.

7 Any judgment**[**[F120] other than a bankruptcy order**]**, or any enforcement order within the meaning of [[F121] the Judgments Enforcement (Northern Ireland) Order 1981] (other than an order charging land), affecting the land, whether given or made before or after the first registration of the land.

F120 1989 NI 19
F121 1981 NI 6

8 Any pending action relating to the land, whether existing before or after the first registration of the land.

[F122 8A Any bankruptcy petition relating to the land whether existing before or after the first registration of the land.]

F122 1989 NI 19

9 Any charge relating to the land imposed under [F123 Article 46 of the said Order of 1981] (whether before or after the first registration of the land) and adversely affecting any estate in the land of the registered owner thereof.

F123 1981 NI 6

10 Any notice under [F124 Article 48 of the said Order of 1981] relating to a charge imposed under [F124 Article 46 of that Order] in respect of the land and adversely affecting any estate in the land of some person other than the registered owner thereof.

F124 1981 NI 6

11 Any easement or profit *à prendre* affecting the land created by express grant or reservation after the first registration of the land.

12 Any covenant or condition relating to the use or enjoyment of the land, whether created before or after the first registration of the land, not being a covenant or condition referred to in entry 6 in Part I of Schedule 5.

13 Any estate in dower affecting the land arising before the 1st January 1956, whether existing before or after the first registration of the land.

14 Any right referred to in section 47(a) or (b).

[F125 14A Any[F126 matrimonial or civil partnership charge (][F127 within the meaning of the Family Homes and Domestic Violence (Northern Ireland) Order 1998]) on the land, whether created before or after the first registration of the land.]

F125 1984 NI 14
F126 2004 c.33
F127 1998 NI 6

15 Any incumbrance on the land (not being a burden referred to in entries 1 to[F128 14A] and not being a Schedule 5 burden or a statutory charge) existing at the time of first registration.

F128 1984 NI 14

16 Any other matter affecting the land which may be prescribed pursuant to Land Registry Rules.

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PART II

PROVISIONS AFFECTING REGISTRATION OF SCHEDULE 6 BURDENS

REGISTRATION OF BURDENS

1 The ownership of Schedule 6 burdens may, and shall if so required by section 41 or Schedule 2, be registered in accordance with Land Registry Rules.

2 [F129]. . . , a Schedule 6 burden shall be entered as a burden on the**[**[F129] title register**]** on the application of the registered owner of the land or of any other person entitled to or interested in the burden, and, for the purposes of this Part, an application by any person for the first registration of any land shall be treated as if it were also an application by that person as registered owner of that land for the registration of every Schedule 6 burden affecting that land.

F129 1992 NI 7

Paras 3, 4 rep. by 1992 NI 7

NOTE OF INDEMNITY IN RESPECT OF RENT REGISTERED AS A BURDEN

5 Where any rent is entered on**[**[F130] the title register**]** as a Schedule 6 burden and it appears to the Registrar that there is an indemnity by way of covenant or charge in respect of all or any part of such rent, the Registrar may, if he thinks fit, enter a note of such indemnity on that register.

F130 1992 NI 7

REGISTRATION OF PENDING ACTIONS TO LAPSE AFTER FIVE YEARS

6 The registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

[[F131]REGISTRATION OF BANKRUPTCY PETITIONS**]**

F131 1989 NI 19

6A Paragraph 6 shall apply to the registration of a bankruptcy petition as it applies to the registration of a pending action.

Para. 7 rep. by 1992 NI 7

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
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SCHEDULE 7

Section 41(5), (6) and (7).

PROVISIONS RELATING TO CHARGES ON REGISTERED LAND

PART I

GENERAL PROVISIONS

REGISTRATION OF CHARGES

1 **[**[F132](1)**]** Subject to paragraphs 2 and 3, every deed of charge by a registered owner shall be in the prescribed form or in such other form,[F132]. . . , as shall sufficiently charge the land and as shall not be calculated to mislead.

[[F132](2) A document purporting to transfer or demise (whether or not subject to defeasance) a freehold or leasehold estate in registered land by way of mortgage shall so far only as it relates to such land be deemed to be a deed of charge of, respectively, that estate or the estate out of which the leasehold estate is purported to be demised, and shall not operate to vest any freehold or leasehold estate in the registered land in the person in whose favour the document is executed.**]**

F132 1992 NI 7

2 The registered land comprised in a charge created by deed after the commencement of this Act shall be described by reference to the**[**[F133] title register**]** or in any other manner sufficient to enable the Registrar to identify the same.

F133 1992 NI 7

3 A deed of charge shall not refer to any other burden affecting the land which would have priority over the charge unless such burden is—

(a) entered or deemed to be entered on the**[**[F134] title register**]**; or

(b) a Schedule 5 burden.

F134 1992 NI 7

4 When it is expressed in a deed of charge that any person covenants for payment of the principal sum charged, there shall, unless provision to the contrary is contained in the deed of charge, be implied a covenant by that person with the registered owner for the time being of the charge—

(a) to pay the principal sum charged and interest, if any, at the time and rate specified in the deed of charge; and

(b) if the principal sum, or any part thereof, is unpaid at the time so specified, to pay interest half-yearly at the rate so specified on so much of the principal sum as for the time being remains unpaid.

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EFFECT OF REGISTRATION OF OWNERSHIP OF CHARGE

5 (1) On registration of an owner of a charge on registered land for the payment of any principal sum of money, with or without interest, the owner of the charge shall have all the rights and powers of a mortgagee under a mortgage by deed within the meaning of the Conveyancing Acts, including the power to sell the estate which is subject to the charge, and any deed creating such a charge shall be liable to stamp duty as if it were such a mortgage.

(2) The registered owner of a charge may apply to the court for the possession of the registered land, the subject of the charge, or any part of that land, and—

(a) on such application, the court may, subject to sub-paragraph (3), order the possession of the land, or that part thereof, to be delivered to him; and

(b) upon so obtaining possession of the land or, as the case may be, that part thereof, he shall be deemed to be a mortgagee in possession.

(3) The power conferred on the court by sub-paragraph (2) shall not be exercised—

(a) except when payment of the principal sum of money secured by the deed of charge has become due and the court thinks it proper to exercise the power; or

(b) unless the court is satisfied that, although payment of the principal sum has not become due, there are urgent and special reasons for exercising the power.

6 If the registered owner of a charge on land sells the land in pursuance of any of his powers, his transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration of a transfer for valuable consideration by a registered owner.

7 When a purchaser from the registered owner of a charge is registered, under paragraph 6, as owner of the land, the charge and all estates inferior thereto shall, subject to paragraph 8, be discharged.

8 Nothing in paragraph 7 shall operate so as to discharge any entry made or deemed to have been made in any register relating to a right of turbary conferred or defined by regulations under section 4 of the Turbary (Ireland) Act 1891 , or under section 21 of the Irish Land Act 1903 , as extended by section 26 of the Northern Ireland Land Act 1925 (which relate to turbary).

9 On registration of the owner of a charge by way of annuity, the owner of the charge shall have such remedies for recovering and compelling payment of the annuity as are mentioned in section 44 of the Conveyancing Act 1881 , as modified by section 6 of the Conveyancing Act 1911 .

PART II

SPECIAL PROVISIONS RELATING TO CERTAIN CHARGES IN RESPECT OF SETTLED LAND

A registered limited owner of registered land may, in conjunction with all other persons entitled under the settlement (if such owner and all such other persons are of full age and capacity) charge that land with the payment of money in like manner as if such owner and such other persons were registered as full owners of the land.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

PART III

VALIDITY OF CERTAIN CHARGES PURPORTING TO BE REGISTERED AT 28TH JULY 1957

1 (1) Notwithstanding anything to the contrary contained in this Act or in any other statutory provision, a charge purporting to have been registered in the Land Registry at the 28th July 1957 shall, subject to paragraphs 2 and 3, not be void by reason only—

(a) that it was expressed to have been created by way of mortgage; or

(b) that the consent of the Ministry was not obtained to a demise or sub-demise expressed to have been created by any such mortgage;

and the purported registration of the charge, as a charge on registered land, shall not be invalid for either of those reasons.

(2) In this paragraph, "mortgage" includes both a mortgage by demise or sub-demise and a mortgage by conveyance or assignment with a proviso for redemption.

2 Except as provided by paragraph 3, paragraph 1 shall not affect any order or judgment made or given before the 29th July 1957 in legal proceedings begun before the 18th June 1957, or any appeal or other proceedings consequent on any such order or judgment.

3 Paragraph 2—

(a) shall not apply to any order or judgment specified in that paragraph to the extent that any such order or judgment was set aside by any court pursuant to section 2(3) of the Land Registry Charges Act (Northern Ireland) 1957 ; and

(b) shall apply to any further order made by any court pursuant to the said section 2(3).

SCHEDULE 8

Section 56.

SPECIAL PROVISIONS RELATING TO SETTLED LAND AND TO CHARITABLE TRUSTS, ETC.

PART I

SETTLED LAND

1 The Registrar may register in respect of any settled land—

(a) the owner of the particular estate in such land, as limited owner thereof; or

(b) any trustees in whom that land is vested, as full owners thereof.

2 Where a person is registered as limited owner under a settlement, the names of the trustees of the settlement, if any, shall be entered in[F135]. . . the**[**[F135] title register**]**.

F135 1992 NI 7

3 The registration of a person as limited owner of settled land in pursuance of this Act shall not—

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Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

(a) confer on the person so registered, as against any person claiming under the settlement, any greater powers of dealing with the land than those of a tenant for life under the Settled Land Acts;

(b) confer on the assignee, trustee in bankruptcy, devisee or personal representatives of the limited owner any greater estate than he would otherwise have;

(c) take away from any trustee under the settlement any powers of dealing with the land which he would otherwise have.

4 (1) Where a person is, by operation of law or otherwise, assignee of a person registered as limited owner of any land, the name of the assignee shall, on his application, be entered on**[**[F136] the title register**]** with the addition of the word "assignee", or of such other words as may be prescribed.

(2) In default of an entry made pursuant to sub-paragraph (1), the registration of the limited owner shall continue to have effect as if there had been no assignment.

F136 1992 NI 7

5 Where a new trustee of a settlement to which paragraph 2 relates is appointed, the Registrar shall, on application and on production of the prescribed evidence, enter his name accordingly.

6 The provisions of this Act with respect to the registration of limited owners shall not apply in the case of settled land within the meaning of section 63 of the Settled Land Act 1882 unless the settlement confers on the limited owner the powers conferred by the Settled Land Act 1882 on a tenant for life, or an order made under the Settled Land Act 1884 is in force at the time of the application for registration.

7 Where an order referred to in paragraph 6 is made with respect to registered land, it shall be to the effect that the person who is to exercise the powers of a tenant for life of the land in pursuance of that section shall be registered as limited owner of the land subject to such inhibitions, if any, as may be considered expedient, and it shall not be necessary to register the order as a pending action.

8 A person shall not be affected by notice of the trusts of any settlement by reason of any person being registered as limited owner under the settlement or by reason of any reference to the settlement being entered on**[**[F137] the title register**]**.

F137 1992 NI 7

PART II

CHARITABLE AND CERTAIN OTHER TRUSTS

REGISTRATION AS OWNERS OF TRUSTEES APPOINTED PURSUANT TO THE TRUSTEE APPOINTMENT ACTS 1850 AND 1890

1 Where the Registrar decides that any registered land would, had it been unregistered land, have become vested in certain persons as trustees in pursuance of the Trustee Appointment Act 1850 or the Trustee Appointment Act 1890 , he shall register such

trustees as owners of that registered land in the**[**[F138] title register**]** without requiring a document of transfer in accordance with section 34.

F138 1992 NI 7

REGISTRATION AS OWNERS OF PERSONS IN WHOM REGISTERED LAND IS VESTED BY AN ORDER UNDER SECTION 12 OF THE CHARITIES ACT (NORTHERN IRELAND) 1964

2 Where any registered land becomes vested by an order under section 12 of the Charities Act (Northern Ireland) 1964 in any person, the Registrar shall, upon production of a copy of that order, register that person in the**[**[F139] title register**]** as owner of that land.

F139 1992 NI 7

SCHEDULE 9

Section 71(1).

COMPENSATION PAYABLE UNDER THE ACT

RIGHT TO COMPENSATION

1 (1) Subject to paragraphs 2, 3, 4, and 5, compensation shall be payable to any person who has sustained any loss by reason of—

(a) the rectification of**[**[F140] the register**]** pursuant to section 69; or

(b) an error in, or omission from,**[**[F140] the register**][**[F140] whether or**]** not rectified pursuant to section 69; or

[[F140](bb) the loss or destruction by the Land Registry of any document lodged at the Registry for the purpose of inspection, registration or safe keeping, other than a document destroyed in accordance with Land Registry Rules;**]**

(c) an error in a certificate issued as a result of an official search made pursuant to Land Registry Rules; or

(d) a copying error made in a certified copy of, or a certified extract from,**[**[F140] the register**]** or**[**[F140] a**]** document, where the copy or extract is provided in accordance with Land Registry Rules.

[[F140](e) an error in or omission from a filed copy of, or an error in a filed extract from, a document referred to in the title register, where the error or omission was made in preparing the copy or the error was made in preparing the extract.**]**

(2) A person deriving title from a person to whom compensation is payable under sub-paragraph (1) shall be entitled to such compensation in the place of the person from whom he so derived title.

F140 1992 NI 7

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

2 Subject to paragraphs 3, 4 and 5, the owner of any land claiming in good faith under a forged disposition shall, where**[**[F141] the register**]** is rectified, be deemed, for the purposes of paragraph 1(1)(a), to have suffered loss by reason of such rectification.

F141 1992 NI 7

3 Compensation shall not be payable—

[[F142](a) where the claimant has himself or by his agent caused or substantially contributed to the loss by his act or omission; or

(aa) where the claimant himself or by his agent contributed to the loss by his fraudulent act or fraudulent omission; or

(ab) where the claimant derives title (otherwise than under a registered disposition taken by him in good faith and for valuable consideration) from a person to whom sub-paragraph (a) or (aa) applies; or

(ac) where the error or omission which gave rise to the loss was occasioned by an error in or omission from an assent or transfer in the prescribed form on the correctness of which the Registrar is required to rely in pursuance of paragraph 6A of Schedule 4 or Land Registry Rules;**]**

(b) by reason of a purchaser acquiring any interest under a registered disposition from a body corporate referred to in section 58 free from any such incumbrances as are mentioned in that section which are not registered or protected as required by that section.

F142 1992 NI 7

[[F143]3A Where lack of proper care on the part of the claimant or his agent has contributed to the loss, the amount of compensation to which the claimant would have been entitled had he or his agent not so contributed to the loss shall be reduced to such extent as is just having regard to his or his agent's responsibility for the loss.**]**

F143 1992 NI 7

4 (1) Subject to **[**[F144] sub-paragraph (2) and paragraph 4A**]**, a claim for compensation shall not be entertained after the expiration of six years from the time when the right to compensation accrued unless—

(a) on the expiration of that period, the claimant was under any legal disability; and

(b) the claim is made within two years from the termination of the disability.

[[F145](2) For the purposes of sub-paragraph (1), a right to compensation shall be deemed to accrue—

(a) where the right to compensation arises from the rectification of**[**[F146] the register**]** pursuant to section 69 and the claim, or part thereof, is made by virtue of paragraph 5, on the date on which the claimant discovers the error or omission or could with reasonable diligence have discovered it;

(b) in any other case where the right to compensation arises from the rectification of**[**[F146] the register**]** pursuant to section 69, on the date on which the order for rectification is made under that section;

(c) where the right to compensation arises from an error in, or omission from**[**[F146] the register**]** which is not rectified pursuant to section 69, on the date on

which the claimant discovers the error or omission or could with reasonable diligence have discovered it;

[[F146](cc) where the right to compensation arises from the loss or destruction of a document or an error in, or omission from, a filed copy of, or an error in a filed extract from, a document referred to in the title register, on the date on which the claimant discovers the loss, destruction, error or omission or could with reasonable diligence have discovered it.**]**

(d) in regard to an error in a certificate referred to in paragraph 1(1)(c) or in a certified copy or extract referred to in paragraph 1(1)(d) on the date on which the claimant discovers the error or could with reasonable diligence have discovered it.

(3) A person deriving title (otherwise than for valuable consideration and in good faith) from another shall be deemed for the purposes of sub-paragraph (2)(a) (c)**[**[F146], (cc)**]** and (d) to have discovered an**[**[F146] error, omission, loss or destruction**]** on the date on which that other person discoverd or could with reasonable diligence have discovered it.**]**

F144 Words in Sch. 9 para. 4(1) substituted (18.4.2011) by Cross-Border Mediation Regulations (Northern Ireland) 2011 (S.R. 2011/157), **reg. 4(2)** (with reg. 1(2))
F145 1982 NI 7
F146 1992 NI 7

[[F147]4A(1) Sub-paragraph (2) applies where—

(a) there is mediation in relation to a relevant cross border dispute giving rise to a claim for compensation; and

(b) the period of 6 years referred to in paragraph 4(1) ("the limitation period") would, apart from this paragraph, expire—

(i) in the period of 8 weeks after the date on which the mediation ends;

(ii) on the date on which the mediation ends; or

(iii) after the date on which all of the parties to the dispute agree to participate in the mediation but before the date on which the mediation ends.

(2) Where this sub-paragraph applies, the limitation period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.

(3) For the purposes of sub-paragraph (1) and (2), a mediation in relation to a relevant cross-border dispute ends on the date of the first of these to occur—

(a) all of the parties reach an agreement in resolution of the dispute;

(b) all of the parties agree to end the mediation;

(c) a party notifies all of the other parties of that party's withdrawal;

(d) a period of 14 days expires after a request made by one party to another party for confirmation of whether the other party has withdrawn and the other party does not respond in that period; or

(e) a period of 14 days expires after the date on which the mediator's tenure ends (by reason of death, resignation or otherwise) and a replacement mediator has not been appointed in that period.

(4) In this paragraph—

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"the Directive" means Directive 2008/52/EC of the European Parliament and of the Council of 21st May 2008 on certain aspects of mediation in civil and commercial matters;

"mediation" and "mediator" have the meanings given by Article 3 of the Directive; and

"relevant cross-border dispute" means a cross-border dispute within the meaning given by Article 2 of the Directive.**]**

F147 Sch. 9 para. 4A inserted (18.4.2011) by Cross-Border Mediation Regulations (Northern Ireland) 2011 (S.R. 2011/157), **reg 4(3)** (with reg. 1(2))

5 In any case of the rectification, pursuant to section 69, of an error, the costs reasonably incurred by the claimant in obtaining the rectification shall be deemed to be a loss to which this Schedule applies.

QUANTUM OF COMPENSATION

6 When compensation is payable under this Schedule, the amount thereof (excluding costs) shall not exceed—

(a) where**[**[F148] the register**]** is not rectified, the value of the land at the time when the error was made or, as the case may be, the omission happened;

(b) where**[**[F148] the register**]** is rectified, the value (if there had been no rectification) of the land immediately prior to such rectification.

F148 1992 NI 7

7 Except for the purposes of paragraph 6, compensation payable under this Schedule shall include any reasonable costs properly incurred by the claimant in establishing his claim.

SPECIAL PROVISIONS IN RESPECT OF SETTLED LAND

8 Where compensation is paid in respect of settled land, and not in respect of any particular estate, remainder or reversion therein, the compensation shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the Settled Land Acts.

PROCEDURE FOR CLAIMING COMPENSATION

[[F149]9 The Department shall be the respondent to every claim for compensation made under this Schedule; and notice of every such claim shall be served by the claimant on such persons as may be prescribed.**]**

F149 1992 NI 7

10 Where any question arising as to whether a person is entitled to compensation, or as to the amount of compensation, is not settled between that person and the Department, that question shall be referred to and determined by the Lands Tribunal.

11 Before or instead of determining a question referred to it under paragraph 10, the Lands Tribunal may exercise any power which is exercisable by the court under section 69(1) and (3) or paragraph 4 of Schedule 10 (rectification of errors); and an order made in exercise of such a power is an order of a court of competent jurisdiction for the purposes of section 9(1) (Registrar to obey court orders in relation to registered land) and section 9(2) (clarification of orders).

SCHEDULE 10

Section 80.

SPECIAL PROVISIONS RELATING TO CERTAIN VESTING ORDERS AND FIATS UNDER THE LAND PURCHASE ACTS

APPLICATION OF SCHEDULE

1 This Schedule applies to—

(a) any vesting order made in the exercise of powers conferred by section 8 of the Purchase of Land (Ireland) Act 1885 as amended or extended by any other statutory provision; and

(b) any fiat which, if it had been given immediately after the signing of the agreement for purchase to which it relates, would, under any provision of the Land Purchase Acts, have had effect as if it were a vesting order so made;

and, accordingly, references in this Schedule to a vesting order are references to any such vesting order or fiat.

VESTING NOT TO BE INVALIDATED BY DEATH

2 A vesting order shall not be void by reason of the death before the making thereof of the person in whom any land comprised therein is purported to be vested, but shall be effectual to vest, and shall be deemed always to have vested, that land in the personal representatives (when raised) of such person to such uses and upon such trusts as that land would have stood limited had it been vested in such person immediately prior to his death.

3 Any entry shown on**[**[F150] the title register**]** as the first registration of any land shall not be invalid by reason that the person thereby shown to be registered as owner was then dead and, accordingly—

(a) the land shall be deemed to be registered land as from the making of that entry; and

(b) any person who proves to the satisfaction of the Registrar that he is entitled to the land may be registered as owner thereof.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

F150 1992 NI 7

PROCEDURE FOR CORRECTIONS CONSEQUENT UPON ERRORS IN VESTING ORDERS

4 Subject to paragraph 5, where an error is found to have been made in a vesting order, or in any map of land vested by a vesting order, and such error either—

(a) has, on first registration, been incorporated in any entry in**[**[F151] the register**]**; or

(b) has been discovered before first registration has been completed;

the court may, in accordance with and subject to section 69(1) and (3), treat the error as if it were an error occurring in the registration of the ownership of the land and may direct such consequential rectification of**[**[F151] the register**]** as appears to the court to be necessary.

F151 1992 NI 7

5 Notwithstanding anything contained in section 69(2), where the error in a vesting order consists only of a misdescription of the person in whom land was vested by the order, the Registrar may, on the application of the registered owner, or of any person applying to be registered as owner, of the land and upon proof of such misdescription, treat the vesting order as if it had correctly described the person in whom land was vested by the order and may note the correct description of that person on any entry in the**[**[F152] title register**]** relating to any land vested by the vesting order.

F152 1992 NI 7

6 Nothing in paragraphs 4 and 5 shall confer upon any person a right to make any claim**[**[F153] for compensation**]** which he would not have been entitled to make if those paragraphs had not been enacted.

F153 1992 NI 7

SCHEDULE 11

Section 87(1) and (2).

MATTERS WHICH REQUIRE TO BE REGISTERED IN THE STATUTORY CHARGES REGISTER

1 Any charge acquired before, on or after the 2nd April 1951 by a local authority under—

(a) the Towns Improvement (Ireland) Act 1854 or the Acts incorporated therewith; or

(b) the Public Health Acts (Northern Ireland) 1878 to 1967; or

(c) section 31 of the Planning and Housing Act (Northern Ireland) 1931 ; or

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
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[F154(ca) section 68 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011; or]

(d) any other statutory provision, being a charge which takes effect by virtue of that provision; and

any similar charge acquired either before, on or after the 2nd April 1951 by a local authority under any local or private Act.

F154 Sch. 11 para. 1(ca) inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), **ss. 68(8)**, 78 (with s. 71); S.R. 2012/13, art. 2(2), Sch. 2

2 Any prohibition of or restriction on the user or mode of user of land imposed on or after the 2nd April 1951 by a local authority by order, instrument or resolution or enforceable by virtue of any conditions attached to any consent, approval or licence granted by a local authority on or after that date, pursuant to any statutory provision, being a prohibition or restriction binding on successive owners of land and not being a prohibition or restriction operating over the whole of the district of the authority or over the whole of any contributory place thereof.

3 Any regulations made by the Ministry of Agriculture under section 21 of the Irish Land Act 1903 or section 26 of the Northern Ireland Land Act 1925 with respect to rights of turbary or of access over any land for the purposes of turbary.

Para.4 rep. by 1971 c.17 (NI)

Paras.5#7 rep. by 1992 NI 15

8 Any statutory conditions attached by virtue of section 7 of the Housing (No.2) Act (Northern Ireland) 1946 to any house in respect of which a grant has been paid under that Act.

9 Any conditions applied to a cottage by virtue of regulations under section 10 of the Hill Farming Act 1946 .

Para.10 rep. by 1993 NI 15

11 Any improvement notice for the time being in force under Part II of the Agriculture Act (Northern Ireland) 1949 .

Para. 12 rep. by 1972 c.3 (NI)

Para. 13 rep. by 1992 NI 15

Para. 14 rep. by 1971 c.16 (NI)

15 Any wayleave order made under section 14 of the Land Powers (Defence) Act 1958 and any restrictions imposed by section 16(1) of that Act.

16 Any notice under section 1 of the Rights of Light Act (Northern Ireland) 1961 .

Para. 17 rep. by 1992 NI 15

18 Any of the following matters under the Private Streets Act (Northern Ireland) 1964

(a) notices served under section 11;

(b) notices served under section 14(4);

(c) demands served under section 15(1);

(d) charges created under section 15(10);

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(e) undertakings given under section 24(1) and undertakings given under section 24(2);

(f) agreements entered into under section 32.

[[F155]18A Any of the following matters under the Private Streets (Northern Ireland) Order**[**[F156] 1980**]**

[F157](a) notices served under Article 11;

(b) notices served under Article 14(5);

(c) demands served under Article 15(1);

(d) charges created under Article 15(10)

(e) undertakings given under Article 24(1) or (2);

(f) agreements entered into under Article 32.]

F155 1980 NI 12
F156 1992 NI 7
F157 Correct title is Private Streets (Northern Ireland) Order 1980

19 Any agreement or covenant under section 2(1), or any waiver under section 2(3),[F158] [[F159] or an agreement or waiver under section 2A,] of the Amenity Lands Act (Northern Ireland) 1965 .

F158 am. by 1972 NI 17, continued in force by 1991 NI 11
F159 1972 NI 17

20 Any condition attached by virtue of subsection (1) of section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 to any relevant land within the meaning of that section and any notice served on any person in relation to that land under that subsection.

21 Any condition applied to a unit of land under Schedule 3 to the Agriculture Act 1967 .

[[F160]22 Any of the following matters under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995—

(a) an entry in the schedule compiled and maintained under Article 3(1);

(b) a notice served under Article 10(2)(b)**]**

F160 1995 NI 9

Para. 23 rep. by 1992 NI 15

[[F161]24 A grant or agreement referred to in section 55(5) of Civil Aviation Act 1982.**]**

F161 1982 c.16

[[F162]25 Any order under Article 7 or 8 of the Airports (Northern Ireland) Order 1994.**]**

F162 1994 NI 1

[F163 26 Any Part I or Part II conditions, within the meaning of the Housing on Farms Act (Northern Ireland) 1972 , attached to any premises by virtue of that Act.]

F163 1972 c.3 (NI)

[F164 27 Any of the following matters under the Planning (Northern Ireland) Order 1991—

(a) an entry in a list compiled under Article 42;

(b) tree preservation orders;

(c) enforcement notices which take effect in relation to any land;

(d) listed building enforcement notices which take effect in relation to any land;

(e) any conditions imposed on the grant of planning permission—

(i) relating to the occupancy of a dwelling house; or

(ii) requiring that a dwelling house on any land which is under the control of the applicant be demolished or cease to be used as a dwelling house;

(f) notices under Article 82 which take effect in relation to any land;

(g) orders under Article 39;

F165 (gg) **[** planning agreements under Article 40;**]**

(h) any designation under Article 50(1),

and any matter under the Planning (Northern Ireland) Order 1972 corresponding to any matter mentioned above.**]**

F164 1991 NI 11
F165 2003 NI 8

[F166 28 Any of the following matters under the Water and Sewerage Services (Northern Ireland) Order 2006—

(a) a requirement of a private supply notice to which Article 121(5) applies;

(b) a covenant under Article 217(6);

(c) an agreement under Article 225.**]**

F166 Sch. 11 para. 28 substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 9** (with arts. 8(8),121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with transitional, transitory and saving provisions in art. 3, Sch. 2)

[F167 31 Particulars specified in Article 11(4) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 .]

F167 1973 NI 21

[F168 32 Any of the following matters under the Roads (Northern Ireland) Order 1993—

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(a) a notice under Article 49;

(b) a condition imposed under Article 75 on the use of a building;

(c) a condition imposed under Article 76 on the use of any land;

(d) an agreement under Article 117;

(e) a charge under Article 122.**]**

F168 1993 NI 15

Paras. 33, 34 rep. by 1992 NI 15

[[F169]35 An Order under Article 39(2)(a) of the Matrimonial Causes (Northern Ireland) Order 1978 to the extent that by virtue of Article 39(3)(b) of that Order it renders liable to be set aside at the instance of an applicant for financial relief a disposition of any land in Northern Ireland which is specified in the order.]

F169 1978 NI 15

[[F170]36 An occupation order under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 to the extent that by virtue of paragraph 1(b) of Schedule 1 to that Order it renders liable to be set aside at the instance of the applicant for the order a disposition of any land in Northern Ireland which is specified in the order.**]**

F170 1998 NI 6

[[F171]37 Any of the following matters under the Housing (Northern Ireland) Order 1981

(a) any clearance order made under Article 33;

(b) any notice served under Article 35;

[[F172](bb) any closing order made under Article 38 of that Order;**]**

(c) any charge created under Article 42;

(d) any declaration made under Article 47 declaring an area to be a proposed re-development area;

(e) any declaration made under Article 52 declaring an area to be a housing action area, any extension of the duration of a housing action area under Article 53(2) and any amendment of such a declaration under Article 54;

Sub-paras. (f), (g) rep. by 1992 NI 15

(h) the statutory condition attaching by virtue of Article 123 to land held by a registered housing association and to grant-aided land, as, defined in Schedule 9, held by an unregistered housing association.]

F171 1981 NI 3
F172 1992 NI 15

Para. 37A rep. by 1992 NI 15

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

[[F173]38 Any of the following matters under the Access to the Countryside (Northern Ireland) Order 1983—

(a) a public path creation agreement, a public path creation order, a public path extinguishment order, or a public path diversion order;

(b) an access agreement, an access order, or an instrument or order varying or revoking an access agreement or order.**]**

F173 1983 NI 18

[[F174]39 Any agreement, covenant or waiver under Article 8(1), 9,**[**[F175] or 17**]** of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, and any declaration made and confirmed under Article 24 of that Order.**]**

F174 1985 NI 1
F175 2002 NI 7

[[F176]40 Any conditions imposed under Article 4(1) of the Social Need (Northern Ireland) Order 1986 for the repayment of financial assistance under that Order, being conditions which provide that they shall be a statutory charge.**]**

F176 1986 NI 14

[[F177]41 Any of the following matters under the Housing (Northern Ireland) Order 1992—

(a) the statutory condition attached by virtue of Article 13 to land acquired by a registered housing association;

(b) any grant condition registrable by virtue of Articles 57(5), 58(3), 59(3), 60(7) or 61(3);

(c) the statutory condition of participation in a group repair scheme as an assisted participant, registrable under Article 68(3);

(d) any grant condition registrable by virtue of regulations made under Article 73(3);

(e) any notice served under Article 76(1), 79(1), 80(1) or 84(4);

(f) any charge under Article 84(8);

(g) any notice served under paragraph 2 of Schedule 4, any undertaking accepted under paragraph 5 of that Schedule or any closing order made under paragraph 6 of that Schedule.**]**

F177 1992 NI 15

[[F178]42 Any agreement under regulation 13 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and any entry in the register under regulation 10 of those Regulations. **]**

F178 SR 1995/380

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
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[F179[F180]43] Any declaration under Article 46 of the Street Works (Northern Ireland) Order 1995.]

F179 1995 NI 19
F180 2003 NI 2

[F181]43 Any declaration under Article 28(1) of the Environment (Northern Ireland) Order 2002, any management agreement under Article 34 of that Order or any waiver relating thereto and any management notice under Article 35 of that Order.]

F181 2002 NI 7

PROSPECTIVE

[F182[F183]44] Any charge under Article 61 of the Waste and Contaminated Land (Northern Ireland) Order 1997.]

F182 Sch.11 para. 42 added (prosp.) by The Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)), arts. 1(2), 83(1), **Sch. 5 para. 1**
F183 Sch. 11 para. 44: Sch. 11 para. 42 renumbered as Sch. 11 para. 44 (1.10.2003 for certain purposes and otherwise 1.12.2003) by S.I. 2003/412 (N.I. 2), **Sch. 4 para. 1(3)**

[F184]45 Any of the following matters under Part III of the Housing (Northern Ireland) Order 2003—

(a) a grant condition registrable by virtue of Article 76(3), 77(3), 78(3), 79(3), 80(3), 81(3) and 83(2);

(b) a statutory condition of participation in a group repair scheme as an assisted participant registrable under Article 100(2) or 101(3);

(c) a charge under Article 117(5).]

F184 2003 NI 2

[F185]46 An order under paragraph 67(2) of Schedule 15 to the Civil Partnership Act 2004 to the extent that by virtue of paragraph 69(1)(b) of that Schedule it renders liable to be set aside at the instance of an applicant for financial relief a disposition of any land in Northern Ireland which is specified in the order.]

F185 2004 c.33

[F186]47 Any charge created under Article 25(6) of the Private Tenancies (Northern Ireland) Order 2006.]

F186 Sch. 11 para. 47 inserted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, **Sch. 4 para. 1**; S.R. 2006/428, **art. 3(c)**

[F187]48 Any agreement under regulations under Article 29A of the Rates (Northern Ireland) Order 1977.]

F187 Sch. 11 para. 48 added (1.12.2006) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3)(4), **10(2)**; S.R. 2006/464, art. 2(2), **Sch. 2**

[[F188]49 The following matters under the High Hedges Act (Northern Ireland) 2011—

(a) a remedial notice which has effect under that Act;

(b) fees payable under section 4(4) of that Act and expenses recoverable under section 12 of that Act.**]**

F188 Sch. 11 para. 49 added (31.3.2012) by High Hedges Act (Northern Ireland) 2011 (c. 21), **ss. 15**, 20 (with s. 18); S.R. 2012/20, art. 2(2)

[[F189]50 Any notice given under paragraph (4) of Article 220 of the Water and Sewerage Services (Northern Ireland) Order 2006 where that notice relates to—

(a) any power under paragraph (1)(a) of that Article; or

(b) any power under paragraph (1)(c) of that Article where the exercise of that power is requisite for, or incidental to, the purposes of any work falling within paragraph (1)(a) of that Article.**]**

F189 Sch. 11 para. 50 added (25.4.2013) by Water and Sewerage Services (Amendment) Act (Northern Ireland) 2013 (c. 6), **s. 2**

Schedule 12 #Amendments

SCHEDULE 13

Section 96.

TRANSITIONAL AND SAVING PROVISIONS

PART I

TRANSITIONAL PROVISIONS

EFFECT OF PREVIOUS REGISTRATION WITH A QUALIFIED OR POSSESSORY TITLE

1 Where, immediately before the commencement of this Act, the owner of any land was registered with a qualified or a possessory title, such owner shall be deemed to be registered with a qualified or, as the case may be, a possessory title within the meaning of this Act.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

EFFECT OF PREVIOUS REGISTRATION SUBJECT TO NOTE AS TO EQUITIES

2 Where, immediately before the commencement of this Act, the registration of the ownership of a freehold estate was noted as being subject to any rights or equities pursuant to section 29(3) of the Act of 1891, the title to the estate shall be deemed to be a possessory title within the meaning of this Act.

EFFECT OF PREVIOUS REGISTRATION NOT SUBJECT TO NOTE AS TO EQUITIES

3 Where, immediately before the commencement of this Act, the registration of ownership of a freehold estate was not noted as being subject to any rights or equities, the title to the estate shall, subject to paragraph 1, be deemed to be an absolute title within the meaning of this Act.

EFFECT OF PREVIOUS REGISTRATION WITH A NOTE TO THE EFFECT THAT THE TITLE OF LESSOR HAS BEEN EXAMINED AND FOUND TO BE GOOD AND VALID

4 Where, immediately before the commencement of this Act, there was entered, in relation to the registration of the ownership of a leasehold estate, a note to the effect that the title of the lessor had been examined and found to be good and valid, the title shall be deemed to be an absolute title within the meaning of this Act.

EFFECT OF PREVIOUS REGISTRATION WITHOUT A NOTE RELATING TO THE TITLE OF LESSOR

5 Where, immediately before the commencement of this Act, the registration of ownership of a leasehold estate contained no such note as is referred to in paragraph 4, the title shall, subject to paragraph 1, be deemed to be a good leasehold title within the meaning of this Act.

EFFECT OF PREVIOUS REGISTRATION IN THE REGISTER OF PROPRIETORS

6 Where, immediately before the commencement of this Act, registration of the ownership of any land was entered in the register of proprietors maintained under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948, such registration shall, subject to Land Registry Rules, be deemed to have been made in the register of freeholders or in the register of leaseholders, as the circumstances of the case may require.

TRANSFERS OF REGISTRATIONS FROM LOCAL REGISTRIES TO CENTRAL OFFICE

7 Where, immediately before the commencement of this Act, the title to any land was registered in a local office, such registration shall, subject as may be prescribed, be transferred to the central office, and, for the purpose of this paragraph, a duplicate folio of any land so registered maintained in the central office shall be deemed to be the original folio.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

STATUTORY CHARGES UNDER THE ACT OF 1951

8 Every amendment to Schedule 11 to this Act shall, so long as section 2 of the Statutory Charges Register Act (Northern Ireland) 1951 remains unrepealed in part, be deemed to constitute an amendment to that section so far as it is so unrepealed.

CONSTRUCTION OF CERTAIN CROSS-REFERENCES

9 References in any statutory provision to the Act of 1891 shall be construed as references to this Act, and references in any statutory provision to any provision in the Act of 1891 shall be construed as references to the provision as re-enacted (with or without modification) in this Act.

10 References in any statutory provision to a registering authority under the Act of 1891 shall be construed as references to the Registrar within the meaning of this Act.

DISPOSAL OF CERTAIN BOOKS, ETC., RELATING TO RECORD OF TITLE

11 The Ministry may, subject to any rules made under the Public Records Act (Northern Ireland) 1923 , direct that all or any of the books, documents and papers formerly in the possession of the Record of Title Office, or of any person by reason of his employment in or in aid of that Office, and directed by order of the Land Judge pursuant to section 18(4) of the Act of 1891 to be transferred to the Land Registry, be removed to the Public Records Office of Northern Ireland, and any books, documents or papers directed to be so removed shall be dealt with in accordance with the said Act of 1923 and with any rules made thereunder.

PART II

SAVINGS

CONSENT TO ALIENATION, ETC.

1 Nothing in this Act (except the provisions relating to statutory charges) shall affect any statutory provision by which the alienation, assignment, sub-division or sub-letting of any land is prohibited or in any way restricted.

PROVISIONS OF INTERPRETATION ACT (NORTHERN IRELAND) 1954 RELATING TO REPEALS AND SUBSTITUTING PROVISIONS

2 Nothing in this Act shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)*

Schedule 14#Repeals

Status:
Point in time view as at 25/04/2013. This version of this Act contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970.