



Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

PART III

REGISTRATION OF OWNERSHIP

THE REGISTERS

[^{F1}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—
- freehold estates in land;
 - leasehold estates in land;
 - land comprising incorporeal rights held in gross; and
 - 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.]

F1 1992 NI 7

11 Conclusiveness of registers.

- (1) Save as is otherwise provided by or under this Act, [^{F2} 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

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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^{F2} title register].

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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
- ^{F3}(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
- (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.

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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.

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- (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^[F4]; or
 - ^[F4](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^[F4] 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^[F4] 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^[F4] 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^[F4] 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

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those classes^{F4} . . . , the Registrar may, subject to such conditions as may be prescribed, register that person accordingly.

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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) [^{F5}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.

F5 [1992 NI 7](#)

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.

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- (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^{F6} . . . , it appears to the Registrar^{F6} . . . 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.

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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^{F7}; or]
 - ^{F7}(d) a qualified title.]

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- (3) Where the applicant is a personal representative, any registration under this section shall be made—
- (a) by registering in the^[F7] 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^[F7] 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^[F7] 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^[F7] 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^[F7] 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^{F7}. . . , he may, subject to such conditions as may be prescribed, register that person accordingly.

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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

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- (c) [^{F8}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.

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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 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^{F9} . . . , it appears to the Registrar^{F9} . . . 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—
- arising before a specified date; or
 - arising under a specified document; or
 - 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.

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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.
- [^{F10}(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.]

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25 Extension of compulsory registration.

- [^{F11}(1)] The Ministry of Finance (in this Act referred to as “the Ministry”) may, by order made subject to [^{F11} negative] resolution, declare that any [^{F11} local government district], or any part of a [^{F11} 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 [^{F11} three months] after the making of the order.
- [^{F11}(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.]

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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.

[^{F12}(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 [^{F12} title register] has been cancelled pursuant to [^{F12} subsection (1) (i)] and, where necessary, until the superior title has been registered pursuant to [^{F12} 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.

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EXAMINATION OF TITLE

28 Examination of title by Registrar.

Subject to the following provisions, [^{F13} 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—

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- (a) due notice shall be given, where the giving of such notice is prescribed, and^{F13}, where notice is given, an] opportunity shall be afforded to any person desirous of objecting to^{F13} submit] his objections to the Registrar;
- (b) the Registrar shall have jurisdiction to hear and determine any such objection;
- (c) if the Registrar^{F13} . . . 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,^{F13} 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.

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29 Affidavit required before registration.

- (1) Before the completion of the registration of any person as owner of any land^{F14} . . . , the applicant for registration^{F14} 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^{F14} 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.

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30 Production of deeds, etc.

- (1) When an application has been made to the Registrar^{F15} and] the examination of any title to land^{F15} 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^{F15} (and may do so notwithstanding that any such document is subject to a lien)].

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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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 11 para. 53 inserted by [2018 c. 5 Sch. 12 para. 1](#)