



# Land Registration Act (Northern Ireland) 1970

## 1970 CHAPTER 18

### 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<sup>[F1]</sup> 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;<sup>F1</sup> . . .

*Para.(b) rep. by 1992 NI 7*

- <sup>[F2]</sup>(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.

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- (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.]

**F1** 1992 NI 7

**F2** S. 32(3)-(5) added (3.10.2011) by [Land Registration \(Electronic Communications\) Order \(Northern Ireland\) 2011 \(S.R. 2011/158\)](#), [art. 2\(2\)](#)

### [<sup>F3</sup>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.]

**F3** 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 [<sup>F4</sup> 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.

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- (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) [<sup>F4</sup>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.

<b>F4</b> 1992 NI 7
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### 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) [<sup>F5</sup> 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

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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.

**F5** 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<sup>F6</sup> and subject to subsections (2) and (3)], register him as owner of the estate.

- <sup>F6</sup>(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.]

**F6** 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.

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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](#)