



# Land Registration Act (Northern Ireland) 1970

## 1970 CHAPTER 18

### 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.

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**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<sup>F1</sup> 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.

F1 1992 NI 7

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

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

F2 1992 NI 7

## 80 Special provisions relating to certain vesting orders and fiats.

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

## 81 Searches.

- (1) <sup>[F3]</sup>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<sup>[F3]</sup> 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<sup>[F3]</sup> register or relevant document] as relates to the land specified in such application.

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- [<sup>F3</sup>(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 [<sup>F3</sup> the register], for the carrying out of such searches for [<sup>F3</sup> the provision of information by certificate or otherwise regarding] the result of such searches and for matters connected therewith.
- [<sup>F3</sup>(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 [<sup>F3</sup> 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 [<sup>F3</sup> Land Registry] within [<sup>F3</sup> such period as may be prescribed], rank in priority before any other application for registration made in respect of the land within that period.

**F3** 1992 NI 7

## **82 Penalties for fraud.**

- (1) Any person who—
- (a) in the course of any proceedings before the Registrar or the court [<sup>F4</sup> 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 [<sup>F4</sup> 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 [<sup>F5</sup> 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.

**F4** 1992 NI 7

**F5** 1984 NI 3

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### 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<sup>F6</sup> 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.

F6 1992 NI 7

### 84 Fees.

- (1)<sup>F7</sup> 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<sup>F8</sup> to meet so much of the operating expenses of the Land Registry as is attributable to its registration functions].
- <sup>F8</sup>(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 subsection (1), for the payment of that fee.

F7 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6

F8 1992 NI 7

### 85 Rules.

- (1) There shall be established 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 <sup>F9</sup>Court of Judicature], nominated by the Lord Chief Justice, who shall be Chairman of the Committee;

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- (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.

[<sup>F10</sup>(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;
- [<sup>F11</sup>(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 [<sup>F11</sup> 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;
- [<sup>F11</sup>(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 [<sup>F11</sup> 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 [<sup>F11</sup> 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 [<sup>F11</sup> 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 [<sup>F11</sup> 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;
- <sup>F12</sup>(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

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- costs are to be paid and the taxation of such costs by the taxing master of the<sup>[F13]</sup>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<sup>[F14]</sup>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.
  - <sup>[F15]</sup>(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<sup>[F11]</sup> 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<sup>[F11]</sup> 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.]
  - <sup>[F11]</sup>(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.

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| <b>F9</b>  | Words in s. 85(2)(a) substituted (1.10.2009) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(d)</a> |
| <b>F10</b> | S. 85(2A) inserted (3.4.2006) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 19; S.I. 2006/1014, art. 2(a), Sch. 1</a>        |
| <b>F11</b> | 1992 NI 7  |
| <b>F12</b> | 1978 NI 4  |
| <b>F13</b> | Words in s. 85(3)(l) substituted (1.10.2009) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(d)</a> |
| <b>F14</b> | Words in s. 85(3)(m) substituted (1.10.2009) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(d)</a> |
| <b>F15</b> | 1989 NI 19   |

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**[<sup>F16</sup>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.]



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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](#)