



Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

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.

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

- (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^{F1} 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,^{F2} 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,^{F3} 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^{F4} 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.

F1 Applied with modifications by SR 1994/424

F2 Applied with modifications by SR 1994/424

F3 Applied with modifications by SR 1994/424

F4 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

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

- (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;
 - (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.

Modifications etc. (not altering text)

- C1** S. 67(2) applied by S.I. 2005/3181, **art. 141M(3)** (as inserted (11.11.2013) by the [Proceeds of Crime Act 2002 \(External Requests and Orders\) \(Amendment\) Order 2013 \(S.I. 2013/2604\)](#), **art. 3**)
- C2** S. 67(4) applied by S.I. 2005/3181, **art. 141M(3)** (as inserted (11.11.2013) by the [Proceeds of Crime Act 2002 \(External Requests and Orders\) \(Amendment\) Order 2013 \(S.I. 2013/2604\)](#), **art. 3**)

[^{F5}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 [^{F6} 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

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

trustee in bankruptcy, shall be entered on the^{F6} 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 execution 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^{F6}(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.]]

F5 1989 NI 19

F6 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^{F7} title register] such inhibition against such dealings with the land affected by such error as he may think fit for the purpose of^{F7} 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^{F7} the title register] pursuant to this section shall not—
 - (a) affect any registration which is actually pending in the^{F7} Land Registry]; or
 - (b) prevent the completion of any such registration.
- (3) Whenever the Registrar enters an inhibition on^{F7} 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.

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

F7 1992 NI 7

Changes to legislation:

There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970, PART VII.