

*Changes to legislation: Land Registration Act (Northern Ireland) 1970, SCHEDULE 3 is up to date with all changes known to be in force on or before 16 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### 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 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<sup>F1</sup> 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.

**F1** 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;<sup>F2</sup> . . .

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*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.

**F2** 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
  - (b) such notices, if any, as may be prescribed, or as he may require to be given, have been given.

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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](#)