

Status: Point in time view as at 01/01/2006.

Changes to legislation: Land Registration Act (Northern Ireland) 1970, SCHEDULE 6 is up to date with all changes known to be in force on or before 07 August 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)

SCHEDULES

SCHEDULE 6

Section 39.

REGISTRATION OF CERTAIN BURDENS

F1 (prosp. subst. by [2005 c. 4](#))

Non-textual amendments applied to the whole Legislation can be found in the Introduction

PART I

LIST OF BURDENS TO WHICH SECTION 39 APPLIES

- 1 Any charge on the land created after the first registration of the land.
- 2 Any rent-charge or perpetual rent (not being a rent-charge or rent which, by virtue of entry 2 or 3 in Part I of Schedule 5, affects registered land without registration) issuing out of the land, whether created before or after the first registration of the land.
- 3 Any power to charge the land with the payment of money, whether created or arising before or after the first registration of the land.
- 4 Any trust for securing money on the land created or arising before or after the first registration of the land.
- 5 Any lien on the land for unpaid purchase money, whether existing before or after the first registration of the land.
- 6 Any lease of the land where the term granted—
Para.(a) rep. by 1997 NI 8
 - (b) exceeds twenty-one years, or, in the case of a lease granted before the commencement of this Act, thirty-one years; or
 - (c) is for twenty-one years or less (or, in the case of a lease granted before the commencement of this Act, thirty-one years or less), but there is not any occupation under the lease;whether granted before or after the first registration of the land.
- 7 Any judgment^{F1} other than a bankruptcy order], or any enforcement order within the meaning of [^{F2} the Judgments Enforcement (Northern Ireland) Order 1981] (other than an order charging land), affecting the land, whether given or made before or after the first registration of the land.

F1 [1989 NI 19](#)

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F2 1981 NI 6

8 Any pending action relating to the land, whether existing before or after the first registration of the land.

[^{F3}8A Any bankruptcy petition relating to the land whether existing before or after the first registration of the land.]

F3 1989 NI 19

9 Any charge relating to the land imposed under [^{F4} Article 46 of the said Order of 1981] (whether before or after the first registration of the land) and adversely affecting any estate in the land of the registered owner thereof.

F4 1981 NI 6

10 Any notice under [^{F5} Article 48 of the said Order of 1981] relating to a charge imposed under [^{F5} Article 46 of that Order] in respect of the land and adversely affecting any estate in the land of some person other than the registered owner thereof.

F5 1981 NI 6

11 Any easement or profit *à prendre* affecting the land created by express grant or reservation after the first registration of the land.

12 Any covenant or condition relating to the use or enjoyment of the land, whether created before or after the first registration of the land, not being a covenant or condition referred to in entry 6 in Part I of Schedule 5.

13 Any estate in dower affecting the land arising before the 1st January 1956, whether existing before or after the first registration of the land.

14 Any right referred to in section 47(a) or (b).

[^{F6}14A Any [^{F7} matrimonial or civil partnership charge (|^{F8} within the meaning of the Family Homes and Domestic Violence (Northern Ireland) Order 1998)] on the land, whether created before or after the first registration of the land.]

F6 1984 NI 14

F7 2004 c.33

F8 1998 NI 6

15 Any incumbrance on the land (not being a burden referred to in entries 1 to [^{F9} 14A] and not being a Schedule 5 burden or a statutory charge) existing at the time of first registration.

F9 1984 NI 14

16 Any other matter affecting the land which may be prescribed pursuant to Land Registry Rules.

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PART II

PROVISIONS AFFECTING REGISTRATION OF SCHEDULE 6 BURDENS

REGISTRATION OF BURDENS

- 1 The ownership of Schedule 6 burdens may, and shall if so required by section 41 or Schedule 2, be registered in accordance with Land Registry Rules.
- 2 ^{F10} . . . , a Schedule 6 burden shall be entered as a burden on the [^{F10} title register] on the application of the registered owner of the land or of any other person entitled to or interested in the burden, and, for the purposes of this Part, an application by any person for the first registration of any land shall be treated as if it were also an application by that person as registered owner of that land for the registration of every Schedule 6 burden affecting that land.

F10 1992 NI 7

Paras 3, 4 rep. by 1992 NI 7

NOTE OF INDEMNITY IN RESPECT OF RENT REGISTERED AS A BURDEN

- 5 Where any rent is entered on [^{F11} the title register] as a Schedule 6 burden and it appears to the Registrar that there is an indemnity by way of covenant or charge in respect of all or any part of such rent, the Registrar may, if he thinks fit, enter a note of such indemnity on that register.

F11 1992 NI 7

REGISTRATION OF PENDING ACTIONS TO LAPSE AFTER FIVE YEARS

- 6 The registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

[^{F12}REGISTRATION OF BANKRUPTCY PETITIONS]

F12 1989 NI 19

- 6A Paragraph 6 shall apply to the registration of a bankruptcy petition as it applies to the registration of a pending action.

Para. 7 rep. by 1992 NI 7

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