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## STATUTORY INSTRUMENTS

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# 1978 No. 459

## Property (Northern Ireland) Order 1978

### PART II

#### IDENTIFICATION, AND MODIFICATION OR EXTINGUISHMENT, OF CERTAIN IMPEDIMENTS TO THE ENJOYMENT OF LAND

##### **Registration of orders**

**8.** When an order is made under Article 4 declaring the existence of an impediment not created by an instrument, or an order is made under Article 5 or Article 6(2)(a) in relation to an impediment,—

- (a) where any registered land is affected by the order (as being subject to, or entitled to the benefit of, the impediment) a copy of the order shall be transmitted by the applicant, or, where the order is made by a court, by the person in whose favour the order is made, to the Registrar of Titles for registration in the Land Registry (and, without prejudice to Land Registry Rules made under section 79(2)(b) of the Land Registration Act (Northern Ireland) 1970, where the land certificate is not in the possession of the person transmitting the order the Lands Tribunal or, as the case may be, the court may order its production by the person in possession of it to the Registrar of Titles for the purposes of such registration); and the order may be registered in the appropriate register—
  - (i) in any case, in relation to registered land which is subject to the impediment;
  - (ii) where the impediment is modified or extinguished by the order, in relation to registered land which the impediment has been registered as benefiting (that is to say, land to which the impediment belongs or is attached or is appurtenant);
  - (iii) where the impediment is a new impediment added or substituted by the order, in relation to registered land benefited (as mentioned in sub-head (ii)) by the impediment;
- (b) where any unregistered land is so affected by the order—
  - (i) a copy of the order shall be caused by the applicant or the person in whose favour the order was made to be registered in the Registry of Deeds, and
  - (ii) a memorandum of the order shall, if the Lands Tribunal or, as the case may be, the court so directs, be endorsed on such instrument as the Tribunal or the court directs.

**Changes to legislation:**

There are currently no known outstanding effects for the Property (Northern Ireland) Order 1978, Section 8.