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STATUTORY INSTRUMENTS

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**1997 No. 1179**

**The Property (Northern Ireland) Order 1997**

**PART IV**

**PROVISIONS SUPPLEMENTARY TO PARTS II AND III**

**Disputes**

**42.**—(1) Any question arising as to the matters mentioned in paragraph (4) may be referred to the Registrar in accordance with rules.

(2) On a reference under paragraph (1), the Registrar may, after or without holding a hearing (as he sees fit),—

- (a) determine the question; or
- (b) refer the question to the Lands Tribunal for determination by it.

(3) A person aggrieved by a determination of a question by the Registrar under paragraph (2)(a) may appeal to the Lands Tribunal, and on such an appeal, or on a reference under paragraph (2)(b), the Tribunal may determine the question.

(4) The matters referred to in paragraph (1) are—

- (a) the applicability of Article 5 or Article 6 in a particular case;
- (b) the amount of redemption money;
- (c) the adequacy of any security for future instalments of redemption money (Article 9(2)(a));
- (d) the amount of arrears of ground rent or apportioned ground rent (Article 9(2)(b));
- (e) the amount of any costs specified in a counter-notice;
- (f) what abatement is appropriate for the purpose of sub-paragraph (3) of paragraph 3 of Schedule 1 and what instalments and intervals are appropriate for the purposes of sub-paragraph (4) of that paragraph;
- (g) the yearly amount of a ground rent which is subject to a future increase or a periodic review (Schedule 1, paragraph 4 or 5);
- (h) the date on which a fine is to be taken to be payable (as mentioned in paragraph 7(2)(c) of Schedule 2);
- (i) the amount of, and any other matter affecting, the additional rent payable under paragraph 7 of Schedule 2;
- (j) any other difference arising under Part II or Schedule 2 (but not a difference as to a matter which may be subject to proceedings in a court other than the Lands Tribunal).

(5) Where a question arising as to a matter such as is mentioned in paragraph (4)(a) to (g), or in paragraph (4)(j) as arising under Part II, is the subject of a reference or appeal under this Article, the Registrar or, as the case may be, the Lands Tribunal may by order direct that the redemption date (including a date already past) be postponed, or further postponed, to such date as the Registrar or the Tribunal specifies in the order.

(6) On determining a question arising as to a matter such as is mentioned in paragraph (4)(b), (c), (d) or (e), or in paragraph (4)(j) as arising under Part II, the Registrar or, as the case may be, the Lands Tribunal may direct a redemption notice or counter-notice to be corrected by attaching a copy of his or its order, or otherwise as may be directed by him or it.

(7) In determining any question as to the amount of the instalments of the additional rent payable under paragraph 7 of Schedule 2, the Registrar or, as the case may be, the Lands Tribunal may take into account the loss of any right to refuse renewal of a lease which the former lessor (within the meaning of Schedule 2) would have had if this Order had not been made.

(8) Section 2 of the Land Registration Act (power of Registrar to summon witnesses) applies for the purposes of this Order as if the reference in subsection (1) of that section to any matter relating to registration under that Act included any question arising as mentioned in paragraph (1).

(9) Section 85(3)(m) of the Land Registration Act (rules about award of costs by Registrar) applies also to the costs incurred on, or subsequent to, a reference to the Registrar under this Article; an appeal from an award of costs by the Registrar under this Article, or from his refusal to award costs, lies to the Lands Tribunal.

(10) An award of costs by the Registrar is a money judgment for the purposes of Article 4 of the Judgments Enforcement (Northern Ireland) Order 1981.