
STATUTORY INSTRUMENTS

1997 No. 1179

The Property (Northern Ireland) Order 1997

PART II

GROUND RENTS AND CERTAIN OTHER PAYMENTS

The redemption of ground rents

Procedure where all other interests concur: the counter-notice

9.—(1) Where during the period beginning with the service of a redemption notice and ending one week before the redemption date, there is served on the rent-payer a notice (a “counter-notice”) complying with paragraph (3) which—

- (a) requires payment to a specified person of a specified sum as, or as the first instalment of, the redemption money; and
- (b) contains a certificate that, on such payment and on complying with any requirements mentioned in paragraph (2) which are specified, the ground rent will be redeemed,

the rent-payer may obtain the redemption of the ground rent in accordance with Article 16 by paying that sum and by complying with the specified requirements (if any).

(2) The requirements referred to in paragraph (1)(b) are—

- (a) the giving of a prescribed security for the payment of any remaining instalments where the redemption money is so payable;
- (b) the payment of any specified arrears of ground rent due and recoverable at the redemption date and any specified apportionment of ground rent for the period from the last day for payment of ground rent before the redemption date to the redemption date;
- (c) the payment of any specified costs in connection with the redemption.

(3) As well as requiring the payment and containing the certificate referred to in paragraph (1), a counter-notice must—

- (a) purport to be signed by or on behalf of the rent-owner; and
- (b) state either—
 - (i) that the land is subject to no superior rent; or
 - (ii) that every superior owner has agreed to the terms of the counter-notice; and
- (c) state either—
 - (i) that there is no mortgage of the rent-owner’s estate or of any superior owner’s estate; or
 - (ii) that every mortgagee of any such estate has agreed to the terms of the counter-notice.

(4) Failure of a counter-notice to specify any arrears of ground rent, any apportionment of ground rent or any costs in connection with the redemption does not affect the right of the rent-owner to

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

recover them, and, if not specified, they are (without prejudice to any right of set-off or counterclaim) recoverable by him in proceedings in any court of competent jurisdiction, but not otherwise.

(5) For the purposes of this Article, a superior owner or a mortgagee has agreed to the terms of a counter-notice if it complies with the terms of a general authorisation in writing given by him.

(6) In this Article “specified” means specified in a counter-notice.