
STATUTORY INSTRUMENTS

1998 No. 1071

**The Family Homes and Domestic
Violence (Northern Ireland) Order 1998**

Rights to occupy matrimonial home

Registration, etc. of matrimonial charge

- 6.—(1) Where a matrimonial charge is a charge on a legal estate, the charge may be registered—
- (a) if it affects registered land, by its entry as a burden in the title register in the Land Registry, or
 - (b) if it affects unregistered land, in the Registry of Deeds.
- (2) In paragraph (1) “estate” means—
- (a) a freehold estate, or
 - (b) a leasehold estate for a term exceeding 21 years, not being a term for securing money.
- (3) A matrimonial charge shall be void as against a purchaser of an estate affected by the charge, unless the charge is registered before the purchaser—
- (a) enters into a contract to purchase that estate; or
 - (b) takes as security for the payment of a sum of money—
 - (i) the deposit of documents of title in pursuance of section 50 of the Land Registration Act (Northern Ireland) 1970, or
 - (ii) in the case of unregistered land, the deposit of title deeds, in relation to that estate.
- (4) Section 11(1) of the Land Registration Act (Northern Ireland) 1970 (registration to be conclusive evidence of title) shall not apply to a matrimonial charge registered in pursuance of paragraph (1)(a).
- (5) Where a matrimonial charge affects registered land, its registration in the Land Registry and the cancellation, variation, release or renewal of, or the postponement of the priority of, such registration shall be effected in accordance with Land Registry Rules made under section 85(3) of the Land Registration Act (Northern Ireland) 1970.
- (6) Where a matrimonial charge affects unregistered land, its registration in the Registry of Deeds and the cancellation, variation, release or renewal of, or the postponement of the priority of, such registration shall be effected by lodging in that registry such documents as may be prescribed by regulations made under paragraph (7).
- (7) The Department of the Environment may make regulations prescribing—
- (a) the documents to be lodged in the Registry of Deeds for or in connection with the matters mentioned in paragraph (6);
 - (b) the form and content of such documents and the number of copies to be furnished to the registrar; and
 - (c) the manner in which such documents are to be registered.