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SCHEDULE

AMENDMENT OF THE LAND REGISTRATION RULES

FORM 43

**Application for the registration of a matrimonial
or civil partnership charge as a burden**

(rule 92(1))

(Heading as in Form 18)

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. I believe that I am entitled by virtue of Articles 5 and 6 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (hereinafter called “the 1998 Order”) to the registration of a matrimonial or civil partnership charge in my favour affecting the land comprised in the above mentioned folio to the extent of my rights of occupation under the 1998 Order in the dwelling house *(identify the dwelling house which is subject to the rights of occupation, if necessary referring to an ordnance map on which the dwelling house is identified; and refer to any release of part of the dwelling house from the rights of occupation, to the priority conferred on the matrimonial or civil partnership charge by Article 5 of the 1998 Order, to any document postponing its priority and to any order of the court under Article 4 of the 1998 Order in relation to the rights of occupation constituting the charge, and state that a copy of any such release or postponement or a certified copy of any such order accompanies the application)*.
2. I am the (wife) (husband) (civil partner) of C.D. of *(state address and add, if appropriate)* “(the above named Registered Owner)” and I refer to the marriage or civil partnership certificate accompanying this application.
3. The dwelling house is the matrimonial or civil partnership home (or, was the matrimonial or civil partnership home during the period from until).
4. My (husband) (wife) (civil partner) is entitled to occupy the dwelling house by virtue of a beneficial legal estate therein. The title to (his) (her) legal estate is registered in the said folio. *(Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years, not being a term for securing money.”)*

or

My (husband) (wife) (civil partner) is entitled to occupy the said dwelling house by virtue of a beneficial estate therein existing under a trust. Apart from my (husband) (wife) (civil partner) (and me) there is no person living or unborn who is or could become a beneficiary under the said trust (add, if appropriate: “apart from any potential beneficiaries under a general power of appointment exercisable by either or both of us alone.”) The Trustees of the said trust are E.F. of (state address) and G.H. of (state address) (add, if appropriate: “the above named Registered Owners”) who have a legal estate, the title to which is registered in the said folio. (Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years not being a term for securing money.”)

5. Where an order has been made by virtue of Article 5(7) of the 1998 Order, insert the following paragraph: By an order of the (Family Division of the High Court of Justice in Northern Ireland) (Recorder’s Court) (County Court for the Division of) dated the day of 2007 and made by virtue of Article 5(7) of the 1998 Order it was directed that *(give particulars of any direction that the applicant’s rights of occupation should not be brought to an end by the death of the applicant’s spouse or civil partner on the termination of the marriage or civil partnership otherwise than by death and refer to the accompanying certified copy of the order)*.
6. There is no subsisting registration of a matrimonial or civil partnership charge in my favour which affects any other dwelling house.

or

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And I apply for its cancellation pursuant to Article 7 of the 1998 Order.

or

There is a subsisting registration of a matrimonial or civil partnership charge in my favour registered in the Registry of Deeds against the names of and and affecting (*identification of dwelling house*) which registration is to be cancelled pursuant to Article 7 of the 1998 Order.

7. I apply for the registration of a matrimonial or civil partnership charge as a burden affecting the land comprised in the above mentioned folio to the extent of my rights of occupation in the said dwelling house.

(Jurat as in Form 2)

(d) For Form 44 [Rule 92(4)] substitute—