

2011 No. 141

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2011

Made - - - - *22nd March 2011*

Coming into operation in accordance with Article 1

The Department of Finance and Personnel, in exercise of the powers conferred by section 85 of the Land Registration Act (Northern Ireland) 1970^(a) and now vested in it^(b) and of every other power enabling it in that behalf with the advice and assistance of the Land Registry Rules Committee^(c), makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land registration (Amendment) Rules (Northern Ireland) 2011 and shall come into operation on 3 October 2011.

Interpretation

2.—(1) In these Rules—

“the Land Registration Rules” means the Land Registration Rules (Northern Ireland) 1994 (as amended)^(d);

(2) a reference to a rule or form is a reference to a rule or form in the Land Registration Rules.

Amendment of the Land registration Rules

3. The Land Registration Rules are amended in accordance with the Schedule.

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd March 2011

(L.S.)

Arthur Moir
A senior officer of the Department

(a) 1970 c.18 (N.I.) as amended by S.I. 1978/459 (N.I.4), S.I. 1989/2405 (N.I.19), S.I.1992/811 (N.I.7) and 2001 c.5 (N.I.)
(b) By virtue of 1998 c.47 s.95(5) and Sch.12 para. 10(1)(b)
(c) Established by 1970 c.18 (N.I.) s.85(1)
(d) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165, S.R. 2002 No. 229 and S.R. 2007 No. 4.

AMENDMENT OF THE LAND REGISTRATION RULES

1. In Rule 2 (1) (Interpretation)(a)—

(a) after the definition of “appurtenance”, insert—

““authorised user” means a person who has been authorised by the Registrar under Rule 31(5) to use the Land Registry computer system by way of the Land Registry direct access service for registration purposes;”;

(b) after the definition of “authorised user” insert—

““certificate” includes a land certificate and a certificate of charge;”;

(c) after the definition of “office copy”, insert—

““the Land Registry computer system” means the computer system operated by the Registry to enable creation of electronic documents and the electronic generation and communication of applications for first registration or registration of an authorised dealing with registered land;”;

(d) after the definition of “the Land Registry computer system” insert—

““the Land Registry direct access service” means the service provided by or on behalf of the Registrar which allows remote direct access by computer for the purpose of sending and retrieving information in respect of the Register;”;

2. In Rule 11(1) (Presentation of applications for first registration)(b) for subparagraph (c) substitute—

“(c) applications for registration with a possessory title may be made in Form 3 or Form 3A.”

3. In Rule 31 (Presentation and receipt of dealings for registration)—

(a) delete paragraph (2)(c)

(b) after paragraph (2) insert—

“(3) An application for registration may be presented through the Land Registry direct access service in such form as the Registrar may direct.

(4) (a) An application for registration using the Land Registry direct access service may only be made by an authorised user.

(b) An application for registration by an authorised user using the Land Registry direct access service may be made in accordance with paragraph (3) and where any proofs or documents are required in respect of registration the authorised user shall certify that such proofs or documents have been adhered to and are in the possession of the authorised user. The Registrar may in his discretion require production of any such proofs or documents in any particular case.

(5) (a) An application may be made to the Registrar for permission to use the Land Registry direct access service as an authorised user.

(b) On making an application, an applicant shall submit such information as will enable the Registrar to be satisfied that suitable arrangements have been made for the payment of any fees incurred by the applicant.

(c) The Registrar may grant an application upon such terms as he may direct or, where he considers it appropriate to do so, reject an application.

(a) Rule 2(1) was amended by paragraph 1 of the Schedule to S.R. 2000 No.165, S.R. 2002 No.229 and S.R. 2007 No.4.

(b) Rule 11(1) was substituted by paragraph 3 of the Schedule to S.R. 2000 No.165.

(d) Any authorised user of the Land Registry direct access service shall, on being required to do so by the Registrar submit such information as will enable the Registrar to be satisfied that the requirements of paragraph (b) continue to be met.”

4. Delete Rule 32 (Refusal to grant an order for the production, dispensation or issue of a land certificate or certificate of charge).

5. In Rule 66 (Forms of charge) for “Form 28, 29, 30 or 31 as the case may require” substitute “such form as the Registrar may direct or accept”.

6. In Rule 120 (Form of land certificate)(a) after paragraph (2) insert—

“(3) Upon the issue or re-issue of a land certificate on completion of an application for registration using the Land Registry direct access service the Registrar may, unless the registered owner has requested a paper certificate, issue the certificate as an electronic document.

(4) A land certificate issued by the Registrar as an electronic document shall contain all entries subsisting on the folio to which it relates at the date of the issue of the land certificate.”

7. In Rule 121 (Form of Certificate of charge)(b) after paragraph (2) insert—

“(3) Upon the issue or re-issue of a certificate of charge on completion of an application for registration using the Land Registry direct access service the Registrar may unless the registered owner has requested a paper certificate issue the certificate as an electronic document.

(4) A certificate of charge issued by the Registrar as an electronic document shall certify the registration of the charge as a burden in the folio affected and the ownership of the charge.”

8. In Rule 128 (Production of certificates)(c)—

(a) for paragraph (1) substitute—

“(1) Subject to paragraph (2) except in the case of an application under Rule 137(1) a certificate need not be produced to the Registrar in connection with the registration of a dealing with the estate to which the certificate relates.”

(b) for paragraph (2) substitute—

“(2) In any particular case the Registrar may in his discretion require the applicant to produce a certificate relating to the relevant estate.”

9. Delete Rule 134 (Record of outstanding certificates).

10. In Rule 136 (Lodgement of certificate for registration of dealing) delete paragraph (3).

11. In Rule 137 (Deposit of certificate)—

(a) for paragraph (1) substitute—

“(1) Any person with whom a certificate is deposited for the purpose of giving security for the payment of money may apply for the registration of a notice of that deposit by lodging the certificate in the Registry together with an application in Form 73.”

(b) in paragraph (2) delete the final sentence.

12. In Rule 138 (Delivery of certificates) delete the words “, either be treated as lodged in the Registry for the registration of another dealing or”.

13. In Rule 149 (Revision of registry map and verbal description) after paragraph (1) insert—

(a) Rule 120 was amended by paragraph 13 of SR 2000 No. 165.

(b) Rule 121 was amended by paragraph 14 of SR 2000 No. 165.

(c) Rule 128 was amended by paragraph 17 of SR 2000 No. 165.

“(1A) Where it has been brought to the attention of the Registrar that the positional accuracy of any folio boundary has been affected by a revision of Ordnance Survey digital mapping detail, the Registrar may, after making such enquiries and serving such notices (if any) as he considers necessary, arrange for such folio boundary to be reinstated as accurately as possible.”

14. In Rule 209 (Applications for registration) in subparagraph (f) of paragraph (2) delete “and, where the charge is a money charge, the amount of the charge and rate of interest (if any) thereon”.

15. In Schedule 2—

- (a) delete Forms 2 and 3.
- (b) after Form 1 insert—

Form 2

Application by owner for first registration with a qualified title (rule 11(1))

LAND REGISTRY

County

Application of

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

1. The land to which this application relates (“the land”) is the land shown on the attached map and situate at *(or, known as)*

2. My title to the land is as follows-

(set out details in paragraphs in chronological order)

All deeds, wills and other documents to my knowledge affecting the title have been disclosed.

3. I am entitled for my own benefit *(or, as the case may be)* to the fee simple *(or, leasehold estate)* in the land free from encumbrances *(or, subject only to the rents, covenants, mortgages, charges, leases, sub-leases, tenancies, and other encumbrances specified in the Schedule hereto)*.

4. I am, and since _____ have been, in undisputed possession *(or, receipt of the rents and profits)* of the land; no other person is in occupation or has, or claims to have, any title to or interest in the land, save as is hereinbefore indicated, and all material facts have been disclosed.

5. I refer to the attached list of the documents lodged with this application being a list of all documents (including any affidavits, statutory declarations, counsel’s opinions, abstracts of title, agreements for sales, searches, pre-contract enquiries and requisitions on title) which are in my possession or under my control and relate to the title.

6. I request that I be registered as full owner *(or, as limited owner)* of the said freehold estate *(or, as the case may be)* in the land.

7. I request that registration be made with a qualified title.

Signature of deponent

Sworn this day of
20 , at in
the County of
before me a Commissioner for Oaths
*or Notary Public or Justice of the Peace
or Solicitor having the powers conferred
on a Commissioner for Oaths*

Signature

SCHEDULE
(where necessary)

(Set out particulars of all burdens.

Where the land is subject to but indemnified against a rent, the rent should be shown as a burden and details of the indemnity should also be set out.

Where land has been charged with all or part of a rent in indemnification of other land, details of the charge by way of indemnity should be set out.)

Form 3

Application for first registration where title is based on possession (rule 11(1))

LAND REGISTRY

County

Application of

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

1. The land to which this application relates (“the claimed land”) is the land shown outlined in red on the attached map and is situate at *(or, known as)*

2. I have been in sole and exclusive beneficial occupation and possession *(or, in sole receipt of the rents and profits)* of the claimed land since *(insert date)*

3. *(Describe the nature of the claimed land and provide details of its boundaries. Provide photographs to illustrate the nature of the claimed land and the state of its boundaries.)*

4. *(Disclose the names and addresses of the dispossessed owners, their successors or representatives.*

If there has been any open correspondence with the disposed owners or their representatives, provide copies of the correspondence.

If no information is available as to the identity of the dispossessed owners, explain the steps that were taken (such as searches in the Registry of Deeds and valuation lists) to identify them.)

Form 3A

Application by solicitor for first registration where the title is based on possession (rule 11(1))

LAND REGISTRY

County

Application of C.D.

I, A.B. a partner/solicitor in the firm of
of
hereby certify that -

1. I am the solicitor for C.D. (“the Applicant”) of *(state address in the United Kingdom for service of notices)* who claims to be entitled to ownership of the land (“the claimed land”) which is shown outlined in red on the attached map and is situate at *(or, known as)*
2. By a Court Order dated _____, a certified copy of which is attached hereto, the *(insert details of Court)* declared that the Applicant is the owner of the claimed land for an estate in fee simple *(or, as the case may be)*.
3. As a result the Applicant is entitled to be registered as full owner *(or, as the case may be)* of the claimed land with a possessory title free from encumbrances *(or, subject to the burdens set out in paragraph of the Court Order)* and I hereby apply that the Applicant be so registered.

Dated:

Signed:

- (c) delete Forms 28, 29, 30 and 31.
- (d) for Form 73 substitute—

“

Form 73

Notice of deposit of a land certificate or certificate of charge for the purpose of giving security for payment of money (rule 137(1))
(Heading as in Form 18 or, as the case may be, Form 33)

To the Registrar of Titles

1. The land certificate relating to the land (*or, certificate of charge relating to the charge registered in favour of* _____ *on* _____ *20*)
in the above mentioned folio was on _____ *20* deposited by the
above named registered owner (*or, registered owner of charge*) with (*insert name of the depositee and his address in the United Kingdom for service of notices*) to secure
(*insert particulars*).

(or)

The land certificate relating to the land (*or, certificate of charge relating to the charge registered in favour of* _____ *on* _____ *20*)
in the above mentioned folio was on _____ *20* deposited by the
above named registered owner (*or, registered owner of charge*) with (*insert name of solicitors*) as agent for (*insert name of the depositee and his address in the United Kingdom for service of notices*) to secure (*insert particulars*).

2. I am enclosing the said certificate and I request that a notice of deposit be registered under rule 137.

Dated:

(To be signed by the depositee and attested by a witness)

”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These rules make amendments to the Land Registration Rules (Northern Ireland) 1994 in order to facilitate the use of electronic communication and prescribe revised forms for applications for first registration with a qualified title and a possessory title.

The Schedule to the Rules—

- (a) Inserts definitions into Rule 2(1) (Interpretation).
- (b) Substitutes a new subparagraph (c) into Rule 11(1), which relates to applications for first registration.
- (c) Amends Rule 31 to permit applicants for registration to apply to be authorised as users of the Land Registry direct access service and prescribes conditions attaching to the use of that system for electronic applications for registration.
- (d) Deletes Rule 32, which relates to orders for production of certificates.
- (e) Amends Rule 66 in order to simplify applications for registration of money charges.
- (f) Amends Rules 120 and 121 to permit the Registrar to issue electronic land certificates and certificates of charge, unless a registered owner requests a paper certificate, and provides for the form of such certificates.
- (g) Amends Rule 128 to provide that it shall not be necessary for applications for registration, other than in respect of notices of deposit, to be accompanied by a certificate of title and makes a consequential amendment to Rule 138.
- (h) Deletes Rule 134, which relates to the record of replacement certificates.
- (i) Deletes paragraph (3) of Rule 136, which relates to the lodgement of certificates.
- (j) Amends the procedure for the registration of notices of deposit of certificates (Rule 137) and substitutes a new application form (Form 73).
- (k) Amends Rule 138 as a consequence of the amendment of Rule 128.
- (l) Amends Rule 149 to take account of the computerisation of the registry map.
- (m) Amends Rule 209(2)(f) so as to simplify applications for registration of money charges on the Statutory Charges Register.
- (n) Replaces Forms 2 and 3, which relate to applications for first registration, with new Forms 2, 3 and 3A.
- (o) Deletes Forms 28, 29, 30 and 31 which relate to charges.
- (p) Replaces Form 73, which relates to notice of deposit of a land certificate or a certificate of charge for the purpose of giving security for payment of money, with a new Form 73.

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STATUTORY RULES OF NORTHERN IRELAND

2011 No. 141

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