

Changes to legislation: There are currently no known outstanding effects for the
Diplomatic and Consular Premises Act 1987, PART III. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROVISIONS SUPPLEMENTARY TO SECTIONS 2 AND 3

PART III

NORTHERN IRELAND

Interpretation

- 16 In this Part of this Schedule—
- “estate” includes interest;
 - “registered land” means land the title to which is registered under the^{M1}Land Registration Act (Northern Ireland) 1970;
 - “unregistered land” means land the title to which is not registered under the Land Registration Act (Northern Ireland) 1970.

Marginal Citations

M1 1970 c. 18. (N.I.).

General

- 17 (1) Where—
- (a) a tenancy has vested in the Secretary of State under section 2 above; and
 - (b) assignment of the tenancy is absolutely prohibited,
- the prohibition shall be treated, in relation to an assignment on sale under section 3 above, as if it were a provision to the effect that the tenancy may not be assigned without the consent of the landlord and that such consent shall not be unreasonably withheld.
- (2) In this paragraph “tenancy” includes a fee farm grant.
- 18 A deed poll under section 2 above shall have effect to vest in the Secretary of State the benefit of any covenant touching and concerning the land to which the deed relates but not annexed to it if, immediately before the vesting of the estate to which the deed relates, the covenant was enforceable by the person divested of that estate.

Registered land

- 19 (1) If an estate which the Secretary of State proposes to vest in himself under section 2 above is registered land—

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- (a) he shall have a right, in accordance with the prescribed procedure, to inspect and make copies of the whole or any part of any register or document in the custody of the registrar relating to that estate; and
 - (b) he shall be treated for the purposes of the priority search provisions as if he were a person who has entered into a contract to purchase that estate, and any reference in those provisions to purchase shall be construed accordingly.
- (2) If after vesting registered land in himself the Secretary of State lodges the vesting deed at the registry, the registrar—
- (a) shall register him as the owner of the estate specified in the deed poll; and
 - (b) shall issue him a certificate showing the title to the estate.
- (3) The registrar may, if he thinks fit, register the title of the Secretary of State to an estate under sub-paragraph (2) above notwithstanding that the Secretary of State has not produced to him the land certificate relating to the land in which the estate subsists and, where the registrar does so, he shall enter a note to that effect in the register.
- (4) In this paragraph—
- “the priority search provisions” means section 81(3) and (4) of the ^{M2}Land Registration Act (Northern Ireland) 1970 and the provisions of the ^{M3}Land Registration (Northern Ireland) Rules 1977 relating to priority searches and any rules amending or replacing those provisions;
 - “the registrar” means the Registrar of Titles in Northern Ireland;
 - “the registry” means the Land Registry in Northern Ireland;
- and expressions defined in section 94 of the Land Registration Act (Northern Ireland) 1970 have the meanings assigned to them by that section.

Marginal Citations

M2 1970 c. 18. (N.I.).

M3 S.R. (N.I.) 1977 No. 154.

Unregistered land

- 20 A conveyance by the Secretary of State under this Act of unregistered land shall have effect—
- (a) to vest the estate conveyed in the purchaser free from any mortgage to which the sale is not made subject; and
 - (b) to extinguish any other person’s title to the estate conveyed.
- 21 Where, after land has become vested in the Secretary of State under section 2 above, a person retains possession of any document relating to the title of the land, he shall be deemed to have given the Secretary of State an acknowledgement in writing of the Secretary of State’s right to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 19 of the ^{M4}Conveyancing Act 1881 shall have effect accordingly, and on the basis that the acknowledgement and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

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Marginal Citations

M4 1881 c. 41.

- 22 (1) Where by virtue of paragraph 20 above land is discharged from a mortgage, the mortgagee shall be entitled, subject to the following provisions of this paragraph and to the claims of any prior mortgagee, to have the proceeds of sale applied in payment of the sums secured by the mortgage.
- (2) The Secretary of State may, by publishing such notice or notices as he thinks appropriate, require any person who claims to be entitled to a payment under subparagraph (1) above to send particulars of his claim to the Secretary of State within the time, not being less than two months, fixed in the notice or, where more than one notice is published, in the last of them.
- (3) At the end of the time fixed by the notice or, where more than one is published, the last of them, the Secretary of State shall not be liable to any person of whose claim he has not then received particulars.
- (4) If after executing a deed poll under section 2 above with respect to unregistered land, the Secretary of State lodges it at the registry of deeds, the registrar shall register it.

Changes to legislation:

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