



Northern Ireland (Miscellaneous Provisions) Act 1945

1945 CHAPTER 12

9 Provisions as to charges on registered land

- (1) Where a person is registered (whether before or after the passing of this Act) under the Local Registration of Title (Ireland) Act, 1891, as the owner of a charge on land for the payment of any principal sum of money with or without interest, the following provisions shall have effect :—
 - (a) when payment of the principal sum charged has become due, the registered owner of the charge or his personal representative may apply to the Court in a summary manner for possession of the land or any part thereof, and on the application the Court may, if it thinks proper so to do, order possession of the land or that part thereof to be delivered to the applicant, and the applicant, upon obtaining possession of the land or that part thereof, as the case may be, shall be deemed to be a mortgagee in possession ;
 - (b) upon the registration, under subsection (6) of section forty of the said Act, as owner of the land, of the transferee from the registered owner of the charge, the charge and all estates, interests, burdens and entries inferior thereto shall be discharged:

Provided that nothing in paragraph (b) of this subsection shall, operate so as to discharge any entry on the register relating to a right conferred or defined by regulations under section four of the Turbary (Ireland) Act, 1891, or under section twenty-one of the Irish Land Act, 1903, as extended by section twenty-six of the Northern Ireland Land Act, 1925 (which relate to turbary).

- (2) The provisions of this section shall be in addition to, and not in derogation of, the provisions of section forty of the Local Registration of Title (Ireland) Act, 1891.
- (3) This section shall be construed as one with the Local Registration of Title (Ireland) Act, 1891.