

# Land Registration Act (Northern Ireland) 1970

## 1970 CHAPTER 18

### PART II

#### JURISDICTION OF HIGH COURT AND COUNTY COURTS

#### **4 Jurisdiction of the High Court and county courts.**

The High Court and, in relation to matters coming within the jurisdiction of a county court, the county court shall have jurisdiction for the purposes of this Act; and “the court” shall, in this Act, be construed accordingly.

#### **5 Power of court in action for specific performance.**

Where an action is instituted for the specific performance of a contract relating to registered land, the court before which the action is pending may cause all or any parties who have registrable rights in the land, or have entered cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the order of the court in the action shall be binding on those parties or any of them.

#### **6 Appeal and reference to the High Court.**

- (1) Any person aggrieved by any order of the Registrar, or by any decision of the Registrar other than a decision on a matter expressly stated to be in his discretion, may appeal to the High Court, and that Court may annul or confirm, with or without modification, the order or decision.
- (2) Whenever the Registrar entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, he may make an order referring the question to the High Court.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Land Registration Act (Northern Ireland) 1970, PART II is up to date with all changes known to be in force on or before 13 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) Save as is otherwise provided by section 61, the High Court, in any proceeding under this section, shall, if so requested by the Registrar, and may in any case, if necessary, appoint, for the purposes of that proceeding, a guardian or other person to represent any minor, person of unsound mind, person absent from Northern Ireland, unborn person or person as to whom it is not known whether he is dead or alive.
- (4) The High Court may, if it is satisfied that the interests of any person represented as is mentioned in subsection (3) are sufficiently protected by the representation, make an order declaring that he shall be conclusively bound by the decision of the Court and, thereupon, he shall, subject to section 7, be bound accordingly as if he were a party.

## **7 Appeal from the High Court.**

The decision of the High Court under section 6 shall be final and conclusive on all the parties except that an appeal shall lie, in accordance with rules of court, to the Court of Appeal—

- (a) where the decision involves any question of law;
- (b) in any other case, with the leave of the High Court or the Court of Appeal.

## **8 Enforcement by High Court of order of Registrar.**

If any person disobeys an order of the Registrar made in pursuance of this Act or Land Registry Rules, the Registrar may certify the disobedience to the High Court, and, thereupon, the person guilty of the disobedience may, subject to his right of appeal to that Court from such order, be punished by that Court as if the order of the Registrar were the order of that Court.

## **9 Registrar to obey order of court.**

- (1) The Registrar shall obey the order of any court of competent jurisdiction in relation to registered land on being served with the order or an office copy thereof.
- (2) The Registrar may, where he considers it necessary, apply personally and without notice or formality to the court which has made such an order either to vary the same or to give directions as to the mode in which it is to be obeyed, and, thereupon, that court may, after such notice, if any, as it may direct, vary such order in such manner, or make such new order, or give such directions, as it may think fit.

**Status:**

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