



# Land Registration Act (Northern Ireland) 1970

## 1970 CHAPTER 18

### PART X

#### THE STATUTORY CHARGES REGISTER

#### 86 The Statutory Charges Register.

- (1) For the purposes of this Part, there shall continue to be maintained<sup>[F1]</sup> by or on behalf of the Registrar] a register (which shall be called “the Statutory Charges Register”), and the Registrar shall, upon application being made to him in such manner as may be prescribed, register thereon all matters which under this Part or any subsequent statutory provision are required to be so registered.
- (2) The Statutory Charges Register shall be in such form as may be prescribed and shall, for the purpose of enabling a person to trace any entry in that Register, have an index which may be in the form of a map or maps, or in such other form as may be prescribed, and different forms of indices may be prescribed in respect of registered and unregistered land and in respect of land in different areas.
- (3) The Statutory Charges Register shall be<sup>[F1]</sup> available] for public inspection during the hours for which the Land Registry remains open for the transaction of public business and, subject to Land Registry Rules, any person may search therein or in any index thereto kept in pursuance of this Part, and shall be entitled, on making application to the Registrar in such form as may be prescribed, to receive copies of, or extracts from, so much of the Statutory Charges Register as relates to the land specified in such application.
- (4) Land Registry Rules may provide for applications to the Registrar for official searches in the Statutory Charges Register or in any index thereto kept pursuant to this Part, for the carrying out of such searches, for<sup>[F1]</sup> the provision of information by certificate or otherwise regarding] the result of such searches and for matters connected therewith.

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[<sup>F1</sup>(5) Without prejudice to the generality of subsection (4), Land Registry Rules may provide for applications for searches in the register, and the provision of information, by telephone or other automated means.]

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## 87 Matters registrable in the Statutory Charges Register.

- (1) Subject to the provisions of this Part, the matters specified in Schedule 11 (in this Act referred to as “statutory charges” ) affecting unregistered as well as registered land in Northern Ireland shall be registered in the Statutory Charges Register.
- (2) For the purposes of this section, any sum which is recoverable by a local authority (whether in the right of the authority or on behalf of any other person) under any of the statutory provisions mentioned in Schedule 11 from successive owners or occupiers of the property in respect of which the sum is recoverable shall, whether such sum is expressed to be a charge on the property or not, be deemed to be a statutory charge.
- (3) Nothing in this Part shall operate to impose any obligation to register in the Statutory Charges Register any statutory charge, created or arising before, on or after the 23rd January 1951, which is a registered burden.
- (4) Nothing in this Part shall operate to discharge any liability in respect of any statutory charge which is not for the time being required to be registered.

## 88 Provisions as to registration and priority.

- (1) <sup>F2</sup> Notwithstanding anything to the contrary contained in any statutory provision in force on the 1st April 1951, a statutory charge shall be void as against a purchaser of any estate in the land to which the charge relates unless—
  - (a) where the land is registered land, the statutory charge is registered pursuant to this Part before the purchaser is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased; or
  - (b) where the land is unregistered land, the statutory charge is registered pursuant to this Part before the registration in the registry of deeds of the document whereby the estate purchased is assured to the purchaser; or
  - (c) a notice (in this Act referred to as a “priority notice” ) in respect of the statutory charge is registered under section 89 either before the purchaser is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased or (as the case may be) before the registration in the registry of deeds of the document whereby the estate purchased is assured to the purchaser; or
  - (d) the statutory charge is created or arises after the purchaser has entered into an enforceable contract for the purchase and the purchaser has received actual notice of the statutory charge either before he is registered pursuant to any provision of this Act other than this Part as owner of the estate purchased or (as the case may be) before the registration in the registry of deeds of the document whereby the estate purchased is assured to him.
- (2) For the purposes of subsection (1), “purchaser” means any person who has entered into an enforceable contract to acquire for money or money's worth any estate in the

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land to which the statutory charge relates or who, after the creation of the statutory charge, has acquired for money or money's worth any such estate.

- (3) Save as is provided by subsection (1), a statutory charge shall, on registration pursuant to this Part as affecting any land, bind that land to the same extent as such land would have been bound had this Part not been enacted.
- (4) Subject to subsections (3) and (5), where a statutory charge is at any time registered pursuant to this Part in the Statutory Charges Register as affecting any registered land, such statutory charge shall be deemed to have been registered at that time as a Schedule 6 burden in the folio or folios in which the title to the land is registered.
- (5) Where, by virtue of subsection (4), any statutory charge is deemed to have been registered as a Schedule 6 burden in the folio at the same time as any other estate is registered in that folio, such statutory charge and such estate shall, subject to subsection (3), be deemed to be so registered in the order in which they were created.
- (6) Subject to subsections (3) and (7), where a statutory charge is at any time registered pursuant to this Part as affecting any unregistered land, such statutory charge shall be deemed to have been created by a document bearing the date of the creation of the charge and registered in the registry of deeds, pursuant to the Registration of Deeds Acts, at the time of the registration of the statutory charge, as a document affecting the land.
- (7) Where, by virtue of subsection (6), any document is deemed to have been registered in the registry of deeds at the same time as any other document affecting the land is registered there, such documents shall, subject to subsection (3), be deemed to be so registered in order of date.
- (8) Registration in the Statutory Charges Register shall not render a statutory charge valid if it is not otherwise so nor render any land subject to any statutory charge to which, if this Part had not been enacted, the land would not be subject.
- (9) Where—
  - (a) any matter required by section 87, or by any subsequent statutory provision, to be registered in the Statutory Charges Register is, by virtue of subsection (1), void as against any purchaser; and
  - (b) any such matter involves the prohibition of any act or omission which would terminate or restrict or otherwise prejudice any right exercisable by that purchaser in relation to the land of which he is the purchaser;a prosecution arising out of such prohibition shall not lie against that purchaser in respect of any such act or omission.

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## 89 Priority notices.

- (1) Any person intending to make an application for the registration of any contemplated statutory charge pursuant to this Part or to any of the Land Registry Rules may, before the creation of the statutory charge, give to the Registrar a priority notice in such form as may be prescribed, and such priority notice shall be entered in the Statutory Charges Register.

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- (2) Where, within three months after a priority notice has been given as mentioned in subsection (1), an application for registration is made which refers to that priority notice, the registration shall be deemed to have been made when the charge was created, and the provisions of section 88 shall have effect accordingly.

## **90 Use of registers existing on 2nd April 1951.**

Where a statutory charge created or arising before the 2nd April 1951 has been registered in any register or other record kept by a government department or local authority which—

- (a) existed on that date;
- (b) contains accurate particulars of the statutory charge and such description of the land to which the statutory charge relates as will enable such land to be readily identified; and
- (c) is open to public inspection;

it shall be a sufficient compliance with this Part and with any Land Registry Rules if a reference to the register or other record so kept, sufficient to enable the relevant entry therein to be traced, is recorded in the Statutory Charges Register against the land to which the statutory charge relates.

## **91 Cancellation and modification of statutory charges.**

<sup>F3</sup>(1) Where any registered statutory charge has—

- (a) been discharged or become unenforceable; or
- (b) otherwise ceased to affect any land; or
- (c) been declared invalid by any court of competent jurisdiction;

it shall be the duty of the local authority or other person or body on whose application the charge was registered to make application to the Registrar for the cancellation of the registration of the statutory charge.

- (2) On receipt of an application under subsection (1), the Registrar shall cancel the registration of the statutory charge by deleting or removing any entry relating thereto from the Statutory Charges Register and from any index to that Register.
- (3) Without prejudice to subsections (1) and (2), the Registrar may, where he decides (whether on the application of any person interested in any land to which a registered statutory charge relates or otherwise) that the statutory charge—
  - (a) is invalid; or
  - (b) does not affect the land; or
  - (c) has been discharged or become unenforceable; or
  - (d) has otherwise ceased to affect the land;

cancel the registration thereof in the manner specified in subsection (2) after giving at least one week's notice in writing by registered post or by the recorded delivery service to all persons appearing to him to be interested in the statutory charge.

- (4) Where a registered statutory charge for a specified sum has been discharged in part by payment of a portion of that sum, it shall be the duty of the authority or person receiving such payment to notify the Registrar, and the Registrar shall note such part payment in the entry in the Statutory Charges Register relating to the statutory charge.

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- (5) The Registrar may also make such other modifications of any entry in the Statutory Charges Register as he may, from time to time, decide to be necessary.

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## 92 Application of certain other provisions of the Act to statutory charges.

- (1) Land Registry Rules may, in relation to the Statutory Charges Register and the registration of any statutory charge, apply, with such modifications as may be specified therein, any of the following provisions of this Act, namely—
- (a) Part I;
  - (b) sections 8, 62, 63,<sup>[F4]</sup> and 71];
  - (c) Schedules 1 and 9.
- (2) The provisions of sections 6 and 7 shall apply to any decision of the Registrar made under section 91.
- (3) Except as provided by this section, the provisions of this Act, other than of sections<sup>[F4]</sup> 82, 83, 84, 85, 85A and 86 to 99] and of Schedules 12 to 14, shall not apply in relation to the Statutory Charges Register or to the registration of any statutory charge.
- (4) References in this Act, and in any statutory provision amended by this Act, to this Part include references to Schedule 11.

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