

Status: Point in time view as at 18/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970. (See end of Document for details)

SCHEDULES

SCHEDULE 4

TRANSMISSION OF REGISTERED LAND

TRANSMISSION ON DEATH OF A FULL OWNER IN RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT

1 (1) Without prejudice to the rights of the owner of any registered burden, on the death of a registered full owner of any land, not being a joint tenant whose interest ceased at death, the personal representatives of the deceased owner shall alone be recognised by the Registrar as having any right to deal with the estate of the deceased owner in the land, and any dispositions by them shall have the same effect as if they were the registered owners.

^{F1}(2) Where the personal representative, or one of the personal representatives, of the deceased owner is a trust corporation within the meaning of Article 9 of the Administration of Estates (Northern Ireland) Order 1979, any officer authorised for the purpose by the corporation, or by its directors or governing body, may, on behalf of the corporation, swear affidavits and do any act or thing which may be required, by reason of the corporation's appointment as a personal representative, for the purpose of any application, dealing or proceeding under this Act or under Land Registry Rules, and the acts of an officer so authorised shall be binding on the corporation.]

F1 1979 NI 14

2 Nothing in this Act or in any other statutory provision shall require the Registrar to register as owner a person in his capacity as a personal representative.

3 The Registrar may enter on the^{F2} title register] a note of the fact of the death of a registered owner, stating the particulars of representation.

F2 1992 NI 7

4 The production of an assent or transfer in the prescribed form from the personal representatives shall authorise the Registrar to register the person named in such assent or transfer as full owner or limited owner of the land, as the case may be^{F3}, and to register any burdens specified in the assent or transfer and the ownership of such burdens, where so specified].

F3 1992 NI 7

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- 5 On an application to the court under subsection (3) of section 34 of the Administration of Estates Act (Northern Ireland) 1955 in respect of registered land, the court may, notwithstanding anything in that subsection—
- (a) order that the applicant be registered as owner of the land;
 - (b) dispense with notice to the personal representatives when it is satisfied that—
 - (i) at least six years have elapsed since the death of the deceased; and
 - (ii) the personal representatives are dead or out of the jurisdiction.

TRANSMISSION OF ESTATE OF LIMITED OWNER ON DEATH, IN
 RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT, OR OTHERWISE

- 6 ^{F4}(1) ^{F4}Without prejudice to sub-paragraph (2) and paragraph 6A,] on the determination of the estate of a limited owner of registered land, the Registrar shall, on application in such manner as may be prescribed, register as owner the person entitled to be registered as such.

^{F4}(2) Where—

- (a) a person has been registered as limited owner by virtue of paragraph 4; and
- (b) the estate (“the relevant estate”) of that person is determined;

then, the assent or transfer mentioned in paragraph 4 shall, on application in such manner as may be prescribed, authorise the Registrar—

- (i) to register as full or limited owner (as the case may be) the person named in the assent or transfer (or his successor in title) as the person entitled to the land on the determination of the relevant estate; and
- (ii) to register any burdens specified in the assent or transfer and, where the ownership of such burdens is specified in the assent or transfer, the owner so specified or his successor in title.]

F4 [1992 NI 7](#)

^{F5}FUNCTIONS OF REGISTRAR IN RELATION TO ASSENTS
 OR TRANSFERS BY PERSONAL REPRESENTATIVES]

F5 [1992 NI 7](#)

- 6A Where an application for registration is made for the purposes of paragraph 4 or 6(2), the Registrar—
- (a) shall not call for any information as to why the assent or transfer was made;
 - (b) shall assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.

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APPLICATION OF PARAGRAPHS 1 TO^{F6} 6A]

F6 1992 NI 7

7 Paragraphs 1 to^{F7} 6A] shall, in relation to transmissions on death, apply in the case of persons dying after the commencement of this Act.

F7 1992 NI 7

TRANSMISSION OF REGISTERED LAND IN THE CASE OF
PERSONS DYING BEFORE THE COMMENCEMENT OF ACT

8 Subject to paragraph 9, the provisions of the law in force immediately before the commencement of this Act shall apply in the case of persons dying before that date as if this Act had not been passed.

9 Nothing in paragraph 8 shall prevent—

- (a) the replacement (with or without amendment), by Land Registry Rules, of orders and rules under the Act of 1891 relating to the practice and procedure applicable in the case of persons dying before the commencement of this Act; or
- (b) the fixing, by order under section 84, of fees in respect of such practice and procedure.

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