
Changes to legislation: Land Registration Act (Northern Ireland) 1970, SCHEDULE 5 is up to date with all changes known to be in force on or before 03 December 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) View outstanding changes

SCHEDULES

SCHEDULE 5

Section 38.

BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

PART I

LIST OF BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

1 ...^{F1} Crown rents.

F1 1975 c.7

- 2 Quit rents, tithe rent-charges and payments in lieu of tithe or tithe rent-charges created before the commencement of this Act.
- 3 Annuities or rent-charges for the repayment of advances made under any of the Land Purchase Acts on account of purchase money.
- 4 Annuities charged under section 27 of the Landlord and Tenant (Ireland) Act 1870 , where such charge has been created before the commencement of this Act.
- 5 Any statutory provision by which the alienation, assignment, sub-division or sub-letting of any land is prohibited or in any way restricted.
- 6 In the case of a registered leasehold estate, all express and implied covenants, conditions and liabilities incident to the lease under which the estate is held.
- 7 Rights of the public or of any class of the public.
- 8 Customary rights, franchises and liabilities arising from tenure.
- 9 Easements and profits *à prendre*, unless they are created by express grant or reservation after the first registration of the land, not being a grant or reservation required to be registered in the Statutory Charges Register.
- 10 Any rights to or in relation to mines and minerals or petroleum vested in the Ministry of Commerce by virtue of any statutory provision.
- 11 Where a person is registered as owner of any land^{F2}. . . but the registration does not extend to all mineral rights in that land, all such powers of working, wayleaves or rights of way and rights of water and drainage, and other powers, easements, rights and privileges for, or incident to or connected with, mining purposes, as are for the time being subsisting over the land and are not created by express grant or reservation after the first registration of the land.

F2 1992 NI 7

Changes to legislation: *Land Registration Act (Northern Ireland) 1970, SCHEDULE 5 is up to date with all changes known to be in force on or before 03 December 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) View outstanding changes*

- 12 Any lease where the term granted does not exceed twenty-one years (or, in the case of leases granted before the commencement of this Act, thirty-one years) and where there is an occupation under any such lease.
- 13 In the case of any land in respect of which the owner is registered with a title other than an absolute title, all rights excepted from the effect of first registration.
- 14 Subject to the provisions of this Act, all rights acquired, or in the course of being acquired, consequent on^[F3] the Limitation (Northern Ireland) Order 1989].

F3 [1989 NI 11](#)

- 15 The right of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where—
- (a) upon inquiry made of such person, the right is not disclosed; or
 - (b) the right is a Schedule 6 burden.
- [^{F4}16 Any covenant (within the meaning of the Property (Northern Ireland) Order 1997) which continues to burden land by virtue of—
- (a) Article 35(8) or 35A(7) of that Order; or
 - (b) section 16(2) of the Ground Rents Act (Northern Ireland) 2001.]

F4 [2001 c. 5 \(NI\)](#)

PART II

PROVISIONS AFFECTING SCHEDULE 5 BURDENS

- 1 Where it is proved to the satisfaction of the Registrar that any land registered or about to be registered is exempt from, or has ceased to be subject to, any burden specified in Part I, he may enter notice of the fact on the^[F5] title register].

F5 [1992 NI 7](#)

- 2 The Registrar shall note on the^[F6] title register], in such manner as may be prescribed, the prohibitive or restrictive provisions of any statutory provision to which entry 5 in Part I applies.

F6 [1992 NI 7](#)

Changes to legislation:

Land Registration Act (Northern Ireland) 1970, SCHEDULE 5 is up to date with all changes known to be in force on or before 03 December 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 11 para. 53 inserted by [2018 c. 5 Sch. 12 para. 1](#)