

Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

PART IV

DEALINGS WITH REGISTERED LAND

MONEY BURDENS

41 Creation and effect of charges on registered land.

- (1) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise.
- (2) A charge under subsection (1) may be created by deed or by will and, subject to subsection (3), the Registrar shall, on registering such a charge as a burden, register the ownership of that charge in such^[F1] manner] as he may consider proper.
- (3) Where a charge created by will does not expressly charge any registered land with payment to a specified person of a specified sum, with or without interest, or of an annuity, the Registrar shall not, unless the court otherwise directs, be obliged to register the ownership of that charge in^[F1] the title register].
- (4) Any power, howsoever conferred, to borrow or lend money on the security of a mortgage shall be construed as including power to do so on the security of a registered charge.
- (5) Part I of Schedule 7 shall apply in relation to the registration and effect of charges created by registered full owners of land and registered limited owners of land and by persons having the like power to create such charges.
- (6) Part II of Schedule 7 shall apply in relation to the creation and effect of charges by registered limited owners of land acting in conjunction with all other persons entitled under the settlement.

Changes to legislation: Land Registration Act (Northern Ireland) 1970, Section 41 is up to date with all changes known to be in force on or before 11 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) [View outstanding changes](#)

(7) Part III of Schedule 7 shall apply in relation to the validity of certain charges purporting to have been registered in the Land Registry at the 28th July 1957.

F1 1992 NI 7

Changes to legislation:

Land Registration Act (Northern Ireland) 1970, Section 41 is up to date with all changes known to be in force on or before 11 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.

[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](#)