Registration of Deeds Act (Northern Ireland) 1970 [F1]

1970 CHAPTER 25

N.I.

An Act to consolidate certain enactments relating to the registration of documents in the Registry of Deeds. [9th July 1970]

F1 functions transf. by SR 1999/481

Registration

1 Registration of deeds and conveyances. N.I.

(1) Subject to and in accordance with the provisions of this Act and the rules made thereunder, a deed or conveyance affecting land in Northern Ireland may be registered in the Registry of Deeds for Northern Ireland (in this Act referred to as "the registry of deeds").

(2) A deed or conveyance brought to the registry of deeds to be registered shall be produced to the registrar together with a memorial**[**[F2] in the prescribed form and such other documentation as may be prescribed**]**.

Subs.(3) rep. by 1992 NI 7

(4) **[**[F2]Where the registrar is satisfied that the documentation mentioned in subsection (2) has been produced to him**]**, then, subject to the provisions of this Act, the deed or conveyance shall be registered but not otherwise.

(5) When the deed or conveyance is registered,**[**[F2] it shall be endorsed with**]** the serial number allocated to it under section 8 and the date on which that number was so allocated.

(6) **[**[F2]The endorsement of that serial number and date**]** shall be admitted and taken in any court of record as evidence of**[**[F2] the registration of the deed or conveyance on that date with the priority of time provided for in section 4(1)**]**.

F2 1992 NI 7

2 Proof of execution of documents, judgments, etc. N.I.

Subs.(1)#(2) rep. by 1992 NI 7

(3) Without prejudice to any other provision in the Registration of Deeds Acts—

(a) any judgment, decree or order of a court which affects unregistered land may be registered by the lodgment in the registry of deeds of two copies thereof, one of which shall be certified by the court entering or making the same;

(b) the certified copy of such judgment, decree or order shall, for the purposes of this Act, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document;

(c) such registration may be vacated by the lodgment in the registry of deeds of a certificate of the appropriate court stating such matters as may be prescribed.

Subs.(3A) rep. by 1992 NI 7

3 Pending actions relating to land. N.I.

(1) A pending action shall not bind or affect a purchaser of any unregistered land, which is the subject of the pending action, who has not actual knowledge of that action, unless and until the pending action has been registered in the registry of deeds in accordance with the succeeding provisions of this section.

(2) A pending action may be registered by the lodgment in the registry of deeds of two copies of a document, stating such matters as may be prescribed, one of which copies shall be certified by the court before whom the action is pending.

(3) The certified copy of the document referred to in subsection (2) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.

(4) The registration of a pending action may be vacated by the lodgment in the registry of deeds of a certificate of the appropriate court stating such matters as may be prescribed.

[[F3](4A) The registration of a pending action may also be vacated by lodging in the registry of deeds a certificate stating such matters as may be prescribed—

(a) which is signed by—

(i) the person on whose behalf the pending action was registered, or

(ii) a solicitor acting for that person or, if that person is dead, for his personal representatives; and

(b) except where that person is a body corporate, which has its execution attested by two witnesses whose names and addresses and occupations or descriptions are subscribed to the certificate or attested by one witness who is a solicitor

and whose name, address and description as a solicitor are subscribed to the certificate.**]**

(5) A pending action validly registered or re-registered in the judgments registry or in the registry of deeds under any statutory provision (within the meaning of section 1(*f*) of the Interpretation Act (Northern Ireland) 1954) immediately before the coming into force of this section shall be deemed to have been validly registered in accordance with this section with effect from the date on which it was so registered or re-registered, as the case may be.

(6) Without prejudice to subsection (4)**[**[F3] or (4A)**]**, the registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

(7) In this section—

"pending action" means any action or proceeding pending in the [[F4] High Court or the Court of Appeal] or in a county court relating to any unregistered land;

"purchaser" means—

(a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and

(b) the agent, within the meaning of section 4(4), of any such person.

Subs.(8)(9) rep. by 1981 NI 6

F3 1992 NI 7
F4 1978 c.23

[[F5][F5]3A Pending actions relating to bankruptcy. **N.I.**

(1) A bankruptcy petition, whether or not it is known to affect land, may be registered by the lodgment in the registry of deeds of 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the High Court.

(2) The certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy petition under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy petition if the application for registration is made by the High Court.

(5) A bankruptcy petition filed on or after the coming into operation of the Insolvency (Northern Ireland) Order 1989 shall not bind or affect a purchaser of any unregistered land who has acted in good faith without actual knowledge of that petition—

(a) unless it registered under this section; and

(b) before the expiration of 21 days from the date on which it is registered.

(6) In this section and section 3B "purchaser" means—

(a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and

(b) the agent of any such person.**]**

F5 1989 NI 19

3B Bankruptcy orders. N.I.

(1) Without prejudice to section 2(3), a bankruptcy order, whether or not the bankrupt's estate is known to include land, may be registered by the lodgment in the registry of deeds of 2 copies of the order one of which copies shall be certified by the High Court and 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the official receiver.

(2) The certified copy of the bankruptcy order and the certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy of the bankruptcy order and the document referred to in subsection (1) shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of the document to be registered.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy order under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy order if the application is made by the official receiver.

(5) Subject to paragraph (6), the title of a trustee in bankruptcy shall be void as against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the bankruptcy order claiming under a conveyance registered before the expiration of 21 days from the date on which the bankruptcy order is registered under this section.

(6) Where a bankruptcy petition has been registered under section 3A the title of the trustee in bankruptcy shall be void against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the petition claiming under a conveyance registered on or after the expiration of 21 days from the date of registration of the petition, unless at the date of the registration of the conveyance either—

(a) the registration of the petition is in force; or

(b) a bankruptcy order is registered under this section and 21 days have expired from the date on which the order is registered.**]**

F5 1989 NI 19

4 Effect of registration. N.I.

(1) Subject to subsection (3) and**[**[F6] sections 3A(5), 3B(5) and 5**]**, every document which is registered shall be deemed and taken as good and effectual both in law and equity according to the priority of time of registering it and the priority of time of registering a document registered after the 30th April 1968 shall be determined by the serial number

allocated thereto pursuant to section 8 and not by the actual time of registering the document.

(2) Subject to subsection (3) and section 5, a deed or conveyance affecting any land in Northern Ireland which is not registered shall be void against a registered document affecting those lands and against a registered order charging those lands made under [[F7] the Judgments Enforcement (Northern Ireland) Order 1981].

(3) Where a person or the agent of that person has actual knowledge of a prior document, which has not been registered, affecting any unregistered land, registration of a subsequent document which transfers, or confers an estate in, the land to or on that person shall not operate so as to confer priority on, or make the prior document void in relation to, that subsequent document.

(4) In subsection (3), "agent" means a person who is generally authorised to act for his principal in respect of dealings in land or who is specially authorised by his principal to deal in the land the subject matter of the prior document and who in either case obtains knowledge of the prior document in the course of the same transaction with respect to which the question of knowledge arises.

[[F8](4A) Subsection (3) and (4) shall not apply to any document relating to a**[**[F9] matrimonial or civil partnership charge (**][**[F10] within the meaning of the Family Homes and Domestic Violence (Northern Ireland) Order 1998**].]**

F6 1989 NI 19
F7 1981 NI 6
F8 1984 NI 14
F9 2004 c.33
F10 1998 NI 6

5 Application of sections 1 and 4. N.I.

Sections 1 and 4 shall—

(a) not apply to any deed or conveyance executed before 26th March 1708;

(b) in relation to documents affecting land registered or deemed to be registered under the Land Registration Act (Northern Ireland) 1970 , be subject to the provisions of sections 72 and 73 of that Act;

(c) not apply to any lease for years not exceeding twenty-one years where the actual possession goes with the lease.

[[F11]6 Certified copies admissible in evidence. N.I.

In any proceedings before any court—

(a) a copy of a memorial filed in the registry of deeds; or

(b) a copy of a copy of a registered document filed in that registry; or

(c) a copy in legible form of a record kept in non-legible form by or on behalf of the registrar of deeds,

shall, if purporting to be certified by or on behalf of the registrar, be admissible in evidence in like manner as the original memorial, copy document or record.**]**

F11 1992 NI 7

The Registry of Deeds and Proceedings Therein

7 The registry of deeds N.I.

Subs.(1) rep. by 1992 NI 7

(2 [F12] The staff of the registry of deeds shall—

(a) consist of a registrar,**[**[F13] such assistant registrars**]** and such other officers and persons as in the opinion of the Ministry of Finance (in this Act referred to as "the Ministry") are required for the service of the registry;

(b) be appointed by the Ministry;

and their tenure, remuneration and superannuation rights shall, subject to section 8(1) of the Northern Ireland Act 1947 passed by the Parliament of the United Kingdom, be such as the Ministry determines.

(3) The direction, management and superintendence of the registry of deeds shall be the duty of the registrar of deeds.

[[F13](4) Each assistant registrar and other officer and person appointed under subsection (2) shall exercise, in accordance with this Act or any other statutory provision (including regulations under section 19), such of the functions of the registrar as may be assigned to him by the registrar, and shall be responsible to the registrar for the exercise of the functions so assigned.

(5) An assistant registrar nominated by the registrar may, in accordance with any general or specific directions given by the registrar and notwithstanding any vacancy subsequently occurring in the office of registrar, act as registrar and exercise all or any of the functions of the registrar.

(5A) Where the registrar is absent from the registry of deeds or the office of registrar is vacant and no person is acting as registrar under subsection (5) in accordance with a direction that he exercise all the functions of the registrar, the assistant registrar or, if there are more assistant registrars than one, the senior assistant registrar present may act as registrar and exercise all the functions of the registrar.

(5B) All acts done by an assistant registrar under subsection (5) or (5A) shall, without proof of, respectively, the directions or circumstances, have the same effect in all respects as if they had been done by the registrar.**]**

(6) The registry of deeds shall be kept open for the transaction of business during such hours or other periods of time as the Ministry may by order made subject to negative resolution provide.

F12 functions of D/Env exercised with the approval of D/FP, 1982 NI 6
F13 1992 NI 7

[F14]7A Indemnity of registry of deeds' officials. N.I.

The person who is registrar of deeds shall not, nor shall any assistant registrar or other officer or person appointed under section 7(2), be liable to any action, suit or proceedings for or in respect of any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred under the

Registration of Deeds Acts on the registrar of deeds, the registry of deeds, any assistant registrar or any officer or person appointed for the service of the registry.**]**

F14 1992 NI 7

8 Allocation of serial numbers to documents and endorsement thereof on memorials. N.I.

(1) A serial number shall be allocated in the prescribed manner to every document lodged for registration under the Registration of Deeds Acts according to the date and time when such document is so lodged.

(2) The serial number of a document which is rejected for registration shall be cancelled and if that document is subsequently relodged for registration under the Registration of Deeds Acts, it shall have a new serial number allocated to it according to the date and time when that document is so relodged.

(3) Except where a document lodged for registration in the registry of deeds is to be filed in that registry in the same manner as a memorial would be filed, there shall be endorsed on the memorial of every document lodged in the registry of deeds the serial number allocated to that document pursuant to subsection (1) or subsection (2) and the date on which the serial number was so allocated.

9 Filing of memorials and keeping of abstract book. N.I.

(1) All memorials of registered documents shall be kept in the registry of deeds in files or books in such manner as may be prescribed.

(2) There shall be kept in the prescribed manner in the registry of deeds a series of books (to be called "the Abstract Book") in which shall be entered abstracts of all memorials filed in the registry of deeds and every such abstract shall contain such matters as may be prescribed.

10 Index of names. N.I.

There shall be kept in the prescribed manner in the registry of deeds a series of books (to be called "the Index of Names") in which shall be entered in alphabetical order the names of all grantors specified in documents registered under the Registration of Deeds Acts and the names of such other persons, and such other matters, specified in those documents as may be prescribed.

11 Preservation of records. N.I.

(1) Subject to subsection (2), all books used or kept in the registry of deeds containing transcripts of memorials, abstracts of the contents of memorials and indexes to memorials kept in the registry of deeds shall be public property[F15]. . . .

(2) The Ministry may, subject to any rules made under the Public Records Act (Northern Ireland) 1923 , direct that the Index of Lands (which by section 1(1) of the Registry of Deeds (Amendment) Act (Northern Ireland) 1967 was deemed to be closed on 31st December 1944), or any part thereof, be removed to the Public Record Office of Northern Ireland and the Index of Lands, or any part thereof, if directed to be so removed, shall be dealt with in accordance with that Act of 1923 and those rules.

F15 1992 NI 7

12 Paper and writing authorised for registration purposes. N.I.

(1) The Ministry may prescribe the nature (including shape, design, size, colour, quality and other specifications and characteristics) of paper which, by virtue of this subsection, is required to be used—

(a) for the purposes of any provision of the Registration of Deeds Acts; or

(b) in transactions in the registry of deeds generally, not being transactions involving the use of paper of a nature prescribed under paragraph (*a*).

(2) Any provision of the Registration of Deeds Acts requiring the use of vellum or parchment shall be deemed to require the use in lieu thereof—

(a) where regulations under subsection (1)(*a*) prescribe the nature of the paper to be used for the purposes of that provision, paper of that nature; and

(b) in any other case, paper of the nature prescribed under subsection (1)(*b*).

(3) The Ministry shall cause to be made available for inspection at the registry of deeds during normal office hours samples of paper of the nature prescribed under this section and may make arrangements for the supply and sale of any such paper.

(4) Any provision of the Registration of Deeds Acts which authorises or requires any document to be in writing shall operate to authorise or, as the case may be, to require that document to be written, typewritten or printed or engraved or lithographed or photographed or represented or reproduced in any mode by which the words of the document appear in a durable and legible form and references in any provision of those Acts to writing shall be construed accordingly.

(5) Where the registrar of deeds considers that any document tendered in connection with any registration or transaction is not written or printed on paper of the nature prescribed under this section or that the words of the document do not appear in a durable and legible form, he may refuse to accept that document for the purposes for which it is so tendered.

13 Common and negative searches by registry of deeds. N.I.

(1) A requisition may be made to the registry of deeds for a common search or negative search to be made by an officer of that registry of the records and documents therein, and such requisition shall be in such form, contain such particulars and be signed by such person as may be prescribed.

(2) All requisitions under subsection (1) shall be kept**[**[F16], or recorded and the record kept,**]** in the registry of deeds in the prescribed manner**[**[F16] for the prescribed period**]**.

(3) Every common search and every negative search required by a requisition under subsection (1) shall be carried out in the manner and subject to the conditions prescribed for such a search.

(4) A statement or, in the case of a negative search, a certificate, in the prescribed form, containing the prescribed particulars[F16]. . . , shall, on the completion of every search carried out by the registry of deeds pursuant to a requisition under subsection (1), be issued to the person making the requisition.

(5) A certificate under subsection (4) shall include a copy of the requisition pursuant to which the negative search was carried out.

(6) For the purposes of any action brought by virtue of section 17, any error in or omission from any certificate under subsection (4) shall, according to the contents thereof, be evidence of a breach of duty imposed under the Registration of Deeds Acts[F16]. . . , both in respect of the execution of the search and of the extent and nature of the requisition.

F16 1992 NI 7

S.14 rep. by 1992 NI 7

15 Inspection, search and examination of records and documents. N.I.

Any person may, during such hours, in such manner and subject to such conditions as may be prescribed, inspect, search, examine and make extracts from, or take short notes of, such records and documents in the registry of deeds as may be prescribed.

16 Fees. N.I.

(1) The Ministry may, by order, make provision for—

(a) the fees to be taken in respect of documents lodged for registration in the registry of deeds and of entries, searches, examinations, inspections, certificates and copies made and other matters done in that registry under the Registration of Deeds Acts;

(b) the manner in which such fees shall be paid; and

(c) the persons who shall be exempted from paying such fees.

Subs.(2) rep. by 1992 NI 7

(3) All orders under subsection (1) shall be subject to affirmative resolution.

(4) Nothing in the Registration of Deeds Acts shall make it obligatory for any act to be done in the registry of deeds or for that registry to permit any act to be done in that registry, in respect of which a fee is payable, except on payment of such fee.

General

17 Remedy for breach of statutory duty by registry officials. N.I.

(1) Any person who suffers loss by reason of the breach of any duty imposed under the Registration of Deeds Acts upon an officer or servant of the Ministry may, by action—

(a) where the amount claimed does not exceed**[**[F17] £10,000**]**, in the county court; or

(b) where the amount claimed exceeds**[**[F17] £10,000**]**, in the High Court;

recover damages from the Ministry for the loss so suffered.

(2) Damages recovered from the Ministry under subsection (1) shall be defrayed out of moneys provided by Parliament.

F17 SR 1992/372

18 Procuring registration of false document. N.I.

Any person who procures or attempts to procure the registration under the Registration of Deeds Acts of any document—

(a) knowing the same to be false in any material particular; or

(b) knowing any signature thereon to be false;

shall be guilty of an offence and shall be liable—

(i) on summary conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding**[**[F18] level 4 on the standard scale**]**, or to both; and

(ii) on conviction on indictment, to imprisonment for a term not exceeding three years or to**[**[F18] an unlimited fine**]**, or to both.

F18 1984 NI 3

19 Regulations. N.I.

(1) The Ministry may make regulations prescribing anything that under this Act is to be, or may be, prescribed**[**[F19] and providing for anything for which provision is permitted or required by the Registration of Deeds Acts to be made by regulations**]**.

(2) All regulations under subsection (1) shall be subject to negative resolution.

[[F20](3) The power [F21]. . . to make rules under Article 359 of the Insolvency (Northern Ireland) Order 1989 shall include power to make rules as respects the registration and re# registration of a bankruptcy petition under section 3A and a bankruptcy order under section 3B, as if the registration and re#registration were required by that Order of 1989.

(4) [F22]. . . . . .**]**

F19 1992 NI 7
F20 1989 NI 19
F21 Words in s. 19(3) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 110(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
F22 S. 19(4) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 110(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

20 Interpretation. N.I.

(1) In this Act—

[[F23]"bankruptcy order" means an order adjudging an individual bankrupt;

"bankruptcy petition" means a petition to the High Court for a bankruptcy order;**]**

"document" includes a deed or conveyance, and any other document whether or not under seal, which may be registered in the registry of deeds under the Registration of Deeds Acts;

[[F24]"insolvency administration" means the administration in bankruptcy of the insolvent estate of a deceased person;

"insolvency administration order" means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

"insolvency administration petition" means a petition for an insolvency administration order;

"the Judgments Enforcement Order" means the Judgments Enforcement (Northern Ireland) Order 1981;

"the Land Registration Act" means the Land Registration Act (Northern Ireland) 1970;**]**

"the Ministry" means the Ministry of Finance;

[[F24]"the Order" means the Insolvency (Northern Ireland) Order 1989;**]**

"prescribed" means prescribed by regulations made by the Ministry;

"registered", in relation to any document, means registered under the Registration of Deeds Acts.

[[F24]"the Rules" means the Insolvency Rules (Northern Ireland) 1991;**]**

(2) Any reference in any provision in the Registration of Deeds Acts to registering a memorial shall be construed as a reference to registering the document of which it is a memorial.

(3) References in any enactment to a document a memorial of which is registered in the registry of deeds shall be construed as including a reference to a document registered in the registry of deeds.

F23 1989 NI 19
F24 SR 1991/365

21 Repeals, amendments and transitional provisions. N.I.

Subs.(1), with Schedule 2, effects repeals; subs.(2) amends s.46 of 1954 c.33 (NI)

(3) Nothing in this Act shall affect the registration or priority of any document—

(a) lodged for registration before the coming into operation of this Act;

(b) registered, or a memorial of which was registered, under the Registration of Deeds Acts in accordance with the law in force at the time of such registration;

(c) deemed by any enactment repealed by this Act to have been validly registered under the Registration of Deeds Acts.

(4) It shall continue not to be necessary to transcribe any memorials entered or registered in the registry of deeds and references in the Registration of Deeds Acts and in orders made thereunder to transcripts of memorials shall be construed as references to transcripts of memorials entered or registered before the 1st January 1958 (the date from which it became unnecessary to transcribe memorials).

[[F25]21A The Crown. N.I.

This Act binds the Crown.**]**

F25 1992 NI 7

22 Short title and commencement. N.I.

(1) This Act may be cited as the Registration of Deeds Act (Northern Ireland) 1970.

(2) This section shall come into operation on the passing of this Act and the other provisions of this Act other than section 3 shall come into operation on such day or days as the Minister of Finance may, by order, appoint.

N.I.

Schedule 1 rep. by 1992 NI 7

N.I.

Schedule 2—Repeals

Changes to legislation:
There are currently no known outstanding effects for the Registration of Deeds Act (Northern Ireland) 1970.