



# Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971

## 1971 CHAPTER 7

### 5<sup>F1</sup> Provisions in relation to parties to conveyance of fee simple.

- (1) Where a person who is required by this Act to convey or join in the conveyance of the fee simple in land is, by reason of having a fiduciary capacity or a limited estate or by reason of restrictive covenants in the lease under which he holds, incapable in law of conveying or joining in, (as the case may be) the conveyance of the fee simple, the Lands Tribunal may, on the application of any person concerned, empower the person so required to convey or join in conveying (as the case may be) the fee simple.
- (2) Where a person who is required by this Act to convey or join in conveying the fee simple in land is a minor or is unknown or unascertained or refuses or fails to execute such conveyance, the Lands Tribunal may, on the application of any person concerned, appoint an officer of the Tribunal to execute such conveyance for and in the name of the person so required and thereupon the execution of such conveyance by such officer for and in the name of such person shall for all purposes be as effectual as the execution thereof by such person and as if, where such person is under any disability, he were not under that disability.
- (3) Where any person who is required by this Act to convey or join in conveying the fee simple in land is unknown or unascertained, the Lands Tribunal may, on the application of the person entitled under this Act to acquire the fee simple, appoint any person who is receiving the rent in respect of the interest in the land of the person so entitled, or such other person as the Tribunal may think fit to appoint, to represent such unknown or unascertained person in all proceedings in connection with the conveyance of the fee simple in the land, and may, at the same time or subsequently, appoint an officer of the Tribunal to execute such conveyance for and on behalf of the person so required and unknown or unascertained and thereupon the execution of such conveyance by such officer for and on behalf of such person shall for all purposes be as effectual as the execution thereof by such unknown or unascertained person.
- [<sup>F2</sup>(4) Without prejudice to the powers of a person appointed attorney under an enduring power of attorney which has taken effect, where a person who is required by this Act to convey or join in conveying the fee simple in the land is incapable, by reason of

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**Changes to legislation:** There are currently no known outstanding effects for the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971, Section 5. (See end of Document for details)

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mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, of managing and administering his property and affairs, his controller or (if no controller is acting for him) any person authorised in that behalf under an order of the High Court may represent him for all or any of the purposes of this Act.]

- (5) Where under subsection (2) or (3) the Lands Tribunal appoints a person to execute, or join in the execution of, a conveyance of the fee simple in land for and in the name of or for and on behalf of any person, the Tribunal may order that the purchase money payable to that person in consideration of the conveyance of his estate in the land be paid into the<sup>F3</sup>Court of Judicature] before the execution of the conveyance and, upon such payment, any estate, right or interest in or claim against the land of that person existing at the time of such payment shall be transferred and shall attach to the money and the Court may make such order, or give such direction, for the disbursement and distribution of the money (including money remaining unclaimed) and any interest or dividends thereon, as it may deem proper.
- (6) Where a person upon whom a notice under section 2 in relation to land is required to be served cannot be found or ascertained, the person shall be deemed, for the purposes of this section, to be a person who is required by this Act to convey or join in conveying the fee simple in the land.
- (7) A power conferred on the Lands Tribunal by this section or by section 11 shall be exercised in relation to a minor who is a ward of court only by leave of [<sup>F4</sup> the High Court], and for the purpose of obtaining such leave the Tribunal shall furnish to [<sup>F4</sup> the High Court] all such information which the Tribunal considers to be relevant and such further information as [<sup>F4</sup> the High Court] may require.

**F1** functions transf. 1982 NI 6

**F2** 1997 NI 8

**F3** Words in s. 5(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, [art. 2\(d\)](#)

**F4** 1978 c.23

**Changes to legislation:**

There are currently no known outstanding effects for the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971, Section 5 .