2001 CHAPTER 5

Interpretation

General interpretation

27.—(1) In this Act—

"the Act of 1971" means the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7);

"application date", in relation to a ground rent, means the date on which the rent-payer complies with section 4(1) and (2);

"building lease" means a lease of land made for the purposes of having buildings erected thereon (and a lease is deemed to be made for those purposes if, at the time when it is made, planning permission has been applied for, or is in force, for those purposes);

"business purposes" means purposes other than the purposes of a private dwelling; and, for the purposes of this Act, land is used for business purposes if it is not a dwelling-house;

"certificate of redemption" has the meaning given in section 7(2);

"costs", in any connection, means reasonable costs properly incurred in that connection;

"covenant" (except where that expression last occurs in section 16(5)) includes a promise in writing which is not a deed, an agreement to make a covenant, a proviso, a declaration and a condition and, so far as it makes a provision that could have been framed as a covenant, a limitation;

"dwelling-house" has the meaning given in section 29;

"equity-sharing lease" means a lease of land the general effect of which is to provide—

(a) that, in consideration for the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and

(b) that the lessee may make additional part payments towards the cost of acquisition of the premises demised and may exercise an option to purchase the whole or part of the lessor's reversion in those premises;

"fee farm grant" means a grant of a fee simple reserving or charging a perpetual rent (whether or not the relation of landlord and tenant subsists between the person entitled to receive the rent and the person liable to pay it) and includes a sub-fee farm grant;

"fee farm rent" means the rent payable under a fee farm grant;

"fee simple" means a legal fee simple absolute in possession;

"ground rent" has the meaning given in section 28;

"land", in relation to a rent-payer, means land held by him subject to a ground rent; and, in relation to a ground rent or a superior rent, "the land" means the land subject to the ground rent or superior rent or, in relation to a redeemed ground rent or superior rent, means the land formerly subject to it;

"the Land Registration Act" means the Land Registration Act (Northern Ireland) 1970 (c. 18);

"lease" includes a sub-lease;

"leasehold estate" means a legal estate for a term of years absolute;

"lessor" and "lessee" include the successors in title to, respectively, the original lessor and the original lessee;

"mortgage" includes a charge, and "mortgagor" and "mortgagee" include respectively a person who is entitled to land which is subject to a charge and the person in whose favour a charge is created, and the successorsin title to, respectively, the original mortgagor and the original mortgagee;

"the National Trust" means the National Trust for Places of Historic Interest or Natural Beauty;

"modify" includes making additions, omissions, amendments, extensions, restrictions and substitutions; and "modifications" is to be construed accordingly;

"obligation" includes an obligation under any agreement, whether enforceable at law or not;

"prescribed" means prescribed by rules;

"redemption", in relation to a ground rent, means the discharge of land from the ground rent as mentioned in section 7(4); and "redeem" is to be construed accordingly; and those expressions, in relation to a superior rent, have corresponding meanings;

"redemption money", in relation to a ground rent, is the redemption money appropriate to that ground rent determined as mentioned in section 5(1);

"registered", in relation to an estate, means registered under the Land Registration Act;

"rentcharge" means any annual or periodic sum charged on or issuing out of land, except—

(a) a fee farm rent;

(b) rent reserved by a lease (including an oral lease or an implied lease);

(c) interest;

"rent-owner" means, without prejudice to section 18, the person to whom a ground rent is, or before redemption of the ground rent was, payable by virtue of his being entitled to the next superior estate to the rent-payer's in the land, or, where the ground rent is or was a fee farm rent, the person who is or was entitled to receive it from the rent-payer;

"rent-payer" means, without prejudice to section 18, a person entitled to an estate in land by virtue of which he is liable, or would have become liable but for section 2, to pay a ground rent, and "the rent-payer", in relation to any ground rent or any land, means the person who is, or before redemption of the ground rent was, or would but for section 2 have become, liable to pay that ground rent or a ground rent to which that land is or was subject;

"rules" means Land Registry Rules made in pursuance of section 26(2) to (5);

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

"successor in title" includes a personal representative, that is to say, the executor (including an executor by representation) or administrator of the estate of a deceased person, and also includes such a successor at any remove;

"superior owner" means a rent-owner who is, or before redemption of a ground rent was, entitled to a superior rent;

"superior rent", in relation to a ground rent which is to be or has been redeemed, means a ground rent which is, or before redemption of the first-mentioned ground rent was, payable to a person entitled to an estate in land superior to that of the rent-owner of the first-mentioned ground rent, or, where the second-mentioned ground rent is or was a fee farm rent, was created before the first-mentioned ground rent.

(2) Without prejudice to section 17, references in this Act to a rent-owner, a rent-payer or a superior owner include references to their respective successors in title.

(3) For the purposes of this Act a lease which is, by virtue of Article 37 of, and Schedule 3 to, the Property (Northern Ireland) Order 1997 (NI 8) to be construed as a lease for a term of any period is deemed to have been originally granted for

a term of that period and the fact (if it is the case) that the lease is determinable after any event is to be ignored.

(4) Expressions used in this Act which are defined in the Land Registration Act, but not in this Act, have the same meaning in this Act as in that Act.

Interpretation: "ground rent"

28.—(1) In this Act "ground rent" means—

(a) a fee farm rent; or

(b) the rent payable under a lease granted for a term of more than 50 years,

other than a nominal rent.

(2) In subsection (1) "nominal rent" means—

(a) a rent of a yearly amount of less than £1; or

(b) a peppercorn or other rent having no money value.

(3) For the purposes of this Act where a ground rent is payable if demanded (however expressed), it shall be treated as payable even though there is no demand.

(4) Where the amount of a ground rent is subject to alteration in consequence of a breach of covenant (whether it is to be increased from a lower amount to a higher amount in the event of a breach or is subject to reduction from a higher amount to a lower amount so long as there is no breach), for the purposes of this Act the amount of the ground rent is the lower amount.

Interpretation: "dwelling-house"

29.—(1) In this Act "dwelling-house" means land used wholly for the purposes of a private dwelling (and, for the purposes of this Act, land is so used if it comprises or includes a building constructed or adapted for those purposes and (subject to subsection (2)) is not used for any other purpose).

(2) For the purposes of this Act land is not to be treated as used otherwise than wholly for the purposes of a private dwelling by reason only of one or more than one of the following circumstances—

(a) that one or more than one room on the land suitable for being used for letting singly for residential purposes is so let, whether by way of a tenancy or of a licence and whether with or without board or other services or facilities (so long as all, or substantially all, such rooms are not so let);

(b) that the land includes a garage, outhouse, garden, yard, court, forecourt or other appurtenance which is not used, or not used wholly, for the purposes of a private dwelling;

(c) that part of the land, not being a garage, outhouse, garden, yard, court, forecourt or other appurtenance, is used partly for the purposes of a private

dwelling and partly for other purposes, unless that part was constructed, or has been adapted, for those other purposes;

(d) that a person who resides on the land, or part of it, is required or permitted to reside there in consequence of his employment or of holding an office.

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the Ground Rents Act (Northern Ireland) 2001, Cross Heading: Interpretation.