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STATUTORY INSTRUMENTS

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1983 No. 766 (N.I. 9)

NORTHERN IRELAND

**The Property (Discharge of Mortgage by Receipt)  
(Northern Ireland) Order 1983**

*Laid before Parliament in draft*

*Made* 18th May 1983

*Coming into Operation* 19th July 1983

At the Court at Buckingham Palace, the 18th day of May 1983

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title and commencement*

1.—(1) This Order may be cited as the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983.

(2) This Order shall come into operation on the expiration of the period of two months from the day on which it is made.

*Interpretation*

2. The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

*Discharge of mortgage by endorsed or annexed receipt*

3.—(1) Where a receipt—

(a) is endorsed on, written at the foot of or annexed to, a mortgage, for all money thereby secured, and

(b) is executed by the mortgagee,

the receipt operates—

(i) as a discharge of the mortgaged property from all principal money and interest secured by, and from all claims under, the mortgage;

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(a) 1974 c. 28. (b) 1954 c. 33 (N.I.).

- (ii) as a termination of the mortgage and of all the mortgagee's estate in the mortgaged property; and
- (iii) to vest in the mortgagor the estate of the mortgagee in the mortgaged property.

(2) This Article does not affect the right of any person to require a reconveyance, re-assignment, surrender, release or transfer to be executed in lieu of a receipt.

(3) A receipt discharging a mortgage shall be given in the form set out in the Schedule, with such variations and additions, if any, as the circumstances may require.

(4) Where the mortgage is comprised of more than one deed, the receipt shall be endorsed on, written at the foot of or annexed to, each of the mortgage deeds and shall refer to all the deeds whereby the mortgage money is secured (giving the serial number of each such deed registered in the registry of deeds).

(5) Where the mortgagee who executes the receipt ("the present mortgagee") is not the original mortgagee, the receipt shall—

- (a) refer to the manner in which the present mortgagee derives title under the original mortgagee; and
- (b) where the title is derived under any deed registered in the registry of deeds, give the serial number of each such deed in the registry of deeds.

(6) Where the mortgage is registered in accordance with the Registration of Deeds Acts, the registrar under those Acts shall on production of a receipt purporting to operate under paragraph (1) and attested in accordance with section 2 of the Registration of Deeds Act (Northern Ireland) 1970 **(a)**—

- (a) make a note in the Abstract Book against the entry relating to the mortgage that a receipt in satisfaction has been given; and
- (b) grant a certificate, either on the mortgage or separately, that such a receipt has been given.

(7) This Article applies to mortgages whenever made, but applies to mortgages made before the commencement of this Order only as respects discharges effected after that time.

(8) This Article does not apply to the discharge of a charge on registered land.

(9) In a receipt given under this Article the same covenants shall be implied as if the person who executes the receipt had by deed conveyed, and had been expressed to convey, the property as mortgagee.

(10) In this Article—

"mortgage" includes a charge for securing money and a further charge, but does not include a mortgage to which section 37 of the Building Societies Act (Northern Ireland) 1967 **(b)**, section 33 of the Industrial and Provident Societies Act (Northern Ireland) 1969 **(c)** or section 48 of the Friendly Societies Act (Northern Ireland) 1970 **(d)** applies;

"mortgaged property" means the property remaining subject to the mortgage at the date of the receipt;

"mortgagee" includes any person deriving title under the original mortgagee; and

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**(a)** 1970 c. 25 (N.I.).      **(b)** 1967 c. 31 (N.I.).      **(c)** 1969 c. 24 (N.I.).      **(d)** 1970 c. 31 (N.I.).

“mortgagor”, in relation to a mortgage, means the person for the time being entitled to the equity of redemption and includes any person deriving title under the original mortgagor, or entitled to redeem, a mortgage according to his estate in the mortgaged property.

*N. E. Leigh,*  
Clerk of the Privy Council.

Article 3 (3).

SCHEDULE

FORM OF RECEIPT ON DISCHARGE OF A MORTGAGE

*M.*, of [etc.] hereby acknowledges the receipt of all moneys [or the balance remaining owing in respect of moneys] secured by the within [or above] [or annexed] written deed.

Dated this ..... day of ..... 19 .....

*M.* [signature or seal of mortgagee]

*M.* signed this receipt of discharge in our presence.

*W.* [signatures of witnesses]  
[addresses and occupations or  
description of witnesses]

1. The mortgage is comprised of the following deed or deeds.

<i>Date</i>	<i>Description</i>	<i>Serial Number in Registry of Deeds</i>
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2. The mortgagee executing the receipt is the original mortgagee.

OR

The mortgagee executing the receipt derives title under the original mortgagee as follows—

[Here state the manner in which title is derived, listing all relevant instruments.]

<i>Date</i>	<i>Description</i>	<i>Serial Number in Registry of Deeds</i>
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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that when a mortgage debt is satisfied, the receipt of the mortgagee endorsed on, written at the foot of or annexed to, the mortgage should be sufficient to terminate all aspects of the mortgagor's property standing as security for the debt which has been settled. The receipt is thus given the effect of a discharge and the parties will not require to execute a deed for that purpose.

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