
STATUTORY INSTRUMENTS

1992 No. 811

**The Registration (Land and Deeds)
(Northern Ireland) Order 1992**

PART II

LAND REGISTRATION

Errors

Compensation: amendments of Schedule 9 to the 1970 Act

32.—(1) The amendments specified in paragraphs (2) to (6) shall be made in Schedule 9 to the 1970 Act (compensation payable under the Act).

(2) In paragraph 1(1) (compensation where loss sustained by reason of certain matters):

(a) in head (b) for “which is” substitute “whether or”;

(b) after head (b) insert—

“(bb) the loss or destruction by the Land Registry of any document lodged at the Registry for the purpose of inspection, registration or safe keeping, other than a document destroyed in accordance with Land Registry Rules;” and

(c) after head (d) insert—

“(e) an error in or omission from a filed copy of, or an error in a filed extract from, a document referred to in the title register, where the error or omission was made in preparing the copy or the error was made in preparing the extract.”.

(3) In paragraph 3 (exclusions from compensation) for sub-paragraph (a) substitute:

“(a) where the claimant has himself or by his agent caused or substantially contributed to the loss by his act or omission; or

(aa) where the claimant himself or by his agent contributed to the loss by his fraudulent act or fraudulent omission; or

(ab) where the claimant derives title (otherwise than under a registered disposition taken by him in good faith and for valuable consideration) from a person to whom sub-paragraph (a) or (aa) applies; or

(ac) where the error or omission which gave rise to the loss was occasioned by an error in or omission from an assent or transfer in the prescribed form on the correctness of which the Registrar is required to rely in pursuance of paragraph 6A of Schedule 4 or Land Registry Rules;”.

(4) After paragraph 3 insert:

“**3A.** Where lack of proper care on the part of the claimant or his agent has contributed to the loss, the amount of compensation to which the claimant would have been entitled had

he or his agent not so contributed to the loss shall be reduced to such extent as is just having regard to his or his agent's responsibility for the loss."

(5) In paragraph 4(2) (limitation of time for claiming compensation) after head (c) insert:

"(cc) where the right to compensation arises from the loss or destruction of a document or an error in, or omission from, a filed copy of, or an error in a filed extract from, a document referred to in the title register, on the date on which the claimant discovers the loss, destruction, error or omission or could with reasonable diligence have discovered it,";

and in paragraph 4(3) after "(c)" insert ", (cc)" and for "error or omission" substitute "error, omission, loss or destruction".

(6) For paragraphs 9 to 13 substitute:

9. The Department shall be the respondent to every claim for compensation made under this Schedule; and notice of every such claim shall be served by the claimant on such persons as may be prescribed.

10. Where any question arising as to whether a person is entitled to compensation, or as to the amount of compensation, is not settled between that person and the Department, that question shall be referred to and determined by the Lands Tribunal.

11. Before or instead of determining a question referred to it under paragraph 10, the Lands Tribunal may exercise any power which is exercisable by the court under section 69(1) and (3) or paragraph 4 of Schedule 10 (rectification of errors); and an order made in exercise of such a power is an order of a court of competent jurisdiction for the purposes of section 9(1) (Registrar to obey court orders in relation to registered land) and section 9(2) (clarification of orders)."

(7) Paragraphs (2) to (5) apply only to and in connection with a loss sustained as a result of a rectification, error, omission, loss or destruction occurring after the commencement of this Article.