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STATUTORY RULES OF NORTHERN IRELAND

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1994 No. 424

**LAND REGISTRATION**

**Land Registration Rules (Northern Ireland) 1994**

*Made* . . . . . 27th October 1994

*Coming into operation* . . . . . 9th December 1994

**ARRANGEMENT OF RULES**

PRELIMINARY

*Rule*

- 1 Citation and commencement
- 2 Interpretation
- 3 Revocations
- 4 Application to the Statutory Charges Register

PART I

THE LAND REGISTRY

THE TITLE REGISTER AND INDEX OF NAMES

- 5 Form and contents of title register
- 6 Schedule Folios
- 7 Folio Books
- 8 Authentication of title register and entries and cancellations thereon
- 9 New editions of folios
- 10 Index of names

PART II

FIRST REGISTRATION AND EXAMINATION OF TITLE

FIRST REGISTRATION

- 11 Presentation of applications for first registration
- 12 Documents to be delivered with an application for first registration of the ownership of a freehold estate
- 13 Documents to be delivered with an application for first registration of the ownership of a leasehold estate
- 14 Foreshore and seabed

*Rule*

- 15 Date of first registration
- 16 Memorial for Registrar of Deeds

CAUTIONS AGAINST FIRST REGISTRATION

- 17 Form of caution
- 18 Withdrawal of caution
- 19 Notice to cautioner and time for objections
- 20 Consent by cautioner
- 21 Inspection of cautions

MISCELLANEOUS PROVISIONS RELATING TO EXAMINATION OF TITLE

- 22 Examination of title
- 23 Modification of examination of title
- 24 Title to mines and minerals
- 25 Registration of flat, floor, cellar, etc.
- 26 Notice to adjoining owners
- 27 Affidavit under section 29 of the 1970 Act
- 28 Registration of tenant in common or coparcener
- 29 Notification of proposed registration

PART III

DEALINGS

GENERAL PROVISIONS

- 30 Identification of part of registered land
- 31 Presentation and receipt of dealings for registration
- 32 Refusal to grant an order for the production, dispensation or issue of a land certificate or certificate of charge
- 33 Registration of dealings
- 34 Errors in documents discovered after presentation
- 35 Date of registration
- 36 Questions as to stamp duty
- 37 Pending transactions
- 38 Notice to registered owners
- 39 Dealings by person entitled to be registered
- 40 Devolution of estate of person entitled to be registered as owner



*Rule* TRANSFERS AND TRANSMISSIONS OF REGISTERED LAND

- 41 Forms of transfer
- 42 Assent or transfer by personal representative
- 43 Transfer for value by personal representative
- 44 Grant of representation to accompany transfer by personal representative
- 45 Application for registration by a devisee of freehold land
- 46 Application for registration by heir, etc.
- 47 Death of a joint tenant
- 48 Determination of limited ownership
- 49 Note of death of registered full owner
- 50 Registered land acquired by trustees of a settlement
- 51 Entry of name of new trustee of a settlement
- 52 Defeasance

RECLASSIFICATION OF TITLE

- 53 Reclassification of possessory titles formerly subject to notes as to equities
- 54 Reclassification on efflux of time
- 55 Reclassification of certain qualified titles
- 56 Reclassification of titles in other cases
- 57 Notices, advertisements and enquiries before reclassification
- 58 Register to be made conformable on reclassification

BURDENS GENERALLY

- 59 Mode of entry of burden
- 60 Notice to owner of inclusion of registered charge
- 61 Burdens having a statutory priority
- 62 Priority where two or more burdens are created by the same instrument
- 63 Note as to priority on registration of charge for securing money actually raised under a settlement
- 64 Modification and cancellation of burdens other than charges
- 65 Restrictive covenants under a building scheme

CHARGES

- 66 Forms of charge
- 67 Transfers of charge
- 68 Charges created by companies
- 69 Sub-charges
- 70 Note of registration of ownership of charge

*Rule*

- 71 Mortgages or terms of years created prior to first registration and affecting registered land
- 72 Receipt for payment of amount of registered charge
- 73 Release of registered charge
- 74 Modification or cancellation of registered charge
- 75 Restriction on custody of land certificate by a registered owner of a charge

INLAND REVENUE CHARGES

- 76 Registration of Inland Revenue charge
- 77 Cancellation of registration of Inland Revenue charge

OTHER SCHEDULE 6 BURDENS

- 78 Form of rent-charge
- 79 Fee farm grant in respect of registered land
- 80 Perpetual rent-charges, fishing or sporting rights
- 81 Lien for unpaid purchase money
- 82 Registration of leases of registered land to which entry 4 of Part I of Schedule 2 to the 1970 Act applies
- 83 Registration of other leases of registered land to which paragraphs (a) and (b) of entry 6 of Part I of Schedule 6 to the 1970 Act apply
- 84 Application to register lease as a burden only
- 85 Registration of judgments
- 86 Registration of charging orders under the Criminal Justice Order
- 87 Discharge and variation of charging orders under the Criminal Justice Order
- 88 Application for registration of order, or notice of an order, charging land
- 89 Application for registration of other enforcement orders
- 90 Cancellation of entries in respect of enforcement orders
- 91 Registration of pending actions
- 92 Registration of matrimonial charges and renewal of registration
- 93 Cancellation and variation of entries relating to the registration of matrimonial charges and postponement of priority
- 94 Easements, profits-a-prendre, etc.

MISCELLANEOUS PROVISIONS AS TO SCHEDULE 6 BURDENS

- 95 Crystallised charge
- 96 Addition to list of Schedule 6 burdens

## SCHEDULE 5 BURDENS

*Rule*

97 Entries relating to certain burdens which affect land without registration

### CAUTIONS AGAINST REGISTRATION OF DEALINGS

- 98 Cautions against dealings by registered owners
- 99 Application by registered owner to discharge a caution
- 100 Warning to cautioner
- 101 Objection by cautioner
- 102 Withdrawal of caution
- 103 Consent of cautioner to registration of dealing
- 104 Cautions against reclassification

### INHIBITIONS

- 105 Registration of trustee owner
- 106 Entry of inhibition on consent
- 107 Application for entry of inhibition without consent
- 108 Procedure on application for inhibition
- 109 Objections to inhibitions
- 110 Withdrawal or modification of inhibition on consent
- 111 Discharge or modification of inhibition where there is no consent
- 112 Dealings inhibited except after notice to a specified person
- 113 Inhibition under order of court
- 114 Registration, modification and withdrawal of inhibition under the Criminal Justice Order

### MISCELLANEOUS DEALINGS

- 115 Application for registration of title to registered land acquired by possession
- 116 Merger or extinguishment of leasehold estates
- 117 Merger or extinguishment of estate in land in compulsory registration area

## PART IV

### LAND CERTIFICATES AND CERTIFICATES OF CHARGE

#### ISSUE OF CERTIFICATES

- 118 Interpretation for Part IV
- 119 Request for issue of a certificate

*Rule*

- 120 Form of land certificate
- 121 Form of certificate of charge
- 122 Endorsed certificate of charge

MISCELLANEOUS PROVISIONS RELATING TO CERTIFICATES

- 123 First issue of certificates
- 124 Separate certificates in certain cases
- 125 Authentication of certificates
- 126 Certificates in force at the commencement of these Rules
- 127 Evidential value of certificates
- 128 Production of certificates
- 129 Order for production of a certificate
- 130 Power to dispense with production of certificates in certain cases
- 131 Certificates to be made conformable with title register before re-issue
- 132 Issue of new certificate where certificate is lost or destroyed
- 133 Issue of replacement certificate in other cases
- 134 Record of outstanding certificates
- 135 Cancellation of certificates
- 136 Lodgment of certificate for registration of dealing
- 137 Deposit of certificate
- 138 Delivery of certificates
- 139 Note as to delivery, or retention in the Registry, of certificates
- 140 Authorised statements in certificates

PART V

MAPS AND BOUNDARIES

- 141 Registry map
- 142 Provisional maps
- 143 Revision of registry map
- 144 Application to make boundaries conclusive
- 145 Boundaries made conclusive on transfer of part
- 146 Application to decide questions as to boundaries or extent of registered land, arising on transfer

PART VI  
MISCELLANEOUS PROVISIONS

RIGHTS APPURTENANT TO LAND

*Rule*

147 Appurtenances

REVISION AND RECTIFICATION OF REGISTER

148 Formal alterations, cancellation of obsolete entries and rectification of the register

149 Revision of registry map and verbal description

BODIES CORPORATE AND CERTAIN CHARITABLE TRUSTS

150 Registration of, and dispositions by, a body corporate

151 Registration of, and dispositions by, trustees appointed pursuant to the Trustee Appointment Acts 1850 and 1890

REGISTERED SOCIETIES OR BRANCHES

152 Registration of, and dispositions by, the trustees of a registered society or branch

INSOLVENCY

153 Notice of bankruptcy petition

154 Cancellation of registration of a notice of bankruptcy petition

155 Bankruptcy inhibition

156 Cancellation of registration of bankruptcy inhibition

157 Registration of official receiver

158 Registration of trustee in bankruptcy in place of official receiver

159 Original registration of trustee in bankruptcy

160 Words added in title register

161 Registration of order imposing charge

162 Registration of bankrupt's rights of occupation

163 Cancellation and variation of entries relating to the registration of a bankrupt's rights of occupation and postponement of priority

164 Mistake in bankruptcy order or title register

165 Trustee in bankruptcy vacating office

166 Administration orders and liquidation of a company

## MINORS

### *Rule*

- 167 Persons who may represent minors
- 168 Cessation of minority

## LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

- 169 Notice of application
- 170 Return of instrument of charge
- 171 Continuance of certain covenants, conditions and agreements affecting the fee simple acquired under the Act of 1971

## FORMS AND DOCUMENTS

- 172 Forms to be used
- 173 Issue of forms and directions
- 174 Improper documents
- 175 Execution of documents
- 176 Execution of documents by attorney
- 177 Solicitor's certificate as to execution by attorney
- 178 Production of documents or evidence of title
- 179 Documents to be retained in the Registry
- 180 Documents which may be returned
- 181 Delivery of documents for production in court or to the Taxing Master or Lands Tribunal
- 182 Documents becoming obsolete

## INSPECTION, SEARCHES AND COPIES

- 183 Inspection of the register, relevant documents and index of names
- 184 Copies of and extracts from the register and relevant documents
- 185 Official search in index of names and title register
- 186 Official search in registry map
- 187 Priority search
- 188 Effect of priority search
- 189 Application by telephone or fax for search

## PROCEEDINGS IN THE REGISTRY

- 190 Decisions of the Registrar
- 191 Objections to registration
- 192 Reference by Registrar of questions to the High Court

*Rule*

- 193 Summons by Registrar
- 194 Addresses to be furnished
- 195 Information to be furnished by a solicitor
- 196 Notices issued by the Registry
- 197 Personal service of notice, summons or order
- 198 Evidence in proceedings in the Registry
- 199 Affidavits and statutory declarations
- 200 Additional powers of Registrar
- 201 Proceedings not to abate
- 202 Delay

CLAIMS FOR COMPENSATION

- 203 Notice of claims

COSTS

- 204 Award and taxation of costs of hearings before Registrar
- 205 Enforcement of award for costs

PART VII

THE STATUTORY CHARGES REGISTER

- 206 Administration
- 207 Lodgment and priority of applications
- 208 Statutory Charges Register and indices
- 209 Applications for registration
- 210 Entry of a statutory charge
- 211 Application for entry of a priority notice
- 212 The statutory charges map
- 213 Revision of Statutory Charges Register
- 214 Official searches in the Statutory Charges Register
- 215 Personal searches
- 216 Application by telephone or fax for search
- 217 Copies of or extracts from entries on the Statutory Charges Register
- 218 Summons to witnesses
- 219 Indemnity of officials
- 220 Compensation for loss
- 221 Application of section 8 of the 1970 Act
- 222 Application of certain rules

PART VIII

*Rule*

223 Application to the Crown



SCHEDULE 1

RECITAL OF POWERS

SCHEDULE 2

FORMS

*First Registration*

*Form*

- 1 Application by solicitor for first registration
- 2 Application by owner for first registration
- 3 Application for first registration where the title is based on possession
- 4 Memorial for Registry of Deeds of first registration in the Land Registry

*Caution against First Registration*

- 5 Caution against first registration
- 6 Application to withdraw, in part, a caution against first registration
- 7 Notice to cautioner of application for first registration

*Affidavit of Disclosure*

- 8 Affidavit of disclosure

*Transfers of Land*

- 9 Transfer of all land in folio by registered full owner — not imposing new obligations requiring registration
- 10 Transfer in circumstances where Form 9 is inappropriate — not imposing new obligations requiring registration
- 11 Transfer imposing new obligations requiring registration
- 12 Transfer where the registered owner of a charge joins to release the charge
- 13 Transfer on a sale by a limited owner in exercise of his powers under the Settled Land Acts, 1882 to 1890, the purchase money being paid to the trustees of the settlement
- 14 Transfer by a registered owner of a charge in exercise of his power of sale
- 15 Transfer of a rent-charge by a registered full owner
- 16 Exchange by registered full owners

*Transmission on Death*

- 17 Application by way of assent for registration on death of a registered full owner where the land vests in his personal representative

*Form*

- 18 Application for registration of ownership of freehold land on the death testate of a registered full owner where the land did not vest in the personal representatives
- 19 Application for registration of ownership of freehold land on the death intestate of a registered full owner where the land did not vest in the personal representatives
- 20 Application by an owner registered as a joint tenant to cancel the registration of a deceased co-owner
- 21 Certificate by a solicitor for registration of the person entitled on the determination of the estate of a limited owner

*Registration of Beneficiary under Settlement and Registration of New Trustee*

- 22 Affidavit of registered owners who hold land as trustees of a settlement, made for the purpose of having persons beneficially entitled to the land registered as owners
- 23 Certificate by a solicitor verifying the validity of the appointment of a new trustee of a settlement for the purposes of the Settled Land Acts, 1882 to 1890

*Reclassification of Title*

- 24 Application by a registered owner to reclassify a title deemed to be a possessory title by virtue of paragraph 2 of Part I of Schedule 13 to the 1970 Act, as an absolute title, in a case in which no other alteration is required to be made on the register
- 25 Application to reclassify a possessory title as an absolute, or good fee farm grant, or good leasehold title, on registration of a transfer for valuable consideration
- 26 Application by a registered owner to reclassify a qualified title existing at the commencement of the 1970 Act as a good fee farm grant (or, good leasehold) title
- 27 Application to reclassify a title other than an absolute title as an absolute title, or to reclassify a possessory, or a qualified title as a good fee farm grant, or good leasehold title

*Charges and other Burdens*

- 28 Charge on registered land for payment of money
- 29 Charge for future advances
- 30 Charge by way of annuity
- 31 Charge by a registered limited owner and all other persons entitled under the settlement
- 32 Transfer of charge
- 33 Receipt by a registered owner of a charge for payment of the amount of the charge

*Form*

- 34 Release by a registered owner of a charge releasing the land charged, or part thereof, from the charge
- 35 Entry of Inland Revenue Charge
- 36 Certificate of non-liability to an Inland Revenue Charge
- 37 Grant of rent-charge by a registered owner of freehold land
- 38 Notice of an order charging land made pursuant to Article 48 of the Order of 1981
- 39 Notice of an order charging land to be registered pursuant to paragraph 4 of Part IV of Schedule 2 to the 1970 Act

*Pending Actions*

- 40 Application for registration of a pending action
- 41 Entry of pending action on the title register
- 42 Application for renewal of the registration of a pending action

*Matrimonial Charges*

- 43 Application for the registration of a matrimonial charge as a burden
- 44 Entry of a matrimonial charge as a burden on the register
- 45 Application for the renewal of the registration of a matrimonial charge pursuant to Article 9(3)(a) of the Family Law Order

*Cautions*

- 46 Caution against dealings by a registered owner
- 47 Notice to registered owner of entry of a caution
- 48 Warning notice to a cautioner of an application by a registered owner to discharge the caution
- 49 Warning notice to a cautioner of a dealing
- 50 Application to withdraw a caution
- 51 Caution against reclassification of title
- 52 Warning notice to a cautioner against reclassification of title

*Inhibitions*

- 53 Application to the Registrar for entry of an inhibition except in a case to which rule 105, 106 or 114 applies
- 54 Notice of intention to enter an inhibition
- 55 Application to withdraw or modify an inhibition on consent
- 56 Application to discharge or modify an inhibition where the parties do not consent
- 57 Notice of application under rule 111 to modify or discharge an inhibition

*Form*

- 58 Warning notice where dealings inhibited except after notice to a specified person
- 59 Application for the entry of an inhibition under the Criminal Justice Order
- 60 Notice of application to enter an inhibition under the Criminal Justice Order

*Adverse Possession*

- 61 Application for registration pursuant to section 53 of the 1970 Act
- 62 Affidavit of applicant for registration pursuant to section 53 of the 1970 Act
- 63 Notice of an application under rule 115 for registration of possessory title

*Extinguishment of Leasehold Estates*

- 64 Application to cancel a leasehold folio and to register the immediate superior title
- 65 Application to cancel the registration of a lease as a burden where the title to such leasehold estate has not been registered
- 66 Application to cancel a leasehold folio where the title to the superior estate has been registered

*Certificates of Title*

- 67 Form of certification to be included in a land certificate
- 68 Certificate of charge
- 69 Application for order for production of a land certificate or a certificate of charge
- 70 Notice of an application to make an order for production of a land certificate or a certificate of charge
- 71 Form of order by the Registrar for production of a land certificate or a certificate of charge

*Deposit of Certificate of Title*

- 72 Notice to accompany a land certificate or a certificate of charge lodged in the Registry for the purpose of a specified registration
- 73 Notice of deposit of a land certificate or a certificate of charge for the purpose of giving security for payment of money
- 74 Notice of application to enter notice of deposit of a land certificate or a certificate of charge
- 75 Consent to cancellation of the entry on a folio relating to notice of deposit of a land certificate or a certificate of charge

### *Insolvency*

#### *Form*

- 76 Notice of presentation of bankruptcy petition
- 77 Application for renewal of notice of presentation of bankruptcy petition
- 78 Notice of bankruptcy order
- 79 Entry of order imposing charge under Article 286 of the Insolvency Order
- 80 Application for the registration of a bankrupt's rights of occupation as a burden
- 81 Entry of a bankrupt's rights of occupation as a burden

### *Production of Evidence of Title*

- 82 Application for order for production of a document or evidence of title
- 83 Notice of application to the Registrar to make an order for production of a document or evidence of title
- 84 Form of order by the Registrar for production of a document or evidence of title

### *Searches etc.*

- 85 Requisition to inspect documents
- 86 Requisition for copies of or extracts from the register or relevant document
- 87 Requisition for official search in the index of names
- 88 Requisition for official search in a folio
- 89 Certificate of the result of an official search in the index of names
- 90 Certificate of the result of an official search in a folio
- 91 Requisition for official search for registration of matrimonial charge
- 92 Certificate of the result of an official search for registration of matrimonial charges
- 93 Requisition for official search in the registry map for the registration of ownership and cautions against first registration relating to a specified parcel of land
- 94 Certificate of the result of an official search in the registry map for registration of ownership and cautions against first registration
- 95 Application for a priority search in respect of all the land in a folio
- 96 Application for a priority search in respect of part of the land in a folio
- 97 Certificate of the result of a priority search in respect of all the land in a folio
- 98 Certificate of the result of a priority search in respect of part of the land in a folio

*Summons*

*Form*

99 Summons to attend before the Registrar

*Statement to Accompany Application or Dealing*

100 Statement to accompany an application for registration or dealing presented in the Registry by a solicitor

*Statutory Charges Register*

101 Requisition for an official search in the Statutory Charges Register

102 Certificate of the result of an official search in the Statutory Charges Register

103 Requisition for a personal search in the Statutory Charges Register

The Department of the Environment, in exercise of the powers conferred by those provisions of the Land Registration Act (Northern Ireland) 1970(a), the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(b) and the Registration (Land and Deeds) (Northern Ireland) Order 1992(c) cited in Schedule 1, and now vested in it(d) and of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(e), hereby makes the following rules:

PRELIMINARY

*Citation and commencement*

1. These Rules may be cited as the Land Registration Rules (Northern Ireland) 1994 and shall come into operation on 9th December 1994.

*Interpretation*

2.—(1) In these Rules—

“the Act of 1971” means the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971(f);

“appurtenance” includes any right, privilege or appurtenance belonging, appurtenant, or attached to, any registered land and “appurtenant” shall be construed accordingly;

“certified copy” in relation to a judgment means a copy certified as a true copy by the proper officer of the court which granted or made the judgment;

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(a) 1970 c. 18 (N.I.)

(b) S.I. 1984/1984 (N.I. 14)

(c) S.I. 1992/811 (N.I. 7)

(d) By 1974 c. 28 s. 1(3) and Sch. 1, para. 2(1) and S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II.

(e) Established by 1970 c. 18 (N.I.) s. 85(1)

(f) 1971 c. 7 (N.I.)

- “Company” has the same meaning as in the Companies (Northern Ireland) Order 1986(a);
- “Criminal Justice Order” means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(b);
- “dealing” includes any transaction with or event affecting registered land which requires an entry or a cancellation to be made on the register and any document connected with such a transaction or event;
- “Department” means the Department of the Environment;
- “Family Law Order” means the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(c);
- “fax” means the electronic communication of the contents of a document by facsimile transmission;
- “folio” means a folio, as described in rule 5(1);
- “Form” followed immediately by a number refers to the form identified by that number in Schedule 2;
- “the Insolvency Order” means the Insolvency (Northern Ireland) Order 1989(d);
- “matrimonial charge” has the same meaning as in Part II of the Family Law Order;
- “office copy” of a document made by a court or government department means a copy made by that court or government department or by the Public Record Office of Northern Ireland and purporting to be a copy of the original document;
- “the Order of 1981” means the Judgments Enforcement (Northern Ireland) Order 1981(e);
- “the Order of 1992” means the Registration (Land and Deeds) (Northern Ireland) Order 1992(f);
- “parcel of land” means any land which is separately occupied;
- “registered owner” in respect of any land means a person of any class of ownership registered with any class of title;
- “Registry” means the Land Registry;
- “rights of occupation” has the same meaning as in Part II of the Family Law Order.

(2) In these Rules, save rules 142, 144, 186 and 214 “ordnance map” means a map drawn or based with precision on the current largest scale ordnance map (as defined in section 46(1) of the Interpretation Act (Northern Ireland) 1954(g)) published by the Ordnance Survey of Northern Ireland for the area in which the relevant land is situate.

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(a) S.I. 1986/1032 (N.I. 6)  
 (b) S.I. 1990/2588 (N.I. 17)  
 (c) S.I. 1984/1984 (N.I. 14)  
 (d) S.I. 1989/2405 (N.I. 19)  
 (e) S.I. 1981/226 (N.I. 6) as amended and applied by Article 10 of the Order of 1992  
 (f) S.I. 1992/811 (N.I. 7)  
 (g) 1954 c. 33 (N.I.)

*Revocations*

3. The following Rules so far as they were in operation immediately before the commencement of these Rules are hereby revoked—

- Land Registration Rules (Northern Ireland) 1977(a)
- Land Registration (Amendment) Rules (Northern Ireland) 1989(b)
- Land Registration (Amendment) Rules (Northern Ireland) 1991(c)
- Land Registration (Amendment No. 2) Rules (Northern Ireland) 1991(d)
- Land Registration (Amendment No. 3) Rules (Northern Ireland) 1991(e).

*Application to the Statutory Charges Register*

4. In relation to the Statutory Charges Register and the registration of any statutory charge, Parts I to VI shall not apply except where otherwise provided in Part VII.

PART I

THE LAND REGISTRY

THE TITLE REGISTER AND INDEX OF NAMES

*Form and contents of title register*

5.—(1) The title register shall be divided into folios and each folio shall bear a distinguishing number and such other means of identification (if any) as the Registrar considers necessary or desirable.

(2) Every folio opened after the commencement of these Rules shall be divided into three parts as follows—

- (a) Part I, containing a description of the land comprised in the title (including a reference to the registry map or other map (if any) identifying the land and, where appropriate, a reference to the lease creating the registered leasehold estate), and such appurtenances and other particulars or matters as the Registrar considers necessary or desirable.
- (b) Part II, containing particulars of the owner of the land, the class of title, the class of ownership and such other particulars or matters as the Registrar considers necessary or desirable.
- (c) Part III, containing particulars of incumbrances on the land, including ownership of registered charges, notices of the existence or otherwise of Schedule 5 burdens and such other particulars or matters as the Registrar considers necessary or desirable.

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- (a) S.R. 1977 No. 154
  - (b) S.R. 1989 No. 270
  - (c) S.R. 1991 No. 7
  - (d) S.R. 1991 No. 340
  - (e) S.R. 1991 No. 381



(3) Subject to rule 6, any folio which is not in the format set out in paragraph (2), shall be revised to accord with that format as soon as the revision can, in the opinion of the Registrar, be conveniently effected.

(4) Every entry on a folio of a person as a registered owner or as entitled to receive any notice, or in any other capacity, shall include his address in the United Kingdom for service of notices.

#### *Schedule Folios*

6. Any folio maintained in the form known as a Schedule Folio and existing at the commencement of these Rules may be continued in that form save that no further land shall be added therein. A Schedule Folio shall not be opened after the commencement of these Rules.

#### *Folio Books*

7.—(1) Where any person is, or is entitled to be, registered as owner of lands in different folios and the lands are situate in the same county, that person may require all such folios to be included in a Folio Book.

(2) Each Folio Book shall bear a distinguishing number or symbol and each folio included in the Folio Book shall bear the number or symbol of the Folio Book and shall also be numbered in such manner as will enable such folio to be identified separately.

(3) The registered owner of the lands the subject of any Folio Book may at any time, in writing, require that all or any of the folios comprised in the Folio Book be withdrawn from the Book and treated independently, or that other folios relating to lands in the same county, and in respect of which he is, or is entitled to be, registered as owner, be added to the Book.

(4) Where the registered owner of two or more folios relating to lands in the same county requests that the folios be amalgamated into a single folio, the Registrar may, instead of amalgamating the folios, include the folios in a Folio Book.

#### *Authentication of title register and entries and cancellations thereon*

8.—(1) On the opening of every folio or Folio Book, the folio or Folio Book shall be authenticated in such manner as the Registrar directs.

(2) Entries and cancellations of entries on the title register shall be authenticated in such manner as the Registrar directs.

#### *New editions of folios*

9.—(1) When he considers it to be practicable and desirable to do so, the Registrar may clear a folio by closing it and making a new edition of it containing the subsisting entries only, and may, in so doing, make any re-arrangement that may appear to him to be conducive to clarity, including the entry on two or more folios of different parts of the lands previously contained in one folio, or the entry on one folio of lands previously contained in two or more folios, or the alteration of a number of a folio.

(2) The Registrar may order any person who has custody of a land certificate or certificate of charge relating to any folio mentioned in paragraph (1) to produce it to him for the purpose of clearing that folio under this rule.

(3) Where a folio has been cleared and a new edition of it made under this rule, any certificate of title which has been produced for that purpose shall be cancelled and an appropriate certificate of title shall be issued in its place.

(4) Any folio which has been cleared under this rule shall be marked 'closed' and retained for such period as the Registrar considers expedient, and while so retained may be inspected by any person.

*Index of names*

**10.** There shall be maintained by or on behalf of the Registrar an index of names containing—

- (a) the name of every registered owner in every folio, except registered owners of charges; and
- (b) the folio reference.

PART II

FIRST REGISTRATION AND EXAMINATION OF TITLE

FIRST REGISTRATION

*Presentation of applications for first registration*

**11.**—(1) Every application for first registration of ownership shall, except in the case of a charge to which section 41(2) of the 1970 Act applies or in a case to which rule 79(1), 80(1) or 82(1) applies, be made in Form 1, 2, or 3 with such modifications as the case may require.

(2) The application shall be sent to, or delivered at, the Registry and be accompanied by the prescribed fee.

(3) Paragraphs (2) and (3) of rule 33 apply to the receipt in the Registry of applications for first registration in the same manner as they apply to the receipt of dealings.

*Documents to be delivered with an application for first registration of the ownership of a freehold estate*

**12.** An application for first registration of the ownership of a freehold estate except a case to which rule 79(1) or rule 80(1) applies, shall, unless the Registrar otherwise directs, be accompanied by—

- (a) all such original deeds and documents relating to the title as the applicant has in his possession or under his control including affidavits, statutory declarations, opinions of counsel, abstracts of title, contracts for or conditions of sale, searches and requisitions on title and replies thereto and other like documents, and any other evidence necessary to prove such title;

- (b) except where the application is made in Form 1, a duly verified concise statement of the title giving, in chronological order, a summary of the documents and the events and facts on which the applicant's claim is based; the concise statement of the title may be included in the application;
- (c) either an ordnance map sufficient to enable the land to be identified and delineated on the registry map or, where permitted under rule 142, a development or building plan. Where the application is to register the ownership of a registered burden, a map shall not be necessary.
- (d) a schedule, in duplicate, of all documents lodged with the application.
- (e) where the application is made in Form 1, a duplicate, counterpart, or copy certified by a solicitor as a true copy, of—
  - (i) the assurance to the applicant;
  - (ii) the fee farm grant (if any) under which the land is held;
  - (iii) any mortgage or charge to be registered; and
  - (iv) any other document which is referred to in an application made in Form 1 and contains full details of a matter which requires to be registered on first registration.

*Documents to be delivered with an application for first registration of the ownership of a leasehold estate*

**13.**—(1) An application for first registration of the ownership of a leasehold estate shall, except in a case to which rule 80(1) or rule 82(1) applies unless the Registrar otherwise directs, be accompanied by the documents listed in rule 12 save that the reference in sub-paragraph (e)(ii) to “the fee farm grant (if any) under which the land is held” shall be read as a reference to “the lease under which the land is held.”.

(2) Where the title of the lessor is not registered and a counterpart of the lease is delivered with the application, the counterpart shall be returned to the person entitled to it endorsed with a note of the fact of registration in such form as the Registrar considers appropriate.

*Foreshore and seabed*

**14.** Where any land comprised in an application for first registration includes foreshore or seabed, that fact shall be stated in the application so that such notice (if any) as is required by section 78 of the 1970 Act may be given.

*Date of first registration*

**15.** Without prejudice to Part IV of Schedule 2(a) to the 1970 Act, every first registration shall be made as of the day on which the folio is authenticated in accordance with the provisions of rule 8; and the folio shall bear that date accordingly.

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(a) Part IV of Schedule 2 was inserted by Article 10(2) of the Order of 1992

*Memorial for Registrar of Deeds*

**16.** The notice of registration to be given to the Registrar of Deeds pursuant to section 72(3) of the 1970 Act (as modified by paragraph 3 of Part IV of Schedule 2 to that Act) shall be a memorial in Form 4 and shall be sealed with the official seal of the Registry. On completion of registration the memorial shall be transmitted for registration in the registry of deeds.

CAUTIONS AGAINST FIRST REGISTRATION

*Form of caution*

**17.—**(1) A caution requiring notice of an application for first registration in the register shall be lodged by filing an affidavit in Form 5 sworn by the cautioner or his solicitor and containing an address in the United Kingdom for service of notices and exhibiting an ordnance map marked so as to identify clearly the land to which the caution relates.

(2) Paragraph (1) of rule 31, paragraphs (2) and (3) of rule 33 and rule 35 apply to the receipt in the Registry of applications for registration of such cautions and their registration in the same manner as they apply to the receipt and registration of dealings.

*Withdrawal of caution*

**18.—**(1) A caution may be withdrawn in respect of the whole of the land to which it relates, by an application in writing signed by the cautioner, or his solicitor, or the person entitled to the benefit of the caution, or his solicitor.

(2) A caution may also be withdrawn in respect of a part only of the land to which it relates, and in any such case the application for withdrawal shall be in Form 6, signed by a person specified in paragraph (1), and shall be accompanied by an ordnance map marked so as to identify clearly the part to which the withdrawal relates.

*Notice to cautioner and time for objections*

**19.** The notice to be served upon a cautioner, under section 65(2) of the 1970 Act, shall be in Form 7 and the time to be stated in that notice, within which he may appear and oppose an application for first registration, shall be fourteen days from the date of service of the notice or such longer period as the Registrar may, in special circumstances, allow.

*Consent by cautioner*

**20.** At any time after the notice required by section 65(2) of the 1970 Act has been served, the cautioner (or, if he has died, his personal representatives) may, by writing signed by himself or his solicitor, consent to the registration, and the consent may be either absolute or conditional on some special entry being made on the register.

*Inspection of cautions*

**21.** The Registrar shall allow any person appearing to him to be interested in the land to inspect a caution lodged under section 65(1) of the 1970 Act.

## MISCELLANEOUS PROVISIONS RELATING TO EXAMINATION OF TITLE

### *Examination of title*

**22.** Subject to rule 23, the examination of titles under the Act shall be conducted in such manner as the Registrar directs.

### *Modification of examination of title*

**23.**—(1) Except as otherwise provided in this rule, the title to be shown by an applicant may commence with a disposition of the land, made not less than 15 years before the date of the application, that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(2) Where the title of an applicant has been examined by the convenancing counsel appointed by a court, on a sale or purchase of the land under an order of such court, the examination of title may be modified in such manner as the Registrar thinks fit.

(3) Where, in the course of the investigation of a title, the applicant requests that the title should be referred to counsel for his opinion, or the Registrar considers such a reference to be desirable, the Registrar may, with the consent and at the expense of the applicant, refer the title to counsel for his opinion, either generally or upon any specific matter.

(4) In any examination of title, such searches, advertisements and notices may be directed and such enquiries may be made as the Registrar considers expedient.

(5) In the course of any examination of title, the Registrar may take such indemnity (if any) as he considers necessary or expedient.

### *Title to mines and minerals*

**24.**—(1) Where, on an application for first registration of any freehold or leasehold land, or at any time after such registration, it is proved to the satisfaction of the Registrar that the title of the applicant or, as the case may be, of the registered owner, includes any mineral rights in the land, the Registrar may at the request of the applicant or, as the case may be, of the registered owner, add in the folio relating to the land a note to the effect that the title to such mineral rights is included in the registration.

(2) An application for first registration of the ownership of any mineral right shall not be complied with and an entry on a folio of the note provided for in this rule shall not be made in any case until after the expiration of fourteen days from the date when notice is given to the Department of Economic Development of an intention to make such registration or, as the case may be, to enter such note.

### *Registration of flat, floor, cellar etc.*

**25.**—(1) Where the land comprised in an application for registration consists of or includes a flat or floor, or part of a flat or floor, of a house or building, or a cellar or tunnel, or an underground space apart from the surface, or where any of the boundaries of such land is in a plane other than the vertical, an ordnance map shall be furnished of the surface under or over

which the land to be registered lies, together with such other elevations, sections, plans and other descriptions (if any) as the Registrar considers necessary and with particulars of any appurtenant rights of access, whether held in common with others or not, or obligations affecting other land for the benefit of the land the title to which is to be registered.

(2) In its application to a case where paragraph (1) applies, any reference in these Rules to an ordnance or other map or plan (other than the registry map) shall be deemed to be a reference also to an elevation section or plan mentioned in that paragraph.

*Notice to adjoining owners*

**26.** Before registration is completed in a case to which rule 25(1) applies or where an application is made for the registration of title to any unregistered land, the Registry may give notice or require the applicant for registration to give notice or cause notice to be given to the reputed owners or occupiers of the property or properties above or below or adjoining laterally the land to be registered and to such other persons (if any) as the Registrar may direct.

*Affidavit under section 29 of the 1970 Act*

**27.** An affidavit made pursuant to section 29 of the 1970 Act may be in Form 8.

*Registration of tenant in common or coparcener*

**28.—**(1) Where it is proved to the satisfaction of the Registrar that a person entitled to be registered as a co-owner is a tenant in common or a coparcener, the entry of ownership made on the register shall show that such owner is a tenant in common or, as the case may be, a coparcener and also in the case of a tenant in common, the undivided share to which he is entitled.

(2) An application for registration as owner of a person claiming as tenant in common of an undivided share in land shall state the share to which he is entitled where the share does not appear from the instrument lodged.

*Notification of proposed registration*

**29.—**(1) A registration consequent on an examination of title shall not, save in special circumstances, be completed until—

(a) where the registration proposed to be made is not with the class of title applied for or differs materially in some other way from the registration applied for, the applicant; and

(b) any other person whom the Registrar considers it proper to notify; have been notified of the registration proposed to be made.

(2) Without prejudice to any order of a court or to any caution or inhibition, where it is proposed to register a matrimonial charge as a burden pursuant to Article 6(1)(a) of the Family Law Order and rule 92 nothing in paragraph (1) shall require the Registrar to give notice of the proposed registration to the applicant's spouse or to any other person against whose estate the registration is proposed to be made.

## PART III

### DEALINGS

#### GENERAL PROVISIONS

##### *Identification of part of registered land*

**30.** Where a document deals with part only of the land in a folio, then unless that part is clearly defined on the registry map and may be identified thereon from a verbal description in the document, or is otherwise clearly identified, the document shall include or be accompanied by such ordnance map as shall be necessary clearly to define that part on the registry map or, where permitted under rule 142, by a development or building plan. Any such ordnance map or development or building plan shall, unless included in the document, be signed by the persons concerned or by their solicitors.

##### *Presentation and receipt of dealings for registration*

**31.**—(1) All dealings shall be presented for registration by being sent to, or delivered at, the Registry.

(2) A dealing shall not be received in the Registry for registration unless—

- (a) every document which is liable to stamp duty either bears the proper Inland Revenue stamp or is accompanied by a written undertaking under rule 36; and
- (b) the prescribed fee has been paid; and
- (c) if production of a land certificate or certificate of charge is required under these Rules for the purpose of registration—
  - (i) that certificate is lodged in the Registry; or
  - (ii) an application under rule 129, for an order for production of the certificate is lodged; or
  - (iii) a request to the Registrar to dispense under rule 130 with such production is lodged; or
  - (iv) an application has been made under rule 132 or 133(2) for a new certificate and the person making the application or his solicitor has requested in writing, or furnished evidence in writing of his agreement to, the registration of the dealing; and
- (d) the matter is otherwise, prima facie, in order for registration.

##### *Refusal to grant an order for the production, dispensation or issue of a land certificate or certificate of charge*

**32.** Where a dealing received in the Registry for registration is accompanied by an application, or request made under rule 129, 130, 132 or 133(2) and such application or request is refused, the receipt of the dealing may be cancelled and the proceedings treated as withdrawn.

*Registration of dealings*

**33.**—(1) Except as is otherwise provided in these Rules, dealings received for registration shall be registered in the order in which they are received, or are deemed to have been received, in the Registry.

(2) All dealings delivered, by post or otherwise, on a particular day at the Registry at any time after it is first opened for the transaction of public business on that day and before it finally ceases to be open for the transaction of such business on that day shall, when received, be deemed to have been so received at the same time and immediately before it so ceases to be open.

(3) All dealings delivered, by post or otherwise, at the Registry after it finally ceases to be open for the transaction of public business on a particular day and prior to the next opening of the Registry for the transaction of such business shall, when received, be deemed to have been so received at the same time and immediately after such next opening.

(4) Where two or more dealings relating to the same land are received, or are deemed to have been received from the same person at the same time they shall, as between themselves, be registered in the order in which that person directs or, in the absence of any such direction, in the order which may be inferred from such dealings.

(5) In the case of any particular dealing which, for the purposes of registration, was received or was deemed to have been received after any other dealing, that particular dealing may be registered before the other dealing if the Registrar considers that such order of registration can be made without prejudice to the rights of any person and that it is expedient to proceed with registration of the later dealing.

*Errors in documents discovered after presentation*

**34.**—(1) Where any alteration is required to be made in a document, in consequence of an error having been discovered in the document after it has been presented for registration, the document may, if the Registrar permits, and if no entry in respect of it has been made on a register, be withdrawn from the Registry for the purpose of alteration.

(2) Subject to paragraphs (3) and (4), and unless in any particular case the Registrar otherwise permits, the alteration shall be authenticated by all persons who are parties to the document and whose interests appear to be affected, whether or not that document was originally executed by all those persons.

(3) Where the alteration required to be made is for the purpose only of correcting an error contained in a map included in or accompanying the document, the alteration may be made by amending the incorrect map or by substituting a new map for the incorrect map; and where, consequential upon any such alteration, the area of the land as stated in the document requires to be altered, the correct area shall be included in the amended or substituted map. When any such map is amended or substituted with the consent in writing of all persons who are parties to the document and whose interests appear to be affected, or their solicitors, it shall not be necessary for the document to be re-executed.



(4) Where the error in a document consists only of an incorrect statement of the measurement of the area of any land included in the document, registration may be made showing the correct measurement—

(a) upon consent in writing to such registration given by all persons who are parties to the document and whose interests appear to be affected, or their solicitors; or

(b) where the measurement has been calculated by the Registry and notice of that calculation has been sent to all persons who are parties to the document and whose interests appear to be affected, or their solicitors, and no objection to the calculation has been received within the time limited by the notice;

and in any such case amendment of the document shall not be necessary.

(5) On receipt in the Registry of any document altered, or any consent required to be lodged, in accordance with paragraph (1), (2), or (3), the dealing shall be deemed to have been received in the Registry as if such receipt were the presentation of the dealing.

#### *Date of registration*

**35.** Except as is otherwise provided by these Rules or any other statutory provision, the date of registration of any dealing with registered land shall be the date on which the application or other document upon which the dealing is founded was received, or was deemed to have been received, in the Registry.

#### *Questions as to stamp duty*

**36.**—(1) Where, upon delivery of a document for registration, a question arises as to whether the document bears a sufficient Inland Revenue stamp and the applicant for registration, or his solicitor, gives a written undertaking that he will, within a time to be fixed by the Registrar, furnish the evidence necessary to prove that the document either was upon such delivery, or has since become, sufficiently stamped, the document may be returned, for the purpose of procuring such evidence, to the person who delivered it.

(2) If the document is subsequently, within the time fixed under paragraph (1), re-delivered at the Registry with the proper evidence that it is at the time of its re-delivery sufficiently stamped, the document shall, for registration purposes, be deemed to have been received in the Registry on the date of its original delivery.

(3) If, at the expiration of the time fixed under paragraph (1), the written undertaking has not been complied with, the dealing in connection with such document shall be treated as withdrawn.

#### *Pending transactions*

**37.** Every application or other document received for registration, or details thereof, shall, pending registration, be indexed in an index of pending transactions or be associated with or noted on the folio to which it relates in such manner as the Registrar directs.

*Notice to registered owners*

**38.** On receipt, for registration, of an application or other document purporting to be executed by a registered owner, notice of such receipt shall, if the Registrar considers such notice necessary or desirable, be sent to the registered owner.

*Dealings by person entitled to be registered*

**39.**—(1) Where a person who has become entitled to be registered as owner of any registered land, either on transmission on the death of a registered owner or in consequence of a disposition by a registered owner, deals with the land before he has made application for registration of his ownership, the dealing shall be presented for registration at the same time as the application for registration of ownership. In any such case, if the Registrar is satisfied as to the right of the person to be registered as owner, effect may be given to the dealing as if it were a dealing by a registered owner.

(2) Where any such dealing is not presented for registration at the same time as the application for ownership, but is so presented subsequently, the Registrar may refuse to accept it for registration until it is confirmed in the appropriate manner.

*Devolution of estate of person entitled to be registered as owner*

**40.** In any case where a person who has become entitled to be registered as owner has died before being so registered, the person then entitled to be registered as owner may be so registered upon lodgment of the documents or evidence proving the entitlement of the deceased person and an assent or transfer by his personal representative as if that person had been a registered owner.

TRANSFERS AND TRANSMISSIONS OF REGISTERED LAND

*Forms of transfer*

**41.** Except where—

- (a) the ownership is in respect of a registered charge; or
- (b) it is otherwise provided by any statutory provision; or
- (c) the circumstances of the case rendered it not practicable to make the deed in any of the Forms specified in this rule;

a transfer of ownership shall be made by a deed in Form 9, 10, 11, 12, 13, 14, 15 or 16 as the case requires.

*Assent or transfer by personal representative*

**42.**—(1) Where, on the death of a registered owner, registered land vests in his personal representative, an assent by the personal representative in favour of a person who claims to be entitled to the land shall be in Form 17.

(2) Where, on the death of a registered owner, registered land vests in his personal representative and instead of executing an assent, the personal representative transfers the registered land to a person claiming to be entitled

as a result of the death of the registered owner, the transfer may be in one of the prescribed forms of transfer modified to include a statement by the personal representative that the transfer is made for the purpose of administering the estate of the deceased registered owner and with such other modifications as may be necessary.

(3) Where the assent is in respect of a charge of which the deceased was the registered owner, Form 17 may be modified as necessary.

(4) (a) Subject to the provisions of the 1970 Act and these Rules, the Registrar, on production of the documents mentioned in sub-paragraph (b), shall register as owner the person named in the assent or transfer for that purpose subject to such burdens (if any) affecting his title as are set out in the assent or transfer.

(b) The documents to be produced for the purpose of sub-paragraph (a) are—

- (i) an assent or transfer prescribed by this rule;
- (ii) the grant of letters of administration or probate issued in respect of the estate of the deceased registered owner or an office copy of such grant; and
- (iii) either a certificate by a solicitor or an affidavit identifying the deceased named in the grant as the deceased registered owner and confirming (unless such confirmation is already included in the assent or transfer) that the personal representative making the assent or transfer is the personal representative named in the grant.

(5) Subject to the provisions of the 1970 Act and these Rules, where the Registrar is satisfied that on the death of a registered owner his estate vested in his personal representative and that an assent or transfer prescribed by this rule has been executed by the personal representative then, in processing the application for registration, the Registrar shall—

(a) not call for any information as to why the assent or transfer was made; and

(b) assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.

(6) Paragraph (5) shall apply in respect of a person dying whether before or after the commencement of the 1970 Act.

#### *Transfer for value by personal representative*

**43.** Where a personal representative transfers registered land to a purchaser for value, the transfer may be in one of the prescribed forms of transfer with the necessary modifications.

#### *Grant of representation to accompany transfer by personal representative*

**44.** Every transfer by a personal representative under rule 43 shall, on lodgment in the Registry, be accompanied by the relevant grant of letters of administration or probate or an office copy of the grant together with a

certificate by a solicitor or an affidavit identifying the deceased named in the grant as the owner stated to be deceased and confirming (unless such confirmation is already included in the transfer) that the personal representative making the transfer is the personal representative named in the grant.

*Application for registration by a devisee of freehold land*

**45.**—(1) An application for registration as owner by a devisee, or his successor in title, of a registered full owner of freehold land that did not vest in the personal representative of such owner at his death shall be in Form 18.

(2) An application under paragraph (1) shall be accompanied by the original probate, or letters of administration with will annexed, or an office copy thereof, and, where the applicant is a successor in title of a devisee, by such other documents as are necessary to prove the devolution of title.

(3) Where any burden created by the will has been discharged a verified receipt or other evidence of discharge shall be lodged with the application.

*Application for registration by heir, etc.*

**46.**—(1) An application for registration as owner by a person entitled as heir, or as husband or widow, on the death intestate of a registered full owner of freehold land that did not vest in the personal representative of such owner shall be in Form 19.

(2) The application shall be accompanied by—

- (a) the original or an office copy of the letters of administration granted on the death of such owner or, if representation has not been raised, by evidence to prove, to the satisfaction of the Registrar, the facts of death and intestacy; and
- (b) if the applicant claims as heir, a pedigree verified by a member of the family and accompanied by certificates or other sufficient evidence of the births, marriages and deaths stated in such pedigree; or
- (c) if the applicant claims as tenant by the curtesy, corroborative evidence in support of the claim that there was issue born alive and capable of inheriting; or
- (d) if the applicant claims under the Intestates' Estates Act 1890(a), corroborative evidence in support of the claim that the owner left no issue and that the net value in accordance with that Act of his real and personal estate did not exceed five hundred pounds.

*Death of a joint tenant*

**47.**—(1) Where one of two or more persons who are registered as joint tenants dies, his name may, on the application of a survivor of such persons or his solicitor, be withdrawn from the folio. The application may be in Form 20 or in the form of a certificate by a solicitor to the same effect.

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(a) 53 and 54 Vict. c. 29

(2) The death of a joint tenant shall be proved by the production of a certificate of death, or of the original or an office copy of the grant of probate, or, as the case may be, the grant of letters of administration, together with written evidence that the deceased named in that certificate or grant is one and the same as the person registered as a joint tenant, or proved by such other evidence as the Registrar considers sufficient.

(3) Where two or more persons are registered as joint tenants and the death of one of them is proved in accordance with paragraph (2) a note of the death may be entered on the folio, but the name of the deceased person shall not be withdrawn from the folio until it is proved to the satisfaction of the Registrar that at least one other of such persons has survived.

*Determination of limited ownership*

**48.**—(1) On the determination of the estate of a person registered as a limited owner, the person entitled as a result of such determination shall be registered as owner upon lodgment in the Registry of a certificate by a solicitor in Form 21 or upon lodgment in the Registry of the documents constituting the settlement (unless already filed in the Registry) and an affidavit by the person so entitled setting out—

- (a) the terms of the settlement;
- (b) the manner in which the determination of the limited ownership occurred;
- (c) the manner in which the interest of the person entitled to be registered as owner has accrued;
- (d) such other facts as, from the settlement and the nature of the case, may be necessary to prove that such person is entitled to be registered as owner;
- (e) an averment as to the dealings (if any) by that person with his interest and that all material facts have been disclosed;
- (f) an averment as to all burdens affecting the interest of that person; and
- (g) a request for registration of the ownership sought to be made and the burdens affecting the same.

(2) Where an affidavit is lodged under paragraph (1), it shall be accompanied by such documents (if any) as are necessary, in the opinion of the Registrar, to prove the averments in it regarding the devolution of the title.

(3) The affidavit referred to in paragraph (1) may, instead, be made by a trustee of the settlement (whether a trustee for the purposes of the Settled Land Acts or not).

(4) Where an affidavit referred to in paragraph (1) is not made by a trustee in accordance with paragraph (3) the Registrar may, if he considers it to be expedient to do so, postpone registration until after service upon the trustees (if any) of notice of the registration sought to be made.

(5) An admission by a trustee of the settlement of the discharge or cesser of any burden created by the settlement shall be sufficient evidence of such discharge or cesser.

(6) Where—

(a) a person has been registered as limited owner by virtue of paragraph 4 of Schedule 4 of the 1970 Act<sup>(a)</sup>; and

(b) the estate of that person is determined,

then, the assent or transfer mentioned in that paragraph shall, on application in accordance with paragraphs (1), (2) and (3) authorise the Registrar to make the registrations mentioned in sub-paragraphs (i) and (ii) of paragraph 6(2) of that Schedule.

*Note of death of registered full owner*

**49.** On the death of a registered full owner who is not a joint tenant, his personal representative may, on lodgment in the Registry of the original or an office copy of the grant of probate or, as the case may be, the grant of letters of administration, together with a certificate of the solicitor acting in the matter or, if the Registrar so requires, an affidavit, identifying the deceased named in such grant of probate or letters of administration with such registered owner, have a note entered on the folio setting out the fact of such death and particulars of representation including the name and address of such personal representative.

*Registered land acquired by trustees of a settlement*

**50.** Registered owners who hold land as trustees, having acquired it with capital money arising under a settlement, may, by lodging an affidavit made by them in Form 22, have the person entitled under the settlement registered as owner accordingly.

*Entry of name of new trustee of a settlement*

**51.—**(1) The name of a new trustee of a settlement for the purposes of the Settled Land Acts under which a limited owner is registered shall be entered on the title register on production in the Registry of the instrument or an office copy of the order appointing the trustee with evidence that the appointor is the person authorised to make the appointment and such other evidence as may be necessary to show that the appointment was properly made. Such evidence may be a certificate made by a solicitor in Form 23.

(2) When the appointment has been made by deed, the deed or a duplicate or certified copy thereof or a relevant extract therefrom shall be filed for reference.

*Defeasance*

**52.—**(1) In any case of the defeasance of the estate of a registered owner mentioned in section 36 of the 1970 Act, the person claiming to be entitled may apply to be registered as owner and on any such application shall—

(a) lodge in the Registry the documents under which he claims together with any other documents which, in the opinion of the Registrar, may be necessary to prove the defeasance;

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(a) As amended by Article 18 of the Order of 1992

- (b) if required by the Registrar to do so, state in writing the burdens and other entries appearing on the register for the cancellation of which application is made;
  - (c) where the ownership passes under any statutory provision, state in writing the statutory provision (including for example, the relevant section or article) relied on and furnish proof that the conditions have arisen, or that the events have happened, that operate to transfer the land by virtue of such statutory provision.
- (2) On registration of an owner, pursuant to an application made under this rule, the following registered burdens and notices shall be cancelled on the register—
- (a) where the transfer is made by statutory provision, or in exercise of a statutory power, burdens and notices from which the land would be discharged by the statutory provision, or the exercise of the statutory power, if the land were unregistered;
  - (b) where the transfer is made in exercise of a power registered as a burden or a power of appointment, the burdens and notices that rank in priority after the power;
  - (c) where the transfer is made by a vesting order of a court or by a person appointed by a court to transfer, the burdens and notices that the court directs to be discharged on the registration of the transferee.

#### RECLASSIFICATION OF TITLE

##### *Reclassification of possessory titles formerly subject to notes as to equities*

**53.** An application under paragraph 1 of Schedule 3 to the 1970 Act by a registered owner to reclassify as absolute a title deemed to be possessory, shall be made, where no other alteration is required to be made on the register, by lodgment of an application in Form 24 or in the form of a certificate by a solicitor containing a statement that he has made all necessary enquiries and also containing statements to the same effect as those in Form 24.

##### *Reclassification on efflux of time*

**54.** An application, under paragraph 2 of Schedule 3 to the 1970 Act by a registered owner or by a transferee for valuable consideration of the estate of a registered owner, to reclassify a title on registration of the transfer, shall be made by lodgment of an application in Form 25 or an application in the form of a certificate by a solicitor to the same effect.

##### *Reclassification of certain qualified titles*

**55.** An application under paragraph 3 of Schedule 3 to the 1970 Act may be made in Form 26 where such application is made by the registered owner to reclassify as a good fee farm grant, or a good leasehold, title, a title registered at the commencement of the 1970 Act as a qualified title and the Registrar at the time of first registration would have been justified in registering the title as a good fee farm grant, or a good leasehold, title if the provisions of section 13 of the 1970 Act had applied at that time.

*Reclassification of titles in other cases*

**56.**—(1) An application to reclassify a title in any other case shall be made in Form 27.

(2) Where an application in Form 27 is accompanied by a certificate by a solicitor confirming the contents of the applicant's affidavit to be true, that all necessary searches and enquiries have been made, and that the reclassification sought is justified, such application may, if the Registrar thinks fit, be accepted by him in lieu of other evidence.

*Notices, advertisements and enquiries before reclassification*

**57.**—(1) Before reclassification of a title in a case to which rule 54 applies, the Registrar may—

- (a) give such notice of the intended reclassification as he considers necessary, including notices to owners of neighbouring land who may, in his opinion, be entitled to enforce restrictive covenants or conditions affecting the land;
- (b) require notice of the intended reclassification to be inserted at the applicant's expense in such newspaper (if any) as the Registrar considers desirable;
- (c) make such enquiries, on the land or elsewhere, as he considers necessary.

(2) Before reclassification of a title in a case to which rule 56 applies the Registrar shall, unless in any particular case he considers it unnecessary to do so—

- (a) give notice of the intended reclassification to the registered owner, if such owner is not the applicant and does not consent to the reclassification;
- (b) where, on reclassification, it is intended to register a burden in priority to an existing registered burden, give notice of such intention to the owner or reputed owner of the registered burden;
- (c) where, on reclassification, it is intended to cancel a registered burden which appears not to affect the ownership of the land as ascertained, or only affects a limited ownership or an estate in remainder, give notice, to the owner or the reputed owner of the burden, of the facts ascertained and of the entries and cancellation or amendment of entries intended to be made on the register.

(3) In any case in which, under this rule, notice is given or an advertisement is made, the Registrar shall not reclassify the title until after the expiration of such period as he, in the particular case, considers reasonably sufficient to permit an objection to be made to him and every such notice and advertisement shall state the period during which an objection should be made, and to whom it should be addressed.

*Register to be made conformable on reclassification*

**58.** On every reclassification of title the Registrar shall make the register conformable with the title as ascertained on examination, and shall make all



entries and cancellations on the register necessary for this purpose, save that, in respect of a registered burden, the ownership of the burden shall be registered only where the title to the ownership has been shown to the satisfaction of the Registrar.

## BURDENS GENERALLY

### *Mode of entry of burden*

**59.** The entry to be made on a folio in respect of a registered burden may consist of an extract from, or a note as to the effect of, the document creating the burden or, when that document or a copy thereof is filed in the Registry, of a reference to that document or copy.

### *Notice to owner of inclusion of registered charge*

**60.** Where, on the opening of a new folio, a charge which is entered on another folio is included in the new folio, the Registrar shall, in any case where the ownership of the charge is registered, and unless he is satisfied that the registered owner of the charge is aware of the intention to make such inclusion, give notice of the inclusion to that owner.

### *Burdens having a statutory priority*

**61.**—(1) On registration of a burden which is shown to the satisfaction of the Registrar to have, by virtue of any statutory provision, priority over another burden, an entry shall be made on the register to the effect that, as between that burden and the other burden, that burden ranks in priority in accordance with that statutory provision.

(2) An applicant for registration of any such burden, or any person having an interest in any burden intended to be registered and in respect of which he claims priority by virtue of any statutory provision, shall state in writing the statutory provision by virtue of which priority is claimed.

### *Priority where two or more burdens are created by the same instrument*

**62.** Where, in an instrument lodged for registration, two or more of the matters specified in Part I of Schedule 6 to the 1970 Act are created then, on registration of such matters as burdens, such burdens shall, for registration purposes, except in the case of a burden having a priority conferred by a statutory provision, be deemed to be in equal priority, unless a contrary intention is indicated in the instrument or the parties concerned or their solicitors agree to a different priority.

### *Note as to priority on registration of charge for securing money actually raised under a settlement*

**63.** On registration of a charge for securing money actually raised, within the meaning of section 20(2)(ii) of the Settled Land Act 1882(a), by an instrument executed in exercise of a power in a settlement under which a limited owner is registered, an entry shall be made on the register to the effect

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(a) 45 and 46 Vict. c. 38

that, as between the charge and any other burden arising under the settlement, the charge ranks in the priority which it has under the settlement.

*Modification and cancellation of burdens other than charges*

**64.**—(1) Where an application is lodged pursuant to section 48(1)(a) of the 1970 Act to modify or discharge a covenant or condition which is registered as a burden under entry 12 of Part I of Schedule 6 to that Act, evidence that all persons concerned have consented may consist of a consent in writing signed by them or by their solicitors on their behalf.

(2) Where a lease or an incorporeal right held in gross is registered as a burden but its ownership is not registered, its registration as a burden shall not be cancelled or modified until the title to such lease or incorporeal right has been shown to the satisfaction of the Registrar.

(3) Save as otherwise provided in the 1970 Act or these Rules, any registration of notice of the existence of a Schedule 5 burden or any registration of a Schedule 6 burden, other than a charge or a covenant or condition to which section 48(1) of the 1970 Act applies, may be modified or cancelled upon lodgment in the Registry of either—

- (a) an affidavit of the registered owner of the land subject to such burden, setting out the relevant facts, together with such documents or other evidence (if any) as, in the opinion of the Registrar, are sufficient to justify the modification or cancellation; or
- (b) a certificate by a solicitor, referring where appropriate to any accompanying release or other document necessary for the modification or cancellation sought, and containing statements by the solicitor to the following effect, modified as necessary in any particular case,—
  - (i) he acts for the applicant;
  - (ii) he has investigated any unregistered title affected by the application for modification or cancellation and made or caused to be made all necessary searches and enquiries in respect of that title as thoroughly as would be required for its purchase for full value under a contract limiting only the length of title to that set out in rule 23(1);
  - (iii) he has investigated any registered title affected by the application;
  - (iv) he is satisfied, as the result of his investigation and subject to registration, that there is vested in the applicant, or in a person specified in the certificate, entitlement to the burden and, where appropriate, to such other estate or interest in the land as set out in the certificate free from any adverse rights or encumbrances other than those (if any) set out in that certificate;
  - (v) he is not aware of any question or doubt regarding, or any claim adverse to, such entitlement; and
  - (vi) he requires such registrations or cancellations as are specified in the certificate and are consistent with the facts as certified by him.

(4) Except where all persons concerned consent to the modification or cancellation, or where a certificate by a solicitor has been lodged in accordance with paragraph (3), modification or cancellation under this rule shall be made only after such enquiries have been made and such notices given as the Registrar may direct.

*Restrictive covenants under a building scheme*

**65.** On the determination, otherwise than by effluxion of time, of a lease containing restrictive covenants which the Registrar has reason to believe may be enforceable by persons other than the lessor, he may, if he thinks fit, make an entry on the register to the effect that the land is subject to such liability (if any) as may be subsisting by reason of those covenants.

**CHARGES**

*Forms of charge*

**66.** A charge for payment of money may be in Form 28, 29, 30 or 31 as the case may require.

*Transfers of charge*

**67.**—(1) A transfer of a charge by the registered owner thereof may be in Form 32.

(2) On registration of the transferee as owner of the charge, the document of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts and the transferee shall—

(a) have the same title to the charge as, under the 1970 Act, a registered transferee of land other than a charge would have to such land under a transfer for valuable consideration or, as the case may be, without valuable consideration; and

(b) have, for enforcing his charge, the same rights and powers in respect of the land as if the charge had been created in his favour originally;

and the provisions of section 34(4) of the 1970 Act in its application to the transfer of charges are modified accordingly.

*Charges created by companies*

**68.** Where on an application for registration of a charge created by a company, the documents lodged do not establish that the charge has been registered with the registrar of companies under Part XIII of the Companies (Northern Ireland) Order 1986(a), a note to that effect shall, on registration of the charge, be entered on the title register.

*Sub-charges*

**69.**—(1) Where the registered owner of a charge creates a charge on his interest, such charge shall be described on the register as a sub-charge.

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(a) S.I. 1986/1032 (N.I. 6)

(2) In respect of the creation, registration, transfer, disposition and release of sub-charges, the same forms may be used and the same procedures adopted as those which are prescribed for the creation, registration, transfer, disposition and release of charges, with the necessary modifications.

*Note of registration of ownership of charge*

**70.** When the ownership of a charge is registered in a different folio from that in which it has been entered as a burden, a reference to the folio showing the ownership shall be included in the entry of the charge as a burden.

*Mortgages or terms of years created prior to first registration and affecting registered land*

**71.**—(1) In the case of a mortgage or a term of years created prior to first registration which, by virtue of section 46(2) of the 1970 Act, operates as a charge on the land, the Registrar may, upon the registration as a burden of such charge and on the application or with the concurrence of the person entitled thereto, register him as owner of the charge, on due proof of his title and after notice to the owner of the land which is subject to the charge.

(2) The same procedure shall be adopted, and the same forms of transfer and other dispositions may be used, in respect of a charge of which an owner is so registered, as are applicable to other registered charges.

*Receipt for payment of amount of registered charge*

**72.** A receipt of a registered owner of a charge for payment of the amount of such charge may be in Form 33.

*Release of registered charge*

**73.** A release, by the registered owner of a charge, of the land charged, or part thereof, from the charge, may be in Form 34.

*Modification or cancellation of registered charge*

**74.** A registered charge may be modified or cancelled upon such evidence as, in the opinion of the Registrar, is sufficient to justify such modification or cancellation (which evidence may, if the Registrar thinks fit, consist of or include a certificate by a solicitor) and after such enquiries and the giving of such notices as he may direct, save that where the ownership of the charge is registered and the registered owner thereof has not requested, or does not concur in the proposed modification or cancellation, the modification or cancellation shall not be made unless notice of the intention to make it has been given to such registered owner and the time for objection limited by the notice has expired.

*Restriction on custody of land certificate by a registered owner of a charge*

**75.** The registered owner of a charge shall not, merely by reason of his being such owner, be entitled to custody of the land certificate in respect of the registered land which is subject to the charge.

## INLAND REVENUE CHARGES

### *Registration of Inland Revenue charge*

**76.** Where it appears to the Registrar upon first registration or reclassification of a title that the land is subject to an Inland Revenue charge within the meaning of the Finance Act 1975(a) or the Inheritance Tax Act 1984(b), or where the Commissioners of Inland Revenue apply for registration of such a charge, the Registrar may enter the Inland Revenue charge on the title register in Form 35.

### *Cancellation of registration of Inland Revenue charge*

**77.** The registration as a burden of an Inland Revenue charge shall be cancelled by the Registrar as to the whole or, where appropriate, as to a part of the land affected thereby on the production to him of a certificate given by the Commissioners of Inland Revenue in Form 36 but subject to any condition specified in the certificate as to the registration of a disposition to a purchaser.

## OTHER SCHEDULE 6 BURDENS

### *Form of rent-charge*

**78.** A rent-charge in respect of registered land may be created by an instrument in Form 37.

### *Fee farm grant in respect of registered land*

**79.**—(1) An application for registration in respect of a fee farm grant, to which entry 5 of Part I of Schedule 2 to the 1970 Act applies, shall—

- (a) be made by lodgment in the Registry of the original grant and also of such ordnance map (if any) as is necessary to enable the land the subject of the fee farm grant to be identified on the registry map;
- (b) be deemed to include a request for registration of the grantee as owner of the land the subject of the fee farm grant and for registration, in such folio as may be appropriate, of the grantor as owner of the fee farm rent.

(2) An application for first registration of the ownership of a fee farm rent issuing out of registered land in any case to which entry 5 of Part I of Schedule 2 to the 1970 Act does not apply shall be made in accordance with the provisions of Part II relating to applications for first registration, with the necessary modifications.

### *Perpetual rent-charges, fishing or sporting rights*

**80.**—(1) An application for registration of a perpetual rent-charge to which entry 5 of Part I of Schedule 2 to the 1970 Act applies, or of a fishing or sporting right to which entry 6 of Part I of that Schedule applies, shall—

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(a) 1975 c. 7  
(b) 1984 c. 51

- (a) be made by lodgment in the Registry of the original grant whereby the perpetual rent-charge was created or, as the case may be, the fishing or sporting right was granted or reserved and also of such ordnance map (if any) as is necessary to enable the land the subject of the grant or reservation to be identified on the registry map;
- (b) be deemed to include a request for registration of the perpetual rent-charge or, as the case may be, the fishing or sporting right, as a burden and for registration in such folio as may be appropriate of the ownership of the perpetual rent-charge or, as the case may be, of the fishing or sporting right.

(2) An application for first registration of the ownership of a perpetual rent-charge to which entry 5 of Part I of Schedule 2 to the 1970 Act does not apply, or of a fishing or sporting right to which entry 6 of Part I of that Schedule does not apply, shall be made in accordance with the provisions of Part II relating to applications for first registration, with the necessary modifications.

*Lien for unpaid purchase money*

**81.**—(1) An application for registration as a burden of a lien for unpaid purchase money shall be made in writing signed by the vendor or his solicitor and shall contain an address of the vendor in the United Kingdom for service of notices.

(2) Notice of an application under paragraph (1) shall be sent to the purchaser and such other persons as the Registrar may direct.

(3) A burden entered in respect of such a lien may be cancelled on lodgment of a consent in writing by the vendor or his solicitor.

*Registration of leases of registered land to which entry 4 of Part I of Schedule 2 to the 1970 Act applies*

**82.**—(1) An application to register any lease to which entry 4 of Part I of Schedule 2 to the 1970 Act applies shall—

- (a) be made by lodgment in the Registry of the original lease and also of such ordnance map (if any) as is necessary to enable the land the subject of the lease to be identified on the registry map;
- (b) be deemed to include a request for registration of the lease as a burden and for registration, in such folio as may be appropriate, of the lessee as owner.

(2) The registration to be made on any application to which paragraph (1) applies shall include—

- (a) registration of the lease as a burden on the appropriate folio, by making an entry on that folio giving the date of and parties to the lease, particulars of the term and also particulars of the land demised, sufficient to identify such land on the registry map; and
- (b) registration as owner in an appropriate folio, of the lessee, with such class of title as the Registrar considers appropriate.

*Registration of other leases of registered land to which paragraphs (a) and (b) of entry 6 of Part I of Schedule 6 to the 1970 Act apply*

**83.** An application to register as a burden any lease of registered land to which paragraphs (a) and (b) of entry 6 of Part I of Schedule 6 to the 1970 Act apply (other than leases to which rule 82 applies) and to register the title to the leasehold estate shall be made by an application of the lessee for first registration, in the title register, of the ownership of the lease, in accordance with the provisions of Part II with the necessary modifications and the registration to be made shall include such registrations as are specified in sub-paragraphs (a) and (b) of rule 82(2).

*Application to register lease as a burden only*

**84.** An application to register a lease as a burden only where the ownership in respect of the lease is not required, under the 1970 Act or otherwise, to be registered, shall be made by lodgment in the Registry of the original lease or a counterpart thereof, together with a duplicate or a certified copy, and also of such ordnance map (if any) as is necessary to enable the land the subject of the lease to be identified on the registry map.

*Registration of judgments*

**85.**—(1) Except in cases to which rule 86 or 161 applies, an application for registration as a burden of a judgment affecting the land shall be in writing signed by the applicant or his solicitor accompanied by a certified copy of the judgment and where the land affected by the judgment is not sufficiently identified in the judgment, by evidence, including where necessary an ordnance map, sufficient to identify the land to the satisfaction of the Registrar.

(2) A burden entered on a folio under this rule may be cancelled on proof to the satisfaction of the Registrar that the judgment no longer affects the land.

*Registration of charging orders under the Criminal Justice Order*

**86.** An application to register a charging order made under Article 14 of the Criminal Justice Order shall be made by lodgment in the Registry of a certified copy of the order and of any order varying it under Article 14(6) of the Criminal Justice Order.

*Discharge and variation of charging orders under the Criminal Justice Order*

**87.** An entry on the register protecting a charging order under Article 14 of the Criminal Justice Order shall be vacated or modified, as appropriate, upon lodgment in the Registry of a certified copy of an order of the High Court under Article 14(6) of the Criminal Justice Order discharging or varying such an order or directing that the relevant entry be vacated.

*Application for registration of order, or notice of an order, charging land*

**88.**—(1) An application for registration of a charge imposed by an order charging land made under Article 46 of the Order of 1981(a) shall be made by

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(a) S.I. 1981/226 (N.I. 6) as amended and applied by Article 10 of the Order of 1992

the creditor by lodgment in the Registry of the documents specified in Article 50(1) of the Order of 1981. Notice of the registration of such a charge as a burden shall, if the Registrar considers such notice necessary or desirable, be sent by the Registry to the registered owner of the land against which the charge is so registered.

(2) An application for registration of notice of such an order, made under Article 48 of the Order of 1981, shall be made by the creditor by lodgment in the Registry of one certified copy of the order and a notice in Form 38 and also, where the debtor is a company within the meaning of Article 2(2) of the Order of 1981, two copies of such notice, certified by the applicant, or his solicitor, to be true copies.

(3) An application for registration of notice of such an order, made under paragraph 4 of Part IV of Schedule 2 to the 1970 Act, shall be made by the creditor by lodgment in the Registry of one certified copy of the order and a notice in Form 39. Where the debtor is a company within the meaning of Article 2(2) of the Order of 1981, two additional certified copies of the order shall be lodged.

(4) Rules 31 to 33 and rule 35 apply to the receipt of applications referred to in paragraph (3) and their registration in the same manner as they apply to the receipt and registration of dealings.

(5) Where the order charging land is made subject to a condition specified in the order, the Registrar may require proof to his satisfaction that the condition has been complied with, or no longer applies, or he may, on registration of the order or notice of the order as a burden, make specific reference in the entry to the condition.

#### *Application for registration of other enforcement orders*

**89.** An application for registration of an enforcement order under the Order of 1981 (other than an order charging land) shall be made by lodgment in the Registry of a certified copy of the order, issued from the Enforcement of Judgments Office, together with such further evidence (if any) as is necessary to identify the land the subject of the order with the land in the folio on which it is sought to register the order as a burden.

#### *Cancellation of entries in respect of enforcement orders*

**90.—**(1) An entry on the register as a burden of an enforcement order under the Order of 1981 may be cancelled, upon the application of the registered owner of the land against which the order or notice of an order is registered as a burden, on proof that such land is no longer affected by the order or, in the case of an order charging land, where the Registrar is satisfied, in consequence of an examination of the title to the land under the 1970 Act, that the debtor is not entitled to the estate charged by the order.

(2) An entry shall not be cancelled under paragraph (1) until after the expiration of ten days from the date when notice of the intention to make the cancellation is given to the person in whose favour the enforcement order appears, from such entry, to have been made, and to the Chief Enforcement Officer unless that person and the Chief Enforcement Officer consent to the cancellation.



(3) Where, by virtue of Article 47 of the Order of 1981, any order charging land ceases to have effect, any entry on the register in respect of the order may be cancelled at the request of the registered owner whose title is affected by the entry.

(4) An application under Article 132(1) of the Order of 1981 to cancel the registration of a charge imposed by an order charging land or to cancel the notice of such an order shall be made by lodgment in the Registry of the documentation mentioned in that Article together with such further evidence (if any) as is necessary to identify the folio on which the charge or notice has been entered as a burden.

*Registration of pending actions*

**91.**—(1) An application for the registration of a pending action as a burden shall be made in Form 40 signed by the applicant or his solicitor and having subscribed thereto a certificate of the proper officer of the court in which the action or proceeding is pending to the effect that the particulars set out in the application relating to the action or proceeding are correct.

(2) The entry on a folio in respect of a pending action shall be made in Form 41 and may, without application, be cancelled where the entry has ceased to have effect by reason of expiration of time.

(3) An application for renewal of the registration as a burden of a pending action shall be in Form 42 and shall be made in the same manner as in the case of an application for registration of a pending action under paragraph (1).

(4) Before registration of a pending action or the renewal thereof, notice of any application under paragraph (1) or (3) shall be sent to the registered owner of the land affected.

(5) Registration of a pending action as a burden may be cancelled upon lodgment in the Registry of—

- (a) a certificate of the proper officer of the court in which the action or proceeding was pending, to the effect that the action or proceeding has terminated; or
- (b) a certified copy of the order of the court directing its cancellation on the register; or
- (c) a transfer of the land in pursuance of an order for sale made by the court in which the action or proceeding is pending; or
- (d) a consent to cancellation thereof signed by the person on whose behalf it was registered or his personal representative or his solicitor.

*Registration of matrimonial charges and renewal of registration*

**92.**—(1) An application for the registration of a matrimonial charge as a burden pursuant to Article 6(1)(a) of the Family Law Order shall be in Form 43 and shall be accompanied by—

- (a) a certificate of the marriage in question;
- (b) a copy of any release of part of the dwelling house from the rights of occupation;

- (c) a copy of any document postponing the priority of the charge; and
- (d) a certified copy of any order of the court under Article 4 of the Family Law Order in relation to the rights of occupation.

(2) For the purpose of paragraph (1) “dwelling house” has the same meaning as in Part II of the Family Law Order.

(3) Where an application under paragraph (1) is also made in pursuance of Article 9(3)(b) of the Family Law Order (application for registration of a charge after an order of the court has been made by virtue of Article 5(4) of that Order) the application shall also be accompanied by a certified copy of the order made by virtue of Article 5(4) of that Order.

(4) The entry to be made on a folio in respect of a matrimonial charge shall be in Form 44 and shall, if appropriate, show that the priority of the charge has been postponed by virtue of a statutory provision other than the Family Law Order.

(5) An application for the renewal of the registration of a matrimonial charge registered under paragraph (1) pursuant to Article 9(3)(a) of the Family Law Order (renewal of registration in consequence of an order made by virtue of Article 5(4) of that Order) shall be in Form 45 and shall be accompanied by a certified copy of the order made by virtue of Article 5(4) of that Order.

*Cancellation and variation of entries relating to the registration of matrimonial charges and postponement of priority*

**93.**—(1) The registration of a matrimonial charge as a burden may be cancelled or varied or the postponement of its priority (except in the case of a postponement to which rule 61 applies) registered by the lodgment in the Registry of an affidavit setting out the relevant facts and accompanied by such of the following evidence, if any, as is in the opinion of the Registrar sufficient to justify such cancellation, variation or postponement—

- (a) a document releasing or varying the rights of occupation constituting the charge or a document postponing the priority of the charge, as the case may be;
- (b) the evidence mentioned in paragraphs (2) and (3);
- (c) such other or additional evidence in support as the Registrar may require.

(2) Subject to paragraph (3) the evidence required by virtue of paragraph (1)(b) is—

- (a) a certificate of the death of either spouse;
- (b) a certified copy of a decree of divorce or nullity of marriage granted by a court, or entitled to recognition, in Northern Ireland and which is effective to dissolve or annul the marriage in question;
- (c) a certified copy of any relevant order of the court under Article 4 of the Family Law Order in relation to the rights of occupation constituting the charge;

(d) such other or additional evidence as the Registrar may require as to the death of either spouse or to the nullity of, or termination otherwise than by death of, the marriage in question.

(3) Where the charge was registered, or its registration was renewed, pursuant to Article 9(3) of the Family Law Order (registration or renewal thereof following an order under Article 5(4) of that Order) the evidence required by virtue of paragraph (1)(b) is—

(a) a certificate of the death of the spouse by whom the application for the registration of the charge was made;

(b) a certified copy of any relevant order of the court under Article 4 of the Family Law Order in relation to the rights of occupation constituting the charge;

(c) such other or additional evidence as the Registrar may require to show that the order under Article 5(4) of the Family Law Order has ceased to have effect.

*Easements, profits-a-prendre, etc.*

**94.**—(1) Every application for the registration of an easement or a profit-a-prendre as a burden shall be accompanied by an ordnance map sufficient to enable the land over which the right is to be exercised to be identified on the registry map, unless such land can be clearly identified by a verbal description or a map included in the document creating the right.

(2) In the case of an appurtenance, the land to which the right is appurtenant shall be identified in the same manner as is prescribed in paragraph (1) for the identification of the land over which the right is to be exercised.

(3) Any map not included in the document creating the right and lodged for the purposes of this rule shall be signed by the grantee of the right or his solicitor and by the registered owner of the land over which the right is to be exercised or the person granting such right or a solicitor acting for the registered owner or grantor.

MISCELLANEOUS PROVISIONS AS TO SCHEDULE 6 BURDENS

*Crystallised charge*

**95.**—(1) A crystallised charge on the registered land of a company may be registered as a Schedule 6 burden on lodgment of an application identifying the property affected by the crystallised charge by a reference to the folio in which the ownership of the company appears and including or referring to such evidence as is necessary to prove that the floating charge has crystallised.

(2) An application under paragraph (1) shall be accompanied by the document creating the floating charge and the document appointing a receiver (if any) together with a duplicate or certified copy of each such document.

(3) The Registrar may accept a certificate by a solicitor as to whether or not a floating charge created by a company has crystallised as sufficient evidence of such fact.

(4) On registration of any crystallised charge as a Schedule 6 burden the original document creating the floating charge and the original document appointing a receiver (if any) shall be returned to the person lodging same.

*Addition to list of Schedule 6 burdens*

**96.** In addition to the matters specified in these Rules and entries 1 to 15, both inclusive, of Part I of Schedule 6 to the 1970 Act, there may also be registered as a Schedule 6 burden, if the Registrar approves, any other encumbrance affecting the land, not being a Schedule 5 burden or a statutory charge, created or arising after first registration.

SCHEDULE 5 BURDENS

*Entries relating to certain burdens which affect land without registration*

**97.**—(1) Notice of the existence of any of the burdens specified in Part I of Schedule 5 to the 1970 Act as for the time being subsist may be entered on the appropriate folio at the request, or with the consent in writing, of the registered owner or his solicitor, and on proof, to the satisfaction of the Registrar, of their existence.

(2) If any such burden does not affect all the land in such folio any such request or consent shall be accompanied by an ordnance map or other particulars sufficient to identify on the registry map the part subject to the burden.

(3) Where the land in any folio is subject to the prohibitive or restrictive provisions of any statutory provision to which entry 5 in Part I of Schedule 5 to the 1970 Act applies, the registered owner of such land shall ensure that notice of the application to such land of such prohibitive or restrictive provisions is given to the Registrar.

(4) The note required, by paragraph 2 of Part II of Schedule 5 to the 1970 Act, to be entered on the title register shall consist of an entry on the folio to the effect that the land is subject to the prohibitive or restrictive provisions of the statutory provision by which the alienation, assignment, sub-division or sub-letting of the land is prohibited or in any way restricted.

CAUTIONS AGAINST REGISTRATION OF DEALINGS

*Cautions against dealings by registered owners*

**98.**—(1) A caution against any dealing with registered land by the registered owner shall be lodged by filing an affidavit in Form 46, sworn by the cautioner or his solicitor, and containing an address in the United Kingdom for service of notices.

(2) Notice of the entry of the caution shall be sent from the Registry to the registered owner of the land to which the caution relates and such notice shall be in Form 47.

(3) In the case of a caution lodged by a government department or by a public or local body, in any case to which this rule applies, instead of the affidavit referred to in paragraph (1), there may be substituted a certificate by

the solicitor for that government department or public or local body as to the matters required to be included in such affidavit.

*Application by registered owner to discharge a caution*

**99.** An application, by a registered owner of the land to which a caution relates, to discharge the caution shall be in writing, signed by the registered owner or his solicitor, and shall state the grounds of the application and the facts alleged in support thereof.

*Warning to cautioner*

**100.** On receipt of any application to discharge a caution, notice in Form 48 or, on receipt of any dealing by the registered owner for registration without the consent of the cautioner, notice in Form 49, shall be served by the Registrar on the cautioner warning him that the caution will lapse after the expiration of fourteen days from the date of the notice or such other period (not being less than seven days) as the Registrar may direct.

*Objection by cautioner*

**101.**—(1) At any time before the expiration of the period limited by the notice referred to in rule 100, the cautioner or his personal representative may show cause why the caution should continue to have effect or, as the case may be, why the dealing should not be registered.

(2) Cause may be shown by the cautioner or his personal representative by delivering a statement in writing, signed by him or his solicitor, setting forth the grounds on which cause is shown.

(3) Where he considers it necessary or expedient to do so, the Registrar may appoint a day and time for the parties to attend before him for the determination of any question relative to the continuance or discharge of the caution and, where appropriate, the registration of the dealing and he may serve such notices (if any) as he considers necessary.

(4) The Registrar may order that the caution shall thenceforth cease to have effect and that the entry thereof be cancelled, or that it shall continue to have effect or, as the case may be, may order that registration of the dealing be refused, or that such registration be completed forthwith or after an interval, or that it be completed conditionally or with some modification or subject to the prior registration of a dealing in favour of the cautioner, or he may make such other order as to him may seem just.

*Withdrawal of caution*

**102.**—(1) A caution against any dealing with registered land by the registered owner of that land may be withdrawn at any time in respect of either all the land to which it relates, or of a part thereof, and an application for such withdrawal may be in Form 50 signed by the cautioner or his solicitor.

(2) Where any such withdrawal is in respect of only a part of the land affected by the caution that part shall, if necessary, be identified by reference to an ordnance map sufficient to identify it on the registry map.

*Consent of cautioner to registration of dealing*

**103.** A cautioner or his personal representative may, by writing signed by himself or his solicitor, consent to registration of a specified dealing and such consent may be absolute or conditional on the caution being continued or on a specified inhibition being entered on the register.

*Cautions against reclassification*

**104.**—(1) Section 66 of the 1970 Act shall apply to cautions against reclassification of any registered land with the following modifications—

- (a) subsection (1) shall apply with the substitution of “the title to the land should not be reclassified” for “no dealing with the land on the part of the registered owner should be registered”;
- (b) subsection (2) shall apply with the substitution of “reclassify the title to the land” for “register any dealing on the part of the registered owner of the estate”;
- (c) subsection (3) shall apply with the substitution of “the title may be reclassified” for “the dealing may be registered”; and
- (d) subsection (4) shall apply with the substitution of “reclassification” for “dealing”.

(2) A caution against reclassification of the title to any land shall be lodged in Form 51 sworn by the cautioner or his solicitor and containing an address in the United Kingdom for service of notices.

(3) Rules 98(2) and (3), 99, 101, 102 and 103 shall apply to cautions against reclassification of any registered land with the necessary modifications.

(4) On receipt of any application to discharge such a caution, notice in Form 48 or, on receipt of an application to reclassify the title to any land without the consent of the cautioner, notice in Form 52 shall be sent from the Registry to the cautioner warning him that the caution will lapse after the expiration of fourteen days from the date of the notice or such other period (not being less than seven days) as the Registrar may direct.

INHIBITIONS

*Registration of trustee owner*

**105.** Upon registration, as full owner, of any person who holds the land as a trustee, there may be entered on the register, at his request in writing, an inhibition for the protection of the trusts.

*Entry of inhibition on consent*

**106.**—(1) An inhibition for the protection of an interest in registered land, enforceable against the registered owner, may also be entered on the register upon lodgment in the Registry of the consent in writing to such entry of the registered owner and of any other persons concerned, together with a statement of the facts showing the nature of the interest sought to be protected.

(2) An inhibition for the protection of an interest affecting an estate created by a settlement under which a limited owner is registered may be entered on the register upon lodgment, in the Registry, of the consent in writing of the owner of such estate and of any other persons concerned, together with a statement in writing of the facts showing the nature of the interest sought to be protected.

*Application for entry of inhibition without consent*

**107.**—(1) An application to the Registrar, by any person interested in registered land, for the entry on the register of an inhibition, except in a case to which rule 105, 106 or 114 applies, shall be made by lodgment in the Registry of an affidavit in Form 53 to be made by the applicant stating precisely the terms of the inhibition sought to be so entered and containing an address in the United Kingdom for service of notices.

(2) Every application made under this rule shall be accompanied by the document (if any) creating the interest and any other document necessary to prove the interest sought to be protected by the entry of the inhibition or, where the interest does not arise under any document, other evidence in proof of the facts which gave rise to such interest.

(3) Any document creating an interest which is protected by the entry on the register of an inhibition may, at the request of the applicant, be retained in the Registry.

*Procedure on application for inhibition*

**108.**—(1) Where the Registrar is satisfied, on the facts disclosed in an application under rule 107 or in any document produced in support of such an application, that the applicant is prima facie entitled to the entry on the register of an inhibition he shall send notice of an intention to make the entry, in Form 54—

- (a) to the registered owner of the land, if the interest is enforceable against him; or
- (b) where the registered owner is known to be dead, or to be mentally incapacitated, or is a minor or cannot be traced, or where the land is settled land and a limited owner is registered, to the person or persons appearing to be entitled to dispose of the estate in the land against which the right sought to be protected by the inhibition exists.

(2) Where an application is made to the Registrar to enter an inhibition on the register, he may refuse to enter the inhibition unless it is modified in such manner as he directs.

*Objections to inhibitions*

**109.**—(1) Any person to whom notice is sent under rule 108 may apply to the Registrar, within the time stated, objecting to the entry of the proposed inhibition on the register, or requesting that its terms be modified, or that it be limited in duration, and stating the grounds for such objection or request.

(2) The Registrar may make such ruling on the application for an inhibition as he considers just and he may, where he thinks fit, appoint a day

and time for the parties to attend before him for the determination of any question arising on the application, objection or request for modification or limitation.

*Withdrawal or modification of inhibition on consent*

**110.** An application to withdraw or modify an inhibition (other than one to which rule 114 applies) entered on the register, otherwise than by order of a court, shall, where all the persons for the time being appearing from the register to be interested or their solicitors request or consent to the withdrawal or modification, be in Form 55.

*Discharge or modification of inhibition where there is no consent*

**111.**—(1) An application to modify or discharge an inhibition (other than one to which rule 114 applies) entered on the register, otherwise than by order of a court, shall, when made without the consent referred to in rule 110, be in Form 56.

(2) Notice of any application made under this rule shall be sent from the Registry in Form 57 to the persons appearing, from the register or otherwise, to be interested.

(3) Any person receiving a notice referred to in paragraph (2) may, within the time limited in the notice, object to compliance with the application by giving to the Registrar notice in writing of his objection and the grounds thereof.

(4) The Registrar may make such ruling on the application as he considers just and he may, where he thinks fit, appoint a day and time for the parties to attend before him for the determination of any question arising on the application, notice or objection.

*Dealings inhibited except after notice to a specified person*

**112.**—(1) Where an inhibition is entered on the register restricting dealings except after notice to a specified person and a dealing within the terms of the inhibition is lodged for registration, the notice to be sent to such person shall be in Form 58 with such modifications as the Registrar considers necessary.

(2) Any person to whom such notice is sent, or his personal representative or other person entitled to the benefit of the inhibition may, within the time limited by the notice, show cause why the inhibition should continue to have effect or, as the case may be, object to registration of the dealing and, for the determination of any question relative to the continuance or discharge of the inhibition or the registration of the dealing, the procedure to be adopted and the powers to be exercised by the Registrar shall be the same as are prescribed in rule 101 in respect of an objection by a cautioner.

*Inhibition under order of court*

**113.** Where an inhibition is made pursuant to an order of court that fact shall be stated in the entry on the register.



*Registration, modification and withdrawal of inhibition under the Criminal Justice Order*

**114.**—(1) An application to the Registrar to enter an inhibition on the register under Article 13(13) of the Criminal Justice Order may be made by lodgment in the Registry of an application in Form 59.

(2) Where a restraint order has been made under Article 13 of the Criminal Justice Order prior to the making of an application under paragraph (1), that application shall be accompanied by a certified copy of the order and of any order varying it under Article 13(6) of the Criminal Justice Order.

(3) Where an application under paragraph (1) is made to the Registrar notice in Form 60 shall be sent from the Registry to the persons appearing from the register to be entitled to transfer or charge the estate in the land to which the application relates.

(4) Without prejudice to Article 13(15) of the Criminal Justice Order an inhibition under Article 13(13) of that Order may be withdrawn or modified at the request or with the agreement of—

(a) either—

(i) the prosecution (within the meaning of Article 12(3)(b) of the Criminal Justice Order); or

(ii) the Director of Public Prosecutions for Northern Ireland or an official authorised by him in that behalf; and

(b) where it is proposed to modify the inhibition, the persons appearing from the register to be entitled to transfer or charge the estate in the land to which the inhibition relates.

(5) An application to withdraw or modify an inhibition to which paragraph (4) relates shall be in Form 55 save that the signatories shall be the persons set out in paragraph (4) or their solicitors.

MISCELLANEOUS DEALINGS

*Application for registration of title to registered land acquired by possession*

**115.**—(1) Any person claiming, pursuant to section 53 of the 1970 Act, to have acquired a title by possession to registered land, may apply for registration of such title by lodging in the Registry an application in Form 61 supported by an affidavit of the applicant in Form 62.

(2) All statements made in the affidavit of the applicant, which are not supported by other documentary evidence, shall be corroborated by affidavit of an independent person which shall be lodged with the application.

(3) Upon lodgment of an application under this rule, a copy thereof, together with a notice in Form 63 shall be served upon such persons as the Registrar considers appropriate and the application shall not be complied with until after the expiration of the time for objection limited by such notice.

(4) Where, at any time, a request is made to the Registrar to refer an application under this rule for decision by a county court, the request shall be accompanied by the evidence necessary to prove the jurisdiction of the county court to decide the application.

*Merger or extinguishment of leasehold estates*

**116.—(1) Where—**

- (a) section 27(1)(ii)(a) of the 1970 Act applies or where the owner of an unregistered fee simple or superior leasehold estate acquires a registered leasehold estate capable of merging therewith or being extinguished therein and is desirous of having registration effected as if section 27(1)(ii) of that Act applied and where it is intended to register the conversion of the relevant leasehold estate or effect its merger or extinguishment, an application shall be made in Form 64 (or by a solicitor's certificate to the same effect) for the registration of the superior estate and for the cancellation of the registration relating to the registered leasehold estate intended to be converted merged or extinguished;
- (b) section 27(1)(ii) of the 1970 Act does not apply and where the owner of the unregistered superior estate does not desire to have registration of such estate effected but it is intended to register the extinguishment of the inferior registered leasehold estate, then the application for such registration shall be made in Form 64 with such modifications as may be necessary or by a solicitor's certificate to the same effect.

(2) Where the same person is or becomes entitled to be registered as owner of a registered fee simple estate or a registered superior leasehold estate and is or becomes entitled to an inferior leasehold estate registered as a burden on the relevant superior estate but the title to which is otherwise unregistered and which is capable of merging therewith or becoming extinguished and it is intended to effect merger or extinguishment of that unregistered leasehold estate, an application shall be made in Form 65 (or by a solicitor's certificate to the same effect).

(3) Where the same person is or becomes entitled to be registered as owner of a registered fee simple estate or a registered superior leasehold estate and of a registered inferior leasehold estate capable of merging therewith or becoming extinguished and it is intended to effect merger or extinguishment of the inferior registered leasehold estate, then an application shall be made in Form 66 (or by a solicitor's certificate to the same effect) unless the instrument of transfer contains terms corresponding in substance with paragraphs 1, 2, 3, 4, 6 and 7 of Form 66.

(4) Unless he has accepted the title set out in a solicitor's certificate lodged in accordance with this rule, the Registrar shall not, save where any other statutory provision provides to the contrary or on foot of an agreement under paragraph (5) or an order of a Court or the Lands Tribunal, make any entry on the register which would in any way prejudice any charge or other burden to which any leasehold estate merged or liable to be merged in a superior leasehold estate or estate in fee simple or otherwise to be extinguished, is subject.

(5) Nothing in this rule shall preclude the parties entitled (whether as registered owners thereof or otherwise) to any charge or other burden on any

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(a) As substituted by Article 13(1) of the Order of 1992

leasehold estate intended to be merged in any superior leasehold or fee simple estate or otherwise extinguished, from agreeing to any such merger or other extinguishment upon such terms as they think fit. Such terms may include the registration as a burden upon the superior leasehold or fee simple estate of any charge or other burden to which immediately prior to the extinguishment thereof the extinguished estate was subject.

(6) Paragraphs (4) and (5) shall apply notwithstanding any declaration as to merger which may have been made by any transferee, grantee or assignee.

(7) This rule shall apply *mutatis mutandis* and subject to the relevant statutory provisions to any case where a leasehold estate is converted into a fee simple estate under any statutory provision.

*Merger or extinguishment of estate in land in compulsory registration area*

**117.** Where any estate in land, situated in a compulsory registration area, would, were the title to such estate registered on first registration, be immediately merged in a superior registered estate, or otherwise extinguished, it shall not be necessary to register the inferior estate but the Registrar shall have power to make such entries as may be necessary on the folio relating to any superior registered estate as if a separate folio had been opened for such inferior estate and closed on merger or otherwise.

## PART IV

### LAND CERTIFICATES AND CERTIFICATES OF CHARGE

#### ISSUE OF CERTIFICATES

*Interpretation for Part IV*

**118.** In this Part, a reference to a certificate is a reference to a certificate of title as referred to in section 79(1) of the 1970 Act.

*Request for issue of a certificate*

**119.**—(1) Subject to rule 124, every registered owner of land other than a charge shall be issued with a land certificate upon request in writing signed by him or his solicitor.

(2) Subject to rule 124, every registered owner of a charge shall be issued with a certificate of charge upon request in writing signed by him or his solicitor.

*Form of land certificate*

**120.**—(1) Every land certificate shall have affixed to it the official seal of the Registry and shall, when issued or re-issued, include a copy of the entries on the folio in which the title to which it relates is registered, save that it may include only such entries on that folio as are in force at the date of the issue or, as the case may be, re-issue of the land certificate.

(2) Every land certificate shall, subject to rule 126, also include a certificate in Form 67 with such modifications as the case may require.

*Form of certificate of charge*

**121.**—(1) A certificate of charge shall relate to the title to the charge, and shall not extend to the title to the land the subject of the charge, and every such certificate shall have affixed to it the official seal of the Registry and, except where the Registrar issues an endorsed certificate of charge pursuant to rule 122, shall be in Form 68, with such modifications as the Registrar may direct, and shall contain particulars of—

- (a) the land charged;
- (b) the charge and the ownership thereof as appearing in the folio;
- (c) the burdens and notices of burdens on the charge and the cautions and inhibitions affecting the charge which are registered in the folio on the date of issue or, as the case may be, re-issue of the certificate; and
- (d) such further particulars (if any) as the Registrar thinks fit.

(2) The certificate of charge may have annexed to it a duplicate of the instrument of charge or a certified copy of the instrument, and in any such case particulars of the charge may be given in the certificate by reference to such duplicate or copy.

*Endorsed certificate of charge*

**122.** Where the original instrument of charge together with a duplicate or a certified photocopy of the instrument is lodged for registration, the Registrar may issue the original instrument with an endorsement thereon certifying the registration of the charge as a burden in the folio affected and the ownership of the charge, and any such instrument so endorsed shall be the certificate of charge.

MISCELLANEOUS PROVISIONS RELATING TO CERTIFICATES

*First issue of certificates*

**123.**—(1) Every certificate when first issued shall—

- (a) be delivered to the registered owner named in the certificate or his solicitor or to such other person as that registered owner or his solicitor may in writing direct; or
- (b) be delivered to such other person as the Registrar in the special circumstances of any case may direct; or
- (c) be treated as lodged in the Registry for the registration of such dealing as is specified by the registered owner or his solicitor.

(2) The registered owner may, at any time, apply for the delivery to himself, or to such other person as that registered owner or his solicitor may in writing direct, of the certificate to which he is entitled and which is treated as lodged in the Registry under paragraph (1)(c) and he may, at any time, again lodge it in the Registry for the purpose set out in that paragraph.

*Separate certificates in certain cases*

**124.**—(1) Where two or more persons are registered as co-owners, not being tenants in common, only one certificate in respect of their title shall be

issued and the certificate may, in the absence of an agreement to the contrary between such co-owners, be delivered to any one of them or be retained in the Registry.

(2) Where two or more persons are registered as owners as tenants in common then, at the request of any one or more of them, separate certificates may be issued in respect of each co-ownership and the ownership of only one of such tenants in common shall be certified in any one separate certificate. There may be omitted from any such separate certificate, such entries on the relevant folio as the Registrar considers inappropriate to the certificate.

(3) Where one certificate is in force in respect of the ownership of all the tenants in common, no separate certificate shall be issued until that one certificate has been lodged in the Registry, cancelled and destroyed.

(4) Where two or more separate certificates have been issued under paragraph (2) then, at the request of all the registered owners, all the separate certificates may be cancelled and destroyed and one certificate in respect of the ownership of all the tenants in common may be issued.

(5) Where a Folio Book has been opened under rule 7, one land certificate may be issued in respect of all the lands in the Book or, alternatively, separate land certificates may be issued in respect of each of the folios included in the Book; and where, in any such case, one land certificate relates to all the lands in the Book, a separate land certificate shall not be issued in respect of any of the folios included in the Book.

(6) Except as provided in this rule, and subject to rules 132 and 133, not more than one land certificate shall be issued in respect of any one title and not more than one certificate of charge shall be issued in respect of any one charge.

#### *Authentication of certificates*

**125.**—(1) In respect of every certificate the date on which that particular certificate is first issued shall be called the “date of issue” and every date on which that certificate is afterwards made conformable with the title register shall be called the “date of re-issue”.

(2) In respect of every certificate issued after the commencement of these Rules, the date of issue and every date of re-issue shall be entered on the certificate and every entry and cancellation of an entry thereon shall be authenticated in such manner as the Registrar directs.

#### *Certificates in force at the commencement of these Rules*

**126.**—(1) Any land certificate in existence at the commencement of these Rules may be continued in its then existing form and further entries may be made on the certificate accordingly until the folio has been revised in accordance with these Rules; and any such certificate, so continued, shall be deemed to be a land certificate issued in accordance with these Rules.

(2) Any certificate of charge in force at the commencement of these Rules may be continued in its then existing form and further entries may be made thereon accordingly until the charge in respect of which the certificate was

issued is cancelled; and any certificate of charge so continued shall be deemed to be a certificate of charge issued in accordance with these Rules.

(3) Every entry and cancellation of an entry, made after the commencement of these Rules, on any certificate to which paragraph (1) or (2) applies, shall be authenticated in such manner as the Registrar directs.

*Evidential value of certificates*

**127.**—(1) Except as provided in paragraph (2), a certificate shall be prima facie evidence of the several matters therein contained.

(2) A certificate shall not be deemed to certify the title to any burden registered against the estate to which the certificate relates save as of the date of the first registration of the burden and nothing in these Rules shall make it obligatory for the subsequent title to or any dealing affecting such burden to be shown on the certificate except an entry of its release or discharge or modification of its terms or any entry affecting its priority.

*Production of certificates*

**128.**—(1) Save where any other statutory provision provides to the contrary, every certificate which is not lodged in the Registry shall be produced to the Registrar on registration of a dealing with the estate to which the certificate relates in every case in which such dealing—

- (a) is by, or with the consent of, the registered owner; or
- (b) is by the personal representative of a registered owner; or
- (c) is a transmission on death of a registered owner; or
- (d) is a transmission under a settlement where a limited owner is registered; or
- (e) is for registration of an enforcement order under the Order of 1981, except an order charging land made under that Order or a notice thereof; or
- (f) involves the entry of a notice of deposit of that certificate; or
- (g) involves a registration in respect of which any statutory provision (including these Rules) requires such production; or
- (h) is one which adversely affects the title of the registered owner but not in the case of an entry relating to—
  - (i) a matrimonial charge;
  - (ii) a pending action;
  - (iii) a caution;
  - (iv) an inhibition;
  - (v) a restraint order or charging order made under the Criminal Justice Order;
  - (vi) a notice of the presenting of a bankruptcy petition;
  - (vii) a bankruptcy inhibition under section 67A(3) of the 1970 Act(a);

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(a) As inserted by S.I. 1989/2405 (N.I. 19) Article 381 and Schedule 9 Part II paragraph 72

- (viii) an order imposing a charge under Article 286 of the Insolvency Order;
- (ix) a charge under Article 310 of the Insolvency Order;
- (x) an order charging land or notice thereof under Articles 46 and 48 of the Order of 1981 or paragraph 4 of Part IV of Schedule 2 to the 1970 Act<sup>(a)</sup>.

(2) A certificate shall not be required to be produced in any case to which paragraph (1) does not apply.

(3) Notwithstanding paragraphs (1) and (2), where any land comprised in a certificate has been acquired under, or the title to any such land is otherwise affected by, a vesting or other order of any court or other competent authority and the certificate is not in the custody of the person applying for registration, it shall not be necessary to produce the certificate on the registration of the order. Where the person applying for registration obtains custody of the certificate at any time after making the application he shall forthwith produce the certificate to the Registrar.

*Order for production of a certificate*

**129.**—(1) Any person entitled to the production of a certificate which is required, under rule 128, for the purpose of a registration, may apply to the Registrar to make an order directing a person in whose custody the certificate may be to produce that certificate for the purpose of such registration and the application shall be in Form 69 signed by the applicant or his solicitor.

(2) On receiving any such application, the Registrar shall give notice of the application to the person against whom the order is sought and the notice shall be in Form 70 with such modifications as may be required.

(3) Where the person having custody of the certificate objects to producing it he shall, within the time stated in the notice under paragraph (2), lodge in the Registry an objection to such production stating the grounds of the objection and thereupon the Registrar may determine the question and for this purpose may appoint a day and time for the parties to appear before him.

(4) The Registrar may, after due consideration of the matter, including any objection or any other reply to the notice given under paragraph (2), make the order sought and such order shall be in Form 71 and shall, subject to rule 197(2), be served personally upon the person to whom it is directed.

(5) Where the person having custody of the certificate claims that it has been deposited with him for the purpose of giving security for the payment of money he shall, upon lodgment of the certificate, also lodge in the Registry the notice of deposit prescribed in rule 137, and in any such case registration shall be made by making an entry in respect of the dealing for which the certificate was required and of the notice of deposit and each of such entries shall include such note as to the relative priority of the entry as the Registrar considers appropriate.

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(a) Part IV of Schedule 2 was inserted by Article 10(2) of the Order of 1992

*Power to dispense with production of certificates in certain cases*

**130.**—(1) Where it is proved to the satisfaction of the Registrar—

- (a) that a certificate is in the custody of a person not residing in Northern Ireland who refuses or neglects to produce it, or of a person whose address cannot be ascertained; and
- (b) that the certificate is not deposited with that person for the purpose of giving security for the payment of money,

he may, subject to paragraph (2), dispense with the production of the certificate on the registration of a dealing with the estate to which the certificate relates.

(2) Where the person having custody of the certificate has lodged an objection, under rule 191, to the registration for which production of the certificate is required, the Registrar shall not dispense with such production until the objection has been determined.

(3) Where it is proved to the satisfaction of the Registrar that a certificate of charge has been lost or destroyed he may, on an application for cancellation of the charge, dispense with production of that certificate.

(4) Where in any case in which the Registrar is satisfied that—

- (a) the closure of a folio is required by reason of the title registered therein having become extinguished by virtue of a title paramount to the registered estate (other than a title which is extinguished pursuant to a vesting or other order of any court or other competent authority); or
- (b) the title or part of a title registered in a folio having become extinguished otherwise than by virtue of a title paramount to the registered estate and it is proved to his satisfaction that a certificate relating to the title has been lost or destroyed,

the Registrar may dispense with production of the certificate relating to the extinguished title.

(5) Before dispensing with production of a certificate under this rule the Registrar may give such notices, direct such advertisements, and take such indemnity (if any) as he considers necessary or expedient.

(6) Subject to paragraph (2) the Registrar may accept, for the purposes of dispensing with production of a certificate under paragraph (1), (3) or (4), a certificate by the solicitor acting for the applicant to the effect that the matters set out in sub-paragraphs (a) and (b) of paragraph (1) apply, or, as the case may be, that the certificate of title has been lost or destroyed and that paragraph (3) or sub-paragraph (b) of paragraph (4) applies, and such solicitor's certificate shall also certify that adequate enquiries have been made and, where appropriate, that adequate notices have been served and a suitable advertisement has been published.

*Certificates to be made conformable with title register before re-issue*

**131.** Where a certificate is retained in the Registry, or where a certificate is produced for the purpose of registration of a dealing, it shall be made conformable with the title register, in accordance with these Rules, before it is re-issued.



*Issue of new certificate where certificate is lost or destroyed*

**132.**—(1) Where it is proved to the satisfaction of the Registrar that any certificate has been lost or destroyed he may issue a new certificate after giving such notices and directing such advertisements and making such enquiries as he may consider necessary.

(2) The Registrar may issue a new certificate on the receipt of a certificate made by the applicant's solicitor to the effect that—

- (a) the original certificate has been lost or destroyed;
- (b) the applicant is the person entitled to its custody;
- (c) adequate enquiries have been made and adequate notice has been given to all persons who claim an interest in the land to which the certificate relates; and
- (d) where appropriate, a suitable advertisement has been published.

(3) Before issuing a new certificate under this rule the Registrar may take such indemnity (if any) as he considers necessary or expedient.

*Issue of replacement certificate in other cases*

**133.**—(1) The Registrar may, in any case in which he considers it appropriate to do so, issue a new certificate in substitution for a certificate produced to him. On the issue of the new certificate, the old certificate shall be cancelled and destroyed.

(2) Subject to such notices and enquiries (if any) as he considers expedient, the Registrar may issue a new certificate to a registered owner whose registration without production of an existing certificate is authorised by these Rules.

*Record of outstanding certificates*

**134.** A record shall be kept in the Registry of every outstanding certificate for which a new certificate is issued under rule 132 or 133 and such record shall be open to public inspection on payment of the prescribed fee.

*Cancellation of certificates*

**135.**—(1) Where a certificate has been lodged in the Registry on the closure of a folio or a certificate of charge has been lodged in the Registry on the discharge of the charge or a certificate has been lodged by or at the request of the registered owner for cancellation by or permanent retention in, the Registry, the certificate shall in each case be cancelled.

(2) Where the Registry has issued a new certificate to a person under these Rules without production of the existing certificate and the latter certificate is subsequently produced to the Registrar it may be cancelled and destroyed by the Registry.

*Lodgment of certificate for registration of dealing*

**136.**—(1) A certificate may be lodged in the Registry by the person having custody of it, for the purpose of the registration of such dealing as is

specified in a notice in Form 72 signed by that person or his solicitor and accompanying the certificate.

(2) Where the dealing is not presented for registration within the time (if any) specified in the notice the certificate shall be re-delivered to the person who lodged it or as he directs.

(3) Where a certificate is lodged in the Registry for the purpose of the registration of a dealing and another dealing is or has been received for registration in respect of the land comprised in the certificate, notice of such receipt shall, if the Registrar considers such notice necessary or desirable, be sent to—

(a) the person who lodged the certificate in the Registry; and

(b) any person to whom the certificate is to be re-delivered under paragraph (2); and,

unless within the period specified in such notice, a written objection to the registration of such other dealing is lodged in the Registry, the registration of such other dealing may be completed.

#### *Deposit of certificate*

**137.**—(1) Any person with whom a certificate is deposited for the purpose of giving security for the payment of money may, or when directed to produce such certificate by an order of the Registrar made under rule 129 shall, lodge in the Registry a notice in Form 73 with such modifications as may be required.

(2) Upon such lodgment, notice thereof in Form 74 with such modifications as may be required shall be given to the registered owner and to such other person as the Registrar considers appropriate and, after the expiration of the time for objection limited by such notice, an entry may be made on the appropriate folio in respect of the notice of deposit. Such entry shall for the purpose of showing any priority claimed in respect of the deposit in relation to any registered burden include such note as to priority as the Registrar considers appropriate.

(3) The entry on the folio of a notice of deposit may be cancelled at the request of the person entitled for the time being to the rights of the deposit in that entry and such request may be in Form 75.

#### *Delivery of certificates*

**138.** On completion of registration in respect of any dealing the certificate shall, unless in any particular case the Registrar otherwise directs, be returned to the person who lodged it or, at the request of that person, either be treated as lodged in the Registry for the registration of another dealing or be delivered to some other person.

#### *Note as to delivery, or retention in the Registry, of certificates*

**139.** On the issue, and on every re-issue, of a certificate, a note shall be entered on the appropriate folio of the name of the person to whom the certificate was delivered or, as the case may be, of the fact that the certificate was retained in the Registry.

*Authorised statements in certificates*

**140.** A certificate may have endorsed upon it a short statement of its purport and effect and of the procedure on registration.

PART V

MAPS AND BOUNDARIES

*Registry map*

**141.**—(1) Every map of the series of maps known as “the registry map” shall be—

- (a) the general map, upon which the position and extent of registered holdings are shown or, where registered holdings are shown on filed plans, the location of each holding is indicated; or
- (b) a filed plan consisting of an individual plan of a registered holding, the location of which is indicated on the general map; or
- (c) a plan, to be called a supplemental plan, which is supplemental to an entry in the general map or in a filed plan and made for the purpose of identifying a registered holding or registered burden when that entry is insufficient for that purpose; or
- (d) a development or building plan provisionally adopted by the Registry under rule 142.

(2) The extent of a registered holding shall be defined on the registry map by showing its boundaries by an appropriate colour or symbol or, when the relevant registry map has been computerised, in an appropriate computerised format.

(3) Every entry of a registered holding on the registry map shall include a reference to, or a means of identifying, the distinguishing number of the folio in which the title to the holding is registered.

(4) The identification of land subject to a burden, notice, caution or inhibition entered on a folio map, if the Registrar considers it necessary or expedient, be defined on the registry map by showing its extent by an appropriate colour or symbol or, when the relevant registry map has been computerised, in an appropriate computerised format.

(5) Any reference to an official map or to an office map, contained in the title register or in any certificate issued from the Registry or in any note endorsed by the Registry on any document, existing at the commencement of these Rules, shall be deemed to be a reference to the registry map.

*Provisional maps*

**142.**—(1) Where—

- (a) an application has been received for the first registration of a title to a holding the extent of which is not shown on an ordnance map; or
- (b) registered land is being divided into smaller holdings, and the extent of such individual holdings is not shown on an ordnance map,

the Registrar may, pending the lodgment in the Registry of an ordnance map showing the extent of the relevant holding, proceed with registration and

identify the holding by referring to an adequately drawn development or building plan relating to the relevant holding.

(2) Where a holding is provisionally identified under paragraph (1) by means of such a development or building plan, that plan shall be endorsed with a note to the effect that the mapping entries thereon are subject and without prejudice to an official survey by Ordnance Survey of Northern Ireland of the holding shown on the plan.

(3) Where a holding is provisionally identified under paragraph (1) by means of a development or building plan and subsequently an ordnance map showing the extent of the relevant holding is lodged in the Registry, the Registrar shall send to the registered owner of the holding or, where known, his solicitor notice of the intention to delineate the holding on the registry map together with a copy of the official entry proposed to be made on the registry map and unless an objection in writing is received to the proposed entry within the time limit set out in the notice (being not less than 10 days from the date of the notice) the Registrar may proceed to make the proposed entry on the registry map.

(4) Where an objection is received to the proposed entry, the provisions of rule 191 shall apply.

#### *Revision of registry map*

**143.** When for any reason any map maintained by or on behalf of the Registrar has become defaced, damaged or destroyed or the Ordnance Survey detail shown on such map is out of date, the Registrar may cause a new map to be prepared and substituted for such defaced, damaged, destroyed or outdated map.

#### *Application to make boundaries conclusive*

**144.—**(1) An application, pursuant to section 64(2) of the 1970 Act, to settle and enter on the register as conclusive any boundaries, shall be made in writing, signed by the applicants, and shall include reference to an ordnance map or a map based on an ordnance map on which shall be clearly defined the precise position of the boundaries involved and may also include a verbal description of those boundaries.

(2) On receiving such an application the Registrar may, if he considers it expedient to do so, give notice of the application, with a copy of the map accompanying the application, to the owners or occupiers of any land appearing to be affected by the application, and he may refuse to give effect to the application until all information necessary for the purposes of any such notice has been furnished to him.

(3) When the Registrar is satisfied that the position and description of the boundaries have been determined precisely, and that the owners of the lands involved are in agreement as to such determination, any necessary entries or alterations shall be made on the registry map and a note shall be entered, on every folio affected, stating which boundaries are entered as conclusive, and the persons between whom such entry is conclusive.

*Boundaries made conclusive on transfer of part*

**145.** On the transfer of part of any registered land the boundaries between the part transferred and the part not transferred may be entered on the register as conclusive upon consent of the transferor and the transferee. The consent may be included in the document of transfer, when that document is executed by both the transferor and the transferee, or may be included in a separate document, signed by the transferor and the transferee, defining precisely the boundaries involved.

*Application to decide questions as to boundaries or extent of registered land, arising on transfer*

**146.**—(1) An application to the Registrar, pursuant to section 64(5) of the 1970 Act, to decide any question arising, on the transfer of any registered land, as to the boundaries or extent of the land, shall be made in writing, signed by the applicant or his solicitor, stating precisely the question arising and the position of any boundary involved.

(2) Upon receiving such an application the Registrar may fix a time and place for the transferor and transferee to appear before him, or he may refer the matter for decision to the person (if any) agreed upon by the transferor and transferee, or to some other person appointed by him, and he shall notify the transferor and the transferee accordingly.

PART VI

MISCELLANEOUS PROVISIONS

RIGHTS APPURTENANT TO LAND

*Appurtenances*

**147.**—(1) Where, at first registration or at any other time, the registered owner claims to be entitled to any appurtenance in respect of the land, he may apply to the Registrar in writing, signed by himself or his solicitor, to have a specific entry made on the title register of any such appurtenance.

(2) An application under paragraph (1) shall state the nature of the appurtenance and shall be accompanied by evidence of its existence.

(3) The Registrar shall give, or require to be given, such notice (if any) of the application to the person in possession of the land affected and to such other person as may appear to have an interest in the land, as the Registrar considers advisable.

(4) If the land affected is registered land the Registrar shall give, or require to be given, such notice (if any) of the application to the registered owner of that land, and to every other person as may appear by the register to have an interest in the land, as he considers advisable.

(5) If the Registrar is satisfied that the right claimed is appurtenant to the land he may make an entry on the folio relating to such land showing the existence of such appurtenance and if he is not so satisfied he may—

(a) refuse to make any entry under paragraph (1);

- (b) enter on the title register such note with such qualification as he considers advisable; or
- (c) merely enter on the title register a note to the effect that the registered owner claims such right.

#### REVISION AND RECTIFICATION OF REGISTER

##### *Formal alterations, cancellation of obsolete entries and rectification of the register*

**148.**—(1) The Registrar may, after such inquiries and the service of such notices (if any) as he considers proper, and upon such evidence as he considers satisfactory, make any formal alterations in the register, or cancel in the register any burden or other entry that he is satisfied no longer affects or relates to the land.

(2) The period for the notification in writing to the Registrar pursuant to section 69(2B) of the 1970 Act shall be 30 days or such other period (not being less than 15 days) as the Registrar may direct, after the date of service of the notice of the Registrar's intention to order the rectification.

##### *Revision of registry map and verbal description*

**149.**—(1) The registry map or the verbal description of land in a folio may be revised at any time upon lodgment of such evidence and after the giving of such notices (if any) as the Registrar considers necessary.

(2) The Registrar may revise the verbal description of land in a folio and make the description conformable with the registry map, whenever the latter is revised.

#### BODIES CORPORATE AND CERTAIN CHARITABLE TRUSTS

##### *Registration of, and dispositions by, a body corporate*

**150.**—(1) Where an application is made to register a body corporate as owner of land there shall be produced to the Registrar, if he so requires, such evidence of its incorporation and power to hold and deal with land as he considers necessary.

(2) On a disposition by a body corporate there shall be produced to the Registrar, if he so requires, proof that the disposition is within the powers of disposition of the body corporate.

(3) On registration of a document purporting to be executed by a company—

- (a) where the seal of the company appears to have been duly affixed to the document; or
- (b) where the document appears to have been signed by a director and the secretary of the company or by two directors of the company and is expressed (in whatever form of words) to be executed by the company,

the Registrar shall be entitled to assume that the document has been duly executed by the company.

(4) Where a document executed by a company makes it clear on its face that it is intended by the person or persons making it to be a deed, the Registrar shall be entitled to assume, unless evidence to the contrary is furnished to him, that the document is a deed that was delivered on the date of its execution.

(5) Where on registration of a document purporting to be executed by a body corporate (other than a company) its seal appears to have been duly affixed the Registrar shall be entitled to assume that the document was duly executed by the body corporate.

(6) Without prejudice to paragraphs (3) and (5), the Registrar may accept as sufficient evidence of the matters mentioned in paragraph (2) and of the due execution of a deed by a body corporate, a certificate by a solicitor stating that the disposition is within the powers of disposition of the body corporate and that the deed has been executed validly by it.

*Registration of, and dispositions by, trustees appointed pursuant to the Trustee Appointment Acts 1850 and 1890*

**151.**—(1) Where an application is made, pursuant to paragraph 1 of Part II of Schedule 8 to the 1970 Act, to register as owners of land persons in whom the land has become vested as trustees, in pursuance of the Trustee Appointment Act, 1850(a) or the Trustees Appointment Act, 1890(b), the applicants shall produce proof, to the satisfaction of the Registrar, of the application of the said Act of 1850 or of 1890, and of the appointment of such persons as such trustees.

(2) When any such trustees are registered as owners of the land the Registrar shall not, in any way, be concerned with the trusts upon which the lands are held and shall not make any enquiry as to whether or not any disposition by such registered owners is within their powers as such trustees.

REGISTERED SOCIETIES OR BRANCHES

*Registration of, and dispositions by, the trustees of a registered society or branch*

**152.**—(1) For the purposes of this rule a registered society or branch means a registered society or branch within the meaning of the Friendly Societies Act (Northern Ireland) 1970(c) or a society or branch registered in Great Britain for purposes corresponding to those of that Act.

(2) Where an application is made to register as owners the trustees for the time being of a registered society or branch there shall be produced to the Registrar, if he so requires, an acknowledgment of registration, a copy of the resolution whereby the trustees were appointed and a copy of the registered rules of the society or branch, as the case may be.

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(a) 13 and 14 Vict. c. 28

(b) 53 and 54 Vict. c. 19

(c) 1970 c. 31 (N.I.)

(3) On proof to the satisfaction of the Registrar that any person has ceased to be a trustee of a registered society or branch, he may cancel the registration of that person as an owner and any new trustee may be registered as owner on lodgment in the Registry of a copy of the resolution whereby he was appointed.

(4) Where the trustees of a registered society or branch are registered as owners, on a disposition by such registered owners there shall be produced to the Registrar, if he so requires, a copy of the registered rules of the society or branch, as the case may be.

## INSOLVENCY

### *Notice of bankruptcy petition*

**153.**—(1) The notice of the presentation of a bankruptcy petition which is required under section 67A(a) of the 1970 Act to be given by the High Court shall be in Form 76.

(2) Notice of the presentation of such a petition shall be entered on the appropriate folio in the following form—

“Notice in respect of a bankruptcy petition against (*insert name, address and description of debtor*) presented in the High Court (Record No. ) protecting the rights of all creditors.”

(3) Notice of any such entry shall be sent to the registered owner of the estate appearing to be affected by the petition.

(4) An application for renewal of the registration of notice of the presentation of a bankruptcy petition shall be in Form 77.

### *Cancellation of registration of a notice of bankruptcy petition*

**154.** The registration of a notice of the presentation of a bankruptcy petition may be cancelled on lodgment in the Registry of a certified copy of the order of the High Court directing or permitting such cancellation.

### *Bankruptcy inhibition*

**155.**—(1) The notice of a bankruptcy order to be given by the official receiver or the trustee in bankruptcy to the Registrar under section 67A(3) of the 1970 Act shall be in Form 78.

(2) A bankruptcy inhibition shall be entered on the title register in the following form—

“Bankruptcy inhibition in pursuance of a bankruptcy order against (*insert name, address and description of bankrupt*) made by the High Court (Record No. ). Dealings with the land herein are inhibited as provided in section 67A(5) of the Land Registration Act (Northern Ireland) 1970.”

(3) Notice of any such entry shall be sent to the registered owner of the estate affected by the bankruptcy inhibition.

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(a) As inserted by S.I. 1989/2405 (N.I. 19) Article 381 and Schedule 9 Part II paragraph 72



*Cancellation of registration of bankruptcy inhibition*

**156.**—(1) The registration of an entry relating to a bankruptcy inhibition may be cancelled in whole or in part, as the case may require—

- (a) on registration of a trustee in bankruptcy as owner of the estate affected by the bankruptcy inhibition;
- (b) on lodgment of a certified copy of any relevant order of a court directing or permitting such cancellation; or
- (c) upon lodgment in the Registry of an affidavit of the registered owner of the estate affected by the bankruptcy inhibition setting out the relevant facts, together with such documents or other evidence (if any) as, in the opinion of the Registrar, are sufficient to justify such cancellation, and after such examination of title as the Registrar considers proper.

(2) Cancellation pursuant to paragraph 1(c) shall be made only after such enquiries have been made as the Registrar directs and after notice has been sent to the official receiver or the trustee in bankruptcy as the case may require.

*Registration of official receiver*

**157.**—(1) The official receiver may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or, may be registered as assignee of a limited owner where the bankrupt is registered as a limited owner, on production to the Registrar of—

- (a) a certified copy of the bankruptcy order relating to the bankrupt; and
- (b) a certificate signed by the official receiver that the land is comprised in the bankrupt's estate, has vested in the official receiver as trustee and has not been disclaimed.

(2) The official receiver may be registered as owner in place of a deceased registered owner on production of such evidence as the Registrar may require.

*Registration of trustee in bankruptcy in place of official receiver*

**158.** Where the official receiver has been registered as owner and some other person is subsequently appointed trustee, such person may be registered as owner in place of the official receiver on production of the evidence required by rule 159(1).

*Original registration of trustee in bankruptcy*

**159.**—(1) If the official receiver has not been registered as owner and some other person has been appointed trustee of the bankrupt's estate, such person may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or may be registered as assignee of a limited owner where the bankrupt is registered as limited owner, on production to the Registrar of—

- (a) a certified copy of the bankruptcy order relating to the bankrupt;

- (b) either a copy of his certificate of appointment as trustee by the meeting of the bankrupt's creditors duly certified by the trustee or his solicitor as being a true copy of the original or a copy of his certificate of appointment as trustee by the Department of Economic Development or a certified copy of the order of a Court of his appointment as trustee; and
  - (c) a certificate signed by the trustee that the land is comprised in the bankrupt's estate and has not been disclaimed.
- (2) The trustee in bankruptcy may be registered in place of a deceased registered owner on production of such evidence as the Registrar may require.

*Words added in title register*

**160.** Where the official receiver or trustee in bankruptcy is registered as owner, the words "official receiver" or "trustee in bankruptcy of (name)" shall be added to the title register.

*Registration of order imposing charge*

**161.**—(1) Where an order has been made by the High Court pursuant to Article 286 of the Insolvency Order such order may be registered on lodgment in the Registry of a certified copy of the order.

- (2) The entry to be made in respect of the order shall be in Form 79.

*Registration of bankrupt's rights of occupation*

**162.**—(1) An application for the registration of a charge in respect of rights of occupation under Article 310 of the Insolvency Order shall be in Form 80 and shall be accompanied by—

- (a) a certified copy of the bankruptcy order relating to the bankrupt;
- (b) birth certificates of the persons under the age of 18 referred to in paragraph 1(b) of the said Article;
- (c) a certified copy of any release of part of the dwelling house from the rights of occupation;
- (d) a certified copy of any document postponing the priority of the charge;
- (e) a certified copy of any disclaimer by a trustee of a bankrupt's estate in respect of any part of the dwelling house; and
- (f) a certified copy of any order of the court under Article 4 of the Family Law Order in relation to the rights of occupation.

(2) The entry to be made on a folio in respect of a charge under the said Article 310 shall be in Form 81.

(3) For the purpose of paragraph (1), "dwelling house" has the same meaning as in Article 9(1) of the Insolvency Order.

*Cancellation and variation of entries relating to the registration of a bankrupt's rights of occupation and postponement of priority*

**163.** The registration as a burden of a charge under Article 310 of the Insolvency Order may be cancelled or varied or the postponement of its

priority (except in the case of a postponement to which rule 61 applies) registered by lodgment of an affidavit setting out the relevant facts and accompanied by such other documents and evidence (if any) as is in the opinion of the Registrar sufficient to justify such cancellation, variation or postponement.

*Mistake in bankruptcy order or title register*

**164.** Where a mistake has occurred in a bankruptcy order or where any amendment is required to any entry on the title register as a result of a mistake in any fact relevant to such entry, it shall be the duty of the official receiver, as soon as it comes to his knowledge, to notify such mistake or to suggest such amendment to the Registrar who shall thereupon, after making such enquiries and giving such notices (if any) as he shall deem necessary, make such amendment in the title register as may be necessary.

*Trustee in bankruptcy vacating office*

**165.** When a trustee in bankruptcy who has been registered as owner vacates his office as trustee because he ceases to be a person who is qualified to act as an insolvency practitioner under the Insolvency Order or his office is vacated by release, resignation, death, removal from office or any other cause, the official receiver may be registered as owner, or, if some other person be appointed trustee, such person may be registered as owner on production of the evidence required by rule 159(1).

*Administration orders and liquidation of a company*

**166.**—(1) When an administration order has been made by the High Court in respect of a company under the provisions of the Insolvency Order, the order and the appointment of the administrator named therein shall on his application and on production of a certified copy of the order be noted on the appropriate folio.

(2) When a company is in liquidation, any order, appointment or resolution appointing a liquidator shall be noted on the appropriate folio on his application and on production of either a certified copy of the order or a copy of the appointment or resolution certified by the liquidator or his solicitor as being a true copy of the original together with such other evidence as the Registrar may require.

## MINORS

*Persons who may represent minors*

**167.**—(1) A minor may, for all or any of the purposes of the 1970 Act, be represented by his guardian (if any) appointed by a court of competent jurisdiction or, if there is no such guardian, by his parents, or by a person who is his guardian under the provisions of the Tenures Abolition Act (Ireland) 1662(a) or the Guardianship of Infants Act, 1886(b), or by trustees appointed

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(a) 14 and 15 Chas. 2 sess. 4 c. 19  
(b) 49 and 50 Vict. c. 27

under the provisions of section 38 of the Administration of Estates Act (Northern Ireland) 1955(a).

(2) Where it appears to the Registrar, in the course of any proceedings under the Act, that the person representing a minor has an interest adverse to or conflicting with the interest of the minor, or that it is in the interest of the minor that some other person should be appointed to represent him, he may refuse to proceed until some other person is appointed to represent the minor in the proceedings.

(3) Where there is no person authorised to represent a minor, or where, in the opinion of the Registrar, someone other than such person ought to be appointed, the Registrar may appoint a person to represent the minor for all or any purposes of the 1970 Act. Any application to the Registrar to make such an appointment shall be in writing and shall be accompanied by the consent in writing of that person to act and an affidavit verifying his fitness to act as such representative.

#### *Cessation of minority*

**168.** Where a minor registered owner of any land ceases to be a minor, an application to have the description “minor” or “infant” in the folio cancelled, may be made by that registered owner or his solicitor, with evidence, to the satisfaction of the Registrar, that the minor has attained his majority.

### LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

#### *Notice of application*

**169.** On receipt in the Registry of any application for registration involving, by virtue of the Act of 1971(b), an enlargement or extension of a registered leasehold estate, notice of the application shall be sent from the Registry to every registered owner adversely affected by the application, including the registered owner of a charge.

#### *Return of instrument of charge*

**170.** In any case where, by virtue of the Act of 1971, the owner of a leasehold estate acquires the fee simple in the land and a registered charge is discharged without prejudice to any right or remedy for the enforcement of the obligation secured by the charge against other property comprised in the same or any other security, and to any personal liability as principal or otherwise of the registered owner of the land charged or of any other person, the instrument of charge may, at the request of the registered owner of the charge made on cancellation of the charge as a burden or at any time thereafter, be returned to the registered owner of the charge on payment by him of the fee prescribed for making a copy in the Registry of such instrument; and the copy when made shall be retained in the Registry.

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(a) 1955 c. 24 (N.I.)

(b) 1971 c. 7 (N.I.)

*Continuance of certain covenants, conditions and agreements affecting the fee simple acquired under the Act of 1971*

**171.** In any case where, by virtue of the Act of 1971, the owner of a leasehold estate acquires the fee simple in the land and the Registrar has reason to believe that covenants, conditions or agreements contained in the lease may continue in full force and effect, by virtue of section 28 of that Act, the Registrar may, if he thinks fit, enter on any folio opened in respect of the ownership of such fee simple, a note to the effect that the land is subject to such liability (if any) as may be subsisting by reason of such covenants, conditions or agreements.

FORMS AND DOCUMENTS

*Forms to be used*

**172.**—(1) Without prejudice to section 34(2) of the 1970 Act, the forms set out in Schedule 2 shall be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions as are necessary or desirable and the Registrar approves or allows.

(2) Documents for which no form is prescribed, or for which none of the forms set out in Schedule 2 can conveniently be adapted, shall be in such form as is approved or allowed by the Registrar.

(3) A solicitor who intends to present in the Registry any document to which paragraph (2) applies, may submit a draft thereof for approval. Every such draft shall be submitted in duplicate and if it contains a map, the map shall also be submitted in duplicate.

*Issue of forms and directions*

**173.**—(1) Subject to paragraph (4), the Registrar may, after consultation with the Law Society of Northern Ireland, prepare and cause to be printed and promulgated such forms and directions as he considers appropriate for the purpose of facilitating proceedings under the 1970 Act.

(2) Any forms and directions prepared under paragraph (1) shall be printed in a loose-leaf format suitable for filing in an appropriate binder and be accompanied by documentation suitable for providing and up-dating an index to the forms and directions which have been so printed and promulgated.

(3) The forms and directions prepared under paragraph (1) shall be promulgated by the maintenance in the Registry of an index to such forms and directions and such index may be revised by the Registrar to show only those forms and directions that are in force. The forms and directions and the index thereto shall be kept available for inspection during the hours for which the Registry remains open for the transaction of public business.

(4) The requirements of this rule shall not extend to forms and directions issued by the Registrar for the sole or main purpose of regulating the internal proceedings of the Registry including the maintenance of the register.

*Improper documents*

**174.** If it appears to the Registrar that any document lodged for or in connection with any registration is improper, in form or substance, or is not clearly expressed, or does not indicate with sufficient precision the particular land which it is intended to affect, or refers only to matters which are not the subject of registration under the 1970 Act, or omits to include any matter which is relevant and which ought to have been included, or is expressed in a manner inconsistent with the principles upon which the register is to be kept, he may in any such case refuse registration absolutely or permit registration only after such modification of the document as he approves.

*Execution of documents*

**175.**—(1) The execution of every deed relating to registered land not being an execution by a body corporate shall be attested by either—

- (a) two witnesses who subscribe their names, addresses and descriptions to that deed; or
- (b) one witness who subscribes his name, address and description to that deed, where such witness is a solicitor.

(2) Save as is otherwise provided in these Rules, or in any form set out in Schedule 2, the execution of every document relating to registered land other than a deed shall, except in the case of execution by a solicitor in his capacity as such, be attested by a witness.

(3) Every execution of a document relating to registered land by a blind or illiterate person shall be verified by affidavit of an attesting witness proving such execution and containing averments to the effect that the document was read over and explained to such person and that such person appeared to understand it or alternatively shall be verified by a certificate by a solicitor to the same effect.

(4) Every execution of a document relating to registered land by a person by his mark due solely to physical disability shall be verified by affidavit of an attesting witness giving the reason why the document is so executed or alternatively shall be verified by a certificate by a solicitor to the same effect.

(5) Notwithstanding paragraphs (1) to (4), the Registrar may in any case require the execution of any document to be verified by affidavit or by a certificate made by a solicitor.

(6) Except in respect of the seal of a corporate body, the Registrar shall be entitled to assume that every deed expressed to be sealed by a party executing the same has, in fact, been so sealed notwithstanding the fact that the deed bears no trace of such sealing.

(7) For the purpose of this rule, “document” excludes an affidavit or statutory declaration.

*Execution of documents by attorney*

**176.**—(1) Subject to rule 177, the provisions of this rule shall apply where a document executed by an attorney is lodged in the Registry.

(2) There shall be produced to the Registrar evidence of the identity of the donor of the power of attorney together with the following—

- (a) the original or a duplicate or certified copy of the power of attorney or an office copy of a power of attorney registered under the Enduring Powers of Attorney (Northern Ireland) Order 1987(a) or under the Enduring Powers of Attorney Act 1985(b); and
- (b) an office copy of any Order made under Article 10 of the Enduring Powers of Attorney (Northern Ireland) Order 1987 or section 8 of the Enduring Powers of Attorney Act 1985.

(3) If any transaction between the donee of a power of attorney and the person dealing with him is not completed within twelve months of the day on which the power came into operation, evidence shall be produced to the Registrar to satisfy him that the power had not been revoked at the time of the transaction.

(4) Where the power is in the form prescribed in the Enduring Powers of Attorney Regulations (Northern Ireland) 1989(c) the evidence that the power had not been revoked shall, unless the Registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee of the power that he did not, at the time of the completion of the transaction—

- (a) know of any revocation of the power whether by the donor or by an order of a court;
- (b) know of the occurrence of any event (such as the death of the donor or the bankruptcy of the donor or of any donee or a direction by a court on exercising its powers under Part VIII of the Mental Health (Northern Ireland) Order 1986(d)) which had the effect of revoking the power;
- (c) know that the power was not a valid enduring power of attorney and had been revoked by the donor's mental incapacity.

(5) In any case to which paragraph (4) does not apply the evidence that the power has not been revoked shall, unless the Registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee that he did not, at the time of the completion of the transaction—

- (a) know of any revocation of the power;
- (b) know of the occurrence of any event (such as the death, bankruptcy or other incapacity of the donor) which has the effect of revoking the power,

provided that where the power was expressed in the instrument creating it to be irrevocable and to be given by way of security the statutory declaration shall be to the effect that the declarant did not know that the power was not in fact given by way of security and did not know that the power had been revoked by the donor acting with the consent of the donee.

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(a) S.I. 1987/1627 (N.I. 16)  
(b) 1985 c. 29  
(c) S.R. 1989 No. 64  
(d) S.I. 1986/595 (N.I. 4)

*Solicitor's certificate as to execution by attorney*

**177.** As an alternative to the evidence required by rule 176, the Registrar may accept a certificate by a solicitor identifying the donor of the power of attorney and certifying that the document lodged for registration has been executed validly by the donee of the power of attorney on behalf of the donor pursuant to a power in that behalf contained in the power of attorney, and that such power has not been revoked or there is a conclusive presumption under section 4 of the Powers of Attorney Act (Northern Ireland) 1971(a) or, as the case may be, Article 11 of the Enduring Powers of Attorney (Northern Ireland) Order 1987, as to the validity of the transaction.

*Production of documents or evidence of title*

**178.**—(1) Where—

- (a) an application has been made to the Registrar and the production of any title to land is necessary to facilitate registration; and
- (b) a person has in his possession or custody any document or evidence of title relating to or affecting that title, to the production of which the applicant or any trustee for him is entitled,

the applicant or such trustee may request the Registrar to make an order directing the person having possession or custody of the document or evidence of title to produce that document or evidence of title for the purpose of the application and the request shall be in Form 82 signed by the person seeking such order or his solicitor.

(2) On receiving any such request the Registrar may give notice in Form 83 to the person against whom it is proposed to make the order.

(3) Where the person having possession or custody of the document or evidence of title desires to show cause why he should not produce such document or evidence of title, he shall, within the time stated in the notice under paragraph (2), lodge in the Registry a statement in writing setting out the grounds of his objection and thereupon the Registrar may determine the question and for this purpose may appoint a day and time for the parties to appear before him.

(4) The Registrar may, after due consideration of the matter, including any reply to the notice given under paragraph (2) make the order sought and the order shall be in Form 84 and shall, subject to rule 197(2), be served personally upon the person to whom it is directed.

(5) Where the person having possession or custody of the document or evidence of title claims that it has been deposited with him for the purpose of giving security for the payment of a sum of money and that such deposit affects the title to the land the subject of the application, he shall, upon lodgment of the document or evidence of title, also lodge in the Registry a notice similar to the notice prescribed in rule 137 with such modifications as may be required and in any such case where the deposit affects the title to be registered, registration shall be made where appropriate by making an entry in

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(a) 1971 c. 33 (N.I.)



respect of the notice of deposit with such note relating to the priority of the notice of deposit as the Registrar considers proper.

*Documents to be retained in the Registry*

**179.** Except where otherwise provided by the 1970 Act or these Rules, all deeds and other documents received in the Registry and on which an entry on the register is founded shall be retained by or on behalf of the Registrar and shall not be released except under a written order of the Registrar or an order of court.

*Documents which may be returned*

**180.**—(1) In the case of any deed or other document relating to both registered and unregistered land, the original thereof may be returned to the person who lodged it, or such other person as he may authorise, upon delivery at the Registry of a duplicate or certified copy thereof or on payment of the fee chargeable for a certified copy. The duplicate or certified copy shall be filed for reference in substitution for the deed or document so returned and, on future dealings with the registered land, may be accepted as sufficient evidence of the original and the contents thereof.

(2) All deeds or other documents not required by the 1970 Act to be retained in the Registry may, when they are no longer necessary or when the Registrar considers that it is not practicable or expedient to retain them, be returned to, or released to another person with the consent of, the person who lodged them or his successor in title.

(3) No original deed or other document shall be returned under paragraph (1) until an endorsement is made on it indicating, in such manner as the Registrar may direct, that the deed or other document is affected by registration in the register.

(4) Any deed or document in the Registry which relates only to unregistered land may, in default of application by and after notice to the person who lodged such deed or document, or his personal representative, be delivered to such person as appears to the Registrar to be entitled to the custody thereof, upon application in writing by that person for such delivery.

*Delivery of documents for production in court or to the Taxing Master or Lands Tribunal*

**181.**—(1) The Registrar may deliver to the solicitor for a registered owner a document filed in the Registry and relating to the registered owner's land, except a document creating or disposing of a charge on such land, on receiving from the solicitor his certificate in writing that the production of such document is required in a court on the hearing of some cause or matter, or before the Master (Taxing Office) for the purposes of a taxation, and that solicitor's personal undertaking in writing to return the document to the Registry within a time to be fixed by the Registrar.

(2) No document shall be delivered to a solicitor under paragraph (1) until a copy thereof has been made in the Registry. Such copy shall be filed for reference during the absence of the original.

(3) Where an application has been referred to the court under section 6(2) or 53 of the 1970 Act or any question relating to compensation has been referred to the Lands Tribunal under section 71(4)(a) of, or paragraph 10(b) of Schedule 9 to, the 1970 Act, the Registrar may forward any relevant document which has been received in the Registry to that court or, as the case may require, the Lands Tribunal for inspection.

*Documents becoming obsolete*

**182.** Subject to any direction given by the Department under paragraph 11 of Part I of Schedule 13 of the 1970 Act, the Registrar may destroy any documents lodged in the Registry when they have been superseded by entries on the register or have ceased to be of any effect or he may, where such documents appear to him to be of historical interest, transmit them to the Public Record Office of Northern Ireland.

INSPECTION, SEARCHES AND COPIES

*Inspection of the register, relevant documents and index of names*

**183.** Any person, upon lodgment of a requisition, which may be in Form 85, may inspect the register or any relevant document in the custody of the Registrar or the index of names.

*Copies of and extracts from the register and relevant documents*

**184.** Any person upon lodgment of a requisition, which may be in Form 86 may obtain copies of, or extracts from, the register or any relevant document in the custody of the Registrar, which copies or extracts shall be certified as true, if so required.

*Official search in index of names and title register*

**185.—(1)** Any person may apply to the Registrar to make an official search and to certify—

- (a) whether a named person is entered on the index of names for a specified county and, if so, the number of the folio in which the name of that person appears; or
- (b) in the case of registered land, as to what subsisting adverse entries (if any) have been made on the folio since first registration or during such period subsequent to first registration as shall be specified; or
- (c) in the case of registered land, as to what entries (if any) have been made on the folio since first registration or during such period subsequent to first registration as shall be specified.

(2) The requisition for a search under paragraph (1) shall be in Form 87 or Form 88, as the case requires, and the certificate of the result of the search shall be in Form 89, or Form 90 as the case requires.

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(a) As substituted by Article 31(4) of the Order of 1992  
(b) As substituted by Article 32(6) of the Order of 1992

(3) Any person may apply to the Registrar to make an official search and to certify what entries (if any) subsist on the folio in respect of registered matrimonial charges.

(4) The requisition for a search under paragraph (3) shall be in Form 91 and the certificate of the result of the search shall be in Form 92.

*Official search in registry map*

**186.**—(1) Any person may apply to the Registrar to make an official search in the registry map and to certify—

(a) whether the land searched against is the subject of a registration, and if so subject, the number of any folio in which any ownership relating to such land is registered; and

(b) whether any caution against first registration, affecting the land searched against, is shown on the registry map.

(2) The requisition for a search under this rule shall be in Form 93 and shall describe the land to be searched against by delineating the boundaries thereof on a copy or extract from the ordnance map drawn to a scale sufficient to enable the land to be identified accurately on the registry map. Every map accompanying the requisition shall be furnished in duplicate unless it is not required to be returned to the applicant.

(3) A separate requisition shall be lodged for each parcel of land in respect of which an official search under this rule is required except that one requisition shall be sufficient in any case in which the Registrar is satisfied that the search is to be made in respect of two or more contiguous parcels of land for the purpose of investigating the title to those holdings.

(4) The certificate of the result of a search under this rule shall be in Form 94.

*Priority search*

**187.**—(1) A person who has entered into a contract to purchase, take a lease of, or lend money on the security of a charge on, registered land may apply to the Registrar to make an official search in the folio in which the title to such land is registered, to ascertain whether or not any entry affecting such land has been made on that folio since such date as is specified, and to make an entry on that folio pursuant to section 81(3) of the 1970 Act.

(2) A search under this rule shall be referred to as a priority search.

(3) An application for a priority search—

(a) shall be in Form 95 or 96, as the case may require; and

(b) shall be accompanied by a copy.

(4) A certificate of the result of a priority search may be in Form 97 or 98, as the case may require, giving the result of the search as at the time when the application for the priority search is deemed by virtue of rule 33 to have been received in the Registry. The certificate giving the result of the search may incorporate by reference an accompanying copy of the folio the subject of the search.

*Effect of priority search*

**188.**—(1) The entry on the title register under section 81(3) of the 1970 Act shall consist of a note to the effect that a certificate of the result of a priority search has been issued in response to an application with details of the time and date when the application was deemed to have been received in the Registry and the name of the applicant.

(2) In relation to any application for a priority search which is deemed to have been received in the Registry on or after the coming into operation of Article 33(6) of the Order of 1992, the period referred to in section 81(4) of the 1970 Act shall, subject to paragraph (3), be the period beginning immediately after the time when the application for the priority search is so deemed to have been received and ending immediately after the Registry finally ceases to be open for the transaction of public business on the fortieth day thereafter.

(3) Where the period mentioned in paragraph (2) expires upon a day when the Registry is not open for the transaction of public business, the period shall be extended so that it expires on the next day on which the Registry is open for the transaction of such business.

(4) Where an application for a priority search is deemed to have been received in the Registry prior to the coming into operation of Article 33(6) of the Order of 1992, the period in relation to that priority search shall continue to be the period specified in section 81(4) of the 1970 Act as in operation immediately before the coming into operation of Article 33(6) of the Order of 1992.

(5) Where two or more official certificates of priority search relating to the same land have been issued and are in operation pursuant to these Rules, such certificates shall, as far as relates to the priority thereby conferred, take effect, unless the applicants otherwise agree, in the order in which the applications for the priority search were deemed to have been received in the Registry.

(6) Where two or more applications for priority searches relating to the same land are deemed to have been received in the Registry at the same time, the official certificates of priority search shall, as far as relates to the priority thereby conferred, take effect in such order as may be agreed by the applicants or failing agreement, as may be determined under rule 190(2).

(7) Where one transaction is dependent upon another the Registrar for the purpose of this rule shall be entitled to assume (unless or until the contrary appears) that the applicants for the priority searches have agreed that their respective applications shall have priority as between each other so as to give effect to the sequence of the instruments effecting such transactions.

(8) Where a certificate of the result of a priority search has been issued and the instrument to complete the purchase, lease, or charge specified in the application, is delivered at the Registry within the priority period, that instrument shall be accompanied by the certificate which shall, except where otherwise provided by the 1970 Act or these Rules, be retained in the Registry.

(9) For the purposes of this rule, “applicant” shall mean the person who has entered into a contract to purchase, or take a lease of, or lend money on the security of a charge on, the land to which the certificate of priority search relates.

*Application by telephone or fax for search*

**189.**—(1) Any person may apply by telephone or by fax to the Registry for a search to ascertain whether an entry has been made on, or registration of a dealing is pending relating to, a specified folio affecting—

- (a) the ownership of the land (other than a charge) entered thereon since the date of the issue or, as the case may be, of the last re-issue of the land certificate, or such other date as is specified; or
- (b) the ownership of a specified charge since the date of the issue or, as the case may be, of the last re-issue of the certificate of charge, or such other date as is specified.

(2) The applicant shall give the following particulars—

- (a) the county in which the land is situate, the number of the folio in which the search is to be made, and the name of the registered owner;
- (b) where the application relates to an entry affecting a charge, a description of the charge sufficient to identify it in the register;
- (c) the date from which the required search is to be made;
- (d) the name, address, telephone or fax number in Northern Ireland of the applicant to whom the reply is to be made.

(3) The application shall be confirmed by letter sent on the same day to the Registrar and enclosing the prescribed fee.

(4) Subject to paragraph (5) the search shall be made as soon as is practicable and the reply shall be made by telephone or by fax and shall consist of a reference to the application, the county, the folio number, the date from which the search begins and, in the case of a charge, its description and also the result of the search in the form of a statement “Yes” or, as the case may be, “No”. Where the reply has been made by telephone, the reply shall be confirmed in writing after the letter and the prescribed fee have been received in accordance with paragraph (3).

(5) When the application is made by a person other than a solicitor the reply shall not be made until the confirmatory letter with the prescribed fee has been received in the Registry. In any case where the applicant has not paid the amount due on any previous application made by him under these Rules, the Registrar may refuse to make the search.

(6) A reply to an application under this rule, or a confirmation in writing of such a reply, shall not, for the purposes of paragraph 1(1) of Schedule 9 to the 1970 Act, be regarded as a certificate issued as the result of an official search.

## PROCEEDINGS IN THE REGISTRY

### *Decisions of the Registrar*

**190.**—(1) Whenever the Registrar refuses to comply with any application for the registration of an ownership or burden or notice or other matter, or for the cancellation of any entry made on any register, he shall, unless the refusal is contained in an order made by him, give his decision in writing, and notice thereof shall be given to the applicant or his solicitor.

(2) Where any question, difficulty, or dispute arises during an investigation of title, or in any registration or other proceeding in the Registry, the Registrar may give notice to all persons interested to attend before him, on a day and at a time to be stated in the notice, for consideration of the matter; and, upon such consideration, he shall make such order in the matter as he considers just.

(3) Every decision of the Registrar to which paragraph (1) applies (not being an order) shall—

- (a) be signed by the Registrar; and
- (b) refer to the documents to which the decision relates; and
- (c) state the reasons for the decision; and
- (d) be entered in a file or book kept for that purpose.

(4) Every other decision of the Registrar (not being an order) shall, on the application of any person desiring to appeal therefrom, be given in the same manner as in the case of a decision to which paragraph (1) applies.

### *Objections to registration*

**191.**—(1) Any person may by notice in writing, signed by himself or his solicitor, and received in the Registry before registration has been completed in any application or dealing, object to such registration. The notice shall state concisely the grounds of the objection and any objection which does not state its grounds may be disregarded.

(2) Notice of the objection, with the grounds thereof, shall be sent from the Registry to the person requiring the registration to which the objection is made and such registration shall not be completed until the objection has been disposed of.

(3) Before making any decision in the matter the Registrar may and, if requested to do so by any person concerned shall, require all persons concerned to appear before him for consideration of the matter; and, upon such consideration, he shall make such order in the matter as he considers just.

### *Reference by Registrar of questions to the High Court*

**192.**—(1) Every order made by the Registrar under section 6(2) of the 1970 Act shall—

- (a) contain a concise statement of the material facts and documents on which the question referred to the High Court arises;
- (b) state the question of law or fact in respect of which he entertains a doubt;

- (c) direct by whom the matter is to be brought before the High Court;
- (d) direct upon what persons notice of the order made by the Registrar is to be served and, if service is to be made other than by ordinary post, the mode of such service.

(2) Where it appears to the Registrar that there has been undue delay in having a question referred by him to the High Court brought before that Court, he may, by a further order, transfer the carriage of the proceedings from the person to whom it was given to another person, or he may rescind any order made by him under this rule and treat the proceedings in which the reference was made as having been abandoned.

#### *Summons by Registrar*

**193.**—(1) A summons by the Registrar under section 2(1) or (2) of the 1970 Act, shall be in Form 99 and shall, subject to rule 197(2), be served personally.

(2) When the summons is served upon any person not bound to attend at his own expense, the affidavit proving service shall also prove that the reasonable travelling and subsistence expenses of the attendance of the person summoned have been paid or tendered to him.

(3) The Registrar may direct payment of the reasonable expenses of the attendance of any person summoned by him and by whom such payment is to be made.

#### *Addresses to be furnished*

**194.**—(1) Every person whose address is required, under rule 5(4), to be entered on a folio, shall furnish an address, or if he so desires two addresses, in the United Kingdom to which notices may be sent to him from the Registry.

(2) In the absence of any specific statement of an address in the United Kingdom for such a person, the address of his solicitors may be entered on the folio as his address for the purpose of service of notices.

(3) The entry on a folio of any address of such person may at any time be altered at the request of such person and after giving such notice (if any) as the Registrar considers appropriate.

#### *Information to be furnished by a solicitor*

**195.** Every application for registration or dealing presented in the Registry by a solicitor shall be accompanied by a statement in Form 100.

#### *Notices issued by the Registry*

**196.**—(1) Except as is otherwise provided in the 1970 Act or these Rules every notice required to be given under that Act or these Rules to any person may be sent by ordinary post or by fax, unless the Registrar directs that it shall be sent by registered letter, or by the recorded delivery service, or that personal service be made.

(2) Every notice issued from or sent by the Registry which requires any act to be done or step to be taken (excluding notices of the receipt of

instruments or applications for registration, or formal notices of a like description) shall—

- (a) fix a time within which the act is to be done or the step taken;
- (b) state the consequences of an omission to do the act or take the step;
- (c) state the address to which any objection or other communication arising out of the notice is to be delivered or sent.

(3) Every notice sent by the Registry by post shall in the absence of evidence to the contrary, be deemed to have been received by the person to whom it is addressed, on the third day after the day of posting or, if the address is not within the United Kingdom, on such later date, to be stated in the notice, as the Registrar may determine.

(4) On the return by the postal authorities of a letter containing a notice, the Registrar may require some other notice to be given, or may authorise substituted service of the notice; or he may proceed without further notice if, in the circumstances, he thinks it proper to do so.

*Personal service of notice, summons or order*

**197.**—(1) Where service of a notice or summons or order of the Registrar is required, under these Rules, to be made personally, such service shall, subject to paragraph (2), be made by delivering the notice or summons or, in the case of an order, a true copy thereof, to the person on whom service is directed. The service shall be proved by affidavit or statutory declaration.

(2) Where personal service cannot be made, or is shown to be impracticable, the Registrar may order such substituted service as he may deem sufficient in the circumstances of the particular case.

*Evidence in proceedings in the Registry*

**198.** Evidence in any proceeding in the Registry may be given by affidavit, or, except where the 1970 Act or these Rules prescribe an affidavit, by statutory declaration and the Registrar may, if he thinks fit, take oral evidence before him on oath or affirmation and may administer the oath or affirmation in due form.

*Affidavits and statutory declarations*

**199.**—(1) An affidavit or statutory declaration made for the purpose of any proceeding in the Registry may be sworn or taken before the Registrar, or any person authorised by law to administer oaths, or, in the case of a statutory declaration, any person authorised by law to take and receive statutory declarations.

(2) Every such affidavit or statutory declaration shall be entitled as in Form 2, 18 or 21 as the case may require.

(3) Every such affidavit shall comply generally with the provisions relative to form, jurat, interlineations, alterations and erasures in the Rules of the Supreme Court concerning affidavits for use in the High Court.



*Additional powers of Registrar*

**200.**—(1) The Registrar may in any particular case—

- (a) extend any period of time specified in or by virtue of these Rules notwithstanding that the period has already expired excluding the periods of time specified in rules 33, 185(1)(b) and (c), 187(1), 188(2), (3) and (4), 189, 196(3) and 207;
- (b) adjourn any proceeding at any time and, where he is of the opinion that the production or supply of further documents or evidence or the giving of any notice is necessary or desirable, refuse to complete or proceed with a registration, make any entry or do any other act as the case may be until such documents, evidence or notice have been produced, supplied or given;
- (c) where any irregularity in procedure has occurred, take such action as he considers desirable or expedient to rectify that irregularity;
- (d) disregard any failure to comply with a provision of the Rules relating to procedure.

(2) In all merely formal matters, the foregoing powers shall be exercisable by the Registrar in his discretion.

*Proceedings not to abate*

**201.** Where in the case of any application for registration, a death, transmission or change of interest, occurs before registration is effected, the proceedings shall not abate, but may be continued by any person entitled to apply for registration.

*Delay*

**202.** Where no step has been taken for a period of one month in any matter pending in the Registry, notice may be given by the Registry to the person responsible for taking the step, or his solicitor, that the matter will be treated as withdrawn unless it is proceeded with within such time as is stated in the notice and at the expiration of that time, unless it has been proceeded with, the matter may be treated as withdrawn.

CLAIMS FOR COMPENSATION

*Notice of claims*

**203.** The Department and the Registrar shall be served under paragraph 9 of Schedule 9 to the 1970 Act with notice of all claims for compensation under that Schedule and, where any claim for compensation is in respect of a loss sustained by reason of a rectification, error, omission, loss or destruction occurring after the commencement of Articles 31 and 32 of the Order of 1992, the following persons shall also be served with notice of the claim for compensation—

- (a) any person (other than an official in the Registry) who caused or substantially contributed to the loss in question;

- (b) any person who has, directly or indirectly, derived title or any other advantage from such a person but excluding any person who derived such title or advantage for valuable consideration; and
- (c) any person who has, directly or indirectly, derived title or any other advantage by reason of the error or omission giving rise to the loss.

## COSTS

### *Award and taxation of costs of hearings before Registrar*

**204.**—(1) Subject to any provision as to costs contained in the 1970 Act and these Rules, the award of costs in respect of any proceedings on a hearing before the Registrar shall be in his discretion and he may direct by and to whom costs are to be paid.

(2) The Registrar may, with the consent of all the parties concerned, measure such costs and, in so doing, shall have regard to the provisions of any order made by the Non-contentious Costs Committee under Article 64 of the Solicitors (Northern Ireland) Order 1976(a).

(3) The amount of any costs awarded by the Registrar under the powers conferred on him by paragraph (1) shall be taxed by the Master (Taxing Office) unless the parties agree the amount thereof or the costs are measured by the Registrar.

(4) The Rules of the Supreme Court relating to the taxation of costs in the High Court shall apply in any case where costs awarded by the Registrar require to be taxed.

### *Enforcement of award for costs*

**205.** The amount due on foot of any award of costs, as measured or taxed in accordance with the provisions of rule 204, may be enforced in the same manner as if the award were a money judgment for the purposes of Article 4 of the Order of 1981 and that Order shall apply to an award of costs made by the Registrar.

## PART VII

### THE STATUTORY CHARGES REGISTER

#### *Administration*

**206.** The provisions of section 1 of, and Schedule 1 to, the 1970 Act shall apply in relation to the Statutory Charges Register and the registration of any statutory charge.

#### *Lodgment and priority of applications*

**207.**—(1) Every application relating to registration in the Statutory Charges Register shall be sent to or delivered at the Registry.

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(a) S.I. 1976/582 (N.I. 12)

(2) The date and time of registration of every statutory charge and priority notice and of any modification or cancellation of any entry on the Statutory Charges Register shall be the date and time on which the application for such registration was received, or was deemed to have been received, in the Registry, save that any such application shall not be received or deemed to have been so received unless and until it is in order for registration.

(3) Every application for such registration delivered, by post or otherwise, at the Registry on a particular day after it is first opened for the transaction of public business on that day and before it finally ceases to be open for the transaction of such business on that day shall, when received, be deemed to have been so received at the same time and immediately before it so ceases to be open.

(4) Every application for such registration delivered by post or otherwise at the Registry after the Registry finally ceases to be open for the transaction of public business on a particular day and prior to the next opening of the Registry for the transaction of such business shall, when received, be deemed to have been so received at the same time and immediately after such next opening.

(5) Entries shall be made on the Statutory Charges Register in the order in which the applications therefor are received, or are deemed to have been received, in the Registry and, in the case of two or more such applications received, or deemed to have been received, at the same time, in such order, as between such applications, as the Registrar considers appropriate.

#### *Statutory Charges Register and indices*

**208.**—(1) For the purpose of registration, the Statutory Charges Register shall be maintained in such manner and in such parts as the Registrar thinks fit.

(2) Entries and cancellations of entries on the Statutory Charges Register shall be authenticated in such manner as the Registrar directs.

(3) Indices to the Register, for the purpose of enabling entries thereon to be traced, shall be kept in such manner as the Registrar considers most convenient for that purpose.

#### *Applications for registration*

**209.**—(1) Every application for registration of a statutory charge shall be authenticated, in the case of an application by a government department, by the signature of an official of that department not below the rank of assistant secretary, or by some other official duly authorised in that behalf, and, in the case of an application by a public or local body by the signature of the secretary, town clerk or other principal officer of that body and, in any other case, by the signature or seal of the applicant.

(2) Except in the case of an application for registration of a notice under section 1 of the Rights of Light Act (Northern Ireland) 1961(a), every application for registration of a statutory charge shall contain—

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(a) 1961 c. 18 (N.I.) to which there are amendments not relevant to the subject matter of these Rules

- (a) a description of the land affected by the charge, including reference to an ordnance map relating to the area in which that land is situate;
- (b) the name and address of the applicant for registration;
- (c) a reference to the statutory provision (including for example, the relevant section or article) and, where in the opinion of the Registrar it is expedient to include such information, to the document or matter by virtue of which the charge was created or arose;
- (d) a reference to the statutory provision (including for example, the relevant section or article) by virtue of which registration of the charge is sought;
- (e) the date when the charge was created or arose; and
- (f) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon.

*Entry of a statutory charge*

**210.** Subject to section 90 of the 1970 Act, every entry of a statutory charge on the Statutory Charges Register (except in the case of a notice under section 1 of the Rights of Light Act (Northern Ireland) 1961) shall contain—

- (a) a description of the land affected by the charge;
- (b) a reference to the entry made on the statutory charges map referred to in rule 212, defining the land affected by the charge;
- (c) the name and address of the person entitled to the charge;
- (d) a reference to the statutory provision under which the charge was created or arose;
- (e) the date when the charge was created or arose;
- (f) the date and time of the registration of the charge;
- (g) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon; and
- (h) such other particulars (if any) relating to the charge as may appear expedient to the Registrar.

*Application for entry of a priority notice*

**211.**—(1) Every application for the registration of a priority notice shall be authenticated in the same manner as an application for the registration of the contemplated statutory charge and shall contain—

- (a) a description of the land which will be affected by the contemplated charge, by reference to an ordnance map relating to the area in which that land is situate;
- (b) the name and address of the applicant for registration of the priority notice;

- (c) a statement of the nature of the contemplated charge with a reference to the statutory provision (including for example, the relevant section or article) under which that charge will be created or arise;
- (d) a reference to the statutory provision (including for example, the relevant section or article) by virtue of which registration of the contemplated charge will be sought; and
- (e) such other particulars relating to the notice as may, to the Registrar, appear expedient.

(2) On registration, the entry in respect of the priority notice shall contain the matters referred to in paragraph (1) and also the date and time of registration.

*The statutory charges map*

**212.**—(1) In respect of every statutory charge and priority notice, the position and extent of the land affected by the statutory charge or priority notice shall be defined on a map or maps to be known as the statutory charges map and that map shall be deemed to be part of the Statutory Charges Register.

(2) The statutory charges map shall be an ordnance map or a copy of or extract from an ordnance map.

(3) Every entry under paragraph (1) shall include a reference to the number of the part of the Statutory Charges Register and the entry thereon to which such entry in the statutory charges map relates.

(4) All maps maintained in the Registry at the commencement of these Rules and on which are delineated any land the subject of a statutory charge or priority notice shall be deemed to be incorporated in the statutory charges map.

*Revision of Statutory Charges Register*

**213.**—(1) The statutory charges map, and any verbal description of land in the Statutory Charges Register, may be revised or corrected upon production of such evidence, and after giving such notices, as the Registrar may deem necessary.

(2) The Registrar may, when he considers it to be practicable and desirable to do so, clear the Statutory Charges Register or statutory charges map or any part of such Register or map by closing the same and making a new edition thereof containing the subsisting entries only and may, in so doing, make any amendment that may appear to him to be conducive to clarity.

*Official searches in the Statutory Charges Register*

**214.**—(1) Any person requiring an official search to be made in the Statutory Charges Register for subsisting entries affecting any parcel of land shall deliver or send to the Registry a requisition in Form 101 signed by him or his solicitor.

(2) Every such requisition shall define the parcel of land in respect of which the search is to be made by means of a copy or extract from the

ordnance map drawn to a scale sufficient to enable such parcel to be identified accurately in the statutory charges map.

(3) A separate requisition shall be lodged in respect of each parcel of land in respect of which the search is required, except that one requisition shall be sufficient in any case in which the Registrar is satisfied that the search is to be made in respect of two or more contiguous parcels of land for the purpose of investigating the title to those parcels.

(4) Every map accompanying the requisition shall be furnished in duplicate.

(5) The result of an official search shall be set forth in a certificate which shall be in Form 102 and be authenticated in such manner as the Registrar may direct.

(6) A search made under this rule shall extend to registration of statutory charges and priority notices subsisting immediately before the Registry finally ceases to be open for the transaction of public business on the last day on which it is so open prior to the date of the certificate of the result of such search.

#### *Personal searches*

**215.** Any person desiring to make a personal search in the Statutory Charges Register, or in any index thereto, shall deliver or send to the Registry a requisition in writing, which may be in Form 103, and he shall, if so required, indicate by reference to a map, the parcel or parcels of land in respect of which he proposes to search in a manner sufficient to enable the same to be identified in the statutory charges map.

#### *Application by telephone or fax for search*

**216.**—(1) Where a certificate of the result of an official search has been issued under rule 214, any person may, within two months from the date of the certificate, apply by telephone or fax to the Registry for a search to ascertain whether, since the date of the certificate, an entry has been made or an application for an entry is pending, on the Statutory Charges Register affecting the parcel of land to which that certificate related.

(2) The applicant shall give the following particulars—

(a) the name and address of the person who lodged the requisition for the official search;

(b) the date of lodgment of the requisition;

(c) the official number of the requisition appearing in the certificate;

(d) the date of the certificate;

(e) the name, address and telephone or fax number in Northern Ireland of the applicant to whom the reply is to be made.

(3) The application shall be confirmed by letter sent on the same day to the Registrar enclosing the prescribed fee.

(4) Subject to paragraph (5), the search shall be made as soon as is practicable and the reply shall be made by telephone or fax and shall consist of

a reference to the application, and to the official number of the requisition for the official search and also of the result of the search in the form of a statement “Yes” or, as the case may be, “No”. Where the reply has been made by telephone, the reply shall be confirmed in writing after the letter and the prescribed fee have been received in accordance with paragraph (3).

(5) Where the application is made by a person other than a solicitor, the reply shall not be made until the confirmatory letter with the prescribed fee has been received in the Registry. In any case where the applicant has not paid the amount due on any previous application made by him under these Rules, the Registrar may refuse to make the search.

(6) A reply to an application under this rule, or a confirmation in writing of such a reply, shall not, for the purposes of paragraph 1(1) of Schedule 9 to the 1970 Act, be regarded as a certificate issued as the result of an official search.

#### *Copies of or extracts from entries on the Statutory Charges Register*

**217.**—(1) Any person requiring a copy of or an extract from any entry on the Statutory Charges Register shall make an application in writing addressed to the Registrar for such copy or extract. The application shall state whether a copy or an extract is required and, if an extract is required, shall state precisely the extent of the extract, and shall also state whether the copy or extract is to be certified.

(2) Every certificate given pursuant to this rule shall be authenticated in such manner as the Registrar may direct.

(3) Every such copy or extract shall be sealed with the official seal of the Registry in any case in which the person applying for such copy or extract requires that it be so sealed.

#### *Summons to witnesses*

**218.**—(1) In relation to the Statutory Charges Register and the registration of any statutory charge the Registrar shall have all the powers conferred on him by section 2(1), (2), (3) and (4) of the 1970 Act.

(2) The provisions of section 2(5) and (6) of the 1970 Act and of rules 193 and 197 shall, with the necessary modifications, apply in respect of any summons issued pursuant to this rule.

#### *Indemnity of officials*

**219.** The indemnity conferred by section 3 of the 1970 Act upon the Registrar, any assistant registrar or other officer or person appointed under paragraph 5 of Schedule 1 to that Act, shall extend to any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of any function relating to the Statutory Charges Register or the registration of any statutory charge.

*Compensation for loss*

**220.**—(1) The provision of section 71 of and paragraphs 1, 3(a), (aa) and (ab), 3A, 4(a) and 7 to 11(b) of Schedule 9 to the 1970 Act shall be applicable to the Statutory Charges Register and the registration of any statutory charge, with the modifications provided for in this rule.

(2) The provisions of paragraph 1(1) of Schedule 9 of the 1970 Act shall be applicable except that the person to whom compensation is payable shall be any person who has sustained loss by reason of—

(a) any non-registration or incorrect registration of any statutory charge or priority notice, where the failure to register, or the incorrect registration, occurred in consequence of an official error in the Registry; or

(b) an omission from or an incorrect statement in a certificate issued as a result of an official search made pursuant to rule 214; or

(c) a copying error made in a copy or extract duly certified and issued pursuant to rule 217.

(3) The provisions of paragraph 1(2) of Schedule 9 to the 1970 Act shall be applicable except that the reference therein to sub-paragraph (1) shall be read as if it were a reference to that sub-paragraph as modified by paragraph (2).

(4) The provisions of paragraph 4(2) of Schedule 9 to the 1970 Act shall be applicable except that for the purposes of paragraph 4(1) of that Schedule, a right to compensation shall be deemed to accrue—

(a) in regard to any non-registration or incorrect registration on the date when the claimant discovers the omission or error or could with reasonable diligence have discovered it;

(b) in regard to any omission from, or incorrect statement in, a certificate issued as a result of an official search made pursuant to rule 214, on the date when the claimant discovers the omission or error or could with reasonable diligence have discovered it;

(c) in regard to any copying error made in a copy or extract duly certified and issued pursuant to rule 217, on the date when the claimant discovers the error or could with reasonable diligence have discovered it.

(5) A person deriving title (otherwise than for valuable consideration and in good faith) from another shall be deemed for the purposes of paragraph (4) to have discovered an omission or error on the date on which that other person discovered or could with reasonable diligence have discovered it.

(6) Where compensation is payable the amount thereof (excluding costs) shall not exceed the value of the statutory charge at the time when the error was made or, as the case may be, the omission happened.

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(a) As amended by S.I. 1982/339 (N.I. 7) Article 14

(b) As amended by S.I. 1992/811 (N.I. 7) Article 32



(7) In relation to the Statutory Charges Register and the registration of statutory charges, the persons to be served with notice of a claim for compensation shall be the Department and the Registrar.

*Application of section 8 of the 1970 Act*

**221.** The provisions of section 8 of the 1970 Act shall apply in relation to the Statutory Charges Register and the registration of any statutory charge.

*Application of certain rules*

**222.** The provisions of rules 172, 173, 174, 182, 190, 191, 192, 198, 199, 200, 201, 202, 204 and 205 shall, with the necessary modifications, apply in relation to the Statutory Charges Register and to the registration of statutory charges.

PART VIII

*Application to the Crown*

**223.** Subject to the provisions of the 1970 Act and the Insolvency Order, these Rules shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Sealed with the Official Seal of the Department of the Environment on  
27th October 1994.

(L.S.)

*J. MacQuarrie*  
Assistant Secretary

SCHEDULE 1

**Recital of Powers**

<i>Provision</i>	<i>Footnote</i>	<i>Provision</i>	<i>Footnote</i>
Land Registration Act (Northern Ireland) 1970 ('the 1970 Act'):	(a)	Section 86	(aa)
Section 2(5)		Section 89(1)	
Section 10(1)	(b)	Section 92(1)	(bb)
Section 12	(c)	Paragraph 6 of Schedule 1	(cc)
Section 14(6)	(d)	Entries 2, 4, 5 and 6 of Part I of Schedule 2	(dd)
Section 19(7)	(e)	Paragraphs 1, 2, 3 and 5 of Schedule 3	(ee)
Section 27(1)	(f)	Paragraphs 4, 6(1) and (2) and 9 of Schedule 4	(ff) and (gg)
Section 28	(g)	Paragraph 2 of Part II of Schedule 5	(hh)
Section 33(1)		Entry 16 of Part I and paragraph 1 of Part II of Schedule 6	
Section 34(2) and (8)	(h)	Paragraph 1(1) of Part I of Schedule 7	(ii)
Section 36(1)	(i)	Paragraph 5 of Part I of Schedule 8	
Section 38(1)	(j)	Paragraphs 1(1), 3(ac) and 9 of Schedule 9	(jj), (kk) and (ll)
Section 48(2)	(k)	Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984:—	
Section 49(1)	(l)	Article 6(5)	
Section 50	(m)	Registration (Land and Deeds) (Northern Ireland) Order 1992 ('the Order of 1992'):	
Section 53(2)		Article 15(2)	(oo)
Section 54(1)	(n)	Article 35	
Section 55(1) and (2)	(o)		
Section 59(1)	(p)		
Section 60(2) and (3)	(q)		
Section 62(2)	(r)		
Section 64(2) and (4)	(s)		
Section 65(1) and (2)			
Section 66(1), (2), (6) and (7)			
Section 67(4)	(t)		
Section 67A(1), (2) and (3)	(u)		
Section 69(2B)	(v)		
Section 72(3)			
Section 79	(w)		
Section 81	(x)		
Section 85	(y)		
Section 85A(1), (3) and (4)	(z)		

*Footnote to Recital of Powers*

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- (a) 1970 c. 18 (N.I.)
- (b) Section 10 was substituted by Article 6(3) of the Order of 1992
- (c) Section 12 was amended by paragraph 1 of Schedule 1 to the Property (Northern Ireland) Order 1978 (S.I. 1978/459 (N.I. 4))
- (d) Section 14(6) was amended by Article 7(2) of the Order of 1992
- (e) Section 19(7) was amended by Article 7(2) of the Order of 1992
- (f) Section 27(1) was substituted by Article 13(1) of the Order of 1992
- (g) Section 28 was amended by paragraph 3(3) of Schedule 1 to the Order of 1992
- (h) Section 34(2) was amended by Article 15(1) of the Order of 1992
- (i) Section 36(1) was amended by Article 17 of the Order of 1992
- (j) Section 38(1) was amended by paragraph 3 of Schedule 1 to the Property (Northern Ireland) Order 1978 and paragraph 2(1) of Schedule 1 to the Order of 1992
- (k) Section 48(2) was amended by paragraph 2(3)(b) of Schedule 1 to the Order of 1992
- (l) Section 49(1) was amended by paragraph 2(1) of Schedule 1 to the Order of 1992
- (m) Section 50 was amended by Article 23 of the Order of 1992
- (n) Section 54(1) was amended by paragraphs 2(3)(a) and 4(2) of Schedule 1 to the Order of 1992
- (o) Section 55 was amended by paragraph 2(1) of Schedule 1 to the Order of 1992
- (p) Section 59(1) was substituted by Article 381(2) of and paragraph 71 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))
- (q) Section 60(2) was amended by paragraph 2(1) of Schedule 1 to the Order of 1992
- (r) Section 62 was substituted by Article 28(1) of the Order of 1992
- (s) Section 64(2) and (4) was amended by paragraph 2(2) of Schedule 1 to the Order of 1992
- (t) Section 67(4) was applied by Article 13 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (S.I. 1990/2588 (N.I. 17))
- (u) Section 67A was inserted by Article 381(2) and paragraph 72 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989 and amended by paragraph 2(1) of Schedule 1 to the Order of 1992
- (v) Section 69(2B) was inserted by Article 29 of the Order of 1992
- (w) Section 79 was amended by Articles 25(3) and 35(6) of and paragraph 2(3)(b) of Schedule 1 to the Order of 1992
- (x) Section 81 was amended by Article 33 of and paragraph 2(1) of Schedule 1 to the Order of 1992
- (y) Section 85(3) was amended by Article 14 of the Property (Northern Ireland) Order 1978, Article 381(2) of and paragraph 73 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989 and Article 35(2) to (5) of and paragraph 2(1) and (8) of Schedule 1 to the Order of 1992
- (z) Section 85A was inserted by Article 36 of the Order of 1992
- (aa) Section 86 was amended by Article 37 of the Order of 1992
- (bb) Section 92 was amended by Article 38 of the Order of 1992
- (cc) Paragraph 6 of Schedule 1 was amended by Article 4(4) of the Order of 1992
- (dd) Entries 2, 4, 5 and 6 of Part I of Schedule 2 were amended by Article 9 of and paragraphs 2(1) and 4(8) of Schedule 1 to the Order of 1992
- (ee) Paragraphs 2 and 3 of Schedule 3 were amended by Article 12 of the Order of 1992
- (ff) Paragraph 4 of Schedule 4 was amended by Article 18(1) and (2) of the Order of 1992
- (gg) Paragraph 6 of Schedule 4 was renumbered as paragraph 6(1) and amended by Article 18(3) of the Order of 1992
- (hh) Paragraph 2 of Part II of Schedule 5 was amended by paragraph 2(1) of Schedule 1 to the Order of 1992
- (ii) Paragraph 1 of Part I of Schedule 7 was amended and renumbered as paragraph 1(1) by Article 21 of the Order of 1992
- (jj) Paragraph 1(1) of Schedule 9 was amended by Article 32(2) of and paragraph 2(3)(b) of Schedule 1 to the Order of 1992
- (kk) Paragraph 3 (ac) of Schedule 9 was inserted by Article 32(3) of the Order of 1992
- (ll) Paragraphs 9 and 10 of Schedule 9 were substituted by Article 32(6) of the Order of 1992
- (mm) S.I. 1984/1984 (N.I. 14)
- (nn) Article 6(5) was applied by Article 310 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))
- (oo) S.I. 1992/811 (N.I. 7)

SCHEDULE 2

FORMS

FORM 1

Application by solicitor for first registration (rule 11(1))

LAND REGISTRY

Application by solicitor for first registration

For official use only  
Document No.

*\*Use a separate form for each title to be registered  
\*Complete Panels in typescript or capital letters*

Mapping Reference

**1. Description of land** *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey plan drawn to the largest published scale eg 1/1250. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

“The land” The land shown .....  
.....  
on the attached map being land situate at/known as .....  
.....  
County

**2. Applicants** *Enter the full name and address in the United Kingdom (including postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

“The Applicant(s)”

**3. Class of Ownership** *Tick appropriate box and complete as necessary.*

The Applicant(s) is/are:

full owner(s) of the estate specified in Panel 5

limited owner(s) having the powers of a tenant for life under the Settled Land Acts, 1882 to 1890 in respect of the estate specified in Panel 5. The settlement is contained in .....

.....  
and the Trustees for the purposes of the Settled Land Acts, 1882 to 1890 are .....

**4. Co-owners** *Where there is more than one applicant, tick appropriate box and complete as necessary.*

The Applicants are:

joint tenants

tenants in common in the following shares: .....

.....

**5. Applicant's estate** *Tick appropriate box and complete as necessary.*

Fee Simple estate NOT held under a Fee Farm Grant.

Fee Simple estate held under a Fee Farm Grant dated.....

Leasehold estate created by a lease dated ..... made between ..... for ..... years from

**6. Class of Title** *Tick appropriate box. Where land is held under a Fee Farm Grant (or Lease) a Good Fee Farm Grant title (or Good Leasehold title) may be most appropriate: an Absolute title should only be requested where all superior titles have been fully investigated — in which case all encumbrances affecting the title of the grantor (or lessor) which have priority over the title of the grantee (or lessee) must be set out in the Schedule. Where a Qualified or Possessory title is sought, give all relevant information.*

Good Fee Farm Grant     Good Leasehold     Absolute

Possessory     Qualified

**7. Acquisition** *Give particulars of the deed by which the applicant acquired the land and state the purchase price (if any).*

The Applicant(s) acquired the land on ..... by virtue of .....

**8. Certificate of Title** *If any part of this certificate cannot be given, it should be amended and the reasons for the amendment furnished.*

I hereby certify as follows:

(a) I acted for the Applicant(s) in the purchase of the land and I have investigated the title fully.

(b) All necessary searches and enquiries have been made.

(c) I believe that the Applicant(s) is/are, and has/have been since the date of acquisition mentioned above, in undisputed possession of the land or in sole receipt of the rents and profits thereof. I am not aware of any question or doubt affecting the title or of any claim to possession of the land adverse to the interest of the Applicant(s) and I am satisfied that the land is not subject to any encumbrance requiring entry on the title register except for the matters listed in the Schedule hereto.

- (d) None of the Applicant(s) is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.
- (e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any manner whatsoever under the Insolvency (Northern Ireland) Order 1989.
- (f) The person or persons (if any) identified in the Schedule as being entitled to a mortgage or charge against the land is/are entitled to be registered as owner of a registered charge in respect thereof and as solicitor for such person(s) I apply for registration of such ownership.
- (g) All material information has been supplied and I enclose all relevant deeds and documents which the Applicant(s) is/are able to produce. I am also enclosing certified copies of the document(s) mentioned in Panels 3, 5 and 7 and the Schedule hereto.
- (h) The applicant(s) is/are entitled to be registered as owner(s) of the land for the estate and with the class of title stated above subject only to the encumbrances listed in the Schedule hereto and I request registration accordingly.

Signature of solicitor \_\_\_\_\_ Date \_\_\_\_\_

Name of Firm \_\_\_\_\_

#### 9. Reminders

- \* Have you enclosed all relevant deeds and documents in the possession of the applicant?
- \* Have you enclosed a CERTIFIED copy (or counterpart) of (a) any document referred to in Panel 3, 5 or 7 and (b) any mortgage, charge or other document referred to in the Schedule?

#### **Important: Please read these instructions carefully before completing the Schedule**

- (1) List encumbrances IN ORDER OF PRIORITY (eg 1. Fee Farm Rent and Grantees covenants 2. Mortgage) and give brief particulars in the third column. It is not necessary to list encumbrances which affect registered land without registration.
- (2) If only part of the land is affected by an encumbrance, state this and identify that part by reference to the map.
- (3) Covenants and conditions may be referred to in general terms (eg contained in the said Fee Farm Grant).
- (4) If the land is indemnified against a rent, give full details of the rent and the indemnity.
- (5) Where the land is subject to a mortgage or charge give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (6) Where the applicant holds the land subject to but with the benefit of a lease which requires to be registered as a burden state the date, parties, term and rent.

SCHEDULE — ENCUMBRANCES

Item no.	Encumbrance	Particulars of Encumbrance

FORM 2

**Application by owner for first registration (rule 11(1))**

LAND REGISTRY

County

Application of

I, A.B. of (state address in the United Kingdom for service of notices)  
make oath and say—

1. The land to which this application relates (“the land”) is the land shown on the attached map and situate at (or, known as)

*To be included  
only where  
appropriate*

2. The land is held under a Lease dated \_\_\_\_\_ and  
made between \_\_\_\_\_ of  
the one part and \_\_\_\_\_ of  
the other part for \_\_\_\_\_ years from  
at the yearly rent of £ \_\_\_\_\_ and subject to the covenants and  
conditions contained in the said Lease.

3. The title to the land is set out in the concise statement of title accompanying this application (*if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit*). All deeds, wills and other documents to my knowledge affecting the title have been disclosed.

4. I am entitled for my own benefit (*or, as the case may be*) to the fee simple (*or, said leasehold estate*) in the land free from encumbrances (*or, subject only to the rents, covenants, mortgages, charges, leases, sub-leases, tenancies, and other encumbrances specified in the Schedule hereto*).

5. I am, and since \_\_\_\_\_ have been, in undisputed possession (*or, receipt of the rents and profits*) of the land; no other person is in occupation or has, or claims to have, any title to or interest in the land, save as is hereinbefore indicated, and all material facts have been disclosed.

6. I refer to the attached list of the documents lodged with this application being a list of all documents (including any affidavits, statutory declarations, counsel’s opinions, abstracts of title, agreements for sales, searches, pre-contract enquiries and requisitions on title) which are in my possession or under my control and relate to the title.

7. I require that, on registration of my title the original documents numbered (*as the case may be*) in the said list, and which relate also to other land the title to which is unregistered, shall be returned to me (*or, as the case may be*). Certified copies of such documents are lodged with this application for retention in the Land Registry.



8. I request that I be registered as full owner (*or, as limited owner*) of the said freehold estate (*or, as the case may be*) in the land, (*or, in the case of an application by a personal representative, that registration be made showing the title of the deceased to the land with particulars of representation*).
9. I request that registration be made with a (*specify the class of title: possessory, qualified, good fee farm grant, good leasehold or absolute, as appropriate*) title. (*Where a qualified title is sought, set out all the facts necessary to enable the Registrar of Titles to decide on the appropriate wording for the qualification note*).
10. I request that, for the protection of the trust on which I hold the land, on my registration as such owner as aforesaid, there be entered on the register an inhibition in the following terms—  
(*State terms precisely*).

*To be included only where appropriate*

*Signature of deponent*

Sworn this        day of  
 19    , at                    in  
 the County of  
 before me a Commissioner for  
 Oaths or Notary Public or Justice  
 of the Peace or Solicitor having  
 the powers conferred on a  
 Commissioner for Oaths

*Signature*

SCHEDULE  
 (where necessary)

NOTE (1)

*Where the land is subject to but indemnified against a rent, the rent (and covenants etc) should be shown as a burden and details of the indemnity should also be set out (or identified by referring to and lodging the relevant deed). Where land has been charged with all or part of a rent in indemnification of other land subject thereto, details of the charge by way of indemnity including details of the relevant covenant of indemnity (if any) should be set out (or identified by referring to and lodging the relevant deed).*

NOTE (2)

*Where the application is for first registration of a rent charge or other incorporeal right held in gross, the first paragraph must set out the relevant particulars of the rent charge or right and of the property in respect of which the rent charge is payable or the right issues.*

FORM 3

**Application for first registration where the title is based on possession (rule 11(1))**

*(Heading as in Form 2)*

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. *As in Form 2 paragraph 1.*
2. I have been in sole and exclusive beneficial occupation and possession (*or*, in sole receipt of the rents and profits) of the land for upwards of        years last past.
3. *(Describe exactly when and under what circumstances the adverse possession began and the acts said to constitute a dispossession of a former owner. If the adverse possession involved an encroachment from adjoining land of the applicant, it must be shown how such adjoining land is held by the applicant).*
4. *(Describe the applicant's knowledge of the documentary title. Give the name and present address of any person known to have been in possession of the land and, where any such person has since died, details of the persons beneficially entitled to his estate and, where representation has been raised to such estate, the names and present addresses of the personal representatives. Where the applicant has no knowledge of any of these matters that fact should be stated).*
5. I have no documents of title but I claim that, by virtue of the Limitation (Northern Ireland) Order 1989, I am entitled, for my own benefit, to the fee simple in the land (*or, as the case may be*).
6. I am not aware of any contract or agreement for sale or of any mortgage, charge, lease, tenancy, restrictive covenant or of any other matter affecting the land, or any part of it, adversely to my interest therein.
7. I have not, at any time, acknowledged the title of any other person to the land, or any part of it, nor have I ever received any claim by any person, adverse to my own, in respect of the land.
8. I am not aware of any question or doubt affecting my title to the land, or any part of it, and I have disclosed all material facts.
9. I hereby apply that I be registered as owner in fee simple (*or, as the case may be*) of the land with a (*specify the class of title: possessory, qualified, good fee farm grant, good leasehold or absolute, as appropriate*) title.

*(Jurat as in Form 2)*

FORM 4

**Memorial for Registry of Deeds of first registration in the Land Registry (rule 16)**

To the Registrar of Deeds

A memorial of the registration, on \_\_\_\_\_ 19\_\_\_\_, of the title of the owner described in the first column of the Schedule hereto to the land or rights described in the second column of the said Schedule and made in the folio specified in the third column of the said Schedule.

Dated \_\_\_\_\_ 19\_\_\_\_

(Official Seal of the Registry)

SCHEDULE

(1) <i>Name and address of registered owner</i>	(2) <i>Description of land or rights</i>	(3) <i>Folio No. in which the ownership is registered</i>

FORM 5

**Caution against first registration (rule 17)**

LAND REGISTRY

I, A.B. of \_\_\_\_\_ make oath and say—

1. I claim (*or, I am solicitor on behalf of C.D. of who claims*) an interest in the land (*describe the land in a manner which will enable the land to be identified on the registry map and refer to the ordnance map accompanying the affidavit*).
2. I claim (*or, My client claims*) to be entitled (*set out all necessary particulars of the interest claimed and details of the documents or events as a result of which the claimant became entitled to the interest*).
3. Notice of any application which may be made for first registration of an owner of the said interest (*or, land*) is required to be given to (*state name and address in the United Kingdom of person to whom notice is to be sent*).

(*Jurat as in Form 2*)

FORM 6

**Application to withdraw, in part, a caution against first registration (rule 18(2))**

LAND REGISTRY

I, A.B. of \_\_\_\_\_ hereby apply  
to withdraw the caution lodged by \_\_\_\_\_  
on \_\_\_\_\_, so  
far as it relates to (*describe the part of the land to which the withdrawal relates in a manner which will enable such part to be identified on the registry map and, where necessary for that purpose, refer to an ordnance map accompanying the application*).

Dated \_\_\_\_\_ 19 .

(*Signed*)

FORM 7

**Notice to cautioner of application for first registration (rule 19)**

LAND REGISTRY  
(insert address)

Take notice that A.B. of \_\_\_\_\_ has applied to be registered as full (*or, limited*) owner of (*or, for registration of a note of the title of E.F. deceased to*) the land (*state verbal description of the land as in the application of A.B.*) and that such application is affected by the caution lodged by \_\_\_\_\_ in the Land Registry on (*insert date*).

If you intend to oppose such application you are required to lodge in the Land Registry, at the above address, before the expiration of fourteen (*or as the case may be*) days from the service of this notice on you, an objection in writing, stating the grounds of such objection. Unless such an objection is so lodged, the application may proceed without regard to the caution.

This notice will be deemed to have been received by you on (*insert date*), in the absence of proof to the contrary.

Dated \_\_\_\_\_ 19 .

To:

FORM 8

**Affidavit of disclosure (rule 27)**

LAND REGISTRY

County

Folio (*if any*)

Application of

I, A.B. of (*add, where*  
*appropriate*, as solicitor for C.D. of )  
make oath and say—

1. The land to which this affidavit refers is (*insert the description of the land as appearing in the application for registration and, in the case of registered land, state particulars of the folio*) and I refer to my (*or, my client's*) application (*insert particulars of the application*) in the Land Registry.
2. To the best of my knowledge and belief, all deeds, wills and other documents of title affecting the title the subject of the said application, all encumbrances affecting such title, and all facts material to such title, have been disclosed in the documentation lodged in connection with the said application.
3. I am acquainted with the foregoing facts in as much as (*set out deponent's means of knowledge*).

(*Jurat as in Form 2*)

FORM 9

**Transfer of all land in folio by registered full owner — not imposing new obligations requiring registration (rule 41)**

LAND REGISTRY

**Transfer of Whole**  
by registered full owner(s) only —  
not imposing new obligations  
requiring registration

*Insert address of land  
transferred — for Stamp  
Office and Valuation Office  
purposes only*

**Panel A**

COUNTY:	DATE:
Folio transferred:—	Registered Owner:—

**Panel B**

*\*Words  
attracting  
implied  
covenants may  
be inserted (eg  
“as beneficial  
owner”).*

The above named registered owner\* .....  
in consideration of .....  
.....(receipt acknowledged)  
transfers the land in the above folio to the transferee named in Panel  
C.

*State the full  
name(s) and  
postal  
address(es) of  
the  
transferee(s)  
for entry on  
the Title  
Register.  
If two or more  
transferees are  
to take as  
tenants in  
common this  
fact and the  
shares of each  
must be  
stated.*

**Panel C**

“THE TRANSFEREE”:

**Panel D**

*This covenant  
may be  
deleted or  
amended as  
appropriate.*

The transferee hereby covenants with the  
registered owner to pay the rent reserved by the  
lease (or fee farm grant) under which the land is held and to comply  
with the covenants on the part of the lessee (or grantee) and  
conditions therein contained and to indemnify the registered owner  
and the estate and effects of the registered owner accordingly.

**Panel E**

*It is hereby certified etc. (add, where appropriate, the certificate required by any Finance Act or Stamp Duty Regulations)*

**Panel F**

SIGNED, SEALED AND DELIVERED

BY THE SAID

IN THE PRESENCE OF:—



FORM 10

**Transfer in circumstances where Form 9 is inappropriate — not imposing new obligations requiring registration (rule 41)**

LAND REGISTRY

<p><b>Transfer of whole and/or part not imposing new obligations requiring registration</b></p>	<p><i>Insert address of land transferred — for Stamp Office and Valuation Office purposes only</i></p>
---	--

**Panel A**

<p>COUNTY:</p>	<p>DATE:</p>
<p>All folios affected:—</p>	<p>Registered Owner:—</p>

*\* Identify the Transferor (eg "AB, the above named registered owner").*

**Panel B**

<p>"THE TRANSFEROR":*</p>
---------------------------

*\*Words attracting implied covenants may be inserted eg "as beneficial owner".*

**Panel C**

<p>THE TRANSFEROR* ..... in consideration of ..... (receipt acknowledged) transfers the land described in Panel D to the transferee named in Panel E.</p>
---

*\*Identify the land transferred and refer if necessary to markings on an attached map showing the extent of the land.*

**Panel D**

“THE LAND”:\*

*\*State the full name(s) and postal address(es) of the transferee(s) for entry on the Title Register. If two or more transferees are to take as tenants in common this fact and the shares of each must be stated.*

**Panel E**

“THE TRANSFEREE”:\*

**Panel F**

*(Only for covenants or other obligations not requiring registration)*

**Panel G**

*(Use where an additional party is required to join in the deed. Execution by such party should be included in Panel I)*

**Panel H**

*It is hereby certified etc. (add, where appropriate, the certificate required by any Finance Act or Stamp Duty Regulations).*

**Panel I**

**SIGNED, SEALED AND DELIVERED**

**BY THE SAID**

**IN THE PRESENCE OF:—**

FORM 11

**Transfer imposing new obligations requiring registration (rule 41)**

LAND REGISTRY

<b>Transfer of Whole and/or Part imposing new obligations requiring registration</b>	<i>Insert address of land transferred — for Stamp Office and Valuation Office purposes only</i>
--	---

**Panel A**

COUNTY:	DATE:
All folios affected:—	Registered Owner:—

**Panel B**

*\*Identify the Transferor (eg "AB the above named registered owner").*

"THE TRANSFEROR":*
--------------------

**Panel C**

*\*Words attracting implied covenants may be inserted (eg "as beneficial owner").*

THE TRANSFEROR* .....in consideration of .....(receipt acknowledged) transfers the land described in Panel D to the transferee named in Panel E
---

**Panel D**

*\*Identify the land transferred and refer if necessary to markings on an attached map showing the extent of the land.*

"THE LAND":*
--------------

**Panel E**

*\* State the full name(s) and postal address(es) of the transferee(s) for entry on the Title Register. If two or more transferees are to take as tenants in common this fact and the shares of each must be stated.*

“THE TRANSFEREE”:\*

**Panel F**

Together with the rights (if any) set out in Schedule 1, excepting and reserving the rights (if any) set out in Schedule 2, and the parties hereto covenant and agree as set out in Schedule 3.

**Panel G**

*(Use where an additional party is required to join in the deed. Execution by such party should be included in Panel I.)*

**Panel H**

*It is hereby certified etc. (add, where appropriate, the certificate required by any Finance Act or Stamp Duty Regulation).*

**Panel I**

SIGNED, SEALED AND DELIVERED  
BY THE SAID  
IN THE PRESENCE OF:—

SCHEDULE 1 — RIGHTS GRANTED

*(Each right should be numbered.  
Any covenants or agreements relating to these rights should be included in Schedule 3.)*

SCHEDULE 2 — EXCEPTIONS AND RESERVATIONS

*(Each right should be numbered.  
Any covenants or agreements relating to these rights should be included in Schedule 3.)*

SCHEDULE 3

*(Each matter should be numbered.  
The parties to any covenant or agreement must be identified.  
Where registration of any item is required, its item number should be inserted in the declaration at the end of this Schedule.)*

The parties hereto declare that they do not require registration of any of the matters listed in this Schedule (except item(s) numbered ..... which relate(s) to the use and enjoyment of the relevant land).

NOTE — *Where an easement is created, the land to which the easement is appurtenant should be identified*

FORM 12

**Transfer where the registered owner of a charge joins to release the charge (rule 41)**

*Use Form 10 or 11, whichever is appropriate, completing Panel G as follows:—*

I, A.B., the registered owner of a charge registered in the said folio on 19 , in consideration of (receipt acknowledged) hereby release the land referred to in Panel D from the said charge.

*If required, add the following:—*

Nothing herein contained shall prejudice the operation of the said charge in relation to land the subject of the charge and not hereby transferred.

FORM 13

**Transfer on a sale by a limited owner in exercise of his powers under the Settled Land Acts, 1882 to 1890, the purchase money being paid to the trustees of the settlement (rule 41)**

*As Form 10, completing—*

*1. Panel C as follows:—*

I, the above named Transferor, in consideration of £ now paid to E.F. and G.H., the trustees for the purposes of the Settled Land Acts, 1882 to 1890 of the settlement under which I am registered as limited owner, and in exercise of the powers in that behalf conferred upon me by the said Acts, hereby transfer the land described in Panel D to the transferee named in Panel E.

*2. Panel G as follows:—*

We, the said E.F. of and G.H. of hereby acknowledge receipt of the said sum of £

FORM 14

**Transfer by a registered owner of a charge in exercise of his power of sale (rule 41)**

*As Form 10, completing—*

*1. Panel B as follows:—*

“THE TRANSFEROR”  
A.B., the registered owner of a charge registered in the above mentioned folio(s) on 19 .

*2. Panel C as follows:—*

The above named Transferor in consideration of £ (receipt acknowledged) and in exercise of the power in that behalf conferred by the Land Registration Act (Northern Ireland) 1970 transfers the land described in Panel D to the transferee named in Panel E discharged from the said charge.

FORM 15

**Transfer of a rent-charge by a registered full owner (rule 41)**

*As Form 9, completing Panel B as follows:—*

The above named registered owner, in consideration of £ (receipt acknowledged) transfers the rent-charge of £ described in the above mentioned folio to the transferee named in Panel C.



FORM 16

**Exchange by registered full owners (rule 41)**

LAND REGISTRY

DEED OF EXCHANGE dated	
Folio	County
Registered Owner: A.B.	
Folio	County
Registered Owner: C.D.	

*\*If appropriate, equality payments and receipt to be inserted instead in paragraph 2*

1. I, A.B., the above named registered owner, in consideration of the transfer hereinafter contained \*[and of £        paid by the above named C.D. for equality (receipt acknowledged)] hereby transfer to the said C.D. the land described in the (first part of the) First Schedule hereto (together with the rights set out in the second part of the First Schedule) (Excepting and reserving the rights set out in the third part of the First Schedule)

2. In consideration of the transfer hereinbefore contained I, the above named C.D. hereby transfer to the said A.B. the land described in the (first part of the) Second Schedule hereto (together with the rights set out in the second part of the Second Schedule) (Excepting and reserving the rights set out in the third part of the Second Schedule)

3. The parties hereto hereby covenant and agree as set out in the Third Schedule

4. The parties hereto do not require registration of any of the burdens mentioned in the Schedules hereto [other than:—  
*(list all burdens to be registered)*]

5. On registration of this document, the address which should be entered on the title register for the said A.B. is ..... and for the said C.D. is .....

6. It is hereby certified *etc.* (*add, where appropriate, the certificate required by any Finance Act or Stamp Duty Regulations*).

*(Execution, by both parties, as in Panel F of Form 9)*

- FIRST SCHEDULE
- SECOND SCHEDULE
- THIRD SCHEDULE  
*(to be added where necessary)*

FORM 17

**Application by way of assent for registration on death of a registered full owner where the land vests in his personal representative (rule 42(1))**

LAND REGISTRY

County:	Date:
Folio:	Registered Owner:

DECEASED REGISTERED OWNER: *(insert full name)*  
who died on: *(complete)*

PERSONAL REPRESENTATIVE of deceased Registered Owner:  
*(insert full name and address of the personal representative)*

I, the above named personal representative, for the purpose of administering the estate of the deceased Registered Owner, assent to the vesting of the property as described in the First Schedule hereto in the Assentee as set out in the said Schedule and request registration accordingly, subject as appears in the Folio(s) *(include, where appropriate)* and also subject to registration of the burden(s) set out in the Second Schedule hereto

*(add, if appropriate, where a limited owner is being registered)*  
and I further request that there be entered on the said folio a note that the settlement is comprised in *(insert details of document)* and that A.B. of *etc.* and C.D. of *etc.* are *(or, are deemed to be)* trustees thereof for the purposes of the Settled Land Acts, 1882 to 1890.

Signed by the said *(name of personal representative)*  
in the presence of:

## FIRST SCHEDULE

THE PROPERTY: *(describe the land or estate being vested and indicate whether the full estate of which the deceased is registered as owner is passing. If part of the land is being vested in one person and another part in another person, that must be clarified in the description and the part going to each defined by reference if necessary to an attached ordnance map).*

THE ASSENTEE: *(insert full name and address in the United Kingdom for service of notices. If a person is to be registered as a limited owner, or is a minor, that must be stated. If the land is being vested in more than one assentee, set out whether they are joint tenants or tenants in common and, if the latter, the shares of each.*

## SECOND SCHEDULE

*See note*

### PARTICULARS OF BURDENS

*(Set out full particulars of each burden. Identify which folio or part of a folio and, where necessary, whose estate therein is subject to the burden. If the burden is a charge, identify it as such, show whether interest is payable, and state the name and address in the United Kingdom for service of notices of the person (if any) entitled to be registered as owner of the charge. Where relevant to any other burden, particulars of the person or property entitled to the benefit should also be stated. If two or more burdens are to be registered, their priority inter se should be clarified.)*

NOTE— *Where a charge created by will does not expressly charge the land with payment to a specified person of a specified sum, or of an annuity, the Registrar shall not, unless the court otherwise directs, be obliged to register the ownership of that charge.*

FORM 18

**Application for registration of ownership of freehold land on the death testate of a registered full owner where the land did not vest in the personal representatives (rule 45(1))**

LAND REGISTRY

Folio County

Registered Owner

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. C.D., the above named registered full owner, died on 19 , and Probate of his will was on 19 granted to *(state names of the persons to whom Probate was granted)* the executors named in the said will *(or, as the case may be)*.
2. By the said will dated 19 , the said C.D. devised the land described in the will as *(state description as in the will)*, being the land in the above mentioned folio ("the land"), to me absolutely *(or, as the case may be)*.
3. The said will created the following burdens on the land *(state particulars)*.
4. Of the burdens referred to in paragraph 3 the following have been satisfied *(add particulars and refer to any evidence of satisfaction, such as a receipt for payment of money, to be produced with the application)*.
5. I have not transferred, charged or otherwise dealt with the land in any way *(or, if the case be otherwise, except as follows—)*.
6. I request that—
  - (a) I be registered as full owner *(or, as the case may be)* of the land.  
*(add where appropriate)*
  - (b) the following matters be entered as burdens on the said folio— *(state particulars)*  
*(add, if appropriate, where a limited owner is being registered)*
  - (c) there be entered on the said folio a note of the settlement and that E.F. of *etc.* and G.H. of *etc.* are trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890.

*To be included where appropriate*

*To be included where appropriate*

*(Jurat as in Form 2)*

FORM 19

**Application for registration of ownership of freehold land on the death intestate of a registered full owner where the land did not vest in the personal representatives (rule 46(1))**

*(Heading as in Form 18)*

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. C.D., the above named registered full owner, died intestate on 19 , and Letters of Administration of his personal estate were on 19 granted to *(or, if no representation was raised, refer to the evidence of death and of intestacy relied on)*.
2. The said C.D. was registered as owner by virtue of *(state the facts necessary to show the identity of the purchaser from whom title is to be traced)*.
3. I am now entitled to the land in the above mentioned folio (“the land”) as the eldest son of the said C.D. *(or, state the facts necessary to show how the applicant is entitled as heir)* *(add, if appropriate, subject to the right to dower of E.F. of (state address in the United Kingdom for service of notices) widow of the said C.D.)*.

*(or)*

I am now entitled to the land in the above mentioned folio (“the land”) as tenant by the curtesy, being the surviving husband of the said C.D., and issue of the marriage capable of inheriting the land having been born alive, namely *(state names of issue)*.

*(or)*

I am now entitled to the land in the above mentioned folio (“the land”) as widow of the said C.D. who died intestate and without issue. The net value of the real and personal estate of the said C.D. valued in accordance with the Intestates’ Estates Act, 1890 did not exceed five hundred pounds.

4. I have not transferred, charged or otherwise dealt with the land in any way *(or, if the case be otherwise, except as follows—)*.
5. I request that I be registered as full owner *(or, where the applicant is entitled as tenant by the curtesy, as limited owner)* of the land.

*(Jurat as in Form 2)*

FORM 20

**Application by an owner registered as a joint tenant to cancel the registration of a deceased co-owner (rule 47(1))**

*(Heading as in Form 18)*

I, A.B. of

make oath and say—

1. I am one of the above named registered owners (*or, I am the solicitor for C.D. one of the above named registered owners who is alive at the date hereof*).
2. E.F., one of the above named registered owners, died on 19 , and I refer to (*state evidence of death*).
3. I request that the ownership of the said E.F. be cancelled on the folio (*or, in the case of a sole surviving joint tenant, I request that I (or, the said C.D.) be registered as sole full owner of the land in the above mentioned folio*).

*(Jurat as in Form 2)*

FORM 21

**Certificate by a solicitor for registration of the person entitled on the determination of the estate of a limited owner (rule 48(1))**

LAND REGISTRY

Folio

County

Registered Limited Owner:

I, A.B. of  
follows:—

Solicitor, hereby certify as

1. I am the solicitor for C.D. of *(state address in the United Kingdom for service of notices)* ("the applicant") and on his behalf I have investigated fully the title to the land comprised in the above mentioned folio ("the land").
2. *(Set out the terms of the settlement relating to the land.)*
3. *(Set out the manner in which the determination of the limited ownership occurred.)*
4. As a result of the determination of the limited ownership, the said C.D. is now entitled to be registered as full *(or, limited)* owner of the land.
5. The interest of the said C.D. is not subject to any additional burden [except the following:—  
*(list the burdens in order of priority or, if equal priority, state that fact)*]
6. The said C.D. is entitled to be registered as a limited owner holding such interest under the settlement created by *(insert details of the document constituting the settlement)* and E.F. of *etc* and G.H. of *etc* are trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890.

*To be included where appropriate*

Dated 19 .

*(To be signed personally by the above mentioned solicitor)*



FORM 22

**Affidavit of registered owners who hold land as trustees of a settlement, made for the purpose of having persons beneficially entitled to the land registered as owners (rule 50)**

*(Heading as in Form 18)*

We, A.B. of  
and C.D. of  
the above named registered owners, make oath and say—

1. We were registered as owners of the land in the above mentioned folio (“the land”) on \_\_\_\_\_ pursuant to a transfer dated \_\_\_\_\_ and made between *(insert particulars of the deed of transfer)* having purchased the land with capital money arising under *(insert particulars of the instrument creating the trust)*.
2. The land is held by us upon trust *(insert particulars of the trusts upon which the land is held showing any devolution of title and appointment of new trustees)*.
3. We hereby request that E.F. of *(state address in the United Kingdom for service of notices)* be registered as full owner of the land.

*(or alternatively)*

We hereby request that—

- (a) E.F. of *(state address in the United Kingdom for service of notices)* be registered as limited owner of the land.
- (b) We *(or, as the case may be)* be noted on the said folio as the trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890.

*(add, where appropriate)*

and we request that upon the registration of such ownership there be entered on the folio an inhibition in the following terms—

*(insert terms of inhibition sought)*.

*(Jurat as in Form 2)*

FORM 23

**Certificate by a solicitor verifying the validity of the appointment  
of a new trustee of a settlement for the purposes of the Settled  
Land Acts, 1882 to 1890 (rule 51(1))**

*(Heading as in Form 21)*

I, A.B. of \_\_\_\_\_ Solicitor, hereby certify as follows:—

1. I am the solicitor for (*identify person and show how he is interested in the land*) and I am well acquainted with the affairs of the settlement under which the above named limited owner holds the land in the above folio.
2. I have carried out all enquiries and investigations necessary to establish who are the persons entitled to exercise the powers of a trustee of the settlement for the purposes of the Settled Land Acts, 1882 to 1890.
3. The persons who are now trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890 are as follows:—  
*(Set out all the names and addresses in the United Kingdom for service of notices, indicating which trustees are already registered as such (if any) and which are new trustees.)*

Dated \_\_\_\_\_ 19 .

*(To be signed personally by the  
above named solicitor)*

FORM 24

**Application by a registered owner to reclassify a title deemed to be a possessory title by virtue of paragraph 2 of Part I of Schedule 13 to the 1970 Act, as an absolute title, in a case in which no other alteration is required to be made on the register (rule 53)**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_, the above named registered owner, make oath and say—

1. During the last twelve years I (and my predecessors in title) have been in sole and undisputed beneficial occupation and possession of the land in the above mentioned folio (“the land”) as owner in fee simple, as in the said folio appears.
2. I am not aware of any mortgage, charge, lease, lien, agreement, restrictive covenant, right of residence, or other encumbrance or any trust created before first registration and now affecting the land or any part thereof, except as now appears in the said folio.
3. I am not aware of any question or doubt, or of any deed, will, settlement, or other document, affecting the title to the land, or any part thereof, or of any matter whereby the title is, or may be, impeached or affected in any manner whatsoever.
4. I apply that the title in the above mentioned folio be reclassified as an absolute title.

*(Jurat as in Form 2)*

FORM 25

**Application to reclassify a possessory title as an absolute, or good fee farm grant, or good leasehold title, on registration of a transfer for valuable consideration (rule 54)**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ make oath and say—

1. I am the above named registered owner and I have, by a transfer dated \_\_\_\_\_ made for valuable consideration, transferred the land in the above mentioned folio (“the land”) to \_\_\_\_\_  
(*or*)

The above named registered owner, by a transfer dated \_\_\_\_\_ made for valuable consideration, has transferred the land in the above mentioned folio (“the land”) to me and I have applied to be registered as owner of the land.

*To be included only where appropriate*

2. The land is held under the Fee Farm Grant (*or*, the Lease) dated \_\_\_\_\_, and made between \_\_\_\_\_, referred to in (part \_\_\_\_\_ of) the above mentioned folio.

(NOTE:— *If particulars of the Fee Farm Grant or Lease do not appear in the folio, such particulars must be set out.*)

3. The land has been registered with a possessory title for over twelve years and I was (*or*, I believe that the said registered owner was) immediately prior to the date of the said transfer, in sole beneficial possession of the land subject as in the said folio now appears (*or as the case may be*).
4. I am not aware of any mortgage, charge, lease, lien, agreement, restrictive covenant, right of residence or other encumbrance or any trust created before first registration and now affecting the land or any part of it except as now appears in the said folio (*or*, except as stated in the Schedule hereto).
5. I am not aware of any question or doubt affecting the title to the land, or any part of it, or of any matter whereby the title is, or may be, impeached or affected in any manner whatsoever.
6. I have no deeds or other documents relating to the title in my possession or control (except those lodged with this application and set out in the accompanying list dated \_\_\_\_\_ and signed by me).
7. I apply that, on registration of the said \_\_\_\_\_ (*or*, on my registration) as owner of the land the title be reclassified as an absolute (*or*, as a good fee farm grant, *or*, as a good leasehold) title.

*(Jurat as in Form 2)*

SCHEDULE

*(insert, where appropriate)*

FORM 26

**Application by a registered owner to reclassify a qualified title existing at the commencement of the 1970 Act as a good fee farm grant (or, good leasehold) title (rule 55)**

*(Heading as in Form 18)*

1. I, the above named registered owner (*or, as solicitor for the above named registered owner*), hereby apply that the title in the above mentioned folio be reclassified as a good fee farm grant (*or, a good leasehold*) title.
2. The land in the above mentioned folio is held under the fee farm grant (*or, lease*) referred to in the said folio and, at first registration on (*insert date*), registration was made with a qualified title which did not affect or prejudice the enforcement of (*state, verbatim, the qualification in the folio*).
3. I refer to the application for such first registration and the deeds and other documents lodged therewith.

Dated 19 .

*(To be signed by the registered owner or his solicitor and, when signed by the registered owner, his signature shall be attested)*

FORM 27

**Application to reclassify a title other than an absolute title as an absolute title, or to reclassify a possessory, or a qualified title as a good fee farm grant, or good leasehold title (rule 56(1))**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ make oath and say—

1. I am the above named registered owner and I am registered with a title *or*, I claim to be entitled to be registered as owner of (*or*, of that part of) the land in the above mentioned folio (*if part of the land*, known as \_\_\_\_\_ and delineated on the map accompanying this application) with an absolute (*or*, a good fee farm grant, *or*, a good leasehold) title.
2. The particulars of my title are as follows—  
*(set out particulars in detail and show all rights capable of registration and protected by registration with the particular class of title specified in the folio. This should be done by setting out concise details in sub-paragraphs in chronological order).*
3. *As in Form 24 paragraph 1 (or, as the case may be).*
4. *As in Form 25 paragraph 4.*
5. *As in Form 25 paragraph 5 with the addition of the words: “and all material facts have been disclosed.”*
6. *As in Form 25 paragraph 6.*
7. I apply that the title in the said folio be reclassified as an absolute (*or*, a good fee farm grant, *or*, a good leasehold) title (*or*, that I be registered in the said folio as full owner with an absolute title, *or*, a good fee farm grant title, *or*, a good leasehold title) (*or*, that I be registered in a separate folio as full owner of the said part of the land with an absolute *or*, *as the case may be*, a good fee farm grant, *or*, good leasehold title) and (*where appropriate*) that the matters set out in the First Schedule hereto be entered on the said (separate) folio as burdens affecting the land (*set out in detail*) and (*where appropriate*) that the burdens set out in the Second Schedule be cancelled.

*(Jurat as in Form 2)*

FIRST SCHEDULE

*(insert, where appropriate)*

SECOND SCHEDULE

*(insert, where appropriate)*

FORM 28

**Charge on registered land for payment of money (rule 66)**

*(Heading as in Form 18)*

I, A.B., the above named registered owner, in consideration of £ , hereby charge all the land comprised in the above mentioned folio with payment to C.D. of *(state address in the United Kingdom for service of notices)* on 19 , of the principal sum of £ with interest thereon at per cent. per annum payable  
*See Note (1)* half yearly *(or, as the case may be)* on the day of and day of in every year.

*See Note (2)* (I hereby covenant for payment of the said principal sum).

Dated 19 .

*(Execution as in Panel F of Form 9)*

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NOTE (1)—*Special conditions relating to the time and mode of payment of principal or interest, or to the rate of interest, may be included if desired.*

NOTE (2)—*The inclusion of this covenant has the effect described in paragraph 4 of Part I of Schedule 7 to the 1970 Act.*

FORM 29

**Charge for future advances (rule 66)**

*(Heading as in Form 18)*

I, A.B., the above named registered owner, in consideration of , hereby charge all the land in the above mentioned folio with payment to C.D. of *(state address in the United Kingdom for service of notices)* of future advances to be made by him to me (not exceeding in all £ ) with interest *etc. (as in Form 28)*.

Dated 19 .

*(Execution as in Panel F of Form 9)*

FORM 30

**Charge by way of annuity (rule 66)**

*(Heading as in Form 18)*

I, A.B., the registered owner of the land in the above mentioned folio in consideration of hereby—

- (a) grant to C.D. of *(state address in the United Kingdom for service of notices)*, for his life (or, for      years from 19    ), an annuity of £      to accrue from day to day but to be paid free from all deductions except income tax, by half yearly (or, *as the case may be*) payments on the day of      and      day of      in every year;
- (b) charge all the land in the said folio with payment of the said annuity.

Dated      19    .

*(Execution as in Panel F of Form 9)*

---

Note—A covenant for payment of the annuity may be inserted, if desired.



FORM 31

**Charge by a registered limited owner and all other persons  
entitled under the settlement (rule 66)**

*(Heading as in Form 21)*

*See Note (1)* By virtue of a settlement created by *(insert particulars of the deed or will creating the settlement)* all the land in the above mentioned folio ("the land") stands limited to A.B. the above named registered limited owner, for life, with remainder to C.D. now of , in fee simple *(or otherwise as the terms of the settlement provide)*.

I, the said C.D., hereby declare that I have not in any way dealt with my estate in remainder in the land and that (except as provided in the said settlement) such estate is not subject to any encumbrance other than the charge intended to be hereby created.

*See Note (2)* I, the said A.B., in consideration of £ now paid to me and I, the said C.D. in consideration £ , (receipt of which sums we hereby acknowledge), hereby charge our respective estates in the land with payment to E.F. of *(state address in the United Kingdom for service of notices)* on 19 of the principal sum of £ with interest thereon at per cent. per annum payable half yearly *(or, as the case may be)* on the day of and day of in every year.

Dated 19 .

*(Execution as in Panel F of Form 9)*

---

Note (1)—*This form may be used only in cases to which Part II of Schedule 7 to the 1970 Act applies.*

Note (2)—*A covenant for payment of the principal sum may be included. Also special conditions relating to the time and mode of payment of principal or interest, or to the rate of interest.*

FORM 32

**Transfer of charge (rule 67(1))**

LAND REGISTRY

Folio                      County

Registered Owner of Charge

I, A.B., the above named registered owner of a charge entered on the above mentioned folio on .19 , in consideration of £ (the receipt whereof is hereby acknowledged) hereby transfer the said charge to C.D. of (*state address in the United Kingdom for service of notices*).

It is hereby certified, *etc.* (*add, where appropriate, the certificate required by any Finance Act or Stamp Duty Regulations*).

Dated                      19 .

(*Execution as in Panel F of Form 9*)

FORM 33

**Receipt by a registered owner of a charge for payment of the amount of the charge (rule 72)**

LAND REGISTRY

Folio                      County

Registered Owner

Registered Owner of Charge

I, A.B., the above named registered owner of a charge registered on 19 as a burden on the land comprised in the above mentioned folio, hereby acknowledge the receipt from of all monies due on foot thereof for principal and interest.

Dated                      19 .

Signed by the  
said A.B. in  
presence of:—

FORM 34

**Release by a registered owner of a charge releasing the land charged, or part thereof, from the charge (rule 73)**

*(Heading as in Form 33)*

I, A.B., the above named registered owner of a charge registered on 19 as a burden on the land comprised in the above mentioned folio, in consideration of £ paid to me by , the receipt whereof is hereby acknowledged, hereby release from the said charge the said land (*or*, that part of the said land described in the Schedule hereto).

*(add, if appropriate)*

Nothing herein contained shall prejudice the operation of the charge in relation to the land comprised in the said folio and not included in the said Schedule.

Dated 19 .

*(Execution as in Panel F of Form 9)*

SCHEDULE

*(To be added where necessary)*

FORM 35

**Entry of Inland Revenue Charge (rule 76)**

The land herein is subject to an Inland Revenue Charge in respect of such inheritance tax (*or, where appropriate*, capital transfer tax) as may arise by reason of (*state facts*).

---

Note— As to the priority of this charge, see the Inheritance Tax Act 1984 (*or, as the case may be*, the Finance Act 1975).

FORM 36

**Certificate of non-liability to an Inland Revenue Charge (rule 77)**

*(Heading as in Form 18)*

Date:

This is to certify that the Inland Revenue charge registered on  
in the above mentioned folio may be cancelled (as to the land  
shown on the attached map) (on registration of a disposition to a  
purchaser within the meaning of the Inheritance Tax Act 1984).

FORM 37

**Grant of rent-charge by a registered owner of freehold land  
(rule 78)**

*(Heading as in Form 18)*

I, A.B., the above named registered owner, in consideration of  
hereby grant to C.D. of *(state address in the United  
Kingdom for service of notices)*, in fee simple, a perpetual yearly  
rent-charge of £ , to issue out of (all) the land in the above  
mentioned folio *(or, that part of the land in the above mentioned folio  
described in the Schedule hereto)* and to accrue from day to day but to  
be paid free from all deductions (except such as may be required by  
law notwithstanding any agreement to the contrary) by half yearly  
payments on and in every  
year, the first payment to be made on

Dated 19 .

*(Execution as in Panel F of Form 9)*

SCHEDULE

*(To be added where necessary)*

---

Note—*Covenants for payment of the rent or other covenants may be  
inserted if desired.*

FORM 38

**Notice of an order charging land made pursuant to Article 48 of  
the Order of 1981 (rule 88(2))**

*(Heading as in Form 18)*

NOTICE TO THE REGISTRAR OF TITLES, LAND REGISTRY  
*(insert address)*

TAKE NOTICE that the Enforcement of Judgments Office made on  
19 an Order charging land, a certified copy of which is  
lodged herewith.

*(add, if appropriate)*

The condition subject to which the Order was made has been complied  
with inasmuch as *(insert particulars of compliance with the  
condition)*.

The land the subject of the Order is the same as the land comprised in  
the above mentioned folio *(or, that part of the land comprised in the  
above mentioned folio shown on the ordnance map annexed hereto  
and thereon edged red)*.

AND FURTHER TAKE NOTICE that I, A.B., the creditor named in the  
Order, pursuant to the power in that behalf conferred upon me by  
Article 48 of the Judgments Enforcement (Northern Ireland) Order  
1981 require that notice of the Order be entered on the said folio.

Dated 19 .

*(To be signed by the creditor and attested)*

FORM 39

**Notice of an order charging land to be registered pursuant to paragraph 4 of Part IV of Schedule 2 to the 1970 Act (rule 88(3))**

*(Heading as in Form 18)*

NOTICE TO THE REGISTRAR OF TITLES, LAND REGISTRY  
*(insert address)*

TAKE NOTICE that:—

- (1) The Enforcement of Judgments Office made on 19 an Order Charging Land (“the Order”), a certified copy (*or*, three certified copies) of which is (*or are*) lodged herewith.
- (2) The land the subject of the Order is the same as that comprised in the above mentioned folio (*or*, that part of the land comprised in the above mentioned folio shown on the map annexed hereto and thereon coloured red).
- (3) The said land is the subject of a lease made on *(insert date of lease which must be after the coming into operation, on 1st October 1992, of Article 10 of the 1992 Order)* by which A.B., the above named registered owner, leased the land to C.D. for a term exceeding 21 years (*or*, for the life of E.F. of who is still alive). The title to the leasehold estate has not been registered.
- (4) The Order charged the estate or interest of the said C.D. in the land with the payment of the money specified therein.
- (5) The condition subject to which the Order was made, has been complied with in as much as *(insert particulars of compliance with the condition)*.
- (6) I, X.Y., the creditor named in the Order, require that notice of the Order be entered on the said folio pursuant to paragraph 4 of Part IV of Schedule 2 to the Land Registration Act (Northern Ireland) 1970.

Dated 19 .

*(To be signed by the creditor and attested)*

FORM 40

**Application for registration of a pending action (rule 91(1))**

*(Heading as in Form 18)*

I, A.B. of  
(*or, as solicitor for C.D. of* ),  
require that the pending action or proceeding, particulars of which are  
contained in the memorandum hereunder, be registered in the above  
mentioned folio as a burden affecting the estate of (*set out the name  
and address of the person whose interest is to be affected*).

Dated 19 .

*(To be signed by the applicant or his solicitor)*

---

Memorandum

Title of action or proceeding:

Particulars of action or proceeding:

Description of land the subject of action or proceeding:

Court in which action or proceeding is pending:

Name and address of Plaintiff:

Name and address of Defendant:

Date of commencement or entry of action or proceeding:

I certify that the particulars set out in the above memorandum in  
respect of an action or proceeding pending before the above  
mentioned Court are true and correct.

Dated 19 .

*(Signature of the proper officer of  
the court in which the action or  
proceeding is pending)*

FORM 41

**Entry of pending action on the title register (rule 91(2))**

An action or proceeding affecting the estate of A.B. of (*insert address as in application for registration*) in the land herein, is pending in the High Court (*or, County Court for the Division of* ), in a matter entitled (*insert title of action or proceeding*).

FORM 42

**Application for renewal of the registration of a pending action (rule 91(3))**

(*Heading as in Form 18*)

I, A.B. of  
(*or, as solicitor for C.D. of* ),  
require that the registration as a burden in the above mentioned folio  
on 19 of the pending action or proceeding specified  
in the memorandum hereunder be renewed for a period of five years  
from the date of renewal.

Dated 19 .

(*To be signed by the applicant or his solicitor*)

---

Memorandum

(*Insert particulars of action or proceeding as in entry to be renewed*)

I certify that the particulars set out in the above memorandum in respect of an action or proceeding pending before the above mentioned Court are true and correct.

Dated 19 .

(*Signature of the proper officer of the court in which the action or proceeding is pending*)



FORM 43

**Application for the registration of a matrimonial charge as a burden (rule 92(1))**

*(Heading as in Form 18)*

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. I believe that I am entitled by virtue of Articles 5 and 6 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (hereinafter called the “Family Law Order”) to the registration of a matrimonial charge in my favour affecting the land comprised in the above mentioned folio to the extent of my rights of occupation under the Family Law Order in the dwelling house *(identify the dwelling house which is subject to the rights of occupation, if necessary referring to an ordnance map on which the dwelling house is identified; and refer to any release of part of the dwelling house from the rights of occupation, to the priority conferred on the matrimonial charge by Part II of the Family Law Order, to any document postponing its priority and to any order of the court under Article 4 of the Family Law Order in relation to the rights of occupation constituting the charge, and state that a copy of any such release or postponement or a certified copy of any such order accompanies the application)*.
2. I am the (wife) (husband) of C.D. of *(state address and add, if appropriate)* “(the above named Registered Owner)” and I refer to the marriage certificate accompanying this application.
3. The dwelling house is the matrimonial home *(or, was the matrimonial home during the period from until )*.
4. My (husband) (wife) is entitled to occupy the dwelling house by virtue of a beneficial legal estate therein. The title to (his) (her) legal estate is registered in the said folio. *(Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years, not being a term for securing money.”)*

*or*

My (husband) (wife) is entitled to occupy the said dwelling house by virtue of a beneficial estate therein existing under a trust. Apart from my (husband) (wife) (and me) there is no person living or unborn who is or could become a beneficiary under the said trust *(add, if appropriate: “apart from any potential beneficiaries under a general power of appointment exercisable by either or both of us alone.”)* The Trustees of the said trust are E.F. of *(state address)* and G.H. of *(state address)* *(add, if appropriate: “the above named Registered Owners”)* who have a legal estate, the title to which is registered in the said folio. *(Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years not being a term for securing money.”)*

5. *Where an order has been made by virtue of Article 5(4) of the Family Law Order, insert the following paragraph: By an order of the (Family Division of the High Court of Justice in Northern Ireland) ( Recorder's Court) (County Court for the Division of ) dated the day of 19 and made by virtue of Article 5(4) of the Family Law Order it was directed that (give particulars of any direction that the applicant's rights of occupation should not be brought to an end by the death of the applicant's spouse or on the termination of the marriage otherwise than by death and refer to the accompanying certified copy of the order).*

6. There is no subsisting registration of a matrimonial charge in my favour which affects any other dwelling house.

*or*

There is a subsisting registration of a matrimonial charge in my favour against:

Folio

County

Registered Owner

and I apply for its cancellation pursuant to Article 7 of the Family Law Order.

*or*

There is a subsisting registration of a matrimonial charge in my favour registered in the Registry of Deeds against the names of and and affecting (*identification of dwelling house*) which registration is to be cancelled pursuant to Article 7 of the Family Law Order.

7. I apply for the registration of a matrimonial charge as a burden affecting the land comprised in the above mentioned folio to the extent of my rights of occupation in the said dwelling house.

*(Jurat as in Form 2)*

FORM 44

**Entry of a matrimonial charge as a burden on the register  
(rule 92(4))**

(The estate or interest of \_\_\_\_\_ of \_\_\_\_\_ in) the land herein is subject to a matrimonial charge within the meaning of Article 5(1) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (hereinafter called "the Family Law Order") to the extent of the rights of occupation of A.B. of *(state address)* in *(identification of dwelling house as in application referring to any order of the court made under Article 4 of the Family Law Order or to any release of part of the dwelling house from the rights of occupation)*.

*(Refer to any order of the Court made by virtue of Article 5(4) of the Family Law Order as in the application for registration or for renewal of the registration).*

The validity and priority of the said matrimonial charge is affected by Part II of the Family Law Order *(add, if appropriate, particulars of any postponement in priority)*.

FORM 45

**Application for the renewal of the registration of a matrimonial charge pursuant to Article 9(3)(a) of the Family Law Order  
(rule 92(5))**

*(Heading as in Form 18)*

In consequence of an order dated \_\_\_\_\_ of *(name of court)* and made by virtue of Article 5(4) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984, I, A.B. of *(state address)*, *(or, I, C.D. of (state address) the solicitor acting for A.B. of (state address))* hereby apply pursuant to Article 9(3)(a) of the said Order of 1984 for the renewal of the registration of the matrimonial charge registered *(in my favour) (in favour of the said A.B.)* against the above mentioned folio on *(insert date)*.

A certified copy of the court order accompanies this application.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

*(To be signed by the applicant or his solicitor and when signed by the applicant, his signature shall be attested)*

FORM 46

**Caution against dealings by a registered owner (rule 98(1))**

*(Heading as in Form 18)*

I, A.B. of

make oath and say—

1. I claim (*or, I am solicitor on behalf of C.D. of* ,  
who claims) an interest in the land comprised in the above  
mentioned folio (*or, in the charge registered as a burden in the*  
above mentioned folio on 19 , of which charge  
is registered as owner).
2. My interest (*or, The interest of the said C.D.) in the land (or*  
charge) is as follows—(*State the facts and refer to the documents*  
*(if any) giving rise to, or creating, such interest).*
3. I require (*or, The said C.D. requires*) that no dealing (*or, no*  
dealing in favour of  
by the said (*insert name of registered owner*) with the land (*or,*  
with that part of the said land shown on the map annexed hereto  
and thereon edged red) (*or, with the said charge*) be registered  
until notice thereof has been served on (*state name and address in*  
*the United Kingdom for cautioner*).

*(Jurat as in Form 2)*

FORM 47

**Notice to registered owner of entry of a caution (rule 98(2))**

LAND REGISTRY

*(insert address)*

TAKE NOTICE that a caution has been registered in Folio  
County , against the registration of any dealing by you (*or*,  
any dealing by you in favour of ) with the land  
*(insert description of land as in caution)* (*or*, with the charge  
registered in the said Folio on 19 ), (*or*, against  
reclassification of the title in the said Folio) until notice thereof has  
been served on *(name of cautioner)*.

A copy of the application for registration of the caution is attached  
hereto.

Dated 19 .

To:

*(the registered owner of the land  
or, as the case may be, charge)*

FORM 48

**Warning notice to a cautioner of an application by a registered owner to discharge the caution (rule 100)**

*(Heading as in Form 18)*

TAKE NOTICE that the registered owner of the land in the above mentioned folio (*or*, of the charge registered in the above mentioned folio on 19 ), has applied to the Registrar of Titles to discharge the caution lodged by you on 19 , requiring (*insert requirements appearing in the caution*).

A copy of the application is attached hereto.

Your caution will lapse and cease to have any effect after the expiration of days from the date of this notice unless an order to the contrary is made by the Registrar.

Any application by you to the Registrar for an order directing the continuation of the caution should be made in writing addressed to the Registrar of Titles, Land Registry, (*insert address*), and should state the grounds for the continuation of the caution.

Dated 19 .

To:

FORM 49

**Warning notice to a cautioner of a dealing (rule 100)**

*(Heading as in Form 18)*

TAKE NOTICE that the dealing specified in the Schedule hereto has been received for registration and that the caution lodged by you on 19 , requiring (*state the requirement*) will lapse and cease to have any effect after the expiration of days from the date of this notice unless an order to the contrary is made by the Registrar of Titles.

Any objection by you to registration of the dealing should be made before the caution so lapses and should be made in writing, addressed to the Registrar of Titles, Land Registry, (*insert address*), stating the grounds of objection.

Any application by you to the Registrar of Titles for an order directing the continuation of the caution should be made in writing addressed to the Registrar of Titles at the address set out above and should state the grounds for the continuation of the caution.

Dated 19 .

SCHEDULE

To:

FORM 50

**Application to withdraw a caution (rule 102)**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ (*or, as solicitor for C.D. of \_\_\_\_\_*), hereby apply for the withdrawal (in respect only of that part of the land in the above mentioned folio shown on the map annexed hereto and thereon edged red) of the caution lodged by me (*or, by the said C.D.*) on \_\_\_\_\_ 19\_\_\_\_, requiring (*insert requirement appearing in the caution*).

Dated \_\_\_\_\_ 19\_\_\_\_.

*(To be signed by the cautioner or his solicitor and when signed by the cautioner his signature shall be attested)*

FORM 51

**Caution against reclassification of title (rule 104(2))**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ make oath and say—

1. *As in Form 46 paragraph 1.*
2. *As in Form 46 paragraph 2.*
3. I require (*or, The said C.D. requires*) that the registered title to the land in the folio (*or, that part of the land shown on the map annexed hereto and thereon edged red*) shall not be reclassified until notice has been served on (*state name and address in the United Kingdom for cautioner*).

*(Jurat as in Form 2)*



FORM 52

**Warning notice to a cautioner against reclassification of title  
(rule 104(4))**

*(Heading as in Form 18)*

TAKE NOTICE that an application by (*or, on behalf of*) A.B. of \_\_\_\_\_ has been received requiring that the title in the above mentioned folio be reclassified and that he (*or, as the case may be*) be registered as full owner of the land in the above mentioned folio (*or, of that part of the land in the above mentioned folio as is shown on the map annexed to the said application and thereon edged red*) with an absolute (*or, a good fee farm grant, or, a good leasehold*) title and, in consequence, that the caution lodged by you on \_\_\_\_\_ 19 \_\_\_\_\_, requiring that the registered title to the said land shall not be reclassified until notice has been served on you, will lapse and cease to have any effect after the expiration of \_\_\_\_\_ days from the date of this notice unless an order to the contrary is made by the Registrar of Titles.

Any objection by you to compliance with the said application should be made before the caution so lapses, and should be made in writing, addressed to the Registrar of Titles, Land Registry, (*insert address*), stating the grounds of objection. Any application by you to the Registrar of Titles for an order directing the continuation of the caution should be made in writing addressed to the Registrar of Titles at the address set out above.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

To:

FORM 53

**Application to the Registrar for the entry of an inhibition except in a case to which rule 105, 106 or 114 applies (rule 107(1))**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ make oath and say—

1. I claim an interest in the land comprised in the above mentioned folio (*or*, in that part of the land comprised in the above mentioned folio described in the Schedule hereto) (*or*, in the burden registered in the above mentioned folio on 19 ).
2. My interest in the land (*or*, burden) is (*state the nature of the interest sought to be protected and refer to any document under which such interest is created or arises, and any other evidence relied on in proof of such interest*).
3. I apply that an inhibition be entered on the above mentioned folio in the following terms—  
*(state precisely the terms of the inhibition sought to be entered)*.
4. My address in the United Kingdom for service of notices is—

*(Jurat as in Form 2)*

SCHEDULE

*(to be added where necessary)*

FORM 54

**Notice of intention to enter an inhibition (rule 108(1))**

*(Heading as in Form 18)*

TAKE NOTICE that an application has been made by  
of \_\_\_\_\_ for the entry on the above mentioned folio of an  
inhibition. A copy of the application is attached hereto.

On the facts disclosed the Registrar intends to enter on the said folio an  
inhibition in the following terms—

Unless, on or before \_\_\_\_\_ 19\_\_\_\_, you lodge an objection in  
writing with the Registrar of Titles, Land Registry, (*insert address*)  
stating the grounds of objection and any proposal by you for  
modification of the terms of the inhibition, an inhibition may be  
entered on the said folio in the terms stated above.

Dated \_\_\_\_\_ 19\_\_\_\_.

To:

FORM 55

**Application to withdraw or modify an inhibition on consent  
(rule 110)**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ )  
(*add, if so*, as solicitor for  
hereby apply to the Registrar of Titles that the inhibition entered on the  
above mentioned folio on \_\_\_\_\_ 19 \_\_\_\_\_, be withdrawn (*or*,  
modified as follows—  
\_\_\_\_\_ ).

We, C.D. of \_\_\_\_\_ )  
(*add, if so*, as solicitor for  
and E.F. of \_\_\_\_\_ )  
(*add, if so*, as solicitor for  
hereby consent to the withdrawal (*or*, modification) applied for.

Dated \_\_\_\_\_ 19 \_\_\_\_\_ .

*(To be signed by all persons  
interested and the signatures,  
except in the case of a solicitor, to  
be attested)*

FORM 56

**Application to discharge or modify an inhibition where the parties  
do not consent (rule 111(1))**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ )  
(*add, if so*, as solicitor for  
hereby apply to the Registrar of Titles, that the inhibition entered on  
the above mentioned folio on \_\_\_\_\_, be discharged (*or*,  
modified as follows—  
\_\_\_\_\_ ).

I make this application on the following grounds— (*state reasons for  
the application and specify any documents relied upon*).

Dated \_\_\_\_\_ 19 \_\_\_\_\_ .

*(To be signed by the applicant and,  
except in the case of a solicitor, the  
signature to be attested).*

FORM 57

**Notice of application under rule 111 to modify or discharge an inhibition (rule 111(2))**

*(Heading as in Form 18)*

TAKE NOTICE that A.B. of  
has applied to the Registrar of Titles (*continue as in the application, showing whether discharge or modification of the inhibition is sought and the grounds on which the application is made*).

Unless, on or before 19 , you lodge an objection in writing addressed to the Registrar of Titles, Land Registry, (*insert address*), stating the grounds of objection, the application may be complied with.

Dated 19 .

To:

FORM 58

**Warning notice where dealings inhibited except after notice to a specified person (rule 112(1))**

*(Heading as in Form 18)*

TAKE NOTICE that the dealing specified in the Schedule hereto has been received for registration and that the inhibition registered on 19 , inhibiting any dealing with the land until notice has been sent to you will lapse and cease to have any effect (in respect of that part of the land transferred by the dealing) on 19 , unless an order to the contrary is made by the Registrar of Titles.

Any objection by you to registration of the said dealing should be made before the inhibition lapses and should be made in writing, addressed to the Registrar of Titles, Land Registry, (*insert address*), stating the grounds of objection.

Any application by you to the Registrar of Titles for an order directing the continuation of the inhibition (in respect of the said part of the land transferred by the dealing) should be made in writing addressed to the Registrar of Titles at the address set out above and should state the grounds for the continuation of the inhibition.

Dated 19 .

SCHEDULE

To:

FORM 59

**Application for the entry of an inhibition under the Criminal Justice Order (rule 114(1))**

*(Heading as in Form 18)*

I, A.B. of  
make oath and say—

1. *(Set out details of the restraint order made by the High Court or details of the application for such an order.)*
2. *(Identify the land in the folio including the estate therein to which the restraint order or the application for such an order relates. Where necessary, refer to an ordnance map of the land.)*
3. *(Refer to and exhibit a certified copy of the restraint order and of any order varying it under Article 13(6) of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990, or, where appropriate, a copy of the application for the restraint order.)*
4. *(Set out the facts necessary to establish that the deponent is authorised to make the application on behalf of the prosecution within the meaning of Articles 12(3)(b) and 13(13) of the said Order. Also set out the deponent's address in the United Kingdom for service of notices.)*
5. I apply that an entry be registered in the above mentioned folio inhibiting any dealing with the estate described in paragraph 2 above without the consent of the High Court.

*(Jurat as in Form 2)*

FORM 60

**Notice of application to enter an inhibition under the Criminal  
Justice Order (rule 114(3))**

*(Heading as in Form 18)*

TAKE NOTICE that an application has been made by  
of  
for the registration in the above mentioned folio of an entry inhibiting  
any dealing with *(state the estate the subject of the inhibition)* without  
the consent of the High Court. A copy of the application is attached  
hereto.

No acknowledgement of this notice is necessary but if you consider  
that there is an error in the application or entry of registration, you  
should lodge forthwith a statement in writing, describing such error,  
with the Registrar of Titles, Land Registry *(state address)*. Any such  
statement should quote the above County and folio number.

Dated 19 .

To:

FORM 61

**Application for registration pursuant to section 53 of the 1970 Act  
(rule 115(1))**

*(Heading as in Form 18)*

1. A.B. of *(state address in the United Kingdom for service of notices)* hereby applies, pursuant to section 53 of the Land Registration Act (Northern Ireland) 1970, to be registered as owner in fee simple of the land in the above mentioned folio *(or, to be registered as owner in fee simple of that part of the land in the said folio comprising , and shown on the map accompanying this application and thereon edged red).*
2. It is requested that (in the event of any objection being made to the application) the Registrar refer this application for decision to the County Court for the Division of *(or, where appropriate, to the High Court).*

*To be  
included  
where  
appropriate*

Dated 19 .

*(To be signed by the applicant or  
his solicitor and, when signed by  
the applicant, his signature shall  
be attested)*

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*Note— If the application relates only to an undivided share in the land, the application should clearly identify the undivided share claimed by the applicant.*



FORM 62

**Affidavit of applicant for registration pursuant to section 53 of the  
1970 Act (rule 115(1))**

*(Heading as in Form 18)*

I, A.B. of \_\_\_\_\_ make oath and say—

1. *(Identify the land or estate therein in respect of which the application is made. Any devolution of title from the registered owner must be traced and all persons who obtained an interest in or claim to the land by devise, or on intestacy, or otherwise, must be identified. The address of any such person who is alive must be stated. In the event of the death of any person subsequent to the acquisition of an interest in or claim to the land, details of the persons entitled to his estate and, where representation has been raised to such estate, the names and addresses of his personal representatives must be given. Where the applicant has no knowledge of any of these matters, that fact should be stated. All grants of representation and certificates of death etc. produced in support of the statements made should be referred to.)*
2. *(State what persons have been in occupation or possession of the land. Describe exactly when and under what circumstances the adverse possession began and the acts said to constitute a dispossession of the former owner. State which of the persons who became entitled to an interest in or claim to the land in fact entered into possession. In the case of every interest which the applicant claims to have acquired by adverse possession, the period of adverse possession must be clearly proved.)*
3. I am and have been for upwards of \_\_\_\_\_ years last past in sole and exclusive beneficial occupation and possession (*or*, in sole receipt of the rents and profits) of the said land.
4. I claim that I am, by virtue of the Limitation (Northern Ireland) Order 1989, entitled to the said land (*or*, an undivided share in the said land, being the total of the undivided shares to which the said (*insert names of those whose shares have been captured by possession*) were formerly entitled).
5. I am not aware of any matter capable of registration as a burden by virtue of Part I of Schedule 6 to the Land Registration Act (Northern Ireland) 1970, affecting my interest in the said land, or of any contract or agreement for sale or for lease, or of any other matter, affecting the said land adversely to my said interest.
6. I have not, at any time since (*insert date*) acknowledged the title of any other person to the said land (*or* said undivided shares), nor have I since (*insert date*) received any claim by any person adverse to my own in respect thereof.

*See Note*

7. I am not aware of any question or doubt affecting my title to the said land (*or*, said undivided shares) and I have disclosed all material facts.

*(Jurat as in Form 2)*

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Note— *Where the applicant relies on adverse possession by another person for part or all of the relevant period, paragraphs 3 and 6 should be adapted accordingly to refer also to such other person.*

FORM 63

**Notice of an application under rule 115 for registration of possessory title (rule 115(3))**

*(Heading as in Form 18)*

On 19 , A.B. of lodged in the Land Registry an application, a copy of which is attached hereto, applying to be registered as owner in fee simple of the land in the above mentioned folio (*or as the case may be*).

If you object to compliance with the said application you should lodge, in the Land Registry, an objection in writing stating the grounds of your objection. Any objection should be addressed to the Registrar of Titles, Land Registry, (*insert address*) and should be lodged not later than 19 . Unless such an objection is so lodged the application may proceed.

Dated 19 .

To:

FORM 64

**Application to cancel a leasehold folio and to register the immediate superior title (rule 116(1))**

*(Heading as in Form 18)*

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. I am entitled to the interest of the lessor in the lease described in the above mentioned folio and hold such interest *(insert details showing whether such interest is held in fee simple or held under a lease with details of the lease or relevant fee farm grant by virtue of which the interest is held)*.
2. The particulars of my title are set out in the concise statement of title accompanying this application *(if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit)*. All deeds, wills and other documents to my knowledge affecting the title have been disclosed.
3. I am the registered owner *(or, entitled to be registered as the owner)* of the leasehold estate comprised in the above mentioned folio.
4. I am advised and believe that I am entitled in the same right both to the unregistered estate mentioned in paragraphs 1 and 2 and to the leasehold estate registered in the folio.
5. (a) The lease described in the above mentioned folio was not *(or, was)* made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained.  
(b) None of the *(or, Certain)* covenants, conditions and agreements contained in the said lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.
6. I am entitled to both estates free from encumbrances.  
*(or)*

I am entitled to both estates subject only to the following encumbrances:—

- (a) in respect of the unregistered estate—  
*(specify the relevant encumbrances in numbered subparagraphs)*,
- (b) in respect of the registered leasehold estate, the encumbrances appearing in the folio and the following—  
*(specify same)*.

*Where  
appropriate*

7. The parties entitled to the encumbrances referred to in paragraph 6(b) have agreed to the extinguishment of the registered leasehold estate upon the terms set out in the following document(s):—  
*(specify same)*
8. I declare that it is my intention (*or, the intention of all necessary parties*) that the registered leasehold estate be extinguished by merger (*or as the case may be*) and that the aforementioned encumbrances affecting the registered leasehold estate (save the rent reserved by (*where appropriate*), and the covenants by the lessee and conditions and agreements contained in) the lease) be carried forward and registered as burdens affecting the freehold (*or, superior leasehold*) estate.
9. By deed (*give particulars*) I have charged the said superior interest with (*complete as appropriate*).
10. *As in Form 2 paragraph 5.*
11. *As in Form 2 paragraph 6.*
12. *As in Form 2 paragraph 7.*
13. I therefore apply that:—
  - (a) I be registered as full (*or, limited*) owner of the freehold (*or superior leasehold*) estate mentioned in paragraphs 1 and 2 with an absolute (*or as the case may be*) title,
  - (b) the following matters be entered as burdens on the folio to be opened in accordance with this application—  
*(detail them including, where necessary, a reference to the notes specified in rules 65 and 171),*
  - (c) the said folio (*insert folio number*) be closed.

*(Jurat as in Form 2)*

FORM 65

**Application to cancel the registration of a lease as a burden where  
the title to such leasehold estate has not been registered (rule  
116(2))**

*(Heading as in Form 18)*

I, A.B. of *(state address)* make oath and say—

1. I am the above named registered owner and as such am (*or*, I am entitled by virtue of *(specify chain of transmissions and transfers)* to be registered as owner of the land comprised in the above mentioned folio and as such am) entitled to the interest of the lessor in the lease (Document No.       ) registered as a burden in the above folio on                   19    (*“the lease”*).
2. I am also entitled to the lessee’s interest under the lease. The particulars of my title thereto are set out in the concise statement of title accompanying this application (*if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit*). All deeds, wills and other documents to my knowledge affecting the said title have been enclosed.
3. I am advised and believe that I am entitled in the same right both to the above mentioned registered estate (*“the registered estate”*) and to the leasehold estate mentioned in paragraph 2 (*“the unregistered estate”*).
4. (a) The lease was not (*or*, was) made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained.  
(b) None of the (*or*, Certain) covenants, conditions and agreements contained in the lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.
5. I am entitled to both estates free from encumbrances.  

*(or)*

I am entitled to both estates subject only to the following encumbrances:—
  - (a) in respect of the unregistered estate—  
*(specify the relevant encumbrances in numbered subparagraphs)*,
  - (b) in respect of the registered estate, the encumbrances appearing in the folio and the following—  
*(specify same)*.
6. The parties entitled to the encumbrances referred to in paragraph 5(a) have agreed to the extinguishment of the unregistered estate upon the terms set out in the following document(s):—  
*(specify same)*

7. I declare that it is my intention (*or, the intention of all necessary parties*) that the lease be extinguished and the registration thereof as a burden affecting the land comprised in the above mentioned folio be cancelled (*add, if appropriate: and that upon the extinguishment of the lease the following encumbrances affecting the same be charged upon and registered as burdens affecting the registered estate:—*

*(detail such encumbrances and give order of intended priorities)*).

*Where appropriate*

8. By deed (*give particulars*) I have charged the registered estate with (*complete as appropriate*).

9. I am, and since \_\_\_\_\_ have been, in undisputed possession of the land the subject of the lease; no other person is in occupation or has, or claims to have, any title to or interest in the said land, save as hereinbefore indicated, and all material facts have been disclosed.

10. I therefore apply that the registration of the said lease as a burden affecting the said land be cancelled, (*add, if appropriate, and that the encumbrances referred to in paragraph 5(a) be entered on the register as burdens affecting the land comprised in the said folio*).

*(Jurat as in Form 2)*

FORM 66

**Application to cancel a leasehold folio where the title to the superior estate has been registered (rule 116(3))**

*(Heading as in Form 18, setting out folio numbers and associated details relating to all titles concerned)*

I, A.B. of *(state address)*, being the above named registered owner of the land comprised in the above mentioned folio *(insert number of folio relating to the superior estate)* ("the superior folio") and also the above named registered owner of the land comprised in the above mentioned folio *(insert number of folio relating to the inferior estate)* ("the inferior folio"), make oath and say—

1. I am advised and believe that I am entitled in the same right to both of the estates of which I am registered as owner.
2. (a) The lease described in the inferior folio was not (*or, was*) made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained.  
(b) None of the (*or, Certain*) covenants, conditions and agreements contained in the lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.
3. I am entitled to the estates comprised in the superior and inferior folios subject to the following encumbrances:—  
*(specify same, identifying the folio to which relating)*
4. The parties entitled to the encumbrances affecting the estate comprised in the inferior folio have agreed to the extinguishment of such estate upon the terms set out in the following document(s):—  
*(specify same)*
5. By deed *(give particulars)*, I have charged the estate comprised in the superior folio with *(complete as appropriate)*.
6. I declare that it is my intention (*or, the intention of all necessary parties*) that the said registered lease the title to which is registered in the inferior folio to be extinguished by merger (*or as the case may be*) and that the aforementioned encumbrances affecting the same (save the rent reserved by and *(where appropriate)* the covenants by the lessee and conditions and agreements contained in the said registered lease) be carried forward and charged against the estate comprised in the superior folio.
7. I therefore request the Registrar to make such entries and cancellations on the folios of the titles concerned as may be necessary to give effect to this application.

*Where appropriate*

*Where appropriate*

*(Jurat as in Form 2)*

FORM 67

**Form of certification to be included in a land certificate (rule 120(2))**

LAND REGISTRY

THIS IS TO CERTIFY that all entries on Folio ..... County ..... of the title register as are in force at the date of the issue or, as the case may be, re-issue of this land certificate, are as within set forth.

(Seal)

Dated 19 .

FORM 68

**Certificate of charge (rule 121(1))**

LAND REGISTRY

Folio County

THIS IS TO CERTIFY that—

1. The charge described in Part I of the Schedule hereto is registered as a burden on the land in the above mentioned folio being the land described in Part II of the Schedule;
2. The person named in Part III of the Schedule is registered as owner of the charge;
3. All burdens and notices of burdens on the charge and all cautions and inhibitions affecting the charge which are registered in the folio on the date of issue or, as the case may be, re-issue of this certificate are as stated in Part IV of the Schedule.

(Seal)

Issued on 19 .

SCHEDULE

Part I

Part II

Part III

Part IV



FORM 69

**Application for order for production of a land certificate or a certificate of charge (rule 129(1))**

*(Heading as in Form 18)*

1. I, A.B. of \_\_\_\_\_ am (the solicitor for C.D.) the applicant for registration in the above mentioned folio of the dealing(s) specified in the Schedule hereto.
2. The land certificate (*or*, certificate of charge) the production of which in the Registry is required for the purpose of the registration applied for, is in the custody of (*insert name and address of person who has such custody*).
3. I hereby apply to the Registrar to make an order pursuant to rule 129 of the Land Registration Rules (Northern Ireland) 1994, for the production of the certificate by the said \_\_\_\_\_ for the purposes of the above mentioned registration.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

*(Signed. When signed by the applicant his signature must be attested.)*

SCHEDULE

*(Set out details of the dealing or dealings for the registration of which the certificate is required including the date and description of, and the parties to, any document upon which the registration sought will be based.)*

FORM 70

**Notice of an application to make an order for production of a land certificate or a certificate of charge (rule 129(2))**

*(Heading as in Form 18)*

TAKE NOTICE that, on 19 , A.B. of made application to the Registrar of Titles to make an order directed to you requiring you to produce the land certificate relating to the land in the above mentioned folio, (*or*, certificate of charge relating to a charge registered in the above mentioned folio on 19 , in favour of ) which certificate is stated to be in your custody, for the purpose of registration of (*state particulars of the dealings*).

The further matters detailed in the Schedule hereto have also been lodged for registration and the certificate is also required for the purpose of completing their registration.

If the certificate is not in your custody you should state this fact and specify its whereabouts, if known to you. If the certificate was, at any time, in your custody you should state the circumstances under which it ceased to be in your custody.

If the certificate is in your custody and you object to its production you should lodge in the Land Registry, within the time stated below, an objection in writing to such production stating the grounds of the objection.

If you claim that the certificate has been deposited with you for the purpose of giving security for the payment of a sum of money you should lodge in the Land Registry the certificate together with a notice of deposit in accordance with rule 137 of the Land Registration Rules (Northern Ireland) 1994.

All replies to this notice should be addressed to the Registrar of Titles, Land Registry (*insert address*) and should reach the Land Registry within days of the date of this notice and unless, on or before the expiry of that period, the certificate is lodged in the Land Registry, or an objection is lodged as hereinbefore indicated, or it is otherwise shown to the satisfaction of the Registrar that said order should not be made, an order may be made against you for the purpose aforementioned.

Dated 19 .

To:

SCHEDULE

Details of further dealings lodged for registration	Date of lodgment for registration

FORM 71

**Form of order by the Registrar for production of a land certificate  
or a certificate of charge (rule 129(4))**

*(Heading as in Form 18)*

IT APPEARING that:—

- (a) On 19 , A.B. of lodged in the Land Registry, for registration, *(state particulars of the dealing)*.
- (b) The land certificate relating to the land in the above mentioned folio *(or, certificate of charge relating to the charge registered in the above mentioned folio on 19 , in favour of )* is required for the purpose of the aforementioned registration and it appears that such certificate is in your custody.
- (c) The said A.B., on 19 , applied for an order to be made requiring you to produce the said certificate to the Registrar of Titles for the purpose aforesaid.
- (d) On 19 , notice of the said application was given to you and no response has been received to such notice *(or, as the case may be)*.
- (e) The further matters, details of which are set out in the Schedule hereto, have also been lodged for registration in respect of the land in the above mentioned folio.

*To be added  
only where  
appropriate*

IT IS HEREBY ORDERED that, within days of the service of this Order on you, you lodge the said certificate with the Registrar of Titles, Land Registry, *(insert address)* for the purpose of registering the *(refer to dealing mentioned in paragraph (a) above)*.

SCHEDULE

*(To be added where necessary)*

Dated 19 .

REGISTRAR OF TITLES

To:

*Endorsements to be entered on above Order*

1. You are hereby notified that (subject to your right of appeal to the High Court within the time prescribed by the Rules of the Supreme Court) if you disobey the said Order such disobedience may be certified to the High Court whereupon you may be punished for such disobedience as if this Order were the Order of the High Court.

*To be added  
only where  
appropriate*

2. If you claim that the said certificate has been deposited with you for the purpose of giving security for the payment of a sum of money, you should lodge, with the said certificate, a notice of deposit in accordance with rule 137 of the Land Registration Rules (Northern Ireland) 1994.
3. The land certificate (*or*, certificate of charge), when produced, may be used by the Land Registry for the purpose of registering the matters detailed in the Schedule to the said Order. If you wish to object to the registration of any such matter, you should lodge with the Registrar of Titles a written objection stating the grounds thereof in accordance with rule 191 of the Land Registration Rules (Northern Ireland) 1994.

REGISTRAR OF TITLES

FORM 72

**Notice to accompany a land certificate or a certificate of charge  
lodged in the Registry for the purpose of a specified registration  
(rule 136(1))**

*(Heading as in Form 18)*

To the Registrar of Titles

The land certificate relating to the land (*or*, certificate of charge relating to the charge registered in favour of \_\_\_\_\_ on 19\_\_ ) in the above mentioned folio, which certificate accompanies this notice, is lodged in the Registry for the purpose of registration of the dealing specified in the Schedule hereto. Registration of the dealing is to be applied for on or before 19\_\_ , and the certificate is to be re-delivered to *(insert name and address of person to whom the certificate is to be re-delivered)*

Dated \_\_\_\_\_ 19\_\_ .

*(To be signed by the holder of the certificate or his solicitor, and, if signed by a solicitor, he must state for whom he acts).*

SCHEDULE

FORM 73

**Notice of deposit of a land certificate or a certificate of charge for the purpose of giving security for payment of money (rule 137(1))**

*(Heading as in Form 18 or, as the case may be, Form 33)*

To the Registrar of Titles

1. The land certificate relating to the land (*or*, certificate of charge relating to the charge registered in favour of \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_ in the above mentioned folio was on \_\_\_\_\_ 19\_\_\_\_ deposited by the above named registered owner (*or*, registered owner of charge) with me (*insert name of the deposittee and his address in the United Kingdom for service of notices*) to secure (*insert particulars*).
2. The amount now due in respect of the said deposit is (*or*, due in respect of the said deposit on \_\_\_\_\_ 19\_\_\_\_, being the date on which the deposittee received notice of \_\_\_\_\_, was) £ \_\_\_\_\_.

Dated \_\_\_\_\_ 19\_\_\_\_.

*(To be signed by the deposittee and attested by a witness)*

FORM 74

**Notice of application to enter notice of deposit of a land certificate  
or a certificate of charge (rule 137(2))**

*(Heading as in Form 18 or, as the case may be, Form 33)*

TAKE NOTICE that an application has been made by A.B. of  
to enter on the above mentioned folio notice of the  
deposit of the land certificate relating to the land in the said folio (*or*,  
the certificate of charge relating to a charge registered in the said folio  
on 19 , in your favour).

A copy of the application is attached hereto.

AND FURTHER TAKE NOTICE that after 19 , notice of  
said deposit will be entered on the said folio unless on or before that  
date you lodge in the Land Registry, (*insert address*) notice in writing  
of your objection to such entry stating the grounds of objection.

Dated 19 .

To:

FORM 75

**Consent to cancellation of the entry on a folio relating to notice of  
deposit of a land certificate or a certificate of charge (rule 137(3))**

*(Heading as in Form 18 or, as the case may be, Form 33)*

I, A.B. of hereby consent to the  
cancellation of the entry on the above mentioned folio on  
19 , of notice of deposit with me of the land certificate  
relating to the land (*or*, certificate of charge relating to the charge  
registered in favour of on 19 ,)  
in the above mentioned folio.

Dated 19 .

*(To be signed by the person  
entitled to the benefit of the deposit  
and attested by a witness)*

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Note— *If the person entitled is not the depositee named in the notice,  
evidence of that person's entitlement must accompany the consent.*

FORM 76

**Notice of presentation of bankruptcy petition (rule 153(1))**

*(Heading as in Form 18)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

A bankruptcy petition was on 19 presented in the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy) (Record No. ) in relation to the estate of *(insert name, address and description of the debtor)* who is believed to be the person registered as owner *(or one of the owners)* of the land *(or, of a charge on the land)* comprised in the above mentioned folio.

Dated 19 .

Master (Bankruptcy)

FORM 77

**Application for renewal of notice of presentation of bankruptcy petition (rule 153(4))**

*(Heading as in Form 18)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

I hereby apply for renewal of the registration of notice of the presentation of the bankruptcy petition registered in the above mentioned folio on 19 affecting the estate of *(insert name)*.

I certify that the bankruptcy petition has not been dismissed.

Dated 19 .

Master (Bankruptcy)



FORM 78

**Notice of bankruptcy order (rule 155(1))**

*(Heading as in Form 18)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

A bankruptcy order was on \_\_\_\_\_ 19 \_\_\_\_ made by the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy) (Record No. \_\_\_\_\_) against *(insert name, address and description of the bankrupt)* who is registered as owner *(or one of the owners)* of the land *(or, of a charge on the land)* comprised in the above mentioned folio.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Official receiver *or* Trustee in bankruptcy of *(insert name of bankrupt)*

FORM 79

**Entry of order imposing charge under Article 286 of the Insolvency Order (rule 161(2))**

An order dated \_\_\_\_\_ of the High Court (Record No. \_\_\_\_\_) imposed a charge on the (estate of \_\_\_\_\_ in the) land herein under Article 286 of the Insolvency (Northern Ireland) Order 1989.

FORM 80

**Application for the registration of a bankrupt's rights of occupation as a burden (rule 162(1))**

*(Heading as in Form 18)*

I, A.B. of *(state address in the United Kingdom for service of notices)* make oath and say—

1. *(Identify the entitlement which the applicant had to the land in the above mentioned folio and refer to any entry showing or which set out his ownership to the land.)*
2. *(Refer to the bankruptcy order made in respect of the applicant's estate, identify who is now the trustee of his estate and identify the estate or interest which vests in the trustee.)*
3. I believe that I am entitled by virtue of Article 310 of the Insolvency (Northern Ireland) Order 1989 (hereinafter called the "Insolvency Order") to the registration of a charge affecting the land comprised in the above mentioned folio to the extent of my rights of occupation under the said Article on so much of my estate or interest in the dwelling house described in paragraph 4 as vests in the said *(insert name)* as trustee of my estate.
4. The dwelling house in which I have rights of occupation is *(identify the dwelling house, if necessary referring to an ordnance map on which it is identified; refer to any release of part of the dwelling house from the rights of occupation, to any disclaimer by the trustee in bankruptcy in respect of part of the dwelling house and to any order of the court under Article 4 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 in relation to the rights of occupation constituting the charge)*.
5. I believe that the validity and priority of the said charge are affected by Part IX of the Insolvency Order and Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 *(and refer, where appropriate, to any document postponing its priority)*.
6. At the time when I was adjudged bankrupt, I was entitled to occupy the said dwelling house by virtue of the beneficial estate or interest referred to in paragraph 1.
7. During the period from \_\_\_\_\_ to \_\_\_\_\_, I occupied the said dwelling house along with my *(set out relationship (if any) and full names of minor(s))* who was/were born on \_\_\_\_\_ *(respectively)*. I refer to their birth certificates lodged herewith. At the time when the bankruptcy petition was presented and at the commencement of my bankruptcy, the said *(set out names of minors)* had their home with me and we resided at *(set out address)*.

8. I request that my rights of occupation under Article 310 of the Insolvency Order shall be registered as a burden affecting the said dwelling house comprised in the above mentioned folio.

*(Jurat as in Form 2)*

FORM 81

**Entry of a bankrupt's rights of occupation as a burden  
(rule 162(2))**

The land herein is subject to the rights of A.B. of *(state address in the United Kingdom for service of notices)* under Article 310 of the Insolvency (Northern Ireland) Order 1989 in *(identification of dwelling house as in application referring if necessary to the estate or interest in the dwelling house which vests in the trustee and referring also to any order of the court made under Article 4 of the Family Law Order or to any release of part of the dwelling house from the said rights)*.

The validity and priority of the said rights are affected by Part IX of the Insolvency (Northern Ireland) Order 1989 and Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 *(add, if appropriate, particulars of any postponement in priority)*.

FORM 82

**Application for order for production of a document or evidence of title (rule 178(1))**

*(Heading as in Form 2 or 18 as appropriate)*

1. I, A.B. of \_\_\_\_\_ am (the solicitor for C.D.) the applicant *(or, the trustee for C.D. the applicant)* in the application specified in the Schedule hereto and, as a result of the application, the examination of the title to *(identify the land)* is necessary to facilitate registration.
2. The documents or evidence of title relating to or affecting the title to such land include *(specify the document or evidence of title in respect of which the order for production is sought)*.
3. The said document or evidence of title specified in paragraph 2 is in the possession or custody of *(insert name and address of person who has such possession or custody)*.
4. I am entitled to the production of the said document or evidence of title specified in paragraph 2 because *(set out details of the facts establishing that the applicant is entitled to production of the document or evidence of title)*.
5. I hereby apply to the Registrar of Titles to make an order directing the said \_\_\_\_\_ to produce to the Registrar of Titles the said document or evidence of title specified in paragraph 2, for the purpose of the application specified in the Schedule.

Dated \_\_\_\_\_ 19 .

*(Signed. When signed by the applicant or trustee his signature must be attested.)*

SCHEDULE

FORM 83

**Notice of application to the Registrar to make an order for production of a document or evidence of title (rule 178(2))**

*(Heading as in Form 2 or 18 as appropriate)*

TAKE NOTICE that, on \_\_\_\_\_ 19\_\_\_\_, A.B. of \_\_\_\_\_ made application to the Registrar of Titles to make an order directing you to produce to the Registrar of Titles (*state details of the document or evidence of title to be produced*). A copy of the application is attached hereto.

TAKE FURTHER NOTICE that, if you object to production of the said (*refer to document or evidence of title*) to the Registrar of Titles, you should show cause in writing to the Registrar of Titles within fourteen days from the date of this notice, why you should not produce the said (*refer to document or evidence of title*).

If the said (*refer to document or evidence of title*) is not in your possession, you should state this fact and specify the whereabouts of the same, if it is known to you.

If the said (*refer to document or evidence of title*) was at any time in your possession or custody, you should state the circumstances under which it ceased to be in your possession or custody.

If you claim that the said (*refer to document or evidence of title*) has been deposited with you for the purpose of giving security for the payment of a sum of money and that such deposit affects the title to the land the subject of the proposed registration you should lodge the said (*refer to document or evidence of title*) with the Registrar of Titles together with a notice similar to that in Form 73 comprised in the Land Registration Rules (Northern Ireland) 1994 with such modifications as may be required.

All replies to this notice should be addressed to the Registrar of Titles, Land Registry, (*insert address*) and unless, within the time specified above the said (*refer to document or evidence of title*) is lodged in the said Land Registry or cause shown to the Registrar of Titles to his satisfaction why such (*refer to document or evidence of title*) should not be produced, an order may be made against you for the purpose aforementioned.

Dated \_\_\_\_\_ 19\_\_\_\_.

To:

FORM 84

**Form of order by the Registrar for production of a document or evidence of title (rule 178(4))**

LAND REGISTRY

Re: Land at \_\_\_\_\_ (*insert short description of the land the title to which requires examination*)

IT APPEARING that:—

- (a) On \_\_\_\_\_ 19\_\_\_\_, A.B. of \_\_\_\_\_ lodged in the Land Registry an application relating to the above land which application seeks \_\_\_\_\_ and the examination of the title to the said land is necessary to facilitate registration.
- (b) The document or evidence of title set out in the Schedule hereto relates to or affects that title and is in your possession or custody.
- (c) The said A.B. (*or*, C.D. of \_\_\_\_\_ a trustee for the said A.B.) is entitled to the production of the said document or evidence of title.
- (d) On \_\_\_\_\_ 19\_\_\_\_, the said A.B. (*or*, C.D.) applied for an order directing you to produce the said document or evidence of title to the Registrar of Titles for the purposes of the above mentioned application.
- (e) On \_\_\_\_\_ 19\_\_\_\_, notice of the said application was given to you requiring you within \_\_\_\_\_ days from the date of the notice to show cause why you should not produce such document or evidence of title to the Registrar of Titles.
- (f) No reply was received to such notice (*or, as the case may be*) and cause has not been shown to the satisfaction of the Registrar of Titles within the time specified in the said notice why you should not produce such document or evidence of title to him.

IT IS HEREBY ORDERED that, within ten days of the date of the service of this Order on you, you do lodge at the expense of the said A.B. the said document or evidence of title for the purpose aforesaid with the Land Registry, (*insert address*).

SCHEDULE

Dated \_\_\_\_\_ 19\_\_\_\_.

REGISTRAR OF TITLES

To:

*Endorsements to be entered on above Order*

1. You are hereby notified that (subject to your right of appeal to the High Court within the time prescribed by the Rules of the Supreme Court) if you disobey the said Order such disobedience

may be certified to the High Court whereupon you may be punished for such disobedience as if this Order were the Order of the High Court.

2. If you claim that the said document or evidence of title has been deposited with you for the purpose of giving security for the payment of a sum of money and that such notice of deposit affects the title to the land the subject of the application for registration, you should lodge, with the said document or evidence of title, a notice similar to that in Form 73 comprised in the Land Registration Rules (Northern Ireland) 1994 with such modifications as may be required.

REGISTRAR OF TITLES

FORM 85

**Requisition to inspect documents (rule 183)**

LAND REGISTRY

I require to inspect the following documents—

*(state precisely the folio, registry map, index or document which it is desired to inspect).*

Dated                      19 .

*Signed*

*Address*

FORM 86

**Requisition for copies of or extracts from the register or relevant document (rule 184)**

LAND REGISTRY

I require  $\left\{ \begin{array}{c} \text{certified} \\ \text{or} \\ \text{uncertified} \end{array} \right\}$  copies of the following documents—

*(specify the documents to be copied)*

*(or)*

I require  $\left\{ \begin{array}{c} \text{certified} \\ \text{or} \\ \text{uncertified} \end{array} \right\}$  extracts from the following documents as indicated—

*(specify precisely the extract).*

Dated 19 .

*(Signed)*

Name and address, in block capitals, to which the copy or extract is to be sent and applicant's reference (if any).



FORM 87

**Requisition for official search in the index of names (rule 185(2))**

LAND REGISTRY

I, A.B. (as solicitor for C.D.) require that an official search be made in the index of names for the County of \_\_\_\_\_ against the name (*insert name*) and that I be furnished with the numbers of all folios in that county in which, at the date of the search, there appears an ownership in that name.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

(*Signed*)

Name and address, in block capitals, to which the certificate of search is to be sent and applicant's reference (if any).

FORM 88

**Requisition for official search in a folio (rule 185(2))**

*(Heading as in Form 18)*

I, A.B. (as solicitor for C.D.) require that an official search be made in the above mentioned folio and that I be furnished with short particulars of all (subsisting adverse) entries made on the folio from  
19 to 19 .

Dated 19 .

*(Signed)*

Name and address, in block capitals, to which the certificate of search is to be sent and applicant's reference (if any).

FORM 89

**Certificate of the result of an official search in the index of names  
(rule 185(2))**

LAND REGISTRY

Applicant's reference:

It is hereby certified that an official search has been made in the index of names for the County of \_\_\_\_\_ against the name of \_\_\_\_\_, and that particulars of every ownership in that name appearing in the index, at the date of this certificate, are set out in the Schedule hereto.

Dated \_\_\_\_\_ 19 \_\_\_\_

SCHEDULE

Folio No.	Name of registered owner

FORM 90

**Certificate of the result of an official search in a folio (rule 185(2))**

*(Heading as in Form 18)*

Applicant's reference:

It is hereby certified that an official search has been made in the above mentioned folio and short particulars of all (subsisting adverse) entries made on, and all pending dealings relating to that folio during the period from 19 to 19, are set out in the Schedule hereto.

Dated 19 .

SCHEDULE

---

Note — Where no entries appear, the word "none" shall be inserted in the Schedule.

FORM 91

**Requisition for official search for registration of matrimonial charge (rule 185(4))**

*(Heading as in Form 18)*

I, A.B. (as solicitor for C.D.), require that an official search be made in the above mentioned folio and that I be furnished with short particulars of all subsisting entries on the folio in respect of registered matrimonial charges.

Dated 19 .

*(Signed)*

Name and address, in block capitals, to which the certificate of search is to be sent and applicant's reference (if any).

FORM 92

**Certificate of the result of an official search for registration of  
matrimonial charges (rule 185(4))**

*(Heading as in Form 18)*

Applicant's reference:

It is hereby certified that an official search has been made in the above mentioned folio and short particulars of all existing entries on the said folio in respect of registered matrimonial charges and of any application for the registration of such a charge received in the Land Registry up to one working day\* prior to the date hereof but not yet completed by entry on the folio are set out in the Schedule hereto.

Dated 19 .

SCHEDULE

---

Note— *Where no entries appear, the word 'none' shall be inserted in the Schedule*

\*"Working day" means a day on which the Land Registry is open for the transaction of public business.

FORM 93

**Requisition for official search in the registry map for the registration of ownership and cautions against first registration relating to a specified parcel of land (rule 186(2))**

LAND REGISTRY

County:

I, A.B. (as solicitor for C.D.) require that an official search be made in the registry map and that I be furnished with particulars of the numbers of all folios in which an ownership is registered relating to the land of *(insert verbal description of the land)* shown on the annexed map lodged herewith in duplicate.

I further require that I be furnished with particulars of any caution against first registration which affects the said land.

Dated                      19 .

*(Signed)*

Name and address, in block capitals, to which the certificate of search is to be sent and applicant's reference (if any).

FORM 94

**Certificate of the result of an official search in the registry map for registration of ownership and cautions against first registration (rule 186(4))**

LAND REGISTRY

Applicant's reference:

It is hereby certified that an official search has been made in the registry map and that the Schedule hereto contains—

- (a) the numbers of all folios in which, at the date of this certificate, an ownership is registered relating to the land indicated by on the annexed map;
- (b) particulars of all cautions against first registration shown on the registry map and affecting the said land at the date of this certificate.

Dated 19 .

SCHEDULE

---

Note— Where no folio or caution against first registration appears on search the word "none" shall be inserted in the Schedule.

FORM 95

**Application for a priority search in respect of all the land in a folio  
(rule 187(3))**

LAND REGISTRY

FOLIO:  
COUNTY:  
REGISTERED OWNER:

PRIORITY SEARCH

<p>Application is made for a priority search to be made to ascertain whether any entry has been made on the above folio since the date shown opposite:</p>	
<p>Application is also made for an entry to be made on the above folio in respect of the priority conferred by the search.</p>	
<p>The full name and address in United Kingdom for service of notices, of the applicant (ie purchaser, lessee or chargee) are shown opposite:</p>	
<p>I, (the solicitor for) the applicant certify that the applicant has entered into a contract to deal with all the land in the above folio in the manner shown opposite:</p>	<p>(a) purchase all the land (b) take a lease of all the land (c) lend money on the security of all the land.</p>
<p>DETAILS OF PERSON APPLYING FOR PRIORITY SEARCH</p> <p>Name:</p> <p><i>(Add address to which the certificate of the result of the search is to be furnished)</i></p> <p>Fax No:</p> <p>Solicitor's Reference:</p>	

Dated 19 .

*(to be signed by the applicant or his solicitor)*



FORM 96

**Application for a priority search in respect of part of the land in a folio (rule 187(3))**

FOLIO:  
 COUNTY:  
 REGISTERED OWNER:

PRIORITY SEARCH  
*(part of land in folio)*

<p>Application is made for a priority search to be made to ascertain whether any entry has been made on the above folio affecting the undermentioned property since the date shown opposite:</p>	
<p><b>Property</b> That part of the land in the above mentioned folio shown ..... on the map attached hereto.</p>	
<p>Application is also made for an entry to be made on the above folio in respect of the priority conferred by the search in relation to the said part of the land in the folio.</p>	
<p>The full name and address in the United Kingdom for service of notices of the applicant (ie, purchaser, lessee or chargee) are shown opposite:</p>	
<p>I (the solicitor for) the applicant certify that the applicant has entered into a contract to deal with the said part of the land in the folio in the manner shown opposite:</p>	<p>(a) purchase the said part                  (b) take a lease of the said part                  (c) lend money on the security of the said part.</p>
<p>DETAILS OF PERSON APPLYING FOR PRIORITY SEARCH</p> <p>Name:</p> <p><i>(Add address to which the certificate of the result of the search is to be furnished)</i></p> <p>Fax No.                  Solicitor's Reference:</p>	

Dated 19 .

*(To be signed by the applicant or his solicitor)*

FORM 97

**Certificate of the result of a priority search in respect of all the  
land in a folio (rule 187(4))**

*(Heading as in Form 18)*

Solicitor's reference:

It is hereby certified that the priority search applied for in the annexed application has been made and that all entries made on the above mentioned folio, during the period from *(insert date from which the search was made)* until *(insert the time and date when the application is deemed to have been received in the Registry)* and all pending dealings and all other applications for priority searches applicable to the land in the folio at the last mentioned date and time are set out in the Schedule hereto.

An entry under rule 188(1) of the Land Registration Rules (Northern Ireland) 1994 has been registered in the said folio with effect from the last mentioned time and date.

Dated 19 .

SCHEDULE

---

Note— *Where no entries have been made on the folio and there are no pending transactions or other applications for a priority search the word "none" shall be inserted in the Schedule.*

FORM 98

**Certificate of the result of a priority search in respect of part of the  
land in a folio (rule 187(4))**

*(Heading as in Form 18)*

Solicitor's reference:

It is hereby certified that the priority search applied for in the annexed application has been made and that, in relation to that part of the land in the above mentioned folio which is described in the application, all entries made on the said folio during the period from *(insert date from which the search was made)* until *(insert the time and date when the application is deemed to have been received in the Registry)* and all pending dealings and all other applications for priority searches applicable at the last mentioned date and time are set out in the Schedule hereto.

An entry under rule 188(1) of the Land Registration Rules (Northern Ireland) 1994 has been registered in respect of the said part of the land in the folio with effect from the last mentioned time and date.

Dated 19 .

SCHEDULE

---

Note— *When no entries have been made affecting the said part of the land in the folio and there are no pending transactions or other applications for a priority search the word "none" should be inserted in the Schedule.*

FORM 99

**Summons to attend before the Registrar (rule 193(1))**

*(Heading as in Form 2 or 18 as the case may require)*

To:

You are hereby required to attend before me at the Land Registry, *(insert address)* on the      day of      19      , at *(insert time)* to be examined in relation to *(state the purpose for which attendance is required)* and to produce the documents specified in the Schedule hereto.

If, on being served with this summons, or with a copy thereof and having had tender made to you of the travelling and subsistence expenses (if any) to which you are entitled, you wilfully neglect or refuse to so attend or to produce any of the documents which you are required to produce in compliance with this summons, you shall be guilty of an offence and shall, on summary conviction, be liable to the fine not exceeding £400.

Dated      19      .

*(Registry Seal)*

Registrar of Titles

SCHEDULE  
*(where necessary)*

---

Note— *If attendance is required only for examination, or only to produce documents, the form should be altered accordingly.*

FORM 100

Statement to accompany an application for registration or dealing presented in the Registry by a solicitor (rule 195)

LAND REGISTRY

Please complete using typescript or BLOCK LETTERS. No covering letter is necessary.

Fee Impression

1. County		(Official use only) Pending Applications
Folio(s) affected	Registered Owner(s)	

If insufficient space continue on a separate sheet and enter 'See list'.

2. Clients
------------

**3. Fees and Priority**  
Describe each dealing concisely and indicate whether it affects the WHOLE or PART of the Folio.

Include request for a land certificate and/or a copy map if required. (See also Panel 8).

Include request for a Certificate of Charge where required.

Fees are payable on delivery of application. A separate statement of value is required if 'Value' panel is not completed.

List applications in priority order	Value £	Fees Paid £	(Official use only) Details of over/under payment
Total £			Balance requested
			Excess refunded

I/We enclose a crossed cheque/postal order payable to Land Registry for Northern Ireland for

**4. Documents Lodged**

List of all documents lodged — please treat each original and copy as a separate item

Date	Document	Parties	(Official use only) Checked & Application acknowledged
			Date

**5. Applicants**

Name and address of person or firm lodging this application to whom any queries should be sent and to whom documents should be returned unless any special directions are given in panel 6.

Queries to be sent to and documents returned to		
Postcode		
Fax No.	Tel. No. & Code	Reference

**6. Special directions**

Specific request to the Land Registry to issue documents to a person or firm not mentioned in panel 5.

Description of document and addressee		
Postcode	Tel. No. & Code	Reference

**7. Addresses**

This panel may be completed if the address of any person named (or to be named) on a folio is to be updated.

Please update the address of to read
Postcode

**8. Requisition for New Land Certificate and/or copy map (Panel 3 must also be completed).**

Note: where application is for a copy map, indicate appropriate Folio and type of map.

As solicitor(s) for	<input type="text"/>		
I/we apply for the following (tick appropriate boxes)			
New Land Certificate (if required):	<input type="checkbox"/>		
Certified	Uncertified	Parent Folio	New Folio
Copy Map: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. CHECKLIST**

(a) Have you enclosed the appropriate fee and signed the cheque? <input type="checkbox"/>	(d) Where the application refers to a map, is map lodged? <input type="checkbox"/>
(b) Have all deeds been executed dated and witnessed? <input type="checkbox"/>	(e) Have all necessary Land Certificates and Certificates of Charge been lodged? If not, have you lodged a request for an order for their production? <input type="checkbox"/>
(c) Have deeds been presented to the Stamp Office where required? <input type="checkbox"/>	

**10. Confirmation by solicitor**

I/we confirm that the information supplied is correct.	
Signature of solicitor	<input type="text"/>
	Date

FORM 101

**Requisition for an official search in the Statutory Charges Register (rule 214(1))**

LAND REGISTRY

Statutory Charges Register

I, A.B. (as solicitor for C.D. of ) require an official search to be made in the Statutory Charges Register for all subsisting entries thereon affecting (*insert verbal description of the land*) defined in the map and duplicate copy map annexed hereto and subsisting on 19 , (*insert any particular date up to and including which the search is required*) (or, subsisting at the date of the certificate).

Dated 19

(Signed)

Name and address, in block capitals, to which the Certificate of Search is to be sent, and Applicant's reference (if any).



FORM 102

**Certificate of the result of an official search in the Statutory  
Charges Register (rule 214(5))**

LAND REGISTRY

Statutory Charges Register

Requisition No.

Solicitor's reference:

It is hereby certified that a search has been made in the Statutory Charges Register and particulars of all subsisting entries and pending applications affecting the land known as \_\_\_\_\_ and defined on the map attached hereto are set out in the Schedule hereto.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

SCHEDULE

*Note— Where there are no subsisting entries the word “none” shall be inserted in the Schedule.*

**Note:** This search extends only to the registration of statutory charges, priority notices and pending applications subsisting immediately before the Land Registry finally ceased to be open for the transaction of public business on the last working day prior to the date of this certificate. The expression “working day” means a day on which the Land Registry is open for the transaction of public business.

FORM 103

**Requisition for a personal search in the Statutory Charges Register (rule 215)**

LAND REGISTRY

Statutory Charges Register

I require to make a personal search in the Statutory Charges Register and the indices thereto to ascertain all entries thereon affecting the parcel of land known as (*insert verbal description*).

The said parcel is shown edged red on the map produced by me.

Dated 19 . . . . .

(Signed)

(Address)

## INDEX

### List of Abbreviations:

**R = Rule or Rules**

**F = Form or Forms**

ADDRESS	
Alteration of,	R. 194(3)
Cautioner, of	R. 5(4), 17, 98(1)
Inhibitor, of	R. 5(4), 107(1)
Notices, for service of—	
Absence of, in documents	R. 194(2)
Must be in United Kingdom	R. 194(1)
Two may be furnished	R. 194(1)
Person Entitled to Receive any Notice, of	R. 5(4)
Registered Owner, of	R. 5(4)
Statutory Charge—	
Of applicant for registration of,	R. 209(2)
Of applicant for registration of priority notice relating to,	R. 211(1)
Of person entitled to	R. 210
Telephone Search—	
To be furnished with application for,	R. 189(2), 216(2)
Vendor, of—	
For registration of vendor's lien	R. 81(1)
Witness, of—	
To be subscribed to deed	R. 175(1)
ADJOURNMENT OF PROCEEDINGS	
Registrar, by	R. 200(1)
ADVERSE POSSESSION	
Application for first registration based on Registered Title, acquired by—	R. 11      F. 3
Registration of	R. 115      F. 61-63
Reference of application for registration of, to court	R. 115(4)
ADVERTISEMENT(S)	
Certificate of Charge—	
To be directed before dispensation with production of,	R. 130(5)-(6)
To be directed before issue of new,	R. 132(1)
Examination of title—	
Which may be directed on,	R. 23(4)
Land Certificate—	
To be directed before dispensation with production of,	R. 130(5)-(6)
To be directed before issue of new,	R. 132(1)
Reclassification of title—	
To be directed before,	R. 57

AFFIDAVIT	
Adverse Possession, title acquired by—	
Supporting application for registration of,	R. 115(1) F. 62
To corroborate statements in affidavit supporting application for registration of,	R. 115(2)
Burden—	
To procure modification or cancellation of,	R. 64(3)
Caution—	
To be filed for lodgment of:	
Against dealings with registered land	R. 98(1) F. 46
Against first registration	R. 17 F. 5
Disclosure, of—	
Form of,	R. 27 F. 8
Execution of Document, to verify—	
By blind or illiterate person	R. 175(3)
By mark of physically disabled person	R. 175(4)
In any case required by Registrar	R. 175(5)
Evidence—	
As a means of giving,	R. 198
Form of,	R. 199
Inhibition—	
To procure entry of, without consent	R. 107(1) F. 53
Settlement—	
By trustees of, to secure registration of person entitled under	R. 50 F. 22
To procure registration of remainderman under	R. 48
Summons—	
Proving service of,	R. 197
Swearing of,	R. 199(1)
ALTERATION	
Address of,	R. 194(3)
Register, in	R. 148, 149
Document, of	R. 34
Map, of	R. 34, 149
APPROVAL OF DOCUMENT (See Document)	
APPURTENANCE	
Application for Entry of,	R. 147
Claim to, note of	R. 147(5)
Entry Relating to—	
Location of, on folio	R. 5(2)
Qualification of,	R. 147(5)
ASSENT (See also Consent)	
Acceptance of statements in,	R. 42(5)
Charge, in respect of	R. 42(3)
Documents—	
Which must accompany,	R. 42(4)
Form of,	R. 42 F. 17
Transfer in lieu of,	R. 42(2)
ATTESTATION	
Execution of deeds and documents, of	R. 175

ATTORNEY	
Execution of documents by,	R. 176
Proof of execution of documents by,	R. 176, 177
BANKRUPTCY (See Insolvency)	
BLIND PERSON execution of document by (See Execution)	
BODY CORPORATE	
Crystallised charge made by,	R. 95
Delivery of deed by,	R. 150(4)
Disposition by	R. 150(2)-(6)
Evidence of incorporation of,	R. 150(1)
Execution of deed by,	R. 150(3)
Notation of administration order relating to,	R. 166(1)
Notation of liquidator of,	R. 166(2)
Registration of,	R. 150(1)
BOUNDARIES	
Application—	
To settle and enter as conclusive,	R. 144
To decide question relating to, arising on transfer	R. 146
Transfer—	
May be registered as conclusive on occasion of,	R. 145
Questions relating to, on occasion of	R. 146
BURDEN (See also Charge, Charging Order, Covenant or Condition, Criminal Justice Order, Enforcement Order, Inland Revenue Charge, Insolvency, Judgment, Matrimonial Charge, Pending Action, Rent Charge and Statutory Charge)	
Cancellation of,	R. 64, 148, 163
Entry of, on Folio—	
Form of,	R. 59
Location of,	R. 5(2)
Generally	R. 59-65
Matters—	
Which may be registered as Schedule 6 burdens	R. 95, 96
Merger—	
Treatment of, on occasion of	R. 116(4)-(5)
Modification of,	R. 64
Notice of Schedule 5 burdens—	
Cancellation or modification of entry of,	R. 64(3)
Conditions for entry of,	R. 97
Location of entry of,	R. 5(2)
Priority of,	R. 61-63
Settlement—	
Created by	R. 48(1) & (5)
Treatment of, on occasion of—	
Reclassification of title	R. 57, 58
Transfer of part	R. 60
Will—	
Created by,	R. 42(4), 45(3)
CANCELLATION (See Burden and Charge)	

CAUTION AGAINST DEALINGS		
Cancellation of,	R. 99, 101(4), 102	F. 50
Dealing—		
Registration of, with cautioner's consent	R. 103	
Registration of, without cautioner's consent	R. 100	F. 49
Discharge of—		
Application for,	R. 99	
Notice of application for,	R. 100	F. 48
Generally	R. 98-104	
Lodgment of,	R. 98(1) & (3)	F. 46
Notice of entry of,	R. 98(2)	F. 47
Withdrawal of,	R. 102	F. 50
CAUTION AGAINST FIRST REGISTRATION		
Consent—		
Of cautioner to registration	R. 20	
Of personal representatives of deceased cautioner to registration	R. 20	
Generally	R. 17-21	
Inspection of,	R. 21	
Lodgment of,	R. 17	F. 5
Notice to Cautioner—		
Form of,	R. 19	F. 7
Objection—		
To first registration by cautioner	R. 20, 195(1)	
Official Search—		
To determine if any registered	R. 186	F. 93, 94
Withdrawal of,	R. 18	F. 6
CAUTION AGAINST RECLASSIFICATION OF TITLE		
Generally	R. 104	F. 48, 51, 52
CELLAR	R. 25	
CERTIFICATE (See also Solicitor's certificate)		
Definition of, in Part IV of Rules	R. 118	
CERTIFICATE OF CHARGE		
Authentication of,	R. 121(1), 125	
Delivery of—		
After completion of a registration	R. 138, 139	
After retention in Registry	R. 123(2), 139	
When first issued	R. 123(1), 124(1), 139	
Evidential value of,	R. 127	
Form of,	R. 121, 122, 140	F. 68
Issue of,	R. 119(2), 123, 124, 125	
New—		
Issue of:		
In lieu of one which has been lost or destroyed	R. 132	
In substitution for one produced to the Registrar	R. 133(1)	
To a person registered as owner without production of the original	R. 133(2)	
Record of outstanding originals for which replacement issued	R. 134	

Notice of Deposit of—	
Cancellation of,	R. 137(3) F. 75
Entry of, form	R. 137(2)
Form of,	R. 137(1) F. 73
Lodgment of,	R. 129(5), 137(1)
Notice of lodgment of,	R. 137(2) F. 74
Priority in respect of,	R. 129(5), 137(2)
Order for production of—	
Application for:	
As alternative to production	R. 31(2), 32
Form of,	R. 129(1) F. 69
Notice of receipt of,	R. 129(2) F. 70
Objection to,	R. 129(3)
Refusal of,	R. 32
Who may make,	R. 129(1)
For clearing folio	R. 9(2)
Form of,	R. 129(4) F. 71
Service of,	R. 129(4), 197
Production of—	
Dispensation with:	
Action to be taken by Registrar before,	R. 130(5)
Form of application for	R. 130(6)
Request for, as alternative to production	R. 31(2), 32
When possible	R. 130(1)-(4)
For specific registration	R. 136 F. 72
When required	R. 128
Purport and effect of,	R. 140
Re-issue of—	
After making new edition,	R. 9(3)
Date of,	R. 125
Destination to be noted on folio	R. 139
To be made conformable with title register before,	R. 131
Retention of, in Registry—	
After completion of registration	R. 138, 139
When first issued	R. 123, 139
Search by telephone or fax—	
To confirm ownership shown on,	R. 189
Separate Certificates—	
Available to tenants in common	R. 124(2)
Cancellation of,	R. 124(4)
Not to be issued where one already in force	R. 124(3)
Transitional arrangements	R. 126(2)
CERTIFIED COPY	
Definition of, in relation to court order	R. 2(1)
CHARGE (See also Certificate of Charge)	
Cancellation of,	R. 72-74
Company, by	R. 68
Crystallisation of	R. 95
Discharge of—	
Under Leasehold (Enlargement and Extension) Act (NI) 1971	R. 170
Form of,	R. 66 F. 28-31

Land Certificate—	
Restriction on custody of, by registered owner of charge	R. 75
Modification of,	R. 74
Mortgage operating as,	R. 71
New Folio—	
Inclusion on, where already registered on parent folio	R. 60
Ownership of—	
Location of note on folio	R. 5(2), 70
Part of land in folio, on	R. 30
Priority of,	R. 61-63
Receipt for amount of,	R. 72 F. 33
Release of,	R. 73 F. 12, 34
Sale of land by registered owner of,	R. 41 F. 14
Settlement—	
Raised under,	R. 63
Sub-charge	R. 69
Transfer of,	R. 67 F. 32
Transmission of,	R. 42(3)
CHARGING ORDER (See also Insolvency and Criminal Justice Order)	
Application for registration of—	
How made	R. 88(1)
Cancellation of,	R. 90
Conditions attaching to,	R. 88(4)
Notice of,	R. 88(2)-(4) F. 38, 39
CLASS OF TITLE (See also Reclassification of Title)	
Note of, on folio	R. 5(2)
Notice—	
To be served where first registration not to be effected with that sought	R. 29(1)
COMMENCEMENT	
Rules, of	R. 1
COMPANY (See Body Corporate)	
COMPENSATION	
Claim for—	
Notice of, to be sent to Department of the Environment and others	R. 203
Statutory Charges Register—	
Applicability and modification of sections of the 1970 Act to claims relating to,	R. 220
Limitation on amount of compensation payable in respect of losses connected with,	R. 220(6)
Notice of, to be sent to Department of the Environment and Registrar	R. 220(7)
Persons to whom compensation payable	R. 220(2)-(3)
Time when right to compensation accrues	R. 220(4)-(5)



CONCURRENCE (See Consent)

CONSENT (See also Assent)

Area—

To registration of correct, where incorrect statement  
of, in document submitted for registration R. 34(4)

Boundaries—

To registration of, as conclusive R. 144

Burdens—

To modification or cancellation of, R. 64(1) & (3)

Caution—

To first registration despite, R. 20

To registration of specified dealing despite, R. 103

Charging Order—

To cancellation of, R. 90(2)

Enforcement Order—

To cancellation of, R. 90(2)

Inhibition—

To registration of, R. 105, 106

To withdrawal or modification of, R. 110 F. 55

Map—

To alteration or substitution of, R. 34(3)

Notice of Deposit—

To cancellation of, R. 137(3) F. 75

Pending Action—

To cancellation of, R. 91(5)

Schedule 5 Burden—

To entry of notice of existence of, R. 97(1)

Vendor's lien—

To cancellation of, R. 81(3)

CO-OWNERSHIP (See also Coparcener, Joint Tenant and Tenant in Common)

Certificate of Charge—

Delivery of, in cases of, R. 124(1)-(2)

Separate, not available except where tenancy in  
common R. 124(1)-(2)

Entry in respect of—

Form of, R. 28(1)

Land Certificate—

Delivery of, in cases of, R. 124(1)-(2)

Separate, not available except where tenancy in  
common R. 124(1)-(2)

COPARCENER

Certificate of Charge—

Delivery of, to R. 124(1)

Separate, not available to R. 124(1)

Land Certificate—

Delivery of, to R. 124(1)

Separate, not available to R. 124(1)

Ownership—

Form of entry of, R. 28(1)

<b>COSTS</b>	
Hearing before Registrar—	
Award of,	R. 204(1)
Enforcement of award of,	R. 205
Measurement of,	R. 204(2)
Taxation of,	R. 204(3)-(4)
Hearing in connection with registration of statutory charges	R. 222
<b>COVENANT OR CONDITION</b>	
Building Scheme—	
Restrictive, under	R. 65
Discharge of,	R. 64(1)
Leasehold (Enlargement and Extension) Act (NI) 1971 — preserved by section 28 of,	R. 171
Modification of,	R. 64(1)
<b>CRIMINAL JUSTICE ORDER</b>	
Charging Orders under—	
Registration of	R. 86
Discharge or variation of	R. 87
Definition of	R. 2
Inhibition under	
Application for entry of, and notice of	R. 114(1) F. 59, 60
Modification of	R. 114
Registration of	R. 114
Withdrawal of	R. 114
Restraint Order, registration on foot of	R. 114
<b>CROWN</b>	
Extent to which Rules binding upon,	R. 223
<b>DATE OF REGISTRATION (See also Reception of Dealing and Priority)</b>	
Dealings—	
Normally date of receipt	R. 35
First registration—	
Date when folio authenticated	R. 15
<b>DEATH (See also Assent, Intestacy, Transmission and Will)</b>	
Dealing by person entitled to be registered	R. 39
Devolution of estate of person entitled to be registered	R. 40
Note of death of full owner	R. 49
Of joint tenant	R. 47
<b>DECISION OF REGISTRAR (See also Hearings before Registrar and Order of Registrar)</b>	
File or book—	
To be entered in,	R. 190(3)
Form—	
In which to be given	R. 190(1), (3) & (4)
<b>DEFEASANCE OF ESTATE OF REGISTERED OWNER</b>	
Burdens and notices—	
To be cancelled on registration as owner of person entitled on occasion of,	R. 52(2)

Procedure— To procure registration as owner of person entitled in consequence of,	R. 52(1)
DELAY	
Application— May be treated as withdrawn on account of, Reference to High Court, in	R. 202 R. 192(2)
DESCRIPTION	
Attesting Witness, of Land, of— Location of entry of, on folio, Revision of,	R. 175(1) R. 5(2) R. 149
DEPOSIT (See Certificate of Charge, Document and Land Certificate)	
DIRECTIONS	
By Registrar, for facilitating proceedings	R. 173
DISCLOSURE	
Form of Affidavit of,	R. 27 F. 8
DOCUMENT	
Deposit of, as security Destruction by Registry of, Execution of— By attorney Generally Error in— Discovered after presentation Form— Approval of draft Not proper Promulgation of forms by Registrar Prescribed Where none prescribed Further— Adjournment of proceedings pending production or supply of, Obsolete, becoming Office Copy of Order for Production of— Form of, Objection to making of, Procedure on receipt of request for, Request for, Service of, Personal Search of, Retention of, in Registry Return of— For production in court or to Taxing Master or Lands Tribunal For procuring evidence relating to Stamp Duty	R. 178(5) R. 124(3)-(4), 133(1), 135(2), 182 R. 176 R. 175 R. 34 R. 172(3) R. 174 R. 173 R. 172(1) R. 172(2) R. 200 R. 182 R. 184 R. 178(4) F. 84 R. 178(3) R. 178(2) F. 83 R. 178(1) F. 82 R. 178(4), 197 R. 183 R. 179, 180 R. 181 R. 37

When no longer necessary	R. 180(2)
When relate also to unregistered land	R. 180(1) & (3)
Sealing of,	R. 175(6)
Security, Held as	R. 178(5)
Unregistered Land—	
Relating exclusively to,	R. 180(4)
Relating to registered and,	R. 180
DUPLICATE CERTIFICATE (See Certificate of Charge and Land Certificate)	
EASEMENT	
Application for Registration of—	
Map submitted with, must be authenticated	R. 94(3)
Must identify affected land	R. 94(1)
Must identify appurtenant land	R. 94(2)
ENFORCEMENT ORDER (See also Charging Order)	
Application for Registration of,	R. 89
Cancellation of Entry of,	R. 90
ERROR	
Document, in—	
Discovered after presentation	R. 34
Amendment of, after presentation	R. 34
Error in bankruptcy order	R. 164
Formal, alteration in register	R. 148(1)
Rectification of, in register	R. 148(2), 164
EVIDENCE	
Further—	
Adjournment of proceedings pending production or supply of,	R. 200
How furnished	R. 198
Title of—	
Order for production of,	R. 178
EXAMINATION OF TITLE	
Advertisements—	
Which may be directed on,	R. 23(4)
Burdens—	
May be required before cancellation or modification of,	R. 64
Charges—	
May be required before cancellation or modification of,	R. 74
Charging Order—	
Cancellation-of, in consequence of	R. 90
Conduct of,	R. 22, 23
Conveyancing Counsel—	
Modification of procedure where title examined by,	R. 23(2)
Disclosure—	
Affidavit of, in connection with	R. 27      F. 8

Enquiries—	
Which may be made on,	R. 23(4)
Generally	R. 22-24, 26, 27, 29
Incorporeal Right—	
Necessary for cancellation of burden entry relating to, if title unregistered and held in gross	R. 64(2)
Indemnity—	
Which may be taken on,	R. 23(5)
Lease—	
Necessary for cancellation of burden entry relating to, if title unregistered	R. 64(2)-(3)
Notices—	
Which may be directed on,	R. 23(4)
Opinion—	
Reference to counsel for,	R. 23(3)
Order for Production—	
Of documents or evidence required for the purpose of	R. 178
Searches—	
Which may be directed on,	R. 23(4)
Title—	
To be shown on,	R. 22, 23
EXECUTION	
Affidavit, to verify	R. 175(3)-(5)
Attorney, by	R. 176
Blind Person, by	R. 175(3)
Deeds, of (generally)	R. 175(1)
Documents (other than Deeds), of (generally)	R. 175(2)
Illiterate Person, by	R. 175(3)
Map identifying easement, profit-a-prendre or appurtenant lands	R. 94
Mark, by	R. 175(4)
FAX	
Application by, for search in—	
Folio	R. 189(1)
Statutory Charges Register	R. 216(1)
Definition of	R. 2(1)
Notice by Registry	R. 196(1)
Result may be given by, or search in—	
Folio	R. 189(4)
Statutory Charges Register	R. 216(4)
FEE FARM GRANT (See also Fee Farm Rent)	
Application for Registration of,	R. 79
FEE FARM RENT (See also Rent Charge)	
Application for Registration of Title to—	
Where registration compulsory	R. 79(1)
Where registration voluntary	R. 79(2)
FEES	
Application for first registration—	
Payment of, to accompany application	R. 11(2)

Dealing—	
Payment of, as pre-condition for receipt of,	R. 31(2)
Application by telephone or fax for search in folio—	
To be forwarded with confirmation of,	R. 189(3)
Payment of, as pre-condition for confirmation of reply	R. 189(4)
Application by telephone or fax for search in Statutory Charges Register—	
To be forwarded with confirmation of,	R. 216(3)
Payment of, as pre-condition for confirmation of reply	R. 216(4)
FILED PLAN (See Registry Map)	
FIRST REGISTRATION (See also Examination of Title)	
Application for—	
Documents to be delivered with,	R. 11-13, 79, 80, 82, 83
Form of,	R. 11(1), 79, 80, 82(1) 83 F. 1-3
Lodgment of,	R. 11(2)-(3), 79, 80,
Caution Against—	82(1), 83
Generally	R. 17-21 F. 5-7
Official search to determine if any lodged	R. 186 F. 93-94
Date of,	R. 15
Fee Farm Rent, of	R. 79
Fishing Right, of	R. 80
Foreshore, of	R. 14
Freehold Estate, of	R. 11, 12, 79, 80, 116, 117
Generally	R. 11-16
Leasehold Estate, of	R. 11, 13, 82, 83, 116, 117
Memorial for Registrar of Deeds	R. 16 F. 4
Merger or extinguishment of estate in Compulsory Registration Area	R. 117
Mortgage, Created prior to	R. 71
Notice—	
Of intention to effect, with different title	R. 29
Rent charge, of	R. 80
Seabed, of	R. 14
Sporting Right, of	R. 80
Title, to be shown on	R. 23
FISHING RIGHT	
Application for Registration of Title to—	
Where registration compulsory	R. 80(1)
Where registration voluntary	R. 80(2)
FLAT, FLOOR ETC.	
Registration of Title to—	
Notices to be served prior to completion of,	R. 26
Maps to be furnished with application for,	R. 25

FOLIO (See also Folio Book and Schedule Folio)	
Alteration in	R. 148(1)
Authentication of—	
Entries and cancellations on,	R. 8(2)
When first opened	R. 8(1)
Editions of—	
Closed	R. 9(4)
New	R. 9(1)
Form of	R. 5
Numbering of—	
Cross-reference to Registry map	R. 5(2), 141(2)
Office Copy of,	R. 184
Rectification of,	R. 148(2)
Revision of verbal description in,	R. 149
Search of—	
Official	R. 185
Personal	R. 9(4), 183
Priority	R. 187
Telephone or fax	R. 189
FOLIO BOOK	
Additions to,	R. 7(3)
Authentication of,	R. 8
Land Certificates relating to,	R. 124(5)
Numbering of,	R. 7(2)
Request for,	R. 7(1) & (4)
Withdrawals from,	R. 7(3)
FORESHORE	
First registration of	R. 14
FREEHOLD ESTATE	
First Registration of,	R. 11, 12
Merger—	F. 1-3
Of Leasehold estate in,	R. 116, 117
Mortgage of—	F. 64-66
Created prior to first registration	R. 71
FRIENDLY SOCIETY OR BRANCH	
Definition of,	R. 152(1)
Trustee(s) of—	
Application to register, as owners	R. 152(2)
Disposition by,	R. 152(4)
New, registration of, as owner(s)	R. 152(3)
Registered owner ceasing to be,	R. 152(3)
HEARINGS BEFORE REGISTRAR	
Application for order for production of—	
Certificate of title	R. 129(3)
Document or evidence of title	R. 178(3)
Boundaries—	
To determine questions relating to, arising on transfer	R. 146(2)

Cautions—		
To determine questions relating to continuance or discharge of,	R. 101(3)	
Costs of—		
Award, taxation and enforcement of award	R. 204-205	
Inhibitions—		
To determine questions relating to,	R. 109(2)	
Investigation of Title—		
To determine questions arising during,	R. 190(2)	
Objections to Registration—		
To determine questions relating to,	R. 101(3), 194(3)	
Proceeding in Registry—		
To determine questions arising in any,	R. 190(2)	
Registration—		
To determine questions arising in connection with any,	R. 190(2)	
Statutory Charges—		
To determine matters in connection with registration of	R. 222	
IDENTITY		
Affidavit or certificate of	R. 42(4), 44, 49	
INDEMNITY		
Certificate of Charge or Land Certificate		
Which may be taken by Registrar before:		
Dispensing with production of,	R. 130(5)	
Issuing new,	R. 132(3)	
Examination of title		
When may be taken	R. 23(5)	
Officials, of	R. 219	
INDEX		
Names, of	R. 10	
Searches in Index of Names—		
Official	R. 185	
Personal	R. 183	
INHIBITION		
Court Order, entered under	R. 113	
Criminal Justice Order, registration, modification and withdrawal under	R. 114	
Discharge of,	R. 110, 111	F. 55-57
Entry of—		
Application for, with consent	R. 106	
Application for, without consent	R. 107	F. 53
Objection to	R. 109	
Modification of,	R. 108(2), 110,	
	111	F. 55-57
Notice of intention to enter	R. 108(1)	F. 54
Objection to entry of,	R. 109	
Trusts, for protection of,	R. 105	
Withdrawal of,	R. 110	F. 55



INFANT (See Minor)

INLAND REVENUE CHARGE

Cancellation of registration of R. 77  
Registration of R. 76

INSOLVENCY

Bankruptcy Inhibition—

Cancellation of entry of R. 156  
Form of entry of R. 155(2)  
Notice of bankruptcy order, R. 155(1) F. 78  
Notice of registration of R. 155(3)

Bankruptcy petition—

Cancellation of registration of R. 154  
Form of entry of notice of R. 153(2)  
Notice of presentation of, R. 153(1) F. 76  
Notice to be given of entry of R. 153(3)  
Renewal of registration of notice of R. 153(4) F. 77

Bankrupts rights of occupation—

Application for registration of R. 162(1) F. 80  
Form of entry of R. 162(2) F. 81  
Cancellation and variation of entry of R. 163  
Postponement of priority of R. 163

Company—

Notation of administration order R. 166(1)  
Notation of appointment of liquidator R. 166(2)

Mistake in bankruptcy order or register

R. 164

Official receiver—

Cancellation of registration of R. 158  
Form of entry of ownership of R. 160  
Registration of R. 157

Order imposing charge—

Registration of R. 161  
Form of entry of R. 161(2) F. 79

Trustee in bankruptcy—

Form of entry of ownership of R. 160  
Original registration of R. 159  
Registration in place of official receiver R. 158  
Registration in place of deceased registered owner R. 159(2)  
Vacation of office by R. 165

INTERPRETATION

“certificate” in Part IV of Rules, of R. 118  
“ordnance or other map or plan”, of R. 25(2)  
Rules, of words and expressions in, R. 2

INTESTACY (See also Assent, Death and Transmission)

Land Not Vesting in Personal Representative(s)—

Application for registration as owner by  
person entitled:  
Form of, R. 46 F. 19  
Documents which must accompany, R. 46(2)

Land Vesting in Personal Representative(s)—

Assent or transfer to beneficiary:  
Form of, R. 42 F. 17

JOINT TENANT (See also Co-ownership)		
Death of—		
How proved	R. 47(2)	
Note of,	R. 47(3)	
Withdrawal of name from folio on occasion of,	R. 47(1)	F. 20
JUDGMENT		
Application for Registration of, as Burden	R. 85(1), 86, 161	
Cancellation of Entry of, as Burden	R. 85(2), 87	
LAND CERTIFICATE		
Authentication of,	R. 120(1), 125, 126(3)	
Custody of—		
Restriction on, by registered owner of charge	R. 75	
Certification of,	R. 120(2)	F. 67
Delivery of—		
After completion of a registration	R. 138, 139	
After retention in Registry	R. 123(2), 139	
When first issued	R. 123(1), 125(1), 139	
Evidential Value of,	R. 127	
Form of,	R. 120	
Issue of,	R. 119(1)	
New—		
Issue of:		
After making new edition of folio	R. 9(3)	
In lieu of one which has been lost or destroyed	R. 132	
In substitution for one produced to the Registrar	R. 133(1)	
To a person registered as owner without production of the original	R. 133(2)	
Record of outstanding originals where replacement issued		
Notice of Deposit of—	R. 134	
Cancellation of,		
Entry of, form	R. 137(3)	F. 75
Form of,	R. 137(2)	
Lodgment of,	R. 137(1)	F. 73
Notice of lodgment of,	R. 129(5), 137(1)	
Priority in respect of,	R. 137(2)	F. 74
Order for Production of—	R. 129(5), 137(2)	
Application for:		
As alternative to production		
Form of	R. 31(2), 32	
Notice of receipt of,	R. 129(1)	F. 69
Objection to,	R. 129(2)	F. 70
Refusal of,	R. 129(3)	
Who may make	R. 32	
For clearing folio	R. 129(1)	
Form of,	R. 9(2)	
Service of,	R. 129(4)	F. 71
Production of—	R. 129(4), 197	
Dispensation with:		
Action to be taken by Registrar before,		
Form of application for	R. 130(5)	
Request for, as alternative to production	R. 130(6)	
When possible	R. 31(2), 32	

For specific registration	R. 130(1)-(4)	
When required	R. 136	F. 72
Purport and Effect of,	R. 31(2), 128	
Re-issue of—	R. 140	
Date of,		
Destination to be noted on Folio	R. 125	
To be made conformable with title register before,	R. 139	
Retention of, in Registry—	R. 131	
After completion of registration		
When first issued	R. 138, 139	
Search by telephone or fax—	R. 123, 139	
To confirm ownership shown on,		
Separate Certificates—	R. 189	
Available to tenants in common		
Cancellation of,	R. 124(2)	
Not to be issued where one already in force	R. 124(4)	
Transitional arrangements	R. 124(3)	
	R. 126(1)	
LANDS TRIBUNAL		
Delivery of documents to	R. 181	
LEASEHOLD ESTATE		
Enlargement of—		
Under Leasehold (Enlargement and Extension)		
Act (NI) 1971:		
Discharge of registered charge by virtue of,	R. 170	
Notices to be served upon receipt of application		
involving,	R. 169	
Registration of fee simple title acquired by virtue		
of,	R. 116	
Treatment of covenants, conditions and		
agreements on occasion of,	R. 171	
Extension of—		
Under Leasehold (Enlargement and Extension)		
Act (NI) 1971:		
Notices to be served upon receipt of application		
involving,	R. 169	
First Registration of,	R. 11, 13, 82, 83, 116,	
	117	F. 1-3
Merger of—		
With superior estate	R. 116	F. 64-66
In Compulsory Registration Area	R. 117	
Mortgage of—		
Created prior to first registration	R. 71	
Unregistered—		
Cancellation or modification of burden entry		
relating to	R. 64(2)	
Registration of Notice of order charging land		
affecting,	R. 88(3) & (4)	
LETTERS OF ADMINISTRATION		
Production of,	R. 42(4), 44, 45(2), 46(2),	
	47(2), 49	

LIEN (See Vendor's Lien)		
LIMITED OWNERSHIP		
Determination of,	R. 48	
MAP OR PLAN (See also Registry Map and Statutory Charges Map)		
Amendment of map in document	R. 34	
Definition of Ordnance map	R. 2(2)	
Provisional maps	R. 30, 141, 142	
When to be furnished,	R. 12, 13, 17, 25, 30, 79(1), 80(1), 82(1), 84, 85(1), 94, 102(2), 142, 144(1), 186(2), 209(2), 211(1), 214(2) & (4), 215	
MATRIMONIAL CHARGE		
Cancellation of entry of	R. 93	
Definition of	R. 2(1)	
Entry of, on folio	R. 92(4)	F. 44
Notice to spouse or owner, no obligation for	R. 29(2)	
Postponement of priority of	R. 93	
Registration of	R. 29(2) & 92	F. 43
Renewal of registration of	R. 92(5)	F. 45
Variation of entry of	R. 93	
MERGER (See Leasehold Estate)		
MINES AND MINERALS		
Title to—		
When registrable	R. 24	
MINOR		
Majority, attainment of, by	R. 168	
Representation of,	R. 167	
MORTGAGE		
Created prior to first registration,	R. 71	
NOTE OF DEATH		
Full Owner, of	R. 49	
Joint Tenant, of	R. 47(3)	
NOTICE(S)		
Adjoining owners or occupiers may be sent to	R. 26	
Appurtenance—		
Of application to enter	R. 147(3)-(4)	
Bankruptcy—		
Petition, of	R. 153	F. 76
Boundaries—		
Of application to make conclusive	R. 144(2)	
Burden—		
Of application to cancel or modify registration of,	R. 64(4)	
Caution Against Dealings—		
Of application for discharge of,	R. 100	F. 48

Of application to register dealing without consent of cautioner	R. 100	F. 49
Of entry of,	R. 98(2)	F. 47
For determining questions relative to continuance or discharge of,	R. 101(3)	
Cautioner Against First Registration—		
Form of, to be served on,	R. 19	F. 7
Certificate of Charge—		
Of application for Order for production of,	R. 129(2)	F. 70
Of deposit of,	R. 129(5), 137	F. 73-74
Of intention to dispense with production of,	R. 130(5)	
Of lodgment of, for registration of dealing	R. 136	F. 72
To be given prior to issue of new,	R. 132(1), 133(2)	
Charge—		
Of inclusion of, on new folio	R. 60	
Charging Order—		
Of intention to cancel,	R. 90(2)	
Compensation—		
Of claim for,	R. 203	
Delay—		
That proceedings will be treated as withdrawn on account of,	R. 202	
Document or evidence of Title—		
Of request for Order for Production of,	R. 178(2)	F. 83
Enforcement Order—		
Of intention to cancel entry of	R. 90(2)	
Examination of Title—		
Which may be directed on,	R. 23(4)	
Of proposed registration consequential upon,	R. 29	
First Registration—		
To Registrar of Deeds, of	R. 16	F. 4
Flat, Floor or Cellar—		
To be served before registration of title to,	R. 26	
Forgery	R. 38	
Further—		
Adjournment of proceedings for the purpose of giving,	R. 200(1)	
Information—		
To be included in,	R. 196(2)	
Inhibition—		
Of lodgment of dealing within terms of	R. 112(1)	F. 58
Of intention to enter	R. 108(1)	F. 54
Land Certificate—		
Of application for order for production of,	R. 129(2)	F. 70
Of deposit of,	R. 129(5), 137(2)	F. 73-74
Of intention to dispense with production of,	R. 130(5)	
Of lodgment of, for registration of dealing	R. 136	F. 72
To be given prior to issue of new,	R. 132(1), 133(2)	
Leasehold (Enlargement and Extension) Act (NI) 1971—		
Of application involving enlargement or extension under,	R. 169	
Matrimonial charge—		
Of registration need not be given to spouse or owner	R. 29(2)	

Mines and Minerals—		
To Department of Economic Development of intention to make entry relating to,	R. 24(2)	
Non-delivery of,	R. 196(4)	
Objection—		
Of lodgment of,	R. 191(2)	
Order charging land—		
Affecting unregistered leasehold estate	R. 88(3)	F. 39
To registered owner of registration of	R. 88(1)	
Pending Action—		
To be served prior to registration of,	R. 91(4)	
Possession, Title Acquired by—		
To be served before registration of,	R. 115(3)	F. 63
Receipt of—		
Deemed date of,	R. 196(3)	
Reclassification of Title—		
Which may be served before,	R. 57	
Register—		
Of rectification of	R. 148	
Of revision of	R. 148, 149	
Registry Map—		
Of revision of,	R. 148, 149(1)	
Of replacement of provisional map by entry on	R. 142(3)	
Service of,	R. 196, 197	
Settlement—		
To trustees of, of application to register remainderman under,	R. 48(4)	
<b>OBJECTION</b>		
Cautioner, by—		
To first registration	R. 19	
To registration of dealing	R. 101	
Inhibition—		
By person entitled to, to registration of dealing	R. 112(2)	
To modification or discharge of,	R. 111(3)	
To registration of,	R. 109	
Lodgment of,	R. 191(1)	
Order for Production, to making of	R. 129(3) & (4) 178(3) & (4)	
Possession, Title Acquired by—		
To registration of,	R. 115(3)	
Procedure in Registry	R. 191	
Reclassification of Title, to	R. 57(3)	
To entry of land on map following provisional mapping	R. 142(3)-(4)	
To registration of Dealing	R. 57, 101, 112(2), 191(1)	
<b>OBSOLETE DOCUMENTS</b>	R. 182	
<b>OFFICE COPY</b>		
Certification of,	R. 184, 217	
Requisition for,	R. 184, 217	F. 86
<b>ORDER CHARGING LAND (See Charging Order)</b>		

ORDER OF REGISTRAR (See also Decision of Registrar and Hearings before Registrar)

High Court—		
Referring question to,	R. 192	
Production—		
Of certificate	R. 9(2), 129	F. 71
Of documents or evidence of title	R. 178	F. 84
Service of,	R. 129(4), 178(4), 197	
PARCEL OF LAND		
Definition of	R. 2(1)	
PENDING ACTION		
Application—		
For registration of,	R. 91(1)	F. 40
For renewal of,	R. 91(3)	F. 42
Cancellation of,	R. 91(5)	
Entry of, form of	R. 91((2)	F. 41
Notice—		
To be served prior to registration of,	R. 91(4)	
PENDING DEALING OR TRANSACTION		
Effect of Death, Transmission or Change of		
Interest on,	R. 39, 40, 201	
Procedure in Registry pending registration of,	R. 37	
PRESENTATION OF DEALING (See also Reception of Dealing)		
How effected	R. 31(1), 39	
Statement must accompany	R. 195	F. 100
PRIORITY		
Burdens, of—		
By virtue of statutory provision	R. 61	
Created by same instrument	R. 62	
Dealings, of—		
Effect of order of receipt on,	R. 33	
In respect of which a document has been withdrawn		
for alteration	R. 34(5)	
Received simultaneously from same person	R. 33(4)	
Deposit of Certificate—		
In respect of,	R. 129(5), 137(2)	
Priority Search—		
Effect of, on	R. 188	
Settlement—		
Of charge raised under,	R. 63	
Stamping—		
Of document returned to procure evidence of		
proper,	R. 36(2)-(3)	
Statutory Charge, of	R. 207(2)-(5)	
PROFIT-A-PRENDRE		
Application for Registration of,	R. 80, 94	
PROHIBITION NOTE		
Form of Entry	R. 97(4)	

PROVISIONAL MAP (See Map or Plan)

RECEPTION OF DEALING

Alteration of Document after,	R. 34	
Change of Interest after,	R. 39, 40, 201	
Conditions for,	R. 31(2), 195	F. 100
Death after,	R. 40, 201	
Order of—		
May not govern order of registration	R. 33	
Post, delivered by	R. 33	
Procedure—		
In Registry pending registration	R. 37	
Simultaneous—		
From same person	R. 33(4)	
Transmission after,	R. 40	

RECLASSIFICATION OF TITLE

Advertisements, enquiries and notices—		
To be effected before,	R. 53, 56(2), 57	
Burdens—		
Cancellation of, on occasion of	R. 57(2), 58	
Registration of, on occasion of	R. 57(2), 58	
Caution Against	R. 104	F. 51
Equity Note—		
Of titles previously registered subject to,	R. 53	F. 24
Generally	R. 53-58	
Objections to,	R. 57(3), 191(1)	
Possessory Title, of—		
On efflux of time	R. 54	F. 25
Qualified Title, of	R. 55	F. 26
Register—		
To be made conformable with title as ascertained	R. 58	
on,		

RECTIFICATION (See Error)

REGISTER(S) (See also Folio)

Alterations in,	R. 148, 149	
Authentication—		
Of entries and cancellation of entries in,	R. 8	
Cancellations in,	R. 58, 148	
Correction of,	R. 148, 164	
Division of,	R. 5(1)	
Reclassification of Title—		
To be made conformable with title as		
ascertained on,	R. 58	

REGISTRAR (See also Adjournment of Proceedings, Costs, Decision of Registrar, Directions, Hearings before Registrar, Indemnity, Objection, Order of Registrar and Summons by Registrar)

Additional powers of,	R. 200	
Power—		
To direct substituted service of notice,		
summons or order	R. 197(2)	



To swear affidavit	R. 199(1)	
To take statutory declaration	R. 199(1)	
To refer questions to High Court	R. 192	
To receive notice of claim for compensation	R. 203	
To disregard failure to comply with rule relating to procedure	R. 200	
<b>REGISTRY MAP</b>		
Alteration or correction of		
Cross-referencing of—	R. 148, 149	
With folios	R. 5(2), 141(2)	
Development or building plan—		
May serve as,	R. 142(1)	
Filed Plans—		
May be part of,	R. 141(1)	
Form of,	R. 141, 142	
Office Copies of,	R. 184	F. 86
Provisional maps,	R. 141(1), 142	
Revision of,	R. 143, 144(3), 148, 149	
Search of—		
Official	R. 186	F. 93
Personal	R. 183	F. 85
Supplemental Plan—		
May be part of,	R. 141(1)	
Transitional Provisions relating to,	R. 141(4)	
<b>RENT CHARGE (See also Fee Farm Rent)</b>		
Application—		
For registration of title to:		
Where registration compulsory	R. 80(1)	
Where registration voluntary	R. 80(2)	
Creation of,	R. 78	F. 37
<b>REVOCAATION</b>		
Former Rules, of	R. 3	
<b>SCHEDULE FOLIO</b>		
Transitional Provisions relating to,	R. 6	
<b>SEABED (See Foreshore)</b>		
<b>SEAL (See Execution)</b>		
<b>SEARCH(ES)</b>		
Application by telephone or fax—		
Relating to folio	R. 189	
Relating to Statutory Charges Register	R. 216	
Examination of Title—		
Which may be directed on,	R. 23(4)	
Personal—		
May be made on lodgment of requisition	R. 183	F. 85
Official—		
Folio, in	R. 185	F. 87-92
For matrimonial charge	R. 185(3)-(4)	F. 91-92

Index of names, in	R. 185(1)-(2)	F. 87-90
Registry map, in	R. 186	F. 93, 94
Statutory Charges Register, in	R. 214	F. 101, 102
Priority Search—		
Certificate of result of,	R. 187(4)	F. 97, 98
Entry to be made in respect of,	R. 188(1)	
Effect of,	R. 188	
Form of Application for,	R. 187(3)	F. 95, 96
Who may apply for,	R. 187(1)	
Two or more certificates relating to, issued	R. 188(5)	
SERVICE (See Notices, Order of Registrar)		
SETTLEMENT (See also Trustee)		
New Trustee of—		
Entry of name of,	R. 51	
Remainderman under—		
Procedure to procure registration of, as owner	R. 48	
Transfer by Trustees of, to beneficiary	R. 50	
SOLICITOR'S CERTIFICATE		
Application for first registration	R. 11(1)	F. 1
Crystallisation of charge on land of company	R. 95(3)	
Death of joint tenant	R. 47(1)	
Determination of limited ownership	R. 48(1)	F. 21
Dispense with production of land certificate or charge certificate	R. 130(6)	
Duplicate land certificate or charge certificate, issue of	R. 132(2)	
Evidence of appointment of new trustee of settlement	R. 51(1)	F. 23
Execution of deed—		
By attorney	R. 177	
By blind or illiterate person	R. 175(3)	
By body corporate	R. 150(6)	
By mark due to physical disability	R. 175(4)	
Verified by, when required by Registrar	R. 175(5)	
Extinguishment of registered leasehold estate	R. 116	
Modification and cancellation of certain burdens	R. 64(3)	
Reclassification of title—		
Confirmation of application	R. 56(2)	
On efflux of time	R. 54	
Where land subject to equity note	R. 53	
SPORTING RIGHT		
Application for Registration of Title to—		
Where registration compulsory	R. 80(1), 94	
Where registration voluntary	R. 80(2), 94	
STAMP DUTY		
Payment of—		
Pre-condition for receipt of dealing	R. 31(2)	
Return of Document—		
For the purpose of procuring evidence of payment of	R. 36	

STATUTORY CHARGE (See also Statutory Charges Register and Statutory Charges Map)

Application for Registration of—	
Authentication of,	R. 209(1)
Content of,	R. 209(2)
Delivery of,	R. 207(1)
Receipt of,	R. 207(2)-(4)
Cancellation of Registration of,	R. 208(2)
Registration of—	
Authentication of entry	R. 208(2)
Content of entry	R. 210
Date and time of,	R. 207(2)-(4)
Order of,	R. 207(5)
Priority Notice Relating to—	
Application for registration of,	R. 207(1)-(4), 211(1)
Cancellation of registration of,	R. 208(2)
Registration of,	R. 207(2)-(5), 211(2)

STATUTORY CHARGES MAP (See also Statutory Charge and Statutory Charges Register)

Authority for Maintenance of,	R. 212(1)
Correction or revision of	R. 213(1)
Cross-referencing of—	
To entries on register	R. 212(3)
Searches of—	
Official	R. 214      F. 101, 102
Personal	R. 215      F. 103
Telephone or fax	R. 216
Statutory Charges Register—	
Cross-references to,	R. 210, 212(3)
Deemed to be part of,	R. 212(1)
Transitional Provisions Relating to,	R. 212(4)

STATUTORY CHARGES REGISTER (See also Statutory Charge and Statutory Charges Map)

Administration of,	R. 206
Applications for Registration in,	R. 207, 209, 211
Authentication of Entries and Cancellations in,	R. 208(2)
Compensation—	
For loss in respect of errors or omissions associated with,	R. 220
Correction of,	R. 213
Form of,	R. 208
Indemnity—	
Of officials exercising functions connected with	R. 219
Indices to,	R. 208(3)
Land Registration Act (NI) 1970—	
Applicability of provisions in, to	R. 206, 218-221
Office Copies—	
Of Entries in,	R. 217
Registration in—	
Date and time of,	R. 207(2)-(4)
Order of,	R. 207(5)
Revision of,	R. 213

Rules—		
Applicability and modification of, in relation to	R. 218(2), 222	
Statutory Charges Map—		
Cross-references to,	R. 210, 212(3)	
Deemed to be part of,	R. 212(1)	
Searches in—		
Official	R. 214	F. 101, 102
Personal	R. 215	F. 103
Telephone or fax	R. 216	
Summons—		
Of witnesses for purposes relating to,	R. 218	
STATUTORY DECLARATION		
Entitlement of,	R. 199(2)	
Evidence—		
As a means of giving,	R. 198	
Power of Attorney—		
As evidence that, not revoked	R. 176(4)	
Taking of,	R. 199(1)	
SUB-CHARGE		
Meaning of,	R. 69(1)	
Forms and procedure relating to,	R. 69(2)	
SUMMONS BY REGISTRAR		
Affidavit Proving Service of,	R. 193(2)	
Expenses of Attendance on,	R. 193(2)-(3)	
Form of,	R. 193(1)	F. 99
Service of,	R. 193(1), 197	
Statutory Charge—		
For the purpose of registration or cancellation of,	R. 218	
SUPPLEMENTAL PLAN (See Registry Map)		
TENANT IN COMMON (See also Co-ownership)		
Application for registration as,	R. 28(2)	
Certificate of Charge or Land Certificate—		
May obtain separate	R. 124(2)	
May request cancellation of separate,	R. 124(4)	
Entry of Ownership of,	R. 28(1)	
TENANT FOR LIFE (See Limited Ownership)		
TITLE (See also Examination of Title, First Registration and Reclassification of Title)		
Affidavit of Disclosure Relating to	R. 27	F. 8
Burden (Registered), to	R. 64	
Counsel's Opinion—		
Reference for,	R. 23(3)	
Deduction of—		
By applicant for registration	R. 23	
Mines and Minerals, to	R. 24	
Possession, Acquired by	R. 115	F. 61, 62

Solicitor's Certificate, as Evidence of	R. 47, 48, 51, 53, 54, 56, 64, 95, 116, 130, 132, 150, 175, 177 F. 1, 21, 23
<b>TRANSFER</b>	
Forms of,	R. 41 F. 9-16
Generally	R. 41-44
Part of land in folio	R. 30
Personal Representatives, by	R. 42(2), 43, 44
Trustees, by	R. 50
<b>TRANSMISSION (See also Assent, Death, Intestacy and Will)</b>	
Charge, of	R. 42(3)
Death, of Person Entitled to be Registered as Owner on,	R. 40
Documents, Additional— To be lodged with application for registration on occasion of,	R. 42(4), 44, 45(2)-(3), 46(2), 47(2), 48(1)
Generally	R. 42-49
Joint Tenant— On death of,	R. 47
Limited owner— On death of,	R. 48
Personal Representative(s)— Where land does not vest in, Where land does vest in,	R. 45, 46 F. 18, 19 R. 42-44 F. 17
<b>TRUSTEE</b>	
Affidavit by— To procure registration of person entitled under settlement	R. 50 F. 22
Appointment of New, Inhibition, Request for, by— For protection of trusts	R. 51 F. 23 R. 105
Transfer of land acquired by, Trustee Appointment Acts, Under— Dispositions by, Registration of,	R. 50 R. 151(2) R. 151(1)
<b>VENDOR'S LIEN</b>	
Application for Registration of, Notice of, to be sent to Purchaser Cancellation of Burden Entry in Respect of,	R. 81(1) R. 81(2) R. 81(3)
<b>WILL (See also Assent, Death and Transmission)</b>	
Devisee Under, Registration of— Where land does not vest in personal representatives Where land vests in personal representatives	R. 45 F. 18 R. 42 F. 17
Probate of— Production of original or office copy of,	R. 42(4), 44, 45(2), 47(2)

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules, which come into operation on 9th December 1994, revoke and replace the Land Registration Rules (Northern Ireland) 1977 as amended in 1989 and 1991.

These Rules are general rules which implement the provisions of the Land Registration Act (Northern Ireland) 1970 as amended by the Registration (Land and Deeds) (Northern Ireland) Order 1992. They contain provisions setting out the procedure to be followed in connection with the registration in the Land Registry of the title to land.

The principal changes made by these Rules are:—

1. Provision has been made for the registration of notices of orders charging land under paragraph 4 of Part IV of Schedule 2 to the Land Registration Act (Northern Ireland) 1970 (rule 88(3) and (4)), Inland Revenue charges (rules 76 and 77 and Forms 35 and 36) and floating charges which have crystallised (rule 95).
2. Provision has been made regulating the award, taxation and enforcement of costs arising in connection with hearings before the Registrar of Titles (rules 204 and 205) and the promulgation by the Registrar of Titles of forms and directions facilitating proceedings in connection with registration (rule 173).
3. Simplified procedures have been provided for the rectification of certain errors (rules 34(4)(b) and 148(2)), applications for adverse possession (rule 115(1) and Forms 61 and 62) and the mapping of holdings where building or development plans are available pending an official survey by Ordnance Survey (rule 142).
4. The production to the Land Registry of land certificates or certificates of charge will not be necessary on registration of orders charging land made under the Judgments Enforcement (Northern Ireland) Order 1981 (rule 128(1)).
5. Where an official priority search is issued under section 81 of the Land Registration Act (Northern Ireland) 1970 as amended by Article 33(6) of the Registration (Land and Deeds) (Northern Ireland) Order 1992, the period of priority conferred under that section has been increased from 14 days to 40 days (rule 188(2) and (3)).
6. The prescribed forms for the transfer of registered land have been amended (Forms 9 to 16) and a form has been prescribed for an application by a solicitor for the first registration of a title (Form 1). A form has also been prescribed for the statement to be lodged with a dealing or application for registration presented by a solicitor (Form 100).