STATUTORY RULES OF NORTHERN IRELAND

2011 No. 141

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2011

Made - - - - 22nd March 2011

Coming into operation in accordance with Article 1

The Department of Finance and Personnel, in exercise of the powers conferred by section 85 of the Land Registration Act (Northern Ireland) 1970(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf with the advice and assistance of the Land Registry Rules Committee(**3**), makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land registration (Amendment) Rules (Northern Ireland) 2011 and shall come into operation on 3 October 2011.

Interpretation

2.—(1) In these Rules—

"the Land Registration Rules" means the Land Registration Rules (Northern Ireland) 1994 (as amended)(**4**);

(2) a reference to a rule or form is a reference to a rule or form in the Land Registration Rules.

Amendment of the Land registration Rules

3. The Land Registration Rules are amended in accordance with the Schedule.

(**1**) 1970 c.18 (N.I.) as amended by S.I. 1978/459 (N.I.4), S.I. 1989/2405 (N.I.19), S.I.1992/811 (N.I.7) and 2001 c.5 (N.I.)
(**2**) By virtue of 1998 c.47 s.95(5) and Sch.12 para. 10(1)(b)
(**3**) Established by 1970 c.18 (N.I.) s.85(1)
(**4**) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165, S.R. 2002 No. 229 and S.R. 2007 No. 4.

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd March 2011

Arthur Moir
A senior officer of the Department

SCHEDULE

Regulation 3

AMENDMENT OF THE LAND REGISTRATION RULES

1. In Rule 2 (1) (Interpretation)(**5**)—

(a) after the definition of "appurtenance", insert—

""authorised user" means a person who has been authorised by the Registrar under Rule 31(5) to use the Land Registry computer system by way of the Land Registry direct access service for registration purposes;";

(b) after the definition of "authorised user" insert—

""certificate" includes a land certificate and a certificate of charge;";

(c) after the definition of "office copy", insert—

""the Land Registry computer system" means the computer system operated by the Registry to enable creation of electronic documents and the electronic generation and communication of applications for first registration or registration of an authorised dealing with registered land;";

(d) after the definition of "the Land Registry computer system" insert—

""the Land Registry direct access service" means the service provided by or on behalf of the Registrar which allows remote direct access by computer for the purpose of sending and retrieving information in respect of the Register;";

2. In Rule 11(1) (Presentation of applications for first registration)(**6**) for subparagraph (c) substitute—

"(c) applications for registration with a possessory title may be made in Form 3 or Form 3A."

3. In Rule 31 (Presentation and receipt of dealings for registration)—

(a) delete paragraph (2)(c)

(b) after paragraph (2) insert—

"(3) An application for registration may be presented through the Land Registry direct access service in such form as the Registrar may direct.

(4) An application for registration using the Land Registry direct access service may only be made by an authorised user.

(b) An application for registration by an authorised user using the Land Registry direct access service may be made in accordance with paragraph (3) and where any proofs or documents are required in respect of registration the authorised user shall certify that such proofs or documents have been adhered to and are in the possession of the authorised user. The Registrar may in his discretion require production of any such proofs or documents in any particular case.

(5) An application may be made to the Registrar for permission to use the Land Registry direct access service as an authorised user.

(b) On making an application, an applicant shall submit such information as will enable the Registrar to be satisfied that suitable arrangements have been made for the payment of any fees incurred by the applicant.

(**5**) Rule 2(1) was amended by paragraph 1 of the Schedule to S.R. 2000 No.165, S.R. 2002 No.229 and S.R. 2007 No.4.
(**6**) Rule 11(1) was substituted by paragraph 3 of the Schedule to S.R. 2000 No.165.

(c) The Registrar may grant an application upon such terms as he may direct or, where he considers it appropriate to do so, reject an application.

(d) Any authorised user of the Land Registry direct access service shall, on being required to do so by the Registrar submit such information as will enable the Registrar to be satisfied that the requirements of paragraph (b) continue to be met."

4. Delete Rule 32 (Refusal to grant an order for the production, dispensation or issue of a land certificate or certificate of charge).

5. In Rule 66 (Forms of charge) for "Form 28, 29, 30 or 31 as the case may require" substitute "such form as the Registrar may direct or accept".

6. In Rule 120 (Form of land certificate)(**7**) after paragraph (2) insert—

"(3) Upon the issue or re-issue of a land certificate on completion of an application for registration using the Land Registry direct access service the Registrar may, unless the registered owner has requested a paper certificate, issue the certificate as an electronic document.

(4) A land certificate issued by the Registrar as an electronic document shall contain all entries subsisting on the folio to which it relates at the date of the issue of the land certificate."

7. In Rule 121 (Form of Certificate of charge)(**8**) after paragraph (2) insert—

"(3) Upon the issue or re-issue of a certificate of charge on completion of an application for registration using the Land Registry direct access service the Registrar may unless the registered owner has requested a paper certificate issue the certificate as an electronic document.

(4) A certificate of charge issued by the Registrar as an electronic document shall certify the registration of the charge as a burden in the folio affected and the ownership of the charge."

8. In Rule 128 (Production of certificates)(**9**)—

(a) for paragraph (1) substitute—

"(1) Subject to paragraph (2) except in the case of an application under Rule 137(1) a certificate need not be produced to the Registrar in connection with the registration of a dealing with the estate to which the certificate relates."

(b) for paragraph (2) substitute—

"(2) In any particular case the Registrar may in his discretion require the applicant to produce a certificate relating to the relevant estate."

9. Delete Rule 134 (Record of outstanding certificates).

10. In Rule 136 (Lodgement of certificate for registration of dealing) delete paragraph (3).

11. In Rule 137 (Deposit of certificate)—

(a) for paragraph (1) substitute—

"(1) Any person with whom a certificate is deposited for the purpose of giving security for the payment of money may apply for the registration of a notice of that

(**7**) Rule 120 was amended by paragraph 13 of SR 2000 No. 165.
(**8**) Rule 121 was amended by paragraph 14 of SR 2000 No. 165.
(**9**) Rule 128 was amended by paragraph 17 of SR 2000 No. 165.

deposit by lodging the certificate in the Registry together with an application in Form 73."

(b) in paragraph (2) delete the final sentence.

12. In Rule 138 (Delivery of certificates) delete the words ", either be treated as lodged in the Registry for the registration of another dealing or".

13. In Rule 149 (Revision of registry map and verbal description) after paragraph (1) insert—

"(1A) Where it has been brought to the attention of the Registrar that the positional accuracy of any folio boundary has been affected by a revision of Ordnance Survey digital mapping detail, the Registrar may, after making such enquiries and serving such notices (if any) as he considers necessary, arrange for such folio boundary to be reinstated as accurately as possible."

14. In Rule 209 (Applications for registration) in subparagraph (f) of paragraph (2) delete "and, where the charge is a money charge, the amount of the charge and rate of interest (if any) thereon".

15. In Schedule 2—

(a) delete Forms 2 and 3.

(b) after Form 1 insert—