STATUTORY RULES OF NORTHERN IRELAND

2007 No. 5

FAMILY LAW
REGISTRATION OF DEEDS

The Registration of Deeds (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*9th January 2007*
Coming into operation	*1st April 2007*

The Department of Finance and Personnel in exercise of the powers conferred(**1**) by section 19(1) of the Registration of Deeds Act (Northern Ireland) 1970(**2**) and by Articles 6(7) and 7(4) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**3**) makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Registration of Deeds (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st April 2007.

Interpretation

2. In these Regulations—

"the 1984 Order" means the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**4**);

"the Registration of Deeds Regulations" means the Registration of Deeds Regulations (Northern Ireland) 1997(**5**);

"the 1998 Order" means the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

3. A reference to a regulation or a form is a reference to a regulation or a form in the Registration of Deeds Regulations.

(**1**) By the Departments (Northern Ireland) Order 1982 S.I.1982/338 (N.I. 6)Art. 5 and Part II of Sch. 1 and the Departments (Transfer and Assignment of Functions) Order 1999 S.R. 1999 No. 481, Art. 6 and Part II of Sch. 4
(**2**) 1970 c. 25 (N.I.) Section 19(1) was amended by Article 49 of S.I. 1992/811 (N.I. 7)
(**3**) S.I. 1998/1071 (N.I. 6) and the Departments (Transfer and Assignment of Functions) Order 1999 S.R. 1999 No. 481, Art. 6 and Part II of Sch. 4
(**4**) S.I. 1984/1984 (N.I. 14)
(**5**) S.R. 1997 No. 28

Amendment of the Registration of Deeds Regulations

4. The Registration of Deeds Regulations are amended in accordance with the Schedule.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th January 2007.

A senior officer of the
Department of Finance and Personnel

SCHEDULE

AMENDMENT OF THE REGISTRATION OF DEEDS REGULATIONS

1. In Regulation 2(1) (Interpretation)—

(1) Delete the definition of "the Matrimonial Charges Index".

(2) Delete the definition of the Family Law (Miscellaneous Provisions) Northern Ireland Order 1984.

(3) After the definition of the Insolvency (Northern Ireland) Order 1989 insert "the 1998 Order" means the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

(4) After the definition of the Registration of Deeds Act (Northern Ireland) 1970 insert "the Registry of Deeds Index" has the meaning assigned to it by Regulation 9(1).

2. In Regulation 13 (Registration, etc of matrimonial charges)—

(1) In the heading and in paragraph (1) after the word "matrimonial" insert "or civil partnership".

(2) In paragraph (1) for the words "the 1984 Order" substitute "the 1998 Order".

(3) In paragraph (2)(b) delete the words ("the Matrimonial Charge Index") and insert ("the Registry of Deeds Index").

3. In Regulation 14 (Cancellation and vacation of registration on foot of subsequent registration)—

(1) In paragraphs (1) and (2) after the word "matrimonial" insert "or civil partnership".

(2) In paragraph (1) after the word "spouse" insert "or civil partner".

(3) In each place where the words "the 1984 Order" occur, substitute "the 1998 Order".

(4) In paragraph (2) for the words "the Matrimonial Charges Index" substitute "the Registry of Deeds Index".

4. In the Schedule to the Registration of Deeds Regulations—

(1) For Form 6 substitute—

FORM 6

Notice of a matrimonial or civil partnership charge (regulation 13(1))

THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

(*"the 1998 Order"*)

To the Registrar of Deeds for Northern Ireland

Particulars of matrimonial or civil partnership charge to be registered—	
Names(s), address(es) and occupation(s) or description(s) of the person(s) against whom the matrimonial or civil partnership charge is to be registered:	(*see Note 1*)
Name and address of the person entitled to the benefit of the matrimonial or civil partnership charge in whose favour it is to be registered:	(*see Note 2*)
Identification of the dwelling house affected by the charge:	(*see Note 3*)
(*omit if not applicable*) Particulars of court order made by Virtue of Article 5(7) of the 1998 Order:	By an order of the Family Division of the High Court of Justice in Northern Ireland or the (*insert name of*) Recorder's Court or the County Court for the Division of (*insert name*) dated (*insert date*) and made by virtue of Article 5(7) of the 1998 Order it was directed that (*give particulars of any direction extending the rights of occupation of person entitled to the benefit of the charge in respect of the above-mentioned dwelling house beyond the termination of the marriage or civil partnership of that person by death or otherwise*).

(*omit if not applicable*)

Particulars of subsisting registration of matrimonial or civil partnership charge which is to be cancelled or vacated by virtue of Article 7 of the 1998 Order

Particulars of any subsisting registration of a matrimonial or civil partnership charge in favour of the person entitled to the benefit of the matrimonial or civil partnership charge identified in the particulars above:	(*if registered in the Land Registry In accordance with Article 6(1)(a) of the 1998 Order, give the following particulars—* Charge registered in the Land Registry in— Folio: County: Registered Owner: (*if registered in the Registry of Deeds In accordance with Article 6(1)(b) of the 1998 Order, give the following particulars as set out in the document(s) which effected its registration—* Charge registered in the Registry of Deeds— Name(s) of the person(s) against whom the charge is registered: Identification of the dwelling house affected by the charge: Date and serial number of registration of the charge: Date and serial number of any renewal of registration in pursuance of Article 9(3) of the 1998 Order:

By virtue of Article 7(2) of the 1998 Order the above registration ceases to have effect on the registration of the matrimonial or civil partnership charge to which this notice relates and is to be cancelled or vacated accordingly.

Dated (*insert date*)

Signed by the said (*insert name*) in the presence of— (*see Note 4*)

Name and address of person or firm lodging document for registration:

Note 1 *By virtue of Article 6(1) of the 1998 Order a matrimonial or civil partnership charge may be registered when it is a charge on a* ***legal*** *estate, defined in Article 2(2) to include an equity of redemption arising on the conveyance or assignment of the legal estate by way of mortgage. Where the person against whose legal estate it is proposed to register the charge has granted a mortgage in respect of the dwelling house and the mortgage is registered in the Registry of Deeds, the name of that person (forenames and surname) should be furnished in accordance with the name of the mortgagor (grantor) on the registered mortgage deed; otherwise the* ***full*** *name (e.g. in accordance with a birth certificate) should be furnished.*

Note 2 *The full name should be furnished.*