STATUTORY RULES OF NORTHERN IRELAND

2007 No. 4

LAND REGISTRATION

Land Registration (Amendment) Rules (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 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**), hereby makes the following Rules:

Citation and commencement

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

Interpretation

2. In these Rules—

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

a reference to a rule or a form is a reference to a rule or a 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 and S.R. 2002 No. 229

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 LAND REGISTRATION RULES

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

(1) After the interpretation of "The Ground Rents Act" insert ""the 1998 Order" means the Family Homes and Domestic Violence (Northern Ireland) Order 1998"(**6**).

(2) For the definition of "matrimonial charge" substitute ""matrimonial or civil partnership charge" has the same meaning as in Article 5 of the 1998 Order".

(3) In the definition of "rights of occupation" for the words "Part II of the Family Law Order" substitute "Article 4 of the 1998 Order".

2. In Rule 29(2) (Notification of proposed registration)—

(a) After the word "matrimonial" insert "or civil partnership".

(b) For the words "the Family Law Order" substitute "the 1998 Order".

(c) After the word "spouse" insert "or civil partner".

3. In Rule 60 (Notice to owner of inclusion of registered charge) for the word "shall" substitute "may".

4. In Rule 86 (Registration of charging orders under the Criminal Justice Order) for the word "shall" substitute "may".

5. In Rule 89 (Application for registration of other enforcement orders) for the word "shall" substitute "may".

6. Delete Rule 90(2) (Cancellation of entries in respect of enforcement orders).

7. In Rule 91(4) (Registration of pending actions) for the word "shall" substitute "may".

8. In Rule 92 (Registration of matrimonial charges and renewal of registration)—

(a) In the heading and in paragraphs (1), (4) and (5) after the word "matrimonial" where it occurs insert "or civil partnership".

(b) In paragraph (1)(a) after the word "marriage" insert "or civil partnership".

(c) For the words "the Family Law Order" in each place they occur, substitute the words "the 1998 Order".

(d) In paragraph (2) for "Part II" substitute "Article 2(2)".

(e) In paragraphs (3) and (5) for the words "Article 5(4)" in each place where they occur, substitute "Article 5(7)".

9. In Rule 93 (Cancellation and variation of entries relating to the registration of matrimonial charges and postponement of priority)—

(a) In the heading and in paragraph (1) after the word "matrimonial" where it occurs, insert "or civil partnership".

(b) In paragraphs (2)(a) and (d) and (3)(a) after the word "spouse" in each place where it occurs, insert "or civil partner".

(c) In paragraph (2)(b) after the words "nullity of marriage" insert "or a certified copy of a dissolution or nullity order of the civil partnership".

(d) In paragraphs 2(b) and (d) after the word "marriage" insert "or civil partnership".

(**5**) Rule 2(1) was amended by paragraph 1 of the Schedule to the Land Registration(Amendment) Rules (Northern Ireland) 2002

(**6**) SI 1998/1071 (N.I. 6)

(e) In paragraphs (2)(c) and (3) for the words "the Family Law Order" in each place where they occur substitute "the 1998 Order".

(f) In paragraph 3 for the words "Article 5(4)" in each place where they occur, substitute "Article 5(7)".

10. In Rule 147(3) and (4) (Appurtenances) substitute the word "may" for "shall".

11. In Rule 153(3) (Notice of Bankruptcy petition) substitute the word "may" for "shall".

12. In Rule 169 (Notice of application) substitute the word "may" for "shall".

13. In Schedule 2 to the Land Registration Rules—

(a) For Form 1 substitute—

FORM 1

Application by a Solicitor for first registration (rule 11(1))

LAND REGISTRY

- Use a separate form for each title to be registered
- Complete panels in typescript or capital letters
- Form 3 must be used where the application is based on adverse possession.

FOR OFFICIAL USE ONLY
DOCUMENT No.

1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail e.g. an apartment or flat forming part of a building, the location map must be supplemented by a larger scale plan.*

"**The land**" The land shown

.....

.....

on the attached map being land situate at/known as

.....

.....

County ..... (See Panels 7 or 8 for registration of claims as to appurtenances or easements)

NB: Boundaries will be registered in accordance with the map attached to the Form 1 only

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**"

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in ..... and the Applicant is/are limited owner(s) having the powers of a tenant for life under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5**.

The Trustees for the purposes of the Settled Land Acts are .....

.....

4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If the panel is not completed co-owners will be assumed to be joint tenants).*

The applicants are:

☐ joint tenants

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

(if shares are not indicated equal shares will be assumed)