STATUTORY RULES OF NORTHERN IRELAND

2002 No. 229

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2002

Made - - - -	*26th June 2002*
Coming into operation	*29th July 2002*

The Department of Finance and Personnel, in exercise of the powers conferred by sections 81(1) and (2) and 85(3) of the Land Registration Act (Northern Ireland) 1970(**1**), and articles 35 and 35A of the Property (Northern Ireland) Order 1997(**2**), and sections 4(1) to (3), 5(2), 6(2) to (4), 7(3), 23(1), 26(2) to (5) and 31(1) of the Ground Rents Act (Northern Ireland) 2001(**3**) and now vested in it(**4**) and of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(**5**), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land Registration (Amendment) Rules (Northern Ireland) 2002 and shall come into operation on 29th July 2002.

Interpretation

2. In these Rules–

"the Land Registration Rules" means the Land Registration Rules (Northern Ireland) 1994(**6**);

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**) 1997 (N.I. 18)
(**3**) 2001 c. 5 (N.I.)
(**4**) By virtue of 1998 c. 47 s. 95(5) and Sch. 12, para. 10(1)(b)
(**5**) Established by 1970 c. 18 (N.I.) s. 85(1)
(**6**) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165

Sealed with the Official Seal of the Department of Finance and Personnel on 26th June 2002.

L.S.

Gareth Johnston
A Senior Officer of the
Department of Finance and Personnel

SCHEDULE Rule 3

AMENDMENT OF THE LAND REGISTRATION RULES

1. In Rule 2(1) (interpretation) after the interpretation of "Form" insert–

""the Ground Rents Act" means the Ground Rents Act (Northern Ireland) 2001(**7**);";

2. In Rule 116 (merger or extinguishment of leasehold estates) in paragraph (7) at the beginning insert–

"Subject to Rule 116A,".

3. After Rule 116 insert–

"Registration on redemption of ground rent under the Ground Rents Act

116A.—(1) Where by virtue of the provisions of the Ground Rents Act–

(a) the owner of a registered leasehold estate becomes entitled to be registered as owner of an unregistered fee simple estate and where it is intended to register the conversion of the registered leasehold estate, an application shall be made in Form 66A (or by a solicitor's certificate to the same effect);

(b) the same person is or becomes entitled to be registered as owner of a registered fee simple estate and is entitled to an inferior leasehold estate registered as a burden on the superior freehold estate but the title to which is otherwise unregistered and where it is intended to register the conversion of the relevant leasehold estate, an application shall be made in Form 66B (or by a solicitor's certificate to the same effect);

(c) the same person is or becomes entitled to be registered as owner of a registered fee simple estate and of a registered inferior leasehold estate where it is intended to register the conversion of the relevant leasehold estate, an application shall be made in Form 66C (or by a solicitor's certificate to the same effect).

(2) In all applications made under this rule, whether by affidavit or by a solicitor's certificate, there shall accompany the application, in addition to any document required in the prescribed forms, a certificate of redemption sealed under section 7(1) of the Ground Rents Act".

4. After Part VII insert–

"PART VIIA

the redemption of ground rents and related matters

Application by a rent payer wishing to redeem a ground rent under the Ground Rents Act

222A.—(1) An application under section 4(1) of the Ground Rents Act to redeem a ground rent shall be in Form 104.

(2) An application under section 4(1) of the Ground Rents Act shall, in addition to the items set out in section 4(2)(a) to (c) of that Act, be accompanied by–

(**7**) 2001 c. 5 (N.I.)

(a) a copy of the lease/grant under which the rent-payer holds the land referred to in the application certified to be a true copy of the lease/grant by a solicitor or estate agent; or

(b) where a copy of the lease/grant under which the rent-payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the lease/grant.

Notice under section 4(3) of the Ground Rents Act

222B. A notice served by a rent-payer on a rent-owner under section 4(3) of the Ground Rents Act shall be in Form 105.

Certificate of Redemption

222C. A certificate of redemption sealed under section 7(1) of the Ground Rents Act shall be in Form 106.

Application by a rent payer wishing to redeem a nominal ground rent under a lease under the Property Order

222D.—(1) An application under Article 35 (4) of the Property Order to redeem a nominal ground rent under a lease shall be in Form 107.

(2) An application under Article 35 (4) of the Property Order shall, in addition to the item specified in said Article, be accompanied by–

(a) a copy of the lease under which the rent payer holds the land referred to in the application certified to be a true copy of the lease by a solicitor or estate agent; or

(b) where a copy of the lease under which the rent payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the lease.

Application by a rent payer wishing to redeem a nominal ground rent under a fee farm grant under the Property Order

222E.—(1) An application under Article 35A (3) of the Property Order to redeem a nominal ground rent under a Fee Farm Grant shall be in Form 108.

(2) An application under Article 35A (3) of the Property Order shall, in addition to the item specified in said Section, be accompanied by–

(a) a copy of the fee farm grant under which the rent payer holds the land referred to in the application certified to be a true copy of the grant by a solicitor or estate agent; or

(b) where a copy of the fee farm grant under which the rent payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the fee farm grant.

Form of register to be kept under section 5(2) of the Ground Rents Act

222F. The form of register to be kept under section 5(2) of the Ground Rents Act shall be in Form 109.

Searches of the register kept under section 5(2) of the Ground Rents Act

222G.—(1) Any person requiring an official search to be made in the register kept under section 5(2) of the Ground Rents Act for subsisting entries relating to any parcel of land, shall deliver or send to the Registry a requisition in Form 110 signed by him, his solicitor or other authorised agent.

(2) Every such requisition shall identify the land in respect of which the search is to be made by providing the full postal address thereof (inclusive of postcode).

(3) A separate requisition shall be made in respect of each parcel of land for which the search is required.

(4) The result of an official search shall be set forth in a certificate which may be in Form 111 and which shall be authenticated in such manner as the Registrar may direct.

(5) Any person wishing to make a personal search in the register kept under section 5(2) of the Ground Rents Act or any index thereto shall deliver or send to the Registry a requisition in writing which may be in Form 112.

Circumstances in which the Registrar may be satisfied as mentioned in section 6(2) of the Ground Rents Act

222H. Subject to rule 222I, where a person lodges an application in Form 113 together with–

(a) a copy of the lease/grant under which that person was entitled to receive ground rent in relation to the land which is the subject of the application certified to be a true copy of the lease/grant by a solicitor or estate agent; or

(b) where a copy of the lease/grant under which that person was entitled to receive ground rent in relation to the land which is the subject of the application cannot be found, an affidavit by the applicant setting out his interest in the land and why he is unable to produce a copy of the lease/grant; and

(c) a certificate by a solicitor in Form 114 or a statutory declaration by an estate agent in Form 115,

the Registrar shall, unless he has actual notice to the contrary, be satisfied that that person is entitled to payment of the money referred to in the application.

Entitlement to payment of money as mentioned in section 6(4) of the Ground Rents Act

222I. A person is not entitled to payment of money lodged under section 4(2) of the Ground Rents Act in relation to the redemption of a ground rent unless–

(a) he is the rent-owner or a superior owner; and

(b) in a case where there is one or more superior rent, he includes within his application in Form 113, a declaration that all monies paid to him on foot of the certificate issued by the Registrar under section 6(2) of the Ground Rents Act, shall be held in trust for all persons who are by virtue of the provisions of the Ground Rents Act entitled to a share of the said monies.

Certificate of Entitlement

222J. A certificate under Section 6(2) of the Ground Rents Act shall be in Form 116.