STATUTORY RULES OF NORTHERN IRELAND

2000 No. 165

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2000

Made - - - -	*11th May 2000*
Coming into operation	*16th June 2000*

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 Article 46(2) of the Property (Northern Ireland) Order 1997(**3**) and of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(**4**), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land Registration (Amendment) Rules (Northern Ireland) 2000 and shall come into operation on 16th June 2000.

Interpretation

2. In these Rules—

"the Land Registration Rules" means the Land Registration Rules (Northern Ireland) 1994(**5**);

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.). Section 85 was amended by Article 14 of the Property (Northern Ireland) Order 1978 (S.I. 1978/459 (N.I. 4)) Article 381(2) of and paragraph 73 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) and Article 35(2) to (5) of and paragraph 2(1) and (8) of Schedule 1 to the Registration (Lands and Deeds) (Northern Ireland) Order 1992 (S.I. 1992/811 (N.I. 7))

(**2**) By 1973 c. 36 section 40 and paragraphs 7 and 8 of Schedule 5; S.I. 1982/338 (N.I. 6) Article 5 and Part II of Schedule 1; S.R. 1999 No. 481 Article 6(*b*); 1988 c. 47 sections 95(5) and paragraph 11(2) of Schedule 12 and 2000 c. 1 section 1(8) and paragraph 4(1)(*b*) of the Schedule

(**3**) S.I. 1997/1179 (N.I. 8)

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

(**5**) S.R. 1994 No. 424, to which there are no amendments

Sealed with the Official Seal of the Department of Finance and Personnel on 11th May 2000.

Arthur H. Moir
A senior officer of the
Department of Finance and Personnel

SCHEDULE

Amendment of the land registration rules

1. In rule 2 (interpretation) after the definition of "parcel of land" insert—

"the Property Order" means the Property (Northern Ireland) Order 1997(**6**);

2. For rule 7 (Folio Books) substitute—

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

3. For rule 11(1) (presentation of applications for first registration) substitute—

"(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 the following manner—

(a) applications for registration with an absolute, good fee farm grant or good leasehold title shall be made in Form 1;

(b) applications for registration with a qualified title may be made in Form 1 or Form 2; and

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

4. In rule 12 (documents to be delivered with an application for first registration of the ownership of a freehold estate)—

(i) after the words "except a case to which" insert "sub-paragraph (*e*),";

(ii) in sub-paragraph (*e*) omit the words "a duplicate, counterpart or copy certified by a solicitor as a true copy of"; and

(iii) in sub-paragraph (*e*)(ii) for the words "(if any)", substitute the words "or conveyance".

5. In rule 13 (documents to be delivered with an application for first registration of the ownership of a leasehold estate), for the words "(if any)", substitute the words "or conveyance".

6. In rule 16 (Memorial for Registrar of Deeds) omit "and shall be sealed with the official seal of the Registry".

7. In rule 23(3) (modification of examination of title), for the words "with the consent and at the expense of the applicant, refer" substitute "require the applicant to refer".

8. In rule 29(1) (notification of proposed registration), for the words "on an examination of title" substitute "on an application in Form 2 or Form 3".

9. In rule 30 (identification of part of registered land) omit "then unless that part is clearly identified on the registry map and may be identified thereon from a verbal description in the document, or is otherwise clearly identified".

10. In rule 43 (transfer for value by personal representative), for the word "may" substitute "shall".

11. In rule 67(1) (transfers of charges), for the word "may" substitute "shall" and after "Form 32" insert the words "with such modifications as the case may require".

12. In rule 115(4) (application for registration of title to registered land acquired by possession), for the words "shall be accompanied by the evidence necessary to prove the jurisdiction of the County

(**6**) S.I. 1997/1179 (N.I. 8)

Court to decide the application" substitute "shall identify the relevant division and address of the County Court which has jurisdiction to decide the matter".

13. In rule 120(1) (form of land certificate), omit "have affixed to it the official seal of the Registry and shall".

14. In rule 121(1) (form of certificate of charge), omit "shall have affixed to it the official seal of the Registry and".

15. For rule 122 (endorsed certificate of charge) substitute—

"122. Unless an applicant for registration specifically requests the issue of a certificate of charge in Form 68, the Registrar may issue a copy of the instrument of charge 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 copy so endorsed shall be the certificate of charge."

16. In rule 124 (separate certificates in certain cases)—

(i) in paragraph (1), omit "not being tenants in common";

(ii) omit paragraphs (2) and (3); and

(iii) in paragraph (4), for the words "have been issued under paragraph (2)" substitute "are in existence".

17. In rule 128(1) (production of certificates), after sub-paragraph (x) insert—

"(xi) any registration consequent upon a redemption under the provisions of the Property Order."

18. In rule 130(1)(*a*) (power to dispense with production of certificates in certain cases), after "ascertained" insert the words "or of a person who has failed to comply with an order made by the Registrar under Rule 129".

19. In rule 141 (registry map)—

(i) in paragraph 1(*a*) omit "position and extent of registered holdings are shown, or where registered holdings are shown on filed plans, the"; and

(ii) in paragraph (2) for the word "extent" substitute "location".

20. In rule 144 (application to make boundaries conclusive), in paragraph (3), omit "and the persons between whom such entry is conclusive".

21. In rule 173(2) (issue of forms and directions), omit "forms and" in both places where it occurs.

22. In rule 179 (documents to be retained in the Registry)—

(i) for the word "shall" substitute "may"; and

(ii) after "on behalf of the Registrar and", insert the words "where a document has been so retained it".

23. In rule 191 (objections to registration), for paragraph (3) substitute—

"(3) Before making any decision in the matter, the Registrar may require any person concerned to produce an affidavit or statutory declaration containing full particulars of any facts upon which that person seeks to rely; and the Registrar may, if he considers it to be necessary, 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."

24. In rule 195 (information to be furnished by a solicitor), omit "by a solicitor" from the heading and the rule.

25. After rule 202 (delay) insert—

"Proceedings under the Property Order

202A.—(1) A reference to the Registrar relating to any question arising or to any of the matters mentioned in Article 42(4)(*h*) to (*j*) of the Property Order shall be made by Affidavit signed by the applicant or his solicitor and shall exhibit thereto any documents or statements sought to be relied on by the applicant.

(2) If the Registrar considers that he is able to determine the matter, he may, in the course of such determination direct the applicant to make such enquiries, searches and advertisements and serve notices as he considers fit.

(3) If the Registrar is able to determine the matter, he shall give his decision in writing and notice thereof will be given to the applicant or his solicitor and such other persons who it appears may have an interest in the matter".

26. In rule 207(2) (lodgment and priority of applications) omit "and time".

27. In rule 210 (entry of a statutory charge)—

(i) in paragraph (*f*), omit "and time"; and

(ii) in paragraph (*g*), omit "and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon".

28. In Schedule 2 to the Land Registration Rules—

(1) for Form 1 substitute—

FORM 1Application for first registration (rule 11(1))