1991 No. 382

INSOLVENCY LAW

REGISTRATION OF DEEDS

Insolvency (Registration of Deeds) Regulations (Northern Ireland) 1991

Made	*20th August 1991*
Coming into operation . .	*1st October 1991*

The Department of the Environment, in exercise of the powers conferred by sections 3(4), 3A(1) and (3), 3B(1) and (3), 9(2), 10 and 19(1) of the Registration of Deeds Act (Northern Ireland) 1970(**a**) and by Article 6(7) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**b**) as applied by Article 310 of the Insolvency (Northern Ireland) Order 1989(**c**) and now vested in it(**d**) and of every other power enabling it in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Insolvency (Registration of Deeds) Regulations (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

Interpretation

2. In these Regulations—

"the Act" means the Registration of Deeds Act (Northern Ireland) 1970;

"the Order" means the Insolvency (Northern Ireland) Order 1989;

any reference to a Form by a number means a Form so numbered in the Schedule.

Registration of bankruptcy petition

3. The document to be lodged in the registry of deeds for registration of a bankruptcy petition pursuant to section 3A of the Act shall be in Form 1.

Vacation of registration of bankruptcy petition

4. The certificate of the appropriate court to be lodged in the registry of deeds for the purpose of vacating the registration of a bankruptcy petition shall be in Form 2.

(**a**) 1970 c. 25 (N.I.). Ss. 3A and 3B were inserted by S.I. 1989/2405 (N.I. 19) Art. 381 and Sch. 9 para. 77

(**b**) S.I. 1984/1984 (N.I. 14)

(**c**) S.I. 1989/2405 (N.I. 19)

(**d**) Functions of the Department of Finance transferred to the Department of the Environment: *See* S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Pt. II

Registration of bankruptcy order

5. The document to be lodged in the registry of deeds for registration of a bankruptcy order pursuant to section 3B of the Act shall be in Form 3.

Registration of order amending title of insolvency proceedings

6. Where an order has been made by the High Court amending the title of proceedings in an insolvency matter and the order has been lodged for registration in accordance with the Registration of Deeds Acts, the registrar of deeds shall on registration of such order include in the entries of the relevant bankruptcy petition and bankruptcy order (as the case may require) a reference to the amending order and the date of its registration in the registry of deeds.

Vacation of registration of bankruptcy order

7. The certificate of the appropriate court to be lodged in the registry of deeds for the purpose of vacating the registration of a bankruptcy order shall be in Form 4.

Registration of bankrupt's rights of occupation and the vacate, variation, release or postponement of priority of such rights

8.—(1) The Matrimonial Charges Regulations (Northern Ireland) 1989(**a**) shall not apply to a bankrupt's rights of occupation under Article 310 of the Order.

(2) Except as provided in paragraph (3), where a charge in respect of a bankrupt's rights of occupation affects unregistered land, its registration in the registry of deeds and the variation, release of, or the postponement of the priority of, such registration shall be effected by entering particulars of such document in the Abstract Book and in the Index of Names.

(3) The registration of a document lodged in the registry of deeds for the purpose of vacating the registration of a charge in respect of such rights of occupation shall be effected by entering a memorandum of such vacate in the Abstract Book adjacent to the entry of the registration of the relevant charge.

(4) The document to be lodged in the registry of deeds for registration of a charge in respect of such rights of occupation shall be in Form 5.

(5) The document to be lodged in the registry of deeds for the purpose of vacating the registration of a charge in respect of such rights of occupation shall be:—

(*a*) a judgment, decree or order of a court authorising the vacate of or terminating such charge;

(*b*) a certificate signed by an official of a Court or under the seal of a Court stating that such charge or the rights of occupation protected by such charge have ceased to have effect; or

(*c*) an affidavit in Form 6 made by the bankrupt.

(a) S.R. 1989 No. 271

(6) Except as provided in paragraph (5) the document to be lodged in the registry of deeds for registration of the variation of a bankrupt's rights of occupation, or the release of any interest in or part of the relevant dwellinghouse from such rights, or the postponement of the priority of such rights shall be in Form 7.

(7) When lodging a document referred to in paragraphs (4) and (6), the original document shall be accompanied by a copy. The original document shall, for the purpose of the Registration of Deeds Acts, be treated as the document to be registered and the copy shall, subject to section 12 of the Act and to any regulations made thereunder, be treated for those purposes as the memorial of that document.

Entries in Abstract Book and Index of Names

9.—(1) In the application of regulations 5 and 6 of the Registration of Deeds Regulations (Northern Ireland) 1968(**a**) to a memorial lodged in connection with the registration of a document referred to in regulations 3, 5, 6 and 8(4) and (6) the debtor or the bankrupt (as the case may be) and, where applicable, the trustee of the bankrupt's estate, shall be deemed to be grantors appearing in the memorial.

(2) In addition to the particulars required by the said regulation 5 to be contained in the abstract of such memorials there shall be entered therein the following particulars:—

(i) the title of the bankruptcy petition or the bankruptcy order (as the case may be);

(ii) the date of presentation of such petition, or the date of such order (as the case may be);

(iii) the High Court record number;

so far as the particulars are contained in the memorial.

Sealed with the Official Seal of the Department of the Environment on 20th August 1991.

(L.S.) *R. Warburton*
Assistant Secretary

(a) S.R. & O. 1968 No. 92

SCHEDULE Regulation 2

FORM 1 Regulation 3

REGISTRATION OF BANKRUPTCY PETITION

To the Registrar of Deeds for Northern Ireland

Registration of bankruptcy petition in accordance with section 3A of the Registration of Deeds Act (Northern Ireland) 1970

Title of bankruptcy petition	
Date of presentation of petition	
High Court record number	
Particulars of debtor as stated in petition	Surname: Forename(s): Occupation or description: Address(es):
Land affected by the petition	Any unregistered land of the debtor situated in Northern Ireland

(*Certificate of High Court*)

FORM 2 Regulation 4

VACATE OF REGISTRATION OF BANKRUPTCY PETITION

To the Registrar of Deeds for Northern Ireland

Certificate to vacate the registration of a bankruptcy petition

Title of bankruptcy petition	
High Court record number	
Date of presentation of petition	
Particulars of debtor as stated in bankruptcy petition (*as amended if appropriate*)	Surname: Forename(s): Occupation or description: Address(es):
Date of registration of bankruptcy petition in Registry of Deeds and serial number of registration	

In the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy)

I hereby certify that on ..... (*insert date*) an order was made directing/permitting the vacation of the registration of the above bankruptcy petition in the Registry of Deeds.

Date:

(*Signature of Court Official*)