1991 No. 381

INSOLVENCY LAW

LAND REGISTRATION

Land Registration (Amendment No. 3) Rules (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 48(2), 59(1), 67A(1), (2) and (3), 79(2) and 85(3) of the Land Registration Act (Northern Ireland) 1970(**a**) and by Article 6(5) 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 in exercise of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(**e**), hereby makes the following rules—

Citation, interpretation and commencement

1.—(1) These rules may be cited as the Land Registration (Amendment No. 3) Rules (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

(2) In these rules, a rule referred to by a number means a rule so numbered in the Land Registration Rules (Northern Ireland) 1977(**f**).

Registration of bankruptcy petitions, bankruptcy inhibitions, official receiver etc

2. Rules 150 and 151 are hereby revoked and the rules set out in Schedule 1 shall be inserted after rule 149.

Bankruptcy forms

3. Forms 76 and 77 in the Schedule to the Land Registration Rules (Northern Ireland) 1977 are hereby revoked and the forms set out in Schedule 2 shall be inserted after Form 75.

(**a**) 1970 c. 18 (N.I.) s. 59 was substituted and s. 67A was inserted by S.I. 1989/2405 (N.I. 19) Art. 381 and Sch. 9 paras. 71 and 72
(**b**) S.I. 1984/1984 (N.I. 14)
(**c**) S.I. 1989/2405 (N.I. 19)
(**d**) By 1974 (c. 28) s. 1(3) and Sch. 1, para. 2(1) and S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II
(**e**) Established by 1970 c. 18 (N.I.) s. 85(1)
(**f**) S.R. 1977 No. 154 to which there are amendments not relevant to the subject matter of these Rules

Minor and consequential amendments

4.—(1) In rule 90(1) (registration of judgments) for "Except in a case to which rule 90A applies" there shall be substituted "Except in cases to which rules 90A and 151D apply".

(2) In rule 124 (production of land certificates and certificates of charge) for paragraph (1)(*h*) there shall be substituted the following:—

"(*h*) one which adversely affects the title of the registered owner but not in the case of an entry relating to—

(i) a matrimonial charge,

(ii) a pending action,

(iii) a caution,

(iv) an inhibition,

(v) a restraint order or charging order made under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(**a**),

(vi) a notice of the presenting of a bankruptcy petition,

(vii) a bankruptcy inhibition under section 67A(3) of the Act,

(viii) an order imposing a charge under Article 286 of the Insolvency (Northern Ireland) Order 1989, or

(ix) a charge under Article 310 of the said Order.".

Application to the Crown

5. Subject to the provisions of the Land Registration Act (Northern Ireland) 1970 and the Insolvency (Northern Ireland) Order 1989, these Rules shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

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

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

(a) S.I. 1990/2588 (N.I. 17)

SCHEDULE 1 rule 2

Rules inserted after rule 149

INSOLVENCY

Notice of bankruptcy petition

150.—(1) The notice of the presentation of a bankruptcy petition which is required under section 67A of the Act to be given by the High Court shall be in Form 76.

(2) Notice of the presentation of such a petition shall be entered in the appropriate register in the following form:—

"Notice in respect of a bankruptcy petition against (*insert name, address and description of debtor*) presented in the High Court (Record No .....) protecting the rights of all creditors.".

(3) Notice of any such entry shall be sent to the registered owner of the estate appearing to be affected by the petition.

(4) An application for renewal of the registration of notice of the presentation of a bankruptcy petition shall be in Form 76A.

Cancellation of registration of a notice of bankruptcy petition

150A. The registration of a notice of the presentation of a bankruptcy petition may be cancelled on lodgment in the Registry of a certified copy of the order of the High Court directing or permitting such cancellation.

Bankruptcy inhibition

150B.—(1) The notice of a bankruptcy order to be given by the official receiver or the trustee in bankruptcy to the Registrar under section 67A(3) of the Act shall be in Form 77.

(2) A bankruptcy inhibition shall be entered in the appropriate register in the following form—

"Bankruptcy inhibition in pursuance of a bankruptcy order against (*insert name, address and description of bankrupt*) made by the High Court (Record No .....). Dealings with the land herein are inhibited as provided in section 67A(5) of the Land Registration Act (Northern Ireland) 1970.".

(3) Notice of any such entry shall be sent to the registered owner of the estate affected by the bankruptcy inhibition.

Cancellation of registration of bankruptcy inhibition

150C.—(1) The registration of an entry relating to a bankruptcy inhibition may be cancelled in whole or in part, as the case may require—

(*a*) on registration of the trustee in bankruptcy as owner of the estate affected by the bankruptcy inhibition;

(*b*) on lodgment of a certified copy of any relevant order of a court directing or permitting such cancellation; or

(*c*) upon lodgment in the Registry of an affidavit of the registered owner of the estate affected by the bankruptcy inhibition setting out the relevant facts, together with such documents or other evidence (if any) as, in the opinion of the Registrar, are sufficient to justify such cancellation, and after such examination of title as the Registrar considers proper.

(2) Cancellation pursuant to paragraph 1(*c*) shall be made only after such enquiries have been made as the Registrar directs and after notice has been sent to the official receiver or the trustee in bankruptcy as the case may require.

Registration of official receiver

151.—(1) The official receiver may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or, may be registered as assignee of a limited owner where the bankrupt is registered as a limited owner, on production to the Registrar of—

(*a*) a certified copy of the bankruptcy order relating to the bankrupt, and

(*b*) a certificate signed by the official receiver that the land is comprised in the bankrupt's estate, has vested in the official receiver as trustee and has not been disclaimed.

(2) The official receiver may be registered as owner in place of a deceased registered owner on production of such evidence as the Registrar may require.

Registration of trustee in bankruptcy in place of official receiver

151A. Where the official receiver has been registered as owner and some other person is subsequently appointed trustee, such person may be registered as owner in place of the official receiver on production of the evidence required by rule 151B(1).

Original registration of trustee in bankruptcy

151B.—(1) If the official receiver has not been registered as owner and some other person has been appointed trustee of the bankrupt's estate, such person may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or may be registered as assignee of a limited owner where the bankrupt is registered as limited owner, on production to the Registrar of—

(*a*) a certified copy of the bankruptcy order relating to the bankrupt,

(*b*) either a copy of his certificate of appointment as trustee by the meeting of the bankrupt's creditors duly certified by the trustee or his solicitor as being a true copy of the original or a copy of his certificate of appointment as trustee by the Department of Economic Development or a certified copy of the order of a Court of his appointment as trustee, and

(*c*) a certificate signed by the trustee that the land is comprised in the bankrupt's estate and has not been disclaimed.

(2) The trustee in bankruptcy may be registered in place of a deceased registered owner on production of such evidence as the Registrar may require.

Words added in register

151C. Where the official receiver or trustee in bankruptcy is registered as owner, the words "official receiver" or "trustee in bankruptcy of (*name*)" shall be added to the register.

Registration of order imposing charge

151D.—(1) Where an order has been made by the High Court pursuant to Article 286 of the Insolvency (Northern Ireland) Order 1989 such order may be registered on lodgment in the Registry of a certified copy of the order.

(2) The entry to be made in respect of the order shall be in Form 77A.

Registration of bankrupt's rights of occupation

151E.—(1) An application for the registration of a charge in respect of rights of occupation under Article 310 of the Insolvency (Northern Ireland) Order 1989 shall be in Form 77B and shall be accompanied by—

(*a*) a certified copy of the bankruptcy order relating to the bankrupt;