1991 No. 340

LAND REGISTRATION

Land Registration (Amendment No. 2) Rules (Northern Ireland) 1991

Made . . . . . *30th July 1991*

Coming into operation . . *2nd September 1991*

The Department of the Environment, in exercise of the powers conferred by sections 67(4)(**a**), 79 and 85(3) of the Land Registration Act (Northern Ireland) 1970(**b**), and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**c**) and now vested in it(**d**), and 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 and commencement

1. These Rules may be cited as the Land Registration (Amendment No. 2) Rules (Northern Ireland) 1991 and shall come into operation on 2nd September 1991.

Amendment of the Land Registration Rules (Northern Ireland) 1977

2. The Land Registration Rules (Northern Ireland) 1977(**f**) shall be amended as provided by rules 3 to 7.

Interpretation

3. In Rule 2, after the definition of ''certified copy'' there shall be inserted—

' ''Criminal Justice Order'' means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990;'

Registration discharge and variation of charging orders under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990

4.—(1) The following rules shall be inserted immediately after rule 90—

''*Registration of charging orders under the Criminal Justice Order*

90A. An application to register a charging order made under Article 14 of the Criminal Justice Order shall be made by lodgment in the Registry of a certified copy of the order and of any order varying it under Article 14(6) of the Criminal Justice Order.

(**a**) As applied by Article 13 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 S.I. 1990/2588 (N.I. 17)
(**b**) 1970 c. 18 (N.I.)
(**c**) 1974 c. 28
(**d**) 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

Discharge and variation of charging orders under the Criminal Justice Order

90B. An entry in the register protecting a charging order under Article 14 of the Criminal Justice Order shall be vacated or modified, as appropriate, upon lodgment in the Registry of a certified copy of an order of the High Court under Article 14(6) of the Criminal Justice Order discharging or varying such an order or directing that the relevant entry be vacated.''.

(2) At the beginning of rule 90(1) for ''An application'' there shall be substituted ''Except in a case to which rule 90A applies, an application''.

Registration etc of inhibition under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990

5.—(1) In rule 107(1) immediately after ''39'' there shall be inserted '', 113A''.

(2) In rules 110 and 111 immediately after ''inhibition'' there shall be inserted ''(other than one to which rule 113A applies)''.

(3) The following rule shall be inserted immediately after rule 113—

''*Registration modification and withdrawal of inhibition under the Criminal Justice Order*

113A.—(1) An application to the Registrar to enter an inhibition under Article 13(13) of the Criminal Justice Order may be made by lodgment in the Registry of an application in Form 61A.

(2) Where a restraint order has been made under Article 13 of the Criminal Justice Order prior to the making of an application under paragraph (1), that application shall be accompanied by a certified copy of the order and of any order varying it under Article 13(6) of the said Criminal Justice Order.

(3) Where an application under paragraph (1) is made to the Registry, notice in Form 61B shall be sent therefrom to the persons appearing from the register to be entitled to transfer or charge the interest in the land to which the application relates.

(4) Without prejudice to Article 13(15) of the Criminal Justice Order an inhibition under Article 13(13) of that Order may be withdrawn or modified at the request or with the agreement of—

(*a*) either:—

(i) the prosecution (within the meaning of Article 12(3)(*b*) of the Criminal Justice Order), or

(ii) the Director of Public Prosecutions for Northern Ireland or an official authorised by him in that behalf; and

(*b*) where it is proposed to modify the inhibition, the persons appearing from the register to be entitled to transfer or charge the interest in the land to which the inhibition relates.

(5) An application to withdraw or modify an inhibition to which paragraph (4) relates shall be in Form 63 save that the signatories shall be the persons set out in paragraph 4 or their solicitors.''.