1989 No. 271

FAMILY LAW

REGISTRATION OF DEEDS

Matrimonial Charges Regulations (Northern Ireland) 1989

Made . . . . . *11th July 1989*

Coming into operation . . *1st September 1989*

The Department of the Environment, in exercise of the powers conferred by sections 12(1), 13(1), (2), (3) and (4), 15 and 19(1) of the Registration of Deeds Act (Northern Ireland) 1970(**a**) and now vested in it(**b**), of the powers conferred on it by Articles 6(7) and 7(4) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**c**), 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 Matrimonial Charges Regulations (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2. In these Regulations—

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

"the Matrimonial Charges Index" has the meaning assigned to it by regulation 3(2);

"the Order" means the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984.

Registration, etc, of matrimonial charges

3.—(1) The documents to be lodged in the Registry of Deeds under Article 6(6) of the Order for or in connection with—

(*a*) the registration of a matrimonial charge to which Article 6(1)(*b*) of the Order applies;

(*b*) the renewal of such registration;

(*c*) the vacating or variation of such registration or the postponement of the priority of a matrimonial charge so registered,

shall be in Forms MC1, MC2 and MC3 in Schedule 1, respectively.

(a) 1970 c. 25 (N.I.);

(b) 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

(c) S.I. 1984/1984 (N.I. 14)

(2) Each document so lodged shall be accompanied by a copy and shall, subject to section 12 of the Act and any regulations made under that section, be registered—

(*a*) by filing the copy in the Registry of Deeds in sequence according to the serial number allocated to the document under section 8 of the Act; and

(*b*) by recording the document in an index kept in the Registry for that purpose (''the Matrimonial Charges Index'').

Cancellation of registration on foot of subsequent registration

4.—(1) Where the Registrar of Titles or the Registrar of Deeds (as the case may be) is notified by a spouse pursuant to Article 7(3) of the Order of a subsisting registration of a matrimonial charge, then, upon the subsequent registration of a matrimonial charge in favour of that spouse in respect of another dwelling house, that registrar shall (as the circumstances require)—

(*a*) cause the first mentioned registration (which has ceased to have effect by virtue of Article 7(2) of the Order) to be cancelled or vacated; or

(*b*) transmit a certificate in Form MC4 in Schedule 1 to the Registrar of Deeds or the Registrar of Titles (as the case may be), who shall, on receipt of such certificate, cause the first mentioned registration to be cancelled or vacated.

(2) The registration of a matrimonial charge in the Registry of Deeds which has ceased to have effect by virtue of Article 7(2) of the Order shall be vacated (as the circumstances require) by—

(*a*) making an entry in the Matrimonial Charges Index recording in relation to that registration a reference to the superseding registration in the Registry of Deeds; or

(*b*) filing a certificate by the Registrar of Titles pursuant to paragraph 1(*b*) in the Registry of Deeds in sequence according to the serial number allocated to the certificate under section 8 of the Act and recording the certificate in the Matrimonial Charges Index.

Amendment of Registration of Deeds Regulations (Northern Ireland) 1968

5.—(1) The Registration of Deeds Regulations (Northern Ireland) 1968(**a**) shall be amended in accordance with the following provisions of this regulation.

(2) In Regulation 2 the words from ''and the Regulations'' to the end of that Regulation shall cease to have effect.

(3) For Regulations 7 to 9 there shall be substituted the following Regulations—

''*Requisitions for searches*

7.—(1) A requisition for a common search shall be in the form prescribed in Form 1 in the Schedule and a requisition for a negative search shall be in the form prescribed in Form 2 in the Schedule.

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

(2) Requisitions for searches shall be given serial numbers and filed in the order in which they are received.

Common search, negative search and public search

8.—(1) A common search shall be carried out in accordance with the requisition to which it relates by one officer of the Registry of Deeds.

(2) A negative search shall be carried out in accordance with the requisition to which it relates by two officers of that Registry (independently of each other), who shall agree as to the result.

(3) Any person may—

(*a*) between the hours of 10 in the morning and 4 in the afternoon on such days as the Registry of Deeds is open to the public for the transaction of business, and

(*b*) in the presence of any officer of that Registry,

search, inspect and examine, and make extracts from or short notes of, the indexes, abstracts, transcript books and files of memorials and of other documents registered under the Registration of Deeds Acts.

Statement of common search and certificate of negative search

9.—(1) A statement of a common search shall be in the form prescribed in Form 3 in the Schedule and a certificate of a negative search shall be in the form prescribed in Form 4 in the Schedule.

(2) The abstract of each memorial set forth in that statement or certificate shall contain the same particulars as an abstract under Regulation 5 and the particulars so set forth of each document relating to a matrimonial charge shall contain—

(*a*) the name of the person against whom the charge is registered;

(*b*) the name of the person in whose favour the charge is registered;

(*c*) the identification of the dwelling house affected by the charge; and

(*d*) the nature of the document and its date of registration and serial number.''.

(4) For the Schedule there shall be substituted the Schedule set out in Schedule 2.

Nature of paper to be used in documents relating to matrimonial charges

6. In Regulation 4 of the Registration of Deeds (Nature of Paper) Regulations (Northern Ireland) 1971(**a**), after paragraph (2) there shall be inserted—

''(3) The paper to be used for copy documents lodged pursuant to Article 6(6) and (7) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 and regulation 3 of the Matrimonial Charges Regulations (Northern Ireland) 1989 shall conform with the specifications prescribed in paragraph (1).''.

(a) S.R. & O. (N.I.) 1971 No. 249

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 11th July 1989.

(L.S.) *J. Kirk*

Assistant Secretary

SCHEDULE 1 regulations 3(1) and 4(1)

FORMS

FORM MC1 regulation 3(1)

Notice of a Matrimonial Charge

FAMILY LAW (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1984
("the 1984 Order")

To the Registrar of Deeds in Northern Ireland

Particulars of Matrimonial Charge to be Registered

Name(s), address(es) and occupation(s) or description(s) of the person(s) against whom the matrimonial charge is to be registered (1):

Name and address of the person entitled to the benefit of the matrimonial charge in whose favour it is to be registered (2):

Identification of dwelling house affected by the charge (3):

[*omit if not applicable:*]

Particulars of court order made by virtue of Article 5(4) of the 1984 Order:

By an order of the [Family Division of the High Court of Justice in Northern Ireland/the ..... Recorder's Court/ the County Court for the Division of .....]
dated the day of 19 and made by virtue of Article 5(4) of the 1984 Order it was directed that [*give particulars of any direction extending the rights of occupation of person entitled to the benefit of the charge in respect of the above-mentioned dwelling-house beyond the termination of the marriage of that person by death or otherwise*].

[*omit if not applicable:*]

Particulars of Subsisting Registration of Matrimonial Charge which is to be Cancelled or Vacated by virtue of Article 7 of the 1984 Order

Particulars of any subsisting registration of a matrimonial charge in favour of the person entitled to the benefit of the matrimonial charge identified in the particulars above.

[*if registered in the Land Registry in accordance with Article 6(1)(a) of the 1984 Order, give the following particulars—*