STATUTORY INSTRUMENTS

1992 No. 811 (N.I. 7)

The Registration (Land and Deeds) (Northern Ireland) Order 1992 [F1]

- - - - - - *16th March 1992*

F1 functions transf. by SR 1999/481

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Registration (Land and Deeds) (Northern Ireland) Order 1992.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint[F2].

F2 fully exercised by SR 1992/393, 1994/423, 1997/27

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F3] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the 1970 Act" means the Land Registration Act (Northern Ireland) 1970[F4];

"the Deeds Act" means the Registration of Deeds Act (Northern Ireland) 1970[F5];

"the Department" means the Department of the Environment.

(3) Part II shall be construed as one with the 1970 Act.

(4) Part III shall be construed as one with the Deeds Act.

F3 1954 c. 33 (N.I.)
F4 1970 c. 18 (N.I.)
F5 1970 c. 25 (N.I.)

PART II

LAND REGISTRATION

The Land Registry

Abolition of local offices

3. Section 1(2) of the 1970 Act, under which the Land Registry consists of a central office in Belfast and local offices, shall cease to have effect.

Officials and seals

4.—(1) In section 1(3) of the 1970 Act (staff of Land Registry, functions, etc.) after "seals" there shall be inserted "used or".

(2) The amendments specified in the following paragraphs shall be made in Schedule 1 to the 1970 Act (administrative provisions relating to the Land Registry).

(3) For the cross-heading to paragraph 4 (appointment of other central office officials) substitute "Other officials".

(4) Before paragraph 6 (functions of staff of Land Registry) insert the cross-heading "Functions"; and in that paragraph for "and with Land Registry Rules" substitute "or any other statutory provision (including Land Registry Rules)".

(5) For paragraphs 7 to 12 (and their cross-headings) substitute:

"**7.** An assistant registrar nominated by the Registrar may, in accordance with any general or specific directions given by the Registrar and notwithstanding any vacancy subsequently occurring in the office of Registrar, act as Registrar and exercise all or any of the functions of the Registrar.

8. Where the Registrar is absent from the Land Registry or the office of Registrar is vacant and no person is acting as Registrar under paragraph 7 in accordance with a direction that he exercise all the functions of the Registrar, the senior assistant registrar present may act as Registrar and exercise all the functions of the Registrar.

9. All acts done by an assistant registrar under paragraph 7 or 8 shall, without proof of, respectively, the directions or circumstances, have the same effect in all respects as if they had been done by the Registrar.

The official seal

10. The Land Registry shall have an official seal.

11.—(1) Judicial notice shall be taken by all courts of the official seal of the Land Registry, and any document purporting to be sealed with that seal shall be admissible in evidence; and if the document is a copy of another document or a copy in legible form of a record kept in non-legible form, the copy shall be admissible in like manner as the original document or record.

(2) In this paragraph "legible" and "record" have the same meaning as in section 85A.

(3) This paragraph also applies to the official seal of the central office or a local office (under this paragraph as originally enacted) which has been affixed to any document before the commencement of Article 3 of the Registration (Land and Deeds) (Northern Ireland) Order 1992.".

Indemnity of Land Registry officials

5. The following section shall be substituted for section 3 of the 1970 Act:

"**Indemnity of Land Registry officials.**

3. The person who is Registrar shall not, nor shall any assistant registrar or other officer or person appointed under paragraph 5 of Schedule 1, be liable to any action, suit or proceedings for or in respect of any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred under this Act or any other statutory provision on the Registrar, the Land Registry, any assistant registrar or any officer or person appointed for the service of the Land Registry.".

The title register

Amalgamation of registers

6.—(1) Separate registers of freeholders, of leaseholders and of subsidiary interests shall cease to be maintained under section 10 of the 1970 Act.

(2) The registers maintained under that section which are in existence immediately before the commencement of this Article shall be treated as a single register to be known as "the title register".

(3) The following section shall be substituted for section 10 of the 1970 Act:

"**The title register.**

10.—(1) There shall be maintained by or on behalf of the Registrar in accordance with the provisions of this Act and of Land Registry Rules a register (in this Act referred to as "the title register") of title to—

(a) freehold estates in land;

(b) leasehold estates in land;

(c) land comprising incorporeal rights held in gross; and

(d) such other rights in land as may be prescribed.

(2) The references to estates in paragraphs (a) and (b) of subsection (1) exclude rights such as are mentioned in paragraph (c); and "leasehold estates" in paragraph (b) excludes a leasehold estate granted for a term of 21 years or less.".

Registration of title

Application for registration with qualified title

7.—(1) In sections 14(2) and 19(2) of the 1970 Act (class of title for which registration application may be made), after paragraph (c) there shall be inserted (in each case):

"; or

(d) a qualified title.” .

(2) In sections 14(6) and 19(7) of that Act (in each case) the words “or with a qualified title” shall cease to have effect.

Exemption, etc., of estates and land from Schedule 5 burdens

8.—(1) In sections 15(3) and 20(3) of the 1970 Act (under which, on first registration, the estate of the registered owner is subject to Schedule 5 burdens affecting the estate), at the beginning of paragraph (c) (in each case), there shall be inserted “without prejudice to Schedule 5, Part II, paragraph 1,”.

(2) In section 34(4) of the 1970 Act (under which transfers of registered land are subject to Schedule 5 burdens affecting the land), at the beginning of paragraph (b), there shall be inserted “without prejudice to Schedule 5, Part II, paragraph 1,”.

Extension of period within which certain matters must be registered

9.—(1) The amendments specified in the following paragraphs shall be made in Schedule 2 to the 1970 Act (compulsory registration).

(2) In column 2 of entry 3 in Part I (under which, where land is compulsorily acquired by a Government department or public or local body, an estate in the land cannot be acquired by persons deriving title until the title to the estate is registered) for “estate” in the second place where it occurs substitute “land”.

(3) In column 2 of entries 4, 5 and 6 in Part I (under which certain leases, rent-charges, fee farm grants and fishing or sporting rights are void unless applications are made to register them within three months) for “three” substitute “six”.

(4) In Part II for “entries 2, 4, 5 and 6” substitute “entry 2, and the period of six months so referred to in respect of entries 4, 5 and 6”.

First registration of certain leasehold estates

10.—(1) At the end of section 24 of the 1970 Act there shall be inserted:

> “(6) The provisions of Part IV of Schedule 2 shall have effect in connection with the registration of a leasehold estate the title to which is required to be registered under subsection (1) and entry 4 in Part I of Schedule 2.” .

(2) At the end of Schedule 2 to the 1970 Act (compulsory registration) there shall be inserted the following Part:

“PART IV

PROVISIONS RELATING TO CERTAIN LEASES

1. This Part applies to the estate created by a lease to which entry 4 in Part I applies, where the lease is made after the commencement of Article 10 of the Registration (Land and Deeds) (Northern Ireland) Order 1992.

2. For the purpose of—

(a) sections 72 and 73 of this Act (exemption from registration in, and notice to, the registry of deeds);

(b) section 5 of the Registration of Deeds Act (Northern Ireland) 1970 (documents that need not be registered in the registry of deeds); and

(c) Articles 46, 48 to 52 and 132 of the Judgments Enforcement (Northern Ireland) Order 1981[F6] (orders charging land; vacating of charges),

an estate to which this Part applies shall be deemed to be registered land as from the time when the lease is made.

3. No notice of the registration of an estate to which this Part applies need be given to the registrar of deeds under section 72(3) or otherwise.

4. Pending registration of an estate to which this Part applies-

(a) an order made by the Enforcement of Judgments Office charging land held for that estate shall not be capable of registration in the registry of deeds, nor, subject to sub-paragraph (b), shall it be capable of registration in the Land Registry;

(b) on the application of the person on whose application the order charging the land was made, notice of the order may be registered in the title register against the land out of which the lease was granted;

(c) so long as the notice subsists in the title register, the lessee shall not be registered as owner of the estate, nor shall any person claiming under him be registered as owner of the estate or any derivative estate, unless the charge—

(i) has been satisfied, or

(ii) has ceased to have effect, or

(iii) is entered on the title register as a burden;

and the entry relating to the notice shall state the restrictive effect thereof.

5. This Part does not prejudice the generality of section 72 (exemption from registration in the registry of deeds).".

(3) In Article 46(3) of the Judgments Enforcement (Northern Ireland) Order 1981 (order charging land not to have effect until registration)—

(a) after "Article 48" there shall be inserted "or paragraph 4 of Part IV of Schedule 2 to the Land Registration Act (Northern Ireland) 1970", and

(b) after "Land Registry, and" there shall be inserted "subject to Part IV of that Schedule 2".

F6 1981 NI 6

Extension of compulsory registration

11. The following amendments shall be made in section 25 of the 1970 Act (under which orders declaring all or part of a county or county borough to be a compulsory registration area are subject to affirmative resolution and cannot take effect until at least six months after being made):

(a) renumber the section as section 25(1) and in it—

(i) for "affirmative" substitute "negative";

(ii) for "county or county borough" (twice) substitute "local government district";

(iii) for "six months" substitute "three months";