



# Rights of Light Act (Northern Ireland) 1961

## 1961 CHAPTER 18

An Act to amend the law relating to rights of light, and for purposes connected with that matter. [19th December 1961]

### **1 Registration of notice in lieu of obstruction of access to light.**

- (1) For the purpose of preventing the access and use of light from being taken to be enjoyed without interruption, any person who is the owner of land (in this Act referred to as “the servient land”) over which light passes to a dwelling house, workshop or other building (in this Act referred to as “the dominant building”) may apply to the registrar of titles for the registration of a notice under this section in the Statutory Charges Register.

*Subs. (2) rep. by 1970 c. 18 (NI)*

- (3) An application for the registration of a notice under this section shall—
- <sup>F1</sup>(a) be accompanied by a fee of five pounds payable in the same manner in which fees may be paid to the Land Registry;
  - (b) state the name, address and description of the applicant and be signed by him;
  - (c) contain a description, by reference to a map or plan drawn to a scale sufficient to enable the servient land and the dominant building to be identified accurately upon the Ordnance map for the area within which they are situated;
  - (d) state the postal addresses of the servient land and of the dominant building;
  - (e) state the names, addresses and descriptions of all the persons who, at the time when the application is made, appear to the applicant to be persons likely to be affected by the registration of a notice in pursuance of the application;
  - (f) state that the registration of a notice in pursuance of the application is intended to be equivalent to the obstruction of the access of light to the dominant building across the servient land which would be caused by the erection, in such position on the servient land as is specified in the application, of one, and not more than one, opaque structure of unlimited height.

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*Changes to legislation: There are currently no known outstanding effects for the Rights of Light Act (Northern Ireland) 1961. (See end of Document for details)*

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- (4) The registrar of titles shall not register any notice under this section unless he is satisfied—
- (a) that adequate notice of the proposed application for registration has been given by post to all the persons described (pursuant to paragraph ( e) of sub-section (3)) in the application, and to any other person who appears to him to be likely to be affected by the registration of a notice in pursuance of the application; and
  - (b) that an adequate advertisement of the proposed application has been published in a newspaper circulating in the district in which the servient land and the dominant building are situated.

**Annotations:**

**F1** 1976 NI 21

## **2 Effect of registration of notice.**

- (1) Where, in pursuance of an application made in accordance with section one, a notice is registered thereunder, then, for the purpose of determining whether any person is entitled (by virtue of the Prescription Act, 1832 , or otherwise) to a right to the access of light to the dominant building across the servient land, the access of light to that building shall be treated as obstructed to the same extent, and with the like consequences, as if an opaque structure, of unlimited height—
- (a) had, on the date of registration of the notice, been erected in the position on the servient land specified in the application and had been so erected by the person who made the application; and
  - (b) had remained in that position during the period for which the notice has effect and had been removed at the end of that period.
- (2) For the purposes of this section a notice registered under section one shall be taken to have effect until—
- (a) the registration is cancelled; or
  - (b) the expiration of the period of one year beginning with the date of registration of the notice;
- whichever happens first.
- (3) Subject to the following provisions of this section, any person who, if such a structure as is mentioned in sub-section (1) had been erected as therein mentioned would have had a right of action in any court in respect of that structure, on the grounds that he was entitled to a right to the access of light to the dominant building across the servient land and that the said right was infringed by that structure, shall have the like right of action in that court in respect of the registration of a notice under section one, but an action shall not be begun by virtue of this sub-section after the notice in question has ceased to have effect.
- (4) Where, at any time during the period for which a notice registered under section one has effect, the circumstances are such that, if the access of light to the dominant building had been enjoyed continuously from a date one year earlier than the date on which enjoyment thereof in fact began, a person would have had a right of action in any court by virtue of sub-section (3) in respect of the registration of the notice, that person shall have the like right of action in that court by virtue of this sub-section in respect of the registration of the notice.