LAND REGISTRY, NORTHERN IRELAND

Statutory Charges Register

RULES, DATED 9TH APRIL, 1951, MADE BY ORDER OF THE MINISTRY OF FINANCE WITH THE CONCURRENCE OF THE LORD CHIEF JUSTICE AND THE CHANCERY JUDGE UNDER SECTION NINETY-FOUR OF THE LOCAL REGISTRATION OF TITLE (IRELAND) ACT, 1891 (a), AND SECTION EIGHT OF THE STATUTORY CHARGES REGISTER ACT (NORTHERN IRELAND), 1951 (b).

1951. No. 50

The Ministry of Finance for Northern Ireland in exercise of the powers conferred upon it by section ninety-four of the Local Registration of Title (Ireland) Act, 1891, as adapted by the Northern Ireland (Land Registry) (Adaptation of Enactments) Order, 1948 (c), and extended by section eight of the Statutory Charges Register Act (Northern Ireland), 1951, and with the concurrence of the Lord Chief Justice and the Chancery Judge, by this order makes the following Rules :—

Short Title and commencement.

1. These Rules may be cited as the Land Registry (Statutory Charges Register) Rules (Northern Ireland), 1951, and shall come into operation on the ninth day of April, nineteen hundred and fifty-one.

Interpretation.

2.—(1) In these Rules, save where the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

" Act of 1891 " means the Local Registration of Title (Ireland) Act, 1891 (d) ;

" Act of 1951 " means the Statutory Charges Register Act (Northern Ireland), 1951 ;

" Central Office " means the Central Office of the Land Registry of Northern Ireland ;

" Chancery Judge " means the Judge of the High Court to whom the business and matters arising in the Chancery Division of that Court are for the time being assigned ;

" entry " includes all entries made or required to be made in the Register in respect of any charge or priority notice ;

" Lord Chief Justice " means the Lord Chief Justice of Northern Ireland ;

" Ministry " means the Ministry of Finance for Northern Ireland ;

(a) 54 and 55 Vict. c.66. (b) 1951 ch. 3. (c) S.I. 1948, No. 485.
(d) 54 and 55 Vict. c.66.

" parcel of land " means a piece of land or a building or a part of a building in separate occupation or separately rated at the time of a requisition for search in the Register ;

" Register " means the Statutory Charges Register established and maintained in pursuance of sub-section (1) of section one of the Act of 1951 ;

" Registrar " includes the Registrar of Titles in Northern Ireland and such other person as may from time to time be nominated by the Ministry under the provisions of Rule 15 of these Rules to exercise the powers and perform the duties of the Registrar under the Act of 1951.

(2) The Interpretation Act, 1889 (e), shall apply to the interpretation of these Rules in like manner as it applies to an Act of the Parliament of Northern Ireland.

(3) In these Rules unless the context otherwise requires reference to any enactment shall be construed as reference to that enactment as amended by or under any other enactment.

Office of registration.

3. Application for registration of statutory charges and priority notices shall be delivered at the Central Office upon the days and between the hours during which that Office is open to the public or be sent by post addressed to the Registrar at the Central Office.

Applications for registration of a statutory charge.

4. Every application for registration of a statutory charge shall be authenticated, in the case of an application by a government department, by the signature of the secretary or an assistant secretary of that department or in the case of an application by a local authority, by the signature of the secretary, town clerk, or other principal officer of that authority, and shall contain :—

(*a*) a description, by reference to a map or plan drawn to scale or otherwise, sufficient to enable the land which is affected by the charge to be accurately identified upon the ordnance map relating to the area in which that land is situate ;

(*b*) the name, address and description of the applicant for registration ;

(*c*) a reference to the statute and section and, where in the opinion of the Registrar expedient, to the order, scheme, instrument, resolution, consent, approval or licence under which the charge was created or arose ;

(*d*) the date when the charge was created ;

(*e*) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon.

Applications for registration of a priority notice,

5. Every application for the registration of a priority notice shall be authenticated in the same manner as an application for the registration of a statutory charge and shall contain :—

(*a*) a description, by reference to a map or plan drawn to scale or otherwise, sufficient to enable the land which will be affected

(e) 52 and 53 Vict. c.63 and 12 Geo. V. c.4 (N.I.)

by the contemplated charge to be accurately identified upon the ordnance map relating to the area in which that land is situate ;

(*b*) the name, address and description of the applicant for registration ;

(*c*) a reference to the statute and section under which the contemplated charge is proposed to be acquired ;

(*d*) a statement of the nature of the contemplated charge.

Entry of a Statutory Charge in the Register.

6. Subject to section five of the Act of 1951 every entry of a statutory charge in the Register shall contain :—

(*a*) a description of the land affected by the charge ;

(*b*) a reference relating the entry to the definition on the ordnance map of the land it affects ;

(*c*) the name and address of the person entitled to the charge ;

(*d*) a reference to the statute and section under which the charge has been acquired ;

(*e*) the date when the charge was created ;

(*f*) the date and time of the registration of the charge ;

(*g*) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon ;

(*h*) such other particulars relating to the charge as may appear expedient to the Registrar.

Entry of a priority notice in the Register.

7. Every entry of a priority notice in the Register shall contain :—

(*a*) a description of the land which will be affected by the contemplated charge ;

(*b*) a reference relating the entry to the definition on the ordnance map of the land which will be affected by the contemplated charge ;

(*c*) the name and address of the person who has made application for registration of the notice ;

(*d*) a reference to the statute and section under which the contemplated charge is proposed to be acquired ;

(*e*) the date and time of registration of the notice ;

(*f*) a statement of the nature of the contemplated charge ;

(*g*) such other particulars relating to the notice as may appear expedient to the Registrar.

Indices.

8. The indices to the Register shall be kept in accordance with the directions of the Registrar in books in such manner that there shall be entered therein, opposite the name of each townland, reference to all entries in the Register affecting that townland or, in the case of county and other boroughs and urban areas, opposite the name of each street or townland, reference to all entries in the Register affecting that street or townland. Townlands and streets shall be shown in the index books in alphabetical order and a separate book may be kept for each county, county borough, borough and group of urban or rural districts in any county.

Maps.

9.—(1) Maps, consisting of the last revised ordnance maps for the whole of Northern Ireland, shall be kept in the Central Office and there shall be defined thereon the position and extent of the parcel or parcels of land affected by registered charges and priority notices. There shall be entered upon or near the definition of each parcel of land on the maps a reference to each entry in the Register relating to that parcel.

(2) A certified copy of the map of any parcel of land as shown on the maps shall be furnished to any person upon a written request by him to the Registrar and upon payment of the fee fixed by the Registrar in that behalf in accordance with paragraph 4 of the First Schedule hereto.

Personal Search.

10.—(1) The Register, index and maps shall be open to inspection by any person during the hours for which the Central Office remains open for the transaction of public business upon payment of the fee prescribed in that behalf in paragraph 1 of the First Schedule hereto.

(2) Any person desiring to make a personal search in the Register, index and maps shall, if so required by or on behalf of the Registrar, furnish his name and address and indicate by reference to a map or plan or otherwise the parcel or parcels of land in respect of which he proposes to search.

Official Searches and Certificates of Search.

11.—(1) When any person requires an official search to be made in the Register for subsisting entries against any parcel or parcels of land, he shall leave at or send to the Central Office a requisition in the Form No. 1 in the Second Schedule hereto and shall pay the fee prescribed in that behalf in paragraph 2 of the First Schedule hereto.

(2) Every such requisition shall be signed by the person making it or by his solicitor and shall define the parcel or parcels of land in respect of which the search is to be made by means of a map or plan drawn to scale and (except where the applicant does not require the plan to be returned) furnished in duplicate, or by other means sufficient, in the opinion of the Registrar, to enable the parcel or parcels of land in respect of which the search is required to be accurately identified.

(3) The Registrar shall thereupon cause the required search to be made and shall issue a certificate setting forth the result thereof in Form No. 2 in the Second Schedule hereto. The certificate shall be authenticated by the signature of the Registrar or by the signature of such other officer in the Central Office as the Registrar may nominate for that purpose.

(4) An official certificate of the result of a search shall extend to registrations of statutory charges and priority notices effected during the day of the date up to which the search is expressed to be made by the certificate and shall be issued only after the Central Office is closed for the transaction of public business on that date.

(5) A separate requisition for search shall be made in respect of each parcel of land in respect of which search is required, except where the Registrar is satisfied that a certificate is required in respect of