



Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

PART III

REGISTRATION OF OWNERSHIP

LEASEHOLD ESTATES

19 Application for first registration of leasehold estate.

- (1) An application for first registration of the ownership of a leasehold estate may be made by—
 - (a) the owner of the leasehold estate (including a personal representative or a person having under the Settled Land Acts the powers of a tenant for life, but excluding a mortgagee where there is a subsisting right of redemption); or
 - (b) any other person authorised in that behalf by any statutory provision;whether or not such estate is subject to incumbrances.
- (2) An application under subsection (1) shall be made for registration with—
 - (a) an absolute title; or
 - (b) a good leasehold title; or
 - (c) a possessory title^[F1]; or
 - ^[F1](d) a qualified title.]
- (3) Where the applicant is a personal representative, any registration under this section shall be made—
 - (a) by registering in the^[F1] title register], as owner of the estate, the person who is entitled thereto under the will or on the intestacy of the deceased owner; or
 - (b) by registering in the^[F1] title register], as owner of the estate, a transferee for valuable consideration of the lands from such personal representative; or

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- (c) by entering on the^{F1} title register] a note showing the nature of the estate of the deceased owner with particulars of the date of his death and of the grant of representation, including the names and addresses of the personal representatives.
- (4) The entry of a note referred to in subsection (3)(c) shall operate as if it were the registration of the deceased owner of the estate and as if it were the entry of the note referred to in paragraph 3 of Schedule 4.
- (5) A person shall not be registered under this section with an absolute title^{F1} until he has produced such evidence of title to—
- (a) the leasehold estate; and
 - (b) the freehold estate; and
 - (c) any intermediate estate which may exist,
- as the Registrar considers necessary to justify registration with the proposed class of title].
- (6) A person shall not be registered under this section with a title other than an absolute title^{F1} until his right to be so registered has been shown to the satisfaction of the Registrar.]
- (7) If, on application for first registration as owner of a leasehold estate with one of the classes of title specified in subsection (2), the Registrar decides that the person to be registered as owner of the estate should be registered with a title of another of those classes^{F1}. . . , he may, subject to such conditions as may be prescribed, register that person accordingly.

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20 Effect of first registration of leasehold estate with an absolute title.

- (1) On first registration of a person as full owner of a leasehold estate with an absolute title, the leasehold estate shall, subject to subsections (3) and (4), vest in the person so registered, whether or not it was theretofore vested in him.
- (2) On first registration of a person as limited owner of a leasehold estate with an absolute title, the person so registered shall, subject to subsections (3) and (4), be, in respect of that land, a tenant for life or, as the case may require, a person having under the Settled Land Acts the powers of a tenant for life, and that land shall be subject to the settlement in respect of which that person is registered as limited owner.
- (3) In either of the cases specified in subsections (1) and (2), the estate of the registered owner shall be subject to—
- (a) any registered burdens affecting the estate;
 - (b) any other matters appearing from the register to affect the estate; and
 - (c) ^{F2}without prejudice to Schedule 5, Part II, paragraph 1,] any Schedule 5 burdens affecting the estate;
- but, subject to section 11(3), shall be free from all other rights, including rights of the Crown.
- (4) If, on first registration, the registered owner holds the estate as trustee, nothing in this section shall affect his duties and liabilities as such trustee.

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21 Effect of first registration of leasehold estate with a good leasehold title.

- (1) On first registration of a person as full or limited owner of a leasehold estate with a good leasehold title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.
- (2) The first registration of a person as full or limited owner of a leasehold estate with a good leasehold title shall not prejudice or affect the enforcement of any right adverse to, or in derogation of, the title of the lessor to grant the lease.

22 Effect of first registration of leasehold estate with a possessory title.

- (1) On first registration of a person as full or limited owner of a leasehold estate with possessory title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.
- (2) The first registration of a person as full or limited owner of a leasehold estate with a possessory title shall not prejudice or affect the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to, or in derogation of, the title of that person (or, in the case of a limited owner, of that person and of any other person entitled under the settlement in respect of which the first-mentioned person is registered as limited owner) and subsisting or capable of arising at the time of first registration.

23 Qualified title to leasehold estate.

- (1) If, on an application for first registration of any person as full or limited owner of a leasehold estate^{F3} . . . , it appears to the Registrar^{F3} . . . that the title, either of the lessor to the reversion or of the lessee to the leasehold estate, can be established only for a limited period, or only subject to certain qualifications, the Registrar may, by an entry made on the register, except from the effect of registration any estate—
 - (a) arising before a specified date; or
 - (b) arising under a specified document; or
 - (c) otherwise particularly described in the register;and a title registered subject to any such exception shall be called a “qualified title” .
- (2) The first registration of a person as full or limited owner of a leasehold estate with a qualified title shall have the same effect as first registration with an absolute title or, as the case may be, with a good leasehold title save that first registration with a qualified title shall not prejudice or affect the enforcement of any estate appearing from the register to be excepted.

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