



Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

PART V

GENERAL PROVISIONS AS TO REGISTRATION

[^{F1}50A Souvenir land.

- (1) Land Registry Rules may make provision—
 - (a) for enabling the Registrar, in such circumstances and subject to such conditions as may be prescribed, to declare any area of land to be subject to a souvenir land scheme if the Registrar is satisfied that the land comprised in that area consists wholly or mainly of land—
 - (i) which has been, or is proposed to be, disposed of (by way of sale or otherwise) in souvenir plots; or
 - (ii) of which part has been, and the remainder is proposed to be, so disposed of;
 - (b) with respect to the cancellation of declarations and the extension or reduction of the area to which any declaration relates;
 - (c) for authorising or requiring the Registrar not to accept applications under this Act relating to souvenir land or notices, cautions or other documents relating to that land;
 - (d) for excepting souvenir land from any requirement under this Act for compulsory registration;
 - (e) for securing that transactions relating to souvenir land which is registered take effect as if the land were not registered land; and
 - (f) generally for modifying or excluding in relation to souvenir land the operation of any provision in this Act or any Land Registry Rules.
- (2) In this section—

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“declaration” means a declaration by the Registrar, made in pursuance of Land Registry Rules made under subsection (1)(a), that an area of land is subject to a souvenir land scheme;

“souvenir land” means land situated within an area in respect of which a declaration is for the time being in force;

“souvenir plot” means any piece of land which, being of inconsiderable size and little or no practical utility, is unlikely to be wanted in isolation except for the sake of pure ownership or for sentimental reasons or commemorative purposes.]

F1 1992 NI 7

51 Entry of rights appurtenant to land.

Where, on an application by the registered owner or other person entitled, the title to any right, privilege or appurtenance belonging, appurtenant or attached to any registered land is proved to the satisfaction of the Registrar, he shall make an entry in the^[F2] title register] showing the existence of such right, privilege or appurtenance.

F2 1992 NI 7

S.52 rep. by 1992 NI 7

53 Acquisition of title by possession.

- (1) Subject to the provisions of this section,^[F3] the Limitation (Northern Ireland) Order 1989] shall apply to registered land as it applies to unregistered land.
- (2) Where there has been a defeasance of an estate in any registered land in consequence of any of the provisions of the said Statute and—
 - (a) a person claims to have acquired a right by possession to be registered as owner of an estate in that land; or
 - (b) the personal representatives of a deceased person claim that the deceased or such representatives in right of the estate of the deceased had acquired such a right;

the person so claiming or, as the case may be, the personal representatives may apply to the Registrar, in such manner as may be prescribed, for registration of the title to that estate.
- (3) Without prejudice to section 6(2), the Registrar may, and shall if requested to do so by the applicant or by any other person who has lodged an objection to the application, refer the application for decision to the court.
- (4) On any application under this section, where the Registrar or, as the case may be, the court decides that a title has been acquired by the applicant or, where the application is made by the personal representative of a deceased person, by the deceased or by such representatives in right of the estate of the deceased, the registration of that title shall be effected in such manner as the Registrar may think proper but not so as to prejudice any estate of any other person in the land to which the application relates, being an estate which is not extinguished by the operation of the said Statute.

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F3 1989 NI 11

54 Notice of trusts.

- (1) Save as is expressly provided by this Act^[F4] or Land Registry Rules], notice of a trust shall not be entered on^[F4] the title register].
- (2) None of the following persons shall, by reason merely of the receipt by the Registrar of a document for the purpose of registration, be affected by notice of any trust contained in, or arising out of matters contained in, such document—
 - (a) the Registrar;
 - (b) a registered transferee for valuable consideration of the land;
 - (c) a registered owner of a burden created for valuable consideration on the land;
 - (d) a person claiming an estate created for valuable consideration in a registered burden on the land.
- (3) In this section, “trust” includes express, implied and constructive trusts.

F4 1992 NI 7

[F5]54A Liens

- (1) No lien other than a lien on land shall be the subject of an entry in the title register.
- (2) The power of the Registrar to make an order for production of any certificate of title or other title deed shall not be restricted by notice of the existence of any lien.]

F5 1992 NI 7

55 Undivided shares and co-owners.

- (1) The owner of any one or more undivided shares in any land may, for the purpose of showing the share which he holds in the land, be registered with the addition of such entries in the^[F6] title register] as may be prescribed.
- (2) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land, and, where two or more persons are so registered, they shall be deemed to be joint tenants unless there is any entry to the contrary in the^[F6] title register].
- (3) On the registration of two or more persons as owners of the same land, an entry may, with their consent, be made on the appropriate register to the effect that, when the numbers of those owners is reduced below a certain specified number, a disposition of the land shall not be registered except under an order of the court, or of the Registrar made after due examination of the title.
- (4) On the registration of two or more persons as owners of the same land, if the Registrar decides that any number of those owners less than the whole is entitled to make a registered disposition of the land, he shall make an entry on the^[F6] title register] to that effect, and, notwithstanding anything contained in this section, that number of those

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owners shall have power to make a registered disposition of the land without an order of the court or Registrar.

F6 1992 NI 7

56 Special provisions applicable to settled land and to charitable trusts, etc.

- (1) The provisions of Part I of Schedule 8 shall apply to settlements affecting any registered land.
- (2) The provisions of Part II of Schedule 8 shall apply to charitable and certain other trusts affecting any registered land.

57 Power for trustee to apply to the court for directions.

- (1) Where a trustee or other person acting in a fiduciary capacity is in doubt as to the person who ought to be registered pursuant to this Act, or as to any other matter with respect to which he is required or authorised to act by or under this Act, he may apply to the court for directions.
- (2) The costs properly incurred by a trustee or other person acting in a fiduciary capacity (including a limited owner exercising powers conferred on him by or under the Settled Land Acts or this Act) in, or in connection with, any proceeding or application required or authorised by or under this Act shall be costs properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, the Registrar, be ascertained and decided by the Registrar.

58 Provisions as to incumbrances created or issued by a body corporate which are not registered or protected.

Where a body corporate incorporated under any statutory provision is registered under this Act as owner of any registered land, the Registrar shall not be concerned with, and a person claiming under a registered dealing for valuable consideration shall not be affected by, any mortgage, charge, debenture, debenture stock, trust deed or other incumbrance created or issued by the body corporate, whether or not registered or recorded under any other statutory provision, unless such incumbrance is^[F7] registered as a burden] or is protected by the entry on the^[F7] title register] of a caution^[F7], an inhibition or a notice].

F7 1992 NI 7

[F8]59 Transmissions on bankruptcy of registered owner.

- (1) Upon the bankruptcy of the registered owner of any land his trustee shall (on production of the prescribed evidence to be furnished by the official receiver or trustee in bankruptcy that the land is comprised in the bankrupt's estate) be entitled to be registered as owner of the land or, as the case may be, as a tenant in common of the land with another or others.
- (2) Where a trustee in bankruptcy disclaims a registered leasehold estate under Articles 288 to 292 of the Insolvency (Northern Ireland) Order 1989, and an order is made by the High Court vesting the leasehold estate in any person, the order shall direct the

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alteration of the^{F9} title register] in favour of the person in whom the leasehold estate is so vested, and in such case the Registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to^{F9} compensation] under this Act shall arise by reason of such alteration.]

F8 1989 NI 19
F9 1992 NI 7

59A Effect of transmissions on bankruptcy

- (1) Subject to subsection (2), where a trustee in bankruptcy is registered as owner of land he shall in all respects, and in particular as respects registered dealing with the land, be in the same position as if he had taken the land under a transfer for valuable consideration.
- (2) The trustee in bankruptcy shall hold the land in respect of which he is registered for the purposes upon and subject to which the land is applicable by law, and subject to all unregistered rights subject to which the bankrupt held the land.

60 Minors.

- (1) Where the person entitled to be registered as owner of any land is a minor, he shall be so described in the^{F10} title register].
- (2) Where a minor registered owner of any land ceases to be a minor, he may apply, in such manner as may be prescribed, to have the description “minor” in the^{F10} title register] cancelled.
- (3) A minor may, for all or any of the purposes of this Act, be represented by such person as may be prescribed or by such person as the court^{F10} or, in the case of a reference to the Lands Tribunal, that Tribunal] may appoint.

F10 1992 NI 7

^{F11}61 Persons suffering from mental disorder.

Where a person is incapable, by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, of managing and administering his property and affairs, his controller or (if no controller is acting for him) any person authorised in that behalf may, under an order of the High Court or (as the case may be) the court^{F12} or, in the case of a reference to the Lands Tribunal, that Tribunal], represent him for all or any of the purposes of this Act.]

F11 1986 NI 4
F12 1992 NI 7

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