

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 24.

COMPULSORY REGISTRATION

PART I

COMPULSORY REGISTRATION AND EFFECT OF NON-REGISTRATION

Land subject to compulsory registration

1. Freehold land which has been at any time sold and conveyed to or vested in, or deemed to have been vested in, any person under the Land Purchase Acts and was, on or after the 1st January 1892, subject to an annuity or rent-charge for the repayment of an advance made under any of those Acts on account of purchase money.

2. Any freehold or leasehold estate, where the estate (not being an estate^[F1] comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)) and not being a mortgage) is acquired in respect of land situate in a compulsory registration area—

(a) in the case of a freehold estate, upon a conveyance on sale; or

(b) in the case of a leasehold estate—

(i) on the grant of such an estate, where the term granted exceeds twenty-one years; or

(ii) on the assignment on sale of such an estate, where the residue of the term granted exceeds, at the date of assignment, twenty-one years.

3. Without prejudice to entry 2, land (other than a mortgage^[F1] or land comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)) which is compulsorily acquired by a Government department or by a public or local body after the commencement of this Act and the ownership of which is registrable in^[F1] the title register].

Effect of non-registration

An estate in any such freehold land shall not be acquired under any conveyance executed on or after the 1st January 1892 until the title thereto is registered under this Act; but, on such registration, the title shall relate back to the date of execution of that conveyance.

Subject to Part II, the conveyance on sale of the freehold estate or the grant or assignment on sale of the leasehold estate shall become void on the expiration of three months from the date of execution thereof unless, within that period, application is made, in such manner as may be prescribed, for registration in the^[F1] title register] of the person entitled to be registered as owner by virtue of the conveyance, grant or assignment, or of his successor in title.

Notwithstanding anything contained in any other statutory provision, an estate in the land shall not be acquired by any person deriving title under the Government department or public or local body until the title to the^[F1] land] is registered under this Act.

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4. A lease referred to in paragraph (a) or (b) of entry 6 in Part I of Schedule 6, where such lease is made after the commencement of this Act and after the first registration of the land out of which the lease is granted.
- Subject to Part II, the lease shall, so far as it affects any registered land, become void on the expiration of^[F1 six] months from the date thereof unless, within that period, application is made, in such manner as may be prescribed, for—
- (a) entry as a Schedule 6 burden on the appropriate register of the lease; and
- (b) registration in the^[F1 title register] of the person entitled to be registered as owner by virtue of the lease, or of his successor in title.
5. A perpetual rent-charge or a fee farm rent issuing immediately out of land and created by a grant made after the commencement of this Act and after the first registration of that land.
- Subject to Part II, the grant shall, so far as it affects any registered land, become void on the expiration of^[F1 six] months from the date of such grant unless, within that period, application is made, in such manner as may be prescribed, for—
- (a) entry as a Schedule 6 burden on the^[F1 title register] of the rent-charge or rent; and
- (b) registration in the^[F1 title register] of the persons entitled to be registered as owners of the land and of the rent-charge or rent by virtue of the grant, or of their respective successors in title.
6. A fishing or sporting right created by express grant or reservation after the commencement of this Act and after the first registration of the land out of which the right is granted or reserved, where the right is held in gross and is of freehold tenure, or of leasehold tenure when the term granted exceeds twenty-one years.
- Subject to Part II, the grant or reservation creating the fishing or sporting right shall, so far as it affects any registered land, become void on the expiration of^[F1 six] months from the date of such grant or reservation unless, within that period, application is made, in such manner as may be prescribed, for—
- (a) entry as a Schedule 6 burden on the^[F1 title register], in such manner as may be prescribed, of the right; and
- (b) registration in the^[F1 title register] of the person entitled to be registered as owner by virtue of the grant or reservation, or of his successor in title.
7. Any estate in land required by any other statutory provision to be registered in the Land Registry.
- As is provided by that statutory provision.

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PART II

POWER TO EXTEND TIME FOR FIRST COMPULSORY REGISTRATION

Notwithstanding the period of three months referred to in column 2 in respect of [F2 entry 2, and the period of six months so referred to in respect of entries 4, 5 and 6], the Registrar may, on the application of any person interested in any particular case to which that period applies and in which the Registrar is satisfied that the application for registration—

- (a) cannot be made within that period, or can only be made within that period by incurring unreasonable expense; or
- (b) has not been made within that period by reason of some accident or other sufficient cause;

make an order extending that period; and, if such an order is made, then, upon the registration of the owner, or, as the case may be, of his successor in title, a note of the order shall be endorsed on the relevant document.

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PART III

INTERPRETATION OF PART I

In Part I—

“assignment on sale” means an assurance on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a leasehold estate may be made, and includes an assignment by way of exchange where money is paid for equality of exchange, but does not include an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion;

“conveyance”, in entry 1 therein, does not include a conveyance conveying an estate expectant on a freehold estate, whether the estate so expectant is in reversion or remainder, or a conveyance by way of mortgage or transferring a mortgage;

“conveyance on sale” means an assurance made on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a freehold estate may be made and includes a conveyance by way of exchange where money is paid for equality of exchange.

[F3]PART IV

PROVISIONS RELATING TO CERTAIN LEASES

F3 1992 NI 7

- 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);

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- (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 (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 subparagraph (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).]

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