

Status: Point in time view as at 29/08/2020.

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

SCHEDULES

SCHEDULE 1 **N.I.**

Section 1(3), (4) and (5).

ADMINISTRATIVE PROVISIONS RELATING TO LAND REGISTRY

N.I.

APPOINTMENT OF REGISTRAR OF TITLES

- 1 The Registrar shall be appointed by the Ministry after consultation with the Lord Chief Justice.
- 2 A person shall not be appointed to be Registrar unless he is either a barrister or solicitor and has practised as such for not less than ten years.
- 3 For the purposes of paragraph 2, service by a barrister or a solicitor in the^{F1} Land Registry] or in some other legal appointment under the Crown shall be deemed to be practice as a barrister or solicitor, as the case may be.

F1 1992 NI 7

N.I.

[^{F2}OTHER OFFICIALS]

F2 1992 NI 7

- 4 ^{F3} The Ministry may, after consultation with the Lord Chief Justice, appoint such number of persons, who are either barristers or solicitors, to be assistant registrars as it considers is necessary for the service of the^{F4} Land Registry].

F3 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6

F4 1992 NI 7

- 5 ^{F5} The Ministry may appoint such other officers and persons as, in the opinion of the Ministry, are necessary for the service of the^{F6} Land Registry].

F5 functions of D/Env exercisable with the approval of D/FP., 1982 NI 6

F6 1992 NI 7

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N.I.

[^{F7}FUNCTIONS]

F7 1992 NI 7

- 6 Each assistant registrar appointed under paragraph 4 and each officer and other person appointed under paragraph 5 shall exercise, in accordance with this Act^[F8] or any other statutory provision (including Land Registry Rules)], such of the functions of the Registrar as may be assigned to him by the Registrar, and shall be responsible to the Registrar for the exercise of the functions so assigned.

F8 1992 NI 7

- ^[F9]7 An assistant registrar nominated by the Registrar may, in accordance with any general or specific directions given by the Registrar and notwithstanding any vacancy subsequently occurring in the office of Registrar, act as Registrar and exercise all or any of the functions of the Registrar.

F9 1992 NI 7

- 8 Where the Registrar is absent from the Land Registry or the office of Registrar is vacant and no person is acting as Registrar under paragraph 7 in accordance with a direction that he exercise all the functions of the Registrar, the senior assistant registrar present may act as Registrar and exercise all the functions of the Registrar.
- 9 All acts done by an assistant registrar under paragraph 7 or 8 shall, without proof of, respectively, the directions or circumstances, have the same effect in all respects as if they had been done by the Registrar.

N.I.

THE OFFICIAL SEAL

- 10 The Land Registry shall have an official seal.
- 11 (1) Judicial notice shall be taken by all courts of the official seal of the Land Registry, and any document purporting to be sealed with that seal shall be admissible in evidence; and if the document is a copy of another document or a copy in legible form of a record kept in non-legible form, the copy shall be admissible in like manner as the original document or record.
- (2) In this paragraph “legible” and “record” have the same meaning as in section 85A.
- (3) This paragraph also applies to the official seal of the central office or a local office (under this paragraph as originally enacted) which has been affixed to any document before the commencement of Article 3 of the Registration (Land and Deeds) (Northern Ireland) Order 1992.

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[^{F10}SCHEDULE 1A N.I.]

ELECTRONIC REGISTRATION

F10 Sch. 1A inserted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, 2(5), Sch.

Interpretation of this Schedule

1 In this Schedule—

“digital signature” means data in electronic form which is incorporated into or logically associated with an electronic document which serves as a method of authentication and which is—

- (a) uniquely linked to the signatory;
- (b) capable of identifying the signatory;
- (c) created using a signature creation device that the signatory can maintain under the signatory's sole control; and
- (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

“electronic document” means a document created as an electronic communication within the Land Registry computer system;

“the Land Registry computer system” means the computer system operated by the Registry to enable creation of electronic documents and the electronic generation and communication of applications for registration of an estate or interest in land and automated registration of any such estate or interest;

“signatory” means a person who holds a signature creation device and acts either on his own behalf or on behalf of the person he represents;

“signature creation data” means unique data (including, but not limited to, codes or private cryptographic keys) which are used by the signatory to create an electronic signature;

“signature creation device” means configured software or hardware used to implement the signature creation data.

Validity of electronic documents

2 An electronic document which is valid in respect of the formalities of execution detailed in paragraph 3 shall be valid for the creation, transfer, variation or extinction of an estate or interest in land.

Formalities of execution of electronic documents

3 (1) An electronic document shall be valid in respect of the formalities of execution if that document has been authenticated by the person executing the document, or if there is more than one such person by each person, in accordance with sub-paragraph (2).

(2) An electronic document is authenticated if the digital signature of each person by whom the document purports to be authenticated—

- (a) is incorporated into or logically associated with the electronic document;
- (b) was created by the signatory by whom it purports to have been created;

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- (c) was created in accordance with such conditions as may be set out in directions given by the Registrar; and
 - (d) is certified in accordance with the provisions in sub-paragraph (4) and such conditions as may be set out in directions given by the Registrar.
- (3) A direction given by the Registrar under sub-paragraph (2)—
- (a) shall be made after consultation with the Law Society of Northern Ireland;
 - (b) shall be published in such manner as the Registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;
 - (c) may include incidental, supplementary, saving and transitional provisions; and
 - (d) may be varied or revoked by a subsequent direction.
- (4) For the purpose of this Schedule a digital signature incorporated into or associated with an electronic document is certified by any person if that person (whether at the time of or after the creation of the electronic document) has made a statement confirming that—
- (a) the signature;
 - (b) a means of producing, communicating or verifying the signature; or
 - (c) a procedure applied to the signature,
- is (either alone or in combination with other factors) a valid means of establishing the authenticity of the document, the integrity of the document or both.

Equivalent treatment of electronic documents

- 4 (1) An electronic document authenticated in accordance with paragraph 3(2) is to be regarded for the purposes of any statutory provision as having the same effect as if the electronic document were a deed or a written document.
- (2) Where a person executes an electronic document in more than one capacity, authentication of that document by that person in accordance with this Act shall be sufficient to bind that person in all such capacities, unless a contrary intention appears from the document.

Presumption as to the authentication of electronic documents

- 5 Where an electronic document purports to be authenticated in accordance with the provisions of this Schedule the Registrar shall be entitled to presume that such electronic document was authenticated by the person by whom it purports to be authenticated.]

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SCHEDULE 2 **N.I.**

Section 24.

COMPULSORY REGISTRATION

PART I **N.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^[F11] 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^[F11] 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^[F11] the title register].

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.

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^[F11] 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^[F11] land] is registered under this Act.

Subject to Part II, the lease shall, so far as it affects any registered land, become void on the expiration of^[F11] six] months from the date thereof unless, within that period, application is made, in such manner as may be prescribed, for—

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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^{F11} 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^{F11} title register] of the rent-charge or rent; and
- (b) registration in the^{F11} 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^{F11} 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^{F11} title register], in such manner as may be prescribed, of the right; and
- (b) registration in the^{F11} 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.

F11 1992 NI 7

PART II **N.I.**

POWER TO EXTEND TIME FOR FIRST COMPULSORY REGISTRATION

Notwithstanding the period of three months referred to in column 2 in respect of^{F12} 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

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(b) has not been made within that period by reason of some accident or other sufficient cause;

[^{F13}order that the period be extended; and, if the Registrar so orders, then, upon the registration of the owner, or, as the case may be, of his successor in title, a note of that fact shall be recorded on the application.]

F12 1992 NI 7

F13 Words in Sch. 2 Pt. II substituted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, 2(6)

F12 1992 NI 7

F13 Words in Sch. 2 Pt. II substituted (3.10.2011) by Land Registration (Electronic Communications) Order (Northern Ireland) 2011 (S.R. 2011/158), arts. 1, 2(6)

PART III **N.I.**

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.

[^{F14}PART IV **N.I.**

PROVISIONS RELATING TO CERTAIN LEASES

F14 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).]

SCHEDULE 3 **N.I.**

Section 26.

RECLASSIFICATION OF TITLE

N.I.

RECLASSIFICATION OF TITLES FORMERLY SUBJECT TO NOTES
 AS TO EQUITIES AND DEEMED TO BE POSSESSORY TITLES

- 1 Subject to paragraph 4, where the title to any registered land is deemed, by virtue of paragraph 2 of Part I of Schedule 13, to be a possessory title, the Registrar may, on the application, in accordance with Land Registry Rules, of the registered owner of the land, reclassify the title as absolute.

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N.I.

RECLASSIFICATION OF TITLES ON EFFLUX OF TIME

- 2 Subject to paragraph 4, where a person is registered or deemed to be registered (otherwise than by virtue of paragraph 2 of Part I of Schedule 13) with a possessory title to any estate in registered land and an application is made for registration of a transfer of that estate for valuable consideration, the Registrar may—
- (a) on the application of the registered owner or of the transferee;
 - (b) if satisfied that^{F15} twelve] years have elapsed since the first registration of the estate and the registered owner was, immediately prior to the transfer, in possession of the estate; and
 - (c) after giving such notices as may be prescribed;
- register the transferee—
- (i) in the case of a freehold estate, with an absolute title or, if the circumstances of the case so require, with a good fee farm grant title; or
 - (ii) in the case of a leasehold estate, with a good leasehold title.

F15 1992 NI 7

N.I.

RECLASSIFICATION OF TITLES IN OTHER CASES

- 3 Subject to paragraphs 4 and 5, where any person is registered with a title to any estate in registered land other than an absolute title, the Registrar may—
- (a) on his own initiative or on the application, in such manner as may be prescribed, of the registered owner of the estate or of some other person claiming to be entitled thereto;^{F16} . . .

Sub-para (b) rep. by 1992 NI 7

register the registered owner or such other person as he is satisfied is entitled to be registered as such—

- (i) if the existing registration is with a good fee farm grant title or a good leasehold title, with an absolute title; or
- (ii) if the existing registration is with a possessory title or a qualified title, with an absolute title, a good fee farm grant title or a good leasehold title, as the case may require.

F16 1992 NI 7

N.I.

ADVERSE CLAIMS

- 4 If any claim adverse to the title of the registered owner is made, the Registrar shall not reclassify the title under this Schedule until such claim has been disposed of.

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N.I.

EVIDENCE OF TITLE AND NOTICES

- 5 In any case to which paragraph 3 applies, an applicant for re-classification shall produce such evidence of title as the Registrar may require, and the Registrar shall not reclassify the title until—
- (a) that evidence of title has been furnished to him; and
 - (b) such notices, if any, as may be prescribed, or as he may require to be given, have been given.

SCHEDULE 4 **N.I.**

Section 37.

TRANSMISSION OF REGISTERED LAND

N.I.

TRANSMISSION ON DEATH OF A FULL OWNER IN RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT

- 1 (1) Without prejudice to the rights of the owner of any registered burden, on the death of a registered full owner of any land, not being a joint tenant whose interest ceased at death, the personal representatives of the deceased owner shall alone be recognised by the Registrar as having any right to deal with the estate of the deceased owner in the land, and any dispositions by them shall have the same effect as if they were the registered owners.
- ^{F17}(2) Where the personal representative, or one of the personal representatives, of the deceased owner is a trust corporation within the meaning of Article 9 of the Administration of Estates (Northern Ireland) Order 1979, any officer authorised for the purpose by the corporation, or by its directors or governing body, may, on behalf of the corporation, swear affidavits and do any act or thing which may be required, by reason of the corporation's appointment as a personal representative, for the purpose of any application, dealing or proceeding under this Act or under Land Registry Rules, and the acts of an officer so authorised shall be binding on the corporation.]

F17 1979 NI 14

- 2 Nothing in this Act or in any other statutory provision shall require the Registrar to register as owner a person in his capacity as a personal representative.
- 3 The Registrar may enter on the^{F18} title register] a note of the fact of the death of a registered owner, stating the particulars of representation.

F18 1992 NI 7

- 4 The production of an assent or transfer in the prescribed form from the personal representatives shall authorise the Registrar to register the person named in such assent or transfer as full owner or limited owner of the land, as the case may be^{F19},

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and to register any burdens specified in the assent or transfer and the ownership of such burdens, where so specified].

F19 1992 NI 7

- 5 On an application to the court under subsection (3) of section 34 of the Administration of Estates Act (Northern Ireland) 1955 in respect of registered land, the court may, notwithstanding anything in that subsection—
- (a) order that the applicant be registered as owner of the land;
 - (b) dispense with notice to the personal representatives when it is satisfied that—
 - (i) at least six years have elapsed since the death of the deceased; and
 - (ii) the personal representatives are dead or out of the jurisdiction.

N.I.

TRANSMISSION OF ESTATE OF LIMITED OWNER ON DEATH, IN
RESPECT OF DEATHS AFTER COMMENCEMENT OF ACT, OR OTHERWISE

- 6 ^[F20(1)] ^[F20]Without prejudice to sub-paragraph (2) and paragraph 6A,] on the determination of the estate of a limited owner of registered land, the Registrar shall, on application in such manner as may be prescribed, register as owner the person entitled to be registered as such.

^[F20(2)] Where—

- (a) a person has been registered as limited owner by virtue of paragraph 4; and
- (b) the estate (“the relevant estate”) of that person is determined;

then, the assent or transfer mentioned in paragraph 4 shall, on application in such manner as may be prescribed, authorise the Registrar—

- (i) to register as full or limited owner (as the case may be) the person named in the assent or transfer (or his successor in title) as the person entitled to the land on the determination of the relevant estate; and
- (ii) to register any burdens specified in the assent or transfer and, where the ownership of such burdens is specified in the assent or transfer, the owner so specified or his successor in title.]

F20 1992 NI 7

N.I.

^[F21]FUNCTIONS OF REGISTRAR IN RELATION TO ASSENTS
OR TRANSFERS BY PERSONAL REPRESENTATIVES]

F21 1992 NI 7

- 6A Where an application for registration is made for the purposes of paragraph 4 or 6(2), the Registrar—
- (a) shall not call for any information as to why the assent or transfer was made;

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- (b) shall assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.

N.I.

APPLICATION OF PARAGRAPHS 1 TO^[F22] 6A]

F22 1992 NI 7

- 7 Paragraphs 1 to^[F23] 6A] shall, in relation to transmissions on death, apply in the case of persons dying after the commencement of this Act.

F23 1992 NI 7

N.I.

TRANSMISSION OF REGISTERED LAND IN THE CASE OF PERSONS DYING BEFORE THE COMMENCEMENT OF ACT

- 8 Subject to paragraph 9, the provisions of the law in force immediately before the commencement of this Act shall apply in the case of persons dying before that date as if this Act had not been passed.
- 9 Nothing in paragraph 8 shall prevent—
- (a) the replacement (with or without amendment), by Land Registry Rules, of orders and rules under the Act of 1891 relating to the practice and procedure applicable in the case of persons dying before the commencement of this Act; or
 - (b) the fixing, by order under section 84, of fees in respect of such practice and procedure.

SCHEDULE 5 **N.I.**

Section 38.

BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

PART I **N.I.**

LIST OF BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

- 1 ...^{F24} Crown rents.

F24 1975 c.7

- 2 Quit rents, tithe rent-charges and payments in lieu of tithe or tithe rent-charges created before the commencement of this Act.

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- 3 Annuities or rent-charges for the repayment of advances made under any of the Land Purchase Acts on account of purchase money.
- 4 Annuities charged under section 27 of the Landlord and Tenant (Ireland) Act 1870 , where such charge has been created before the commencement of this Act.
- 5 Any statutory provision by which the alienation, assignment, sub-division or sub-letting of any land is prohibited or in any way restricted.
- 6 In the case of a registered leasehold estate, all express and implied covenants, conditions and liabilities incident to the lease under which the estate is held.
- 7 Rights of the public or of any class of the public.
- 8 Customary rights, franchises and liabilities arising from tenure.
- 9 Easements and profits *à prendre*, unless they are created by express grant or reservation after the first registration of the land, not being a grant or reservation required to be registered in the Statutory Charges Register.
- 10 Any rights to or in relation to mines and minerals or petroleum vested in the Ministry of Commerce by virtue of any statutory provision.
- 11 Where a person is registered as owner of any land^{F25} . . . but the registration does not extend to all mineral rights in that land, all such powers of working, wayleaves or rights of way and rights of water and drainage, and other powers, easements, rights and privileges for, or incident to or connected with, mining purposes, as are for the time being subsisting over the land and are not created by express grant or reservation after the first registration of the land.

F25 1992 NI 7

- 12 Any lease where the term granted does not exceed twenty-one years (or, in the case of leases granted before the commencement of this Act, thirty-one years) and where there is an occupation under any such lease.
- 13 In the case of any land in respect of which the owner is registered with a title other than an absolute title, all rights excepted from the effect of first registration.
- 14 Subject to the provisions of this Act, all rights acquired, or in the course of being acquired, consequent on^{F26} the Limitation (Northern Ireland) Order 1989].

F26 1989 NI 11

- 15 The right of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where—
 - (a) upon inquiry made of such person, the right is not disclosed; or
 - (b) the right is a Schedule 6 burden.
- ^{F27}16 Any covenant (within the meaning of the Property (Northern Ireland) Order 1997) which continues to burden land by virtue of—
 - (a) Article 35(8) or 35A(7) of that Order; or
 - (b) section 16(2) of the Ground Rents Act (Northern Ireland) 2001.]

F27 2001 c. 5 (NI)

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PART II N.I.

PROVISIONS AFFECTING SCHEDULE 5 BURDENS

- 1 Where it is proved to the satisfaction of the Registrar that any land registered or about to be registered is exempt from, or has ceased to be subject to, any burden specified in Part I, he may enter notice of the fact on the^{F28} title register].

F28 1992 NI 7

- 2 The Registrar shall note on the^{F29} title register], in such manner as may be prescribed, the prohibitive or restrictive provisions of any statutory provision to which entry 5 in Part I applies.

F29 1992 NI 7

SCHEDULE 6 N.I.

Section 39.

REGISTRATION OF CERTAIN BURDENS

PART I N.I.

LIST OF BURDENS TO WHICH SECTION 39 APPLIES

- 1 Any charge on the land created after the first registration of the land.
- 2 Any rent-charge or perpetual rent (not being a rent-charge or rent which, by virtue of entry 2 or 3 in Part I of Schedule 5, affects registered land without registration) issuing out of the land, whether created before or after the first registration of the land.
- 3 Any power to charge the land with the payment of money, whether created or arising before or after the first registration of the land.
- 4 Any trust for securing money on the land created or arising before or after the first registration of the land.
- 5 Any lien on the land for unpaid purchase money, whether existing before or after the first registration of the land.
- 6 Any lease of the land where the term granted—

Para.(a) rep. by 1997 NI 8

- (b) exceeds twenty-one years, or, in the case of a lease granted before the commencement of this Act, thirty-one years; or
- (c) is for twenty-one years or less (or, in the case of a lease granted before the commencement of this Act, thirty-one years or less), but there is not any occupation under the lease;

whether granted before or after the first registration of the land.

- 7 Any judgment^{F30} other than a bankruptcy order], or any enforcement order within the meaning of [^{F31} the Judgments Enforcement (Northern Ireland) Order 1981]

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(other than an order charging land), affecting the land, whether given or made before or after the first registration of the land.

F30 1989 NI 19

F31 1981 NI 6

8 Any pending action relating to the land, whether existing before or after the first registration of the land.

[^{F32}8A Any bankruptcy petition relating to the land whether existing before or after the first registration of the land.]

F32 1989 NI 19

9 Any charge relating to the land imposed under [^{F33} Article 46 of the said Order of 1981] (whether before or after the first registration of the land) and adversely affecting any estate in the land of the registered owner thereof.

F33 1981 NI 6

10 Any notice under [^{F34} Article 48 of the said Order of 1981] relating to a charge imposed under [^{F34} Article 46 of that Order] in respect of the land and adversely affecting any estate in the land of some person other than the registered owner thereof.

F34 1981 NI 6

11 Any easement or profit *à prendre* affecting the land created by express grant or reservation after the first registration of the land.

12 Any covenant or condition relating to the use or enjoyment of the land, whether created before or after the first registration of the land, not being a covenant or condition referred to in entry 6 in Part I of Schedule 5.

13 Any estate in dower affecting the land arising before the 1st January 1956, whether existing before or after the first registration of the land.

14 Any right referred to in section 47(a) or (b).

[^{F35}14A Any [^{F36} matrimonial or civil partnership charge ([^{F37} within the meaning of the Family Homes and Domestic Violence (Northern Ireland) Order 1998]) on the land, whether created before or after the first registration of the land.]

F35 1984 NI 14

F36 2004 c.33

F37 1998 NI 6

15 Any incumbrance on the land (not being a burden referred to in entries 1 to [^{F38} 14A] and not being a Schedule 5 burden or a statutory charge) existing at the time of first registration.

F38 1984 NI 14

Status: Point in time view as at 29/08/2020.

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

- 16 Any other matter affecting the land which may be prescribed pursuant to Land Registry Rules.

PART II **N.I.**

PROVISIONS AFFECTING REGISTRATION OF SCHEDULE 6 BURDENS

N.I.

REGISTRATION OF BURDENS

- 1 The ownership of Schedule 6 burdens may, and shall if so required by section 41 or Schedule 2, be registered in accordance with Land Registry Rules.
- 2 ^{F39} . . . , a Schedule 6 burden shall be entered as a burden on the [^{F39} title register] on the application of the registered owner of the land or of any other person entitled to or interested in the burden, and, for the purposes of this Part, an application by any person for the first registration of any land shall be treated as if it were also an application by that person as registered owner of that land for the registration of every Schedule 6 burden affecting that land.

F39 [1992 NI 7](#)

Paras 3, 4 rep. by 1992 NI 7

N.I.

NOTE OF INDEMNITY IN RESPECT OF RENT REGISTERED AS A BURDEN

- 5 Where any rent is entered on [^{F40} the title register] as a Schedule 6 burden and it appears to the Registrar that there is an indemnity by way of covenant or charge in respect of all or any part of such rent, the Registrar may, if he thinks fit, enter a note of such indemnity on that register.

F40 [1992 NI 7](#)

N.I.

REGISTRATION OF PENDING ACTIONS TO LAPSE AFTER FIVE YEARS

- 6 The registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

Status: Point in time view as at 29/08/2020.

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

N.I.

[^{F41}REGISTRATION OF BANKRUPTCY PETITIONS]

F41 1989 NI 19

6A Paragraph 6 shall apply to the registration of a bankruptcy petition as it applies to the registration of a pending action.

Para. 7 rep. by 1992 NI 7

SCHEDULE 7 **N.I.**

Section 41(5), (6) and (7).

PROVISIONS RELATING TO CHARGES ON REGISTERED LAND

PART I **N.I.**

GENERAL PROVISIONS

N.I.

REGISTRATION OF CHARGES

1 [^{F42}(1)] Subject to paragraphs 2 and 3, every deed of charge by a registered owner shall be in the prescribed form or in such other form,^{F42} . . . , as shall sufficiently charge the land and as shall not be calculated to mislead.

[^{F42}(2) A document purporting to transfer or demise (whether or not subject to defeasance) a freehold or leasehold estate in registered land by way of mortgage shall so far only as it relates to such land be deemed to be a deed of charge of, respectively, that estate or the estate out of which the leasehold estate is purported to be demised, and shall not operate to vest any freehold or leasehold estate in the registered land in the person in whose favour the document is executed.]

F42 1992 NI 7

2 The registered land comprised in a charge created by deed after the commencement of this Act shall be described by reference to the [^{F43} title register] or in any other manner sufficient to enable the Registrar to identify the same.

F43 1992 NI 7

3 A deed of charge shall not refer to any other burden affecting the land which would have priority over the charge unless such burden is—
(a) entered or deemed to be entered on the [^{F44} title register]; or
(b) a Schedule 5 burden.

Status: Point in time view as at 29/08/2020.

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

F44 1992 NI 7

- 4 When it is expressed in a deed of charge that any person covenants for payment of the principal sum charged, there shall, unless provision to the contrary is contained in the deed of charge, be implied a covenant by that person with the registered owner for the time being of the charge—
- (a) to pay the principal sum charged and interest, if any, at the time and rate specified in the deed of charge; and
 - (b) if the principal sum, or any part thereof, is unpaid at the time so specified, to pay interest half-yearly at the rate so specified on so much of the principal sum as for the time being remains unpaid.

N.I.

EFFECT OF REGISTRATION OF OWNERSHIP OF CHARGE

- 5 (1) On registration of an owner of a charge on registered land for the payment of any principal sum of money, with or without interest, the owner of the charge shall have all the rights and powers of a mortgagee under a mortgage by deed within the meaning of the Conveyancing Acts, including the power to sell the estate which is subject to the charge, and any deed creating such a charge shall be liable to stamp duty as if it were such a mortgage.
- (2) The registered owner of a charge may apply to the court for the possession of the registered land, the subject of the charge, or any part of that land, and—
- (a) on such application, the court may, subject to sub-paragraph (3), order the possession of the land, or that part thereof, to be delivered to him; and
 - (b) upon so obtaining possession of the land or, as the case may be, that part thereof, he shall be deemed to be a mortgagee in possession.
- (3) The power conferred on the court by sub-paragraph (2) shall not be exercised—
- (a) except when payment of the principal sum of money secured by the deed of charge has become due and the court thinks it proper to exercise the power; or
 - (b) unless the court is satisfied that, although payment of the principal sum has not become due, there are urgent and special reasons for exercising the power.
- 6 If the registered owner of a charge on land sells the land in pursuance of any of his powers, his transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration of a transfer for valuable consideration by a registered owner.
- 7 When a purchaser from the registered owner of a charge is registered, under paragraph 6, as owner of the land, the charge and all estates inferior thereto shall, subject to paragraph 8, be discharged.
- 8 Nothing in paragraph 7 shall operate so as to discharge any entry made or deemed to have been made in any register relating to a right of turbary conferred or defined by regulations under section 4 of the Turbary (Ireland) Act 1891, or under section 21 of the Irish Land Act 1903, as extended by section 26 of the Northern Ireland Land Act 1925 (which relate to turbary).

Status: Point in time view as at 29/08/2020.

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

- 9 On registration of the owner of a charge by way of annuity, the owner of the charge shall have such remedies for recovering and compelling payment of the annuity as are mentioned in section 44 of the Conveyancing Act 1881, as modified by section 6 of the Conveyancing Act 1911.

PART II **N.I.**

SPECIAL PROVISIONS RELATING TO CERTAIN CHARGES IN RESPECT OF SETTLED LAND

A registered limited owner of registered land may, in conjunction with all other persons entitled under the settlement (if such owner and all such other persons are of full age and capacity) charge that land with the payment of money in like manner as if such owner and such other persons were registered as full owners of the land.

PART III **N.I.**

VALIDITY OF CERTAIN CHARGES PURPORTING TO BE REGISTERED AT 28TH JULY 1957

- 1 (1) Notwithstanding anything to the contrary contained in this Act or in any other statutory provision, a charge purporting to have been registered in the Land Registry at the 28th July 1957 shall, subject to paragraphs 2 and 3, not be void by reason only—
- (a) that it was expressed to have been created by way of mortgage; or
 - (b) that the consent of the Ministry was not obtained to a demise or sub-demise expressed to have been created by any such mortgage;
- and the purported registration of the charge, as a charge on registered land, shall not be invalid for either of those reasons.
- (2) In this paragraph, “mortgage” includes both a mortgage by demise or sub-demise and a mortgage by conveyance or assignment with a proviso for redemption.
- 2 Except as provided by paragraph 3, paragraph 1 shall not affect any order or judgment made or given before the 29th July 1957 in legal proceedings begun before the 18th June 1957, or any appeal or other proceedings consequent on any such order or judgment.
- 3 Paragraph 2—
- (a) shall not apply to any order or judgment specified in that paragraph to the extent that any such order or judgment was set aside by any court pursuant to section 2(3) of the Land Registry Charges Act (Northern Ireland) 1957; and
 - (b) shall apply to any further order made by any court pursuant to the said section 2(3).

Status: Point in time view as at 29/08/2020.

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

SCHEDULE 8 N.I.

Section 56.

SPECIAL PROVISIONS RELATING TO SETTLED LAND AND TO CHARITABLE TRUSTS, ETC.

PART I N.I.

SETTLED LAND

- 1 The Registrar may register in respect of any settled land—
- (a) the owner of the particular estate in such land, as limited owner thereof; or
 - (b) any trustees in whom that land is vested, as full owners thereof.
- 2 Where a person is registered as limited owner under a settlement, the names of the trustees of the settlement, if any, shall be entered in^{F45} . . . the^{F45} title register].

F45 1992 NI 7

- 3 The registration of a person as limited owner of settled land in pursuance of this Act shall not—
- (a) confer on the person so registered, as against any person claiming under the settlement, any greater powers of dealing with the land than those of a tenant for life under the Settled Land Acts;
 - (b) confer on the assignee, trustee in bankruptcy, devisee or personal representatives of the limited owner any greater estate than he would otherwise have;
 - (c) take away from any trustee under the settlement any powers of dealing with the land which he would otherwise have.
- 4 (1) Where a person is, by operation of law or otherwise, assignee of a person registered as limited owner of any land, the name of the assignee shall, on his application, be entered on^{F46} the title register] with the addition of the word “assignee”, or of such other words as may be prescribed.
- (2) In default of an entry made pursuant to sub-paragraph (1), the registration of the limited owner shall continue to have effect as if there had been no assignment.

F46 1992 NI 7

- 5 Where a new trustee of a settlement to which paragraph 2 relates is appointed, the Registrar shall, on application and on production of the prescribed evidence, enter his name accordingly.
- 6 The provisions of this Act with respect to the registration of limited owners shall not apply in the case of settled land within the meaning of section 63 of the Settled Land Act 1882 unless the settlement confers on the limited owner the powers conferred by the Settled Land Act 1882 on a tenant for life, or an order made under the Settled Land Act 1884 is in force at the time of the application for registration.
- 7 Where an order referred to in paragraph 6 is made with respect to registered land, it shall be to the effect that the person who is to exercise the powers of a tenant for life of the land in pursuance of that section shall be registered as limited owner of

Status: Point in time view as at 29/08/2020.

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

the land subject to such inhibitions, if any, as may be considered expedient, and it shall not be necessary to register the order as a pending action.

- 8 A person shall not be affected by notice of the trusts of any settlement by reason of any person being registered as limited owner under the settlement or by reason of any reference to the settlement being entered on^{F47} the title register].

F47 1992 NI 7

PART II N.I.

CHARITABLE AND CERTAIN OTHER TRUSTS

N.I.

REGISTRATION AS OWNERS OF TRUSTEES APPOINTED PURSUANT TO THE TRUSTEE APPOINTMENT ACTS 1850 AND 1890

- 1 Where the Registrar decides that any registered land would, had it been unregistered land, have become vested in certain persons as trustees in pursuance of the Trustee Appointment Act 1850 or the Trustee Appointment Act 1890, he shall register such trustees as owners of that registered land in the^{F48} title register] without requiring a document of transfer in accordance with section 34.

F48 1992 NI 7

N.I.

REGISTRATION AS OWNERS OF PERSONS IN WHOM REGISTERED LAND IS VESTED BY AN ORDER UNDER SECTION 12 OF THE CHARITIES ACT (NORTHERN IRELAND) 1964

- 2 Where any registered land becomes vested by an order under section 12 of the Charities Act (Northern Ireland) 1964 in any person, the Registrar shall, upon production of a copy of that order, register that person in the^{F49} title register] as owner of that land.

F49 1992 NI 7

Status: Point in time view as at 29/08/2020.

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

SCHEDULE 9 N.I.

Section 71(1).

COMPENSATION PAYABLE UNDER THE ACT

N.I.

RIGHT TO COMPENSATION

- 1 (1) Subject to paragraphs 2, 3, 4, and 5, compensation shall be payable to any person who has sustained any loss by reason of—
- (a) the rectification of^[F50] the register] pursuant to section 69; or
 - (b) an error in, or omission from,^[F50] the register]^[F50] whether or] not rectified pursuant to section 69; or
 - ^[F50](bb) the loss or destruction by the Land Registry of any document lodged at the Registry for the purpose of inspection, registration or safe keeping, other than a document destroyed in accordance with Land Registry Rules;]
 - (c) an error in a certificate issued as a result of an official search made pursuant to Land Registry Rules; or
 - (d) a copying error made in a certified copy of, or a certified extract from,^[F50] the register] or^[F50] a] document, where the copy or extract is provided in accordance with Land Registry Rules.
 - ^[F50](e) an error in or omission from a filed copy of, or an error in a filed extract from, a document referred to in the title register, where the error or omission was made in preparing the copy or the error was made in preparing the extract.]
- (2) A person deriving title from a person to whom compensation is payable under sub-paragraph (1) shall be entitled to such compensation in the place of the person from whom he so derived title.

F50 1992 NI 7

- 2 Subject to paragraphs 3, 4 and 5, the owner of any land claiming in good faith under a forged disposition shall, where^[F51] the register] is rectified, be deemed, for the purposes of paragraph 1(1)(a), to have suffered loss by reason of such rectification.

F51 1992 NI 7

- 3 Compensation shall not be payable—
- ^[F52](a) where the claimant has himself or by his agent caused or substantially contributed to the loss by his act or omission; or
 - (aa) where the claimant himself or by his agent contributed to the loss by his fraudulent act or fraudulent omission; or
 - (ab) where the claimant derives title (otherwise than under a registered disposition taken by him in good faith and for valuable consideration) from a person to whom sub-paragraph (a) or (aa) applies; or
 - (ac) where the error or omission which gave rise to the loss was occasioned by an error in or omission from an assent or transfer in the prescribed form on the correctness of which the Registrar is required to rely in pursuance of paragraph 6A of Schedule 4 or Land Registry Rules;]

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- (b) by reason of a purchaser acquiring any interest under a registered disposition from a body corporate referred to in section 58 free from any such incumbrances as are mentioned in that section which are not registered or protected as required by that section.

F52 1992 NI 7

^{F53}3A Where lack of proper care on the part of the claimant or his agent has contributed to the loss, the amount of compensation to which the claimant would have been entitled had he or his agent not so contributed to the loss shall be reduced to such extent as is just having regard to his or his agent's responsibility for the loss.]

F53 1992 NI 7

- 4 (1) Subject to ^{F54} sub-paragraph (2) and paragraph 4A], a claim for compensation shall not be entertained after the expiration of six years from the time when the right to compensation accrued unless—
- (a) on the expiration of that period, the claimant was under any legal disability; and
 - (b) the claim is made within two years from the termination of the disability.
- ^{F55}(2) For the purposes of sub-paragraph (1), a right to compensation shall be deemed to accrue—
- (a) where the right to compensation arises from the rectification of ^{F56} the register] pursuant to section 69 and the claim, or part thereof, is made by virtue of paragraph 5, on the date on which the claimant discovers the error or omission or could with reasonable diligence have discovered it;
 - (b) in any other case where the right to compensation arises from the rectification of ^{F56} the register] pursuant to section 69, on the date on which the order for rectification is made under that section;
 - (c) where the right to compensation arises from an error in, or omission from ^{F56} the register] which is not rectified pursuant to section 69, on the date on which the claimant discovers the error or omission or could with reasonable diligence have discovered it;
 - ^{F56}(cc) [where the right to compensation arises from the loss or destruction of a document or an error in, or omission from, a filed copy of, or an error in a filed extract from, a document referred to in the title register, on the date on which the claimant discovers the loss, destruction, error or omission or could with reasonable diligence have discovered it.]
 - (d) in regard to an error in a certificate referred to in paragraph 1(1)(c) or in a certified copy or extract referred to in paragraph 1(1)(d) on the date on which the claimant discovers the error or could with reasonable diligence have discovered it.
- (3) A person deriving title (otherwise than for valuable consideration and in good faith) from another shall be deemed for the purposes of sub-paragraph (2)(a) (c) ^{F56}, (cc)] and (d) to have discovered an ^{F56} error, omission, loss or destruction] on the date on which that other person discovered or could with reasonable diligence have discovered it.]

Status: Point in time view as at 29/08/2020.

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

F54 Words in Sch. 9 para. 4(1) substituted (18.4.2011) by Cross-Border Mediation Regulations (Northern Ireland) 2011 (S.R. 2011/157), reg. 4(2) (with reg. 1(2))

F55 1982 NI 7

F56 1992 NI 7

[^{F57}4A (1) Sub-paragraph (2) applies where—

- (a) there is mediation in relation to a relevant cross border dispute giving rise to a claim for compensation; and
- (b) the period of 6 years referred to in paragraph 4(1) (“the limitation period”) would, apart from this paragraph, expire—
 - (i) in the period of 8 weeks after the date on which the mediation ends;
 - (ii) on the date on which the mediation ends; or
 - (iii) after the date on which all of the parties to the dispute agree to participate in the mediation but before the date on which the mediation ends.

(2) Where this sub-paragraph applies, the limitation period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.

(3) For the purposes of sub-paragraph (1) and (2), a mediation in relation to a relevant cross-border dispute ends on the date of the first of these to occur—

- (a) all of the parties reach an agreement in resolution of the dispute;
- (b) all of the parties agree to end the mediation;
- (c) a party notifies all of the other parties of that party's withdrawal;
- (d) a period of 14 days expires after a request made by one party to another party for confirmation of whether the other party has withdrawn and the other party does not respond in that period; or
- (e) a period of 14 days expires after the date on which the mediator's tenure ends (by reason of death, resignation or otherwise) and a replacement mediator has not been appointed in that period.

(4) In this paragraph—

“the Directive” means Directive 2008/52/EC of the European Parliament and of the Council of 21st May 2008 on certain aspects of mediation in civil and commercial matters;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive; and

“relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive.]

F57 Sch. 9 para. 4A inserted (18.4.2011) by Cross-Border Mediation Regulations (Northern Ireland) 2011 (S.R. 2011/157), reg 4(3) (with reg. 1(2))

5 In any case of the rectification, pursuant to section 69, of an error, the costs reasonably incurred by the claimant in obtaining the rectification shall be deemed to be a loss to which this Schedule applies.

Status: Point in time view as at 29/08/2020.

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

N.I.

QUANTUM OF COMPENSATION

- 6 When compensation is payable under this Schedule, the amount thereof (excluding costs) shall not exceed—
- (a) where^{F58} the register] is not rectified, the value of the land at the time when the error was made or, as the case may be, the omission happened;
 - (b) where^{F58} the register] is rectified, the value (if there had been no rectification) of the land immediately prior to such rectification.

F58 1992 NI 7

- 7 Except for the purposes of paragraph 6, compensation payable under this Schedule shall include any reasonable costs properly incurred by the claimant in establishing his claim.

N.I.

SPECIAL PROVISIONS IN RESPECT OF SETTLED LAND

- 8 Where compensation is paid in respect of settled land, and not in respect of any particular estate, remainder or reversion therein, the compensation shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the Settled Land Acts.

N.I.

PROCEDURE FOR CLAIMING COMPENSATION

- ^{F59} The Department shall be the respondent to every claim for compensation made under this Schedule; and notice of every such claim shall be served by the claimant on such persons as may be prescribed.]

F59 1992 NI 7

- 10 Where any question arising as to whether a person is entitled to compensation, or as to the amount of compensation, is not settled between that person and the Department, that question shall be referred to and determined by the Lands Tribunal.
- 11 Before or instead of determining a question referred to it under paragraph 10, the Lands Tribunal may exercise any power which is exercisable by the court under section 69(1) and (3) or paragraph 4 of Schedule 10 (rectification of errors); and an order made in exercise of such a power is an order of a court of competent jurisdiction for the purposes of section 9(1) (Registrar to obey court orders in relation to registered land) and section 9(2) (clarification of orders).

Status: Point in time view as at 29/08/2020.

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

SCHEDULE 10 N.I.

Section 80.

SPECIAL PROVISIONS RELATING TO CERTAIN VESTING ORDERS AND FIATS UNDER THE LAND PURCHASE ACTS

N.I.

APPLICATION OF SCHEDULE

- 1 This Schedule applies to—
- (a) any vesting order made in the exercise of powers conferred by section 8 of the Purchase of Land (Ireland) Act 1885 as amended or extended by any other statutory provision; and
 - (b) any fiat which, if it had been given immediately after the signing of the agreement for purchase to which it relates, would, under any provision of the Land Purchase Acts, have had effect as if it were a vesting order so made;
- and, accordingly, references in this Schedule to a vesting order are references to any such vesting order or fiat.

N.I.

VESTING NOT TO BE INVALIDATED BY DEATH

- 2 A vesting order shall not be void by reason of the death before the making thereof of the person in whom any land comprised therein is purported to be vested, but shall be effectual to vest, and shall be deemed always to have vested, that land in the personal representatives (when raised) of such person to such uses and upon such trusts as that land would have stood limited had it been vested in such person immediately prior to his death.
- 3 Any entry shown on^{F60} the title register] as the first registration of any land shall not be invalid by reason that the person thereby shown to be registered as owner was then dead and, accordingly—
- (a) the land shall be deemed to be registered land as from the making of that entry; and
 - (b) any person who proves to the satisfaction of the Registrar that he is entitled to the land may be registered as owner thereof.

F60 1992 NI 7

N.I.

PROCEDURE FOR CORRECTIONS CONSEQUENT UPON ERRORS IN VESTING ORDERS

- 4 Subject to paragraph 5, where an error is found to have been made in a vesting order, or in any map of land vested by a vesting order, and such error either—
- (a) has, on first registration, been incorporated in any entry in^{F61} the register];
- or

Status: Point in time view as at 29/08/2020.

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

(b) has been discovered before first registration has been completed; the court may, in accordance with and subject to section 69(1) and (3), treat the error as if it were an error occurring in the registration of the ownership of the land and may direct such consequential rectification of^{F61} the register] as appears to the court to be necessary.

F61 1992 NI 7

5 Notwithstanding anything contained in section 69(2), where the error in a vesting order consists only of a misdescription of the person in whom land was vested by the order, the Registrar may, on the application of the registered owner, or of any person applying to be registered as owner, of the land and upon proof of such misdescription, treat the vesting order as if it had correctly described the person in whom land was vested by the order and may note the correct description of that person on any entry in the^{F62} title register] relating to any land vested by the vesting order.

F62 1992 NI 7

6 Nothing in paragraphs 4 and 5 shall confer upon any person a right to make any claim^{F63} for compensation] which he would not have been entitled to make if those paragraphs had not been enacted.

F63 1992 NI 7

SCHEDULE 11 **N.I.**

Section 87(1) and (2).

MATTERS WHICH REQUIRE TO BE REGISTERED IN THE STATUTORY CHARGES REGISTER

1 Any charge acquired before, on or after the 2nd April 1951 by a local authority under—

- (a) the Towns Improvement (Ireland) Act 1854 or the Acts incorporated therewith; or
- (b) the Public Health Acts (Northern Ireland) 1878 to 1967; or
- (c) section 31 of the Planning and Housing Act (Northern Ireland) 1931 ; or
- ^{F64}(ca) section 68 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011; or]
- (d) any other statutory provision, being a charge which takes effect by virtue of that provision; and

any similar charge acquired either before, on or after the 2nd April 1951 by a local authority under any local or private Act.

F64 Sch. 11 para. 1(ca) inserted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 68(8), 78** (with s. 71); S.R. 2012/13, art. 2(2), Sch. 2

2 Any prohibition of or restriction on the user or mode of user of land imposed on or after the 2nd April 1951 by a local authority by order, instrument or resolution

Status: Point in time view as at 29/08/2020.

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

or enforceable by virtue of any conditions attached to any consent, approval or licence granted by a local authority on or after that date, pursuant to any statutory provision, being a prohibition or restriction binding on successive owners of land and not being a prohibition or restriction operating over the whole of the district of the authority or over the whole of any contributory place thereof.

- 3 Any regulations made by the Ministry of Agriculture under section 21 of the Irish Land Act 1903 or section 26 of the Northern Ireland Land Act 1925 with respect to rights of turbary or of access over any land for the purposes of turbary.

Para.4 rep. by 1971 c.17 (NI)

Paras.5#7 rep. by 1992 NI 15

- 8 Any statutory conditions attached by virtue of section 7 of the Housing (No.2) Act (Northern Ireland) 1946 to any house in respect of which a grant has been paid under that Act.

- 9 Any conditions applied to a cottage by virtue of regulations under section 10 of the Hill Farming Act 1946 .

Para.10 rep. by 1993 NI 15

- 11 Any improvement notice for the time being in force under Part II of the Agriculture Act (Northern Ireland) 1949 .

Para. 12 rep. by 1972 c.3 (NI)

Para. 13 rep. by 1992 NI 15

Para. 14 rep. by 1971 c.16 (NI)

- 15 Any wayleave order made under section 14 of the Land Powers (Defence) Act 1958 and any restrictions imposed by section 16(1) of that Act.

- 16 Any notice under section 1 of the Rights of Light Act (Northern Ireland) 1961 .

Para. 17 rep. by 1992 NI 15

- 18 Any of the following matters under the Private Streets Act (Northern Ireland) 1964
- (a) notices served under section 11;
 - (b) notices served under section 14(4);
 - (c) demands served under section 15(1);
 - (d) charges created under section 15(10);
 - (e) undertakings given under section 24(1) and undertakings given under section 24(2);
 - (f) agreements entered into under section 32.

- [^{F65}18A Any of the following matters under the Private Streets (Northern Ireland) Order]^{F66} 1980]

- ^{F67}(a) notices served under Article 11;
- (b) notices served under Article 14(5);
 - (c) demands served under Article 15(1);
 - (d) charges created under Article 15(10)
 - (e) undertakings given under Article 24(1) or (2);

Status: Point in time view as at 29/08/2020.

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

(f) agreements entered into under Article 32.]

F65 1980 NI 12
F66 1992 NI 7
F67 Correct title is Private Streets (Northern Ireland) Order 1980

19 Any agreement or covenant under section 2(1), or any waiver under section 2(3),^{F68}
[^{F69} or an agreement or waiver under section 2A,] of the Amenity Lands Act
(Northern Ireland) 1965 .

F68 am. by 1972 NI 17, continued in force by 1991 NI 11
F69 1972 NI 17

20 Any condition attached by virtue of subsection (1) of section 24 of the Land
Development Values (Compensation) Act (Northern Ireland) 1965 to any relevant
land within the meaning of that section and any notice served on any person in
relation to that land under that subsection.

21 Any condition applied to a unit of land under Schedule 3 to the Agriculture Act
1967 .

[^{F70}22 Any of the following matters under the Historic Monuments and Archaeological
Objects (Northern Ireland) Order 1995—

(a) an entry in the schedule compiled and maintained under Article 3(1);

(b) a notice served under Article 10(2)(b)]

F70 1995 NI 9

Para. 23 rep. by 1992 NI 15

[^{F71}24 A grant or agreement referred to in section 55(5) of Civil Aviation Act 1982.]

F71 1982 c.16

[^{F72}25 Any order under Article 7 or 8 of the Airports (Northern Ireland) Order 1994.]

F72 1994 NI 1

[^{F73}26 Any Part I or Part II conditions, within the meaning of the Housing on Farms Act
(Northern Ireland) 1972 , attached to any premises by virtue of that Act.]

F73 1972 c.3 (NI)

[^{F74}27 Any of the following matters under the Planning Act (Northern Ireland) 2011—
(a) planning agreements under section 76;
(b) an entry in a list compiled under section 80;
(c) tree preservation orders;
(d) enforcement notices which take effect in relation to any land;
(e) listed building enforcement notices which take effect in relation to any land;

Status: Point in time view as at 29/08/2020.

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

- (f) any conditions imposed on the grant of planning permission—
 - (i) relating to the occupancy of a dwelling house; or
 - (ii) requiring that a dwelling house on any land which is under the control of the applicant be demolished or cease to be used as a dwelling house;
- (g) notices under section 164 which take effect in relation to any land;
- (h) orders under section 68, 72 or 73;
- (i) any designation under section 104(1).]

F74 Sch. 11 para. 27 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 245, 254(1), (2)** (with s. 211); S.R. 2015/49, **arts. 2, 3, Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

- [^{F75}28 Any of the following matters under the Water and Sewerage Services (Northern Ireland) Order 2006—
- (a) a requirement of a private supply notice to which Article 121(5) applies;
 - (b) a covenant under Article 217(6);
 - (c) an agreement under Article 225.]

F75 Sch. 11 para. 28 substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), **arts. 1(2), 308(1), Sch. 12 para. 9** (with **arts. 8(8), 121(3), 307**); S.R. 2007/194, **art. 2(2)**, **Sch. 1 Pt. II** (with transitional, transitory and saving provisions in **art. 3, Sch. 2**)

- [^{F76}31 Particulars specified in Article 11(4) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 .]

F76 [1973 NI 21](#)

- [^{F77}32 Any of the following matters under the Roads (Northern Ireland) Order 1993—
- (a) a notice under Article 49;
 - (b) a condition imposed under Article 75 on the use of a building;
 - (c) a condition imposed under Article 76 on the use of any land;
 - (d) an agreement under Article 117;
 - (e) a charge under Article 122.]

F77 [1993 NI 15](#)

Paras. 33, 34 rep. by 1992 NI 15

- [^{F78}35 An Order under Article 39(2)(a) of the Matrimonial Causes (Northern Ireland) Order 1978 to the extent that by virtue of Article 39(3)(b) of that Order it renders liable to be set aside at the instance of an applicant for financial relief a disposition of any land in Northern Ireland which is specified in the order.]

F78 [1978 NI 15](#)

Status: Point in time view as at 29/08/2020.

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

[^{F79}36 An occupation order under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 to the extent that by virtue of paragraph 1(b) of Schedule 1 to that Order it renders liable to be set aside at the instance of the applicant for the order a disposition of any land in Northern Ireland which is specified in the order.]

F79 [1998 NI 6](#)

[^{F80}37 Any of the following matters under the Housing (Northern Ireland) Order 1981

[^{F81}(za) any charge created under Article 9;]

(a) any clearance order made under Article 33;

(b) any notice served under Article 35;

[^{F82}(bb) any closing order made under Article 38 of that Order;]

(c) any charge created under Article 42;

(d) any declaration made under Article 47 declaring an area to be a proposed re-development area;

(e) any declaration made under Article 52 declaring an area to be a housing action area, any extension of the duration of a housing action area under Article 53(2) and any amendment of such a declaration under Article 54;

Sub-paras. (f), (g) rep. by 1992 NI 15

(h) the statutory condition attaching by virtue of Article 123 to land held by a registered housing association and to grant-aided land, as, defined in Schedule 9, held by an unregistered housing association.]

F80 [1981 NI 3](#)

F81 Sch. 11 para. 37(za) inserted (9.7.2016) by [Housing \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 17\)](#), ss. 3(3), 4

F82 [1992 NI 15](#)

Para. 37A rep. by 1992 NI 15

[^{F83}38 Any of the following matters under the Access to the Countryside (Northern Ireland) Order 1983—

(a) a public path creation agreement, a public path creation order, a public path extinguishment order, or a public path diversion order;

(b) an access agreement, an access order, or an instrument or order varying or revoking an access agreement or order.]

F83 [1983 NI 18](#)

[^{F84}39 Any agreement, covenant or waiver under Article 8(1), 9,^{F85} or 17] of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, and any declaration made and confirmed under Article 24 of that Order.]

F84 [1985 NI 1](#)

Status: Point in time view as at 29/08/2020.

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

F85 2002 NI 7

[^{F86}40 Any conditions imposed under Article 4(1) of the Social Need (Northern Ireland) Order 1986 for the repayment of financial assistance under that Order, being conditions which provide that they shall be a statutory charge.]

F86 1986 NI 14

[^{F87}41 Any of the following matters under the Housing (Northern Ireland) Order 1992—

^{F88}(a)

(b) any grant condition registrable by virtue of Articles 57(5), 58(3), 59(3), 60(7) or 61(3);

(c) the statutory condition of participation in a group repair scheme as an assisted participant, registrable under Article 68(3);

(d) any grant condition registrable by virtue of regulations made under Article 73(3);

^{F89}(e)

^{F90}(f)

^{F91}(g)]

F87 1992 NI 15

F88 Sch. 11 para. 41(a) repealed (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 1\(3\)\(a\), 10\(2\)](#)

F89 Sch. 11 para. 41(e) repealed (1.4.2019) by [Houses in Multiple Occupation Act \(Northern Ireland\) 2016 \(c. 22\), s. 90\(2\), Sch. 8; S.R. 2019/39, art. 2 \(with art. 3\)](#)

F90 Sch. 11 para. 41(f) repealed (1.4.2019) by [Houses in Multiple Occupation Act \(Northern Ireland\) 2016 \(c. 22\), s. 90\(2\), Sch. 8; S.R. 2019/39, art. 2 \(with art. 3\)](#)

F91 Sch. 11 para. 41(g) repealed (1.4.2019) by [Houses in Multiple Occupation Act \(Northern Ireland\) 2016 \(c. 22\), s. 90\(2\), Sch. 8; S.R. 2019/39, art. 2 \(with art. 3\)](#)

[^{F92}42 Any agreement under regulation 13 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and any entry in the register under regulation 10 of those Regulations.]

F92 SR 1995/380

[^{F93}[
^{F94}43] Any declaration under Article 46 of the Street Works (Northern Ireland) Order 1995.]

F93 1995 NI 19

F94 2003 NI 2

[^{F95}43 Any declaration under Article 28(1) of the Environment (Northern Ireland) Order 2002, any management agreement under Article 34 of that Order or any waiver relating thereto and any management notice under Article 35 of that Order.]

Status: Point in time view as at 29/08/2020.

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

F95 2002 NI 7

PROSPECTIVE

[^{F96}[
^{F97}44] Any charge under Article 61 of the Waste and Contaminated Land (Northern Ireland) Order 1997.]

F96 Sch.11 para. 42 added (prosp.) by [The Waste and Contaminated Land \(Northern Ireland\) Order 1997](#) (S.I. 1997/2778 (N.I. 19)), arts. 1(2), 83(1), **Sch. 5 para. 1**

F97 Sch. 11 para. 44: Sch. 11 para. 42 renumbered as Sch. 11 para. 44 (1.10.2003 for certain purposes and otherwise 1.12.2003) by [S.I. 2003/412](#) (N.I. 2), **Sch. 4 para. 1(3)**

[^{F98}45 Any of the following matters under Part III of the Housing (Northern Ireland) Order 2003—
(a) a grant condition registrable by virtue of Article 76(3), 77(3), 78(3), 79(3), 80(3), 81(3) and 83(2);
(b) a statutory condition of participation in a group repair scheme as an assisted participant registrable under Article 100(2) or 101(3);
(c) a charge under Article 117(5).]

F98 2003 NI 2

[^{F99}46 An order under paragraph 67(2) of Schedule 15 to the Civil Partnership Act 2004 to the extent that by virtue of paragraph 69(1)(b) of that Schedule it renders liable to be set aside at the instance of an applicant for financial relief a disposition of any land in Northern Ireland which is specified in the order.]

F99 2004 c.33

[^{F100}47 Any charge created under Article 25(6) of the Private Tenancies (Northern Ireland) Order 2006.]

F100 Sch. 11 para. 47 inserted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006](#) (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, **Sch. 4 para. 1**; S.R. 2006/428, **art. 3(c)**

[^{F101}48 Any agreement under regulations under Article 29A of the Rates (Northern Ireland) Order 1977.]

F101 Sch. 11 para. 48 added (1.12.2006) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006](#) (S.I. 2006/2954 (N.I. 18)), arts. 1(3)(4), **10(2)**; S.R. 2006/464, art. 2(2), **Sch. 2**

[^{F102}49 The following matters under the High Hedges Act (Northern Ireland) 2011—
(a) a remedial notice which has effect under that Act;
(b) fees payable under section 4(4) of that Act and expenses recoverable under section 12 of that Act.]

Status: Point in time view as at 29/08/2020.

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

F102 Sch. 11 para. 49 added (31.3.2012) by [High Hedges Act \(Northern Ireland\) 2011 \(c. 21\)](#), **ss. 15, 20** (with s. 18); S.R. 2012/20, art. 2(2)

[^{F103}50 Any notice given under paragraph (4) of Article 220 of the Water and Sewerage Services (Northern Ireland) Order 2006 where that notice relates to—

- (a) any power under paragraph (1)(a) of that Article; or
- (b) any power under paragraph (1)(c) of that Article where the exercise of that power is requisite for, or incidental to, the purposes of any work falling within paragraph (1)(a) of that Article.]

F103 Sch. 11 para. 50 added (25.4.2013) by [Water and Sewerage Services \(Amendment\) Act \(Northern Ireland\) 2013 \(c. 6\)](#), **s. 2**

[^{F104}51 Any order under section 5 of the Tobacco Retailers Act (Northern Ireland) 2014.]

F104 Sch. 11 para. 51 added (1.7.2016) by [Tobacco Retailers Act \(Northern Ireland\) 2014 \(c. 4\)](#), **ss. 19, 25(2)**; S.R. 2016/101, art. 2(b), Sch. 2

[^{F105}52 Any of the following notices under the Houses in Multiple Occupation Act (Northern Ireland) 2016—

- (a) a rectification notice;
- (b) a Part 4 notice;
- (c) a notice under paragraph 5(3)(b) of Schedule 3 (notice of intention to carry out work in default).]

F105 Sch. 11 para. 52 inserted (1.4.2019) by [Houses in Multiple Occupation Act \(Northern Ireland\) 2016 \(c. 22\)](#), s. 90(2), **Sch. 7 para. 1**; S.R. 2019/39, art. 2 (with art. 3)

N.I.

Status: Point in time view as at 29/08/2020.

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

SCHEDULE 13 **N.I.**

Section 96.

TRANSITIONAL AND SAVING PROVISIONS

PART I **N.I.**

TRANSITIONAL PROVISIONS

N.I.

EFFECT OF PREVIOUS REGISTRATION WITH A QUALIFIED OR POSSESSORY TITLE

- 1 Where, immediately before the commencement of this Act, the owner of any land was registered with a qualified or a possessory title, such owner shall be deemed to be registered with a qualified or, as the case may be, a possessory title within the meaning of this Act.

N.I.

EFFECT OF PREVIOUS REGISTRATION SUBJECT TO NOTE AS TO EQUITIES

- 2 Where, immediately before the commencement of this Act, the registration of the ownership of a freehold estate was noted as being subject to any rights or equities pursuant to section 29(3) of the Act of 1891, the title to the estate shall be deemed to be a possessory title within the meaning of this Act.

N.I.

EFFECT OF PREVIOUS REGISTRATION NOT SUBJECT TO NOTE AS TO EQUITIES

- 3 Where, immediately before the commencement of this Act, the registration of ownership of a freehold estate was not noted as being subject to any rights or equities, the title to the estate shall, subject to paragraph 1, be deemed to be an absolute title within the meaning of this Act.

N.I.

EFFECT OF PREVIOUS REGISTRATION WITH A NOTE TO THE EFFECT THAT THE TITLE OF LESSOR HAS BEEN EXAMINED AND FOUND TO BE GOOD AND VALID

- 4 Where, immediately before the commencement of this Act, there was entered, in relation to the registration of the ownership of a leasehold estate, a note to the effect that the title of the lessor had been examined and found to be good and valid, the title shall be deemed to be an absolute title within the meaning of this Act.

Status: Point in time view as at 29/08/2020.

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

N.I.

EFFECT OF PREVIOUS REGISTRATION WITHOUT A NOTE RELATING TO THE TITLE OF LESSOR

- 5 Where, immediately before the commencement of this Act, the registration of ownership of a leasehold estate contained no such note as is referred to in paragraph 4, the title shall, subject to paragraph 1, be deemed to be a good leasehold title within the meaning of this Act.

N.I.

EFFECT OF PREVIOUS REGISTRATION IN THE REGISTER OF PROPRIETORS

- 6 Where, immediately before the commencement of this Act, registration of the ownership of any land was entered in the register of proprietors maintained under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948, such registration shall, subject to Land Registry Rules, be deemed to have been made in the register of freeholders or in the register of leaseholders, as the circumstances of the case may require.

N.I.

TRANSFERS OF REGISTRATIONS FROM LOCAL REGISTRIES TO CENTRAL OFFICE

- 7 Where, immediately before the commencement of this Act, the title to any land was registered in a local office, such registration shall, subject as may be prescribed, be transferred to the central office, and, for the purpose of this paragraph, a duplicate folio of any land so registered maintained in the central office shall be deemed to be the original folio.

N.I.

STATUTORY CHARGES UNDER THE ACT OF 1951

- 8 Every amendment to Schedule 11 to this Act shall, so long as section 2 of the Statutory Charges Register Act (Northern Ireland) 1951 remains unrepealed in part, be deemed to constitute an amendment to that section so far as it is so unrepealed.

N.I.

CONSTRUCTION OF CERTAIN CROSS-REFERENCES

- 9 References in any statutory provision to the Act of 1891 shall be construed as references to this Act, and references in any statutory provision to any provision in the Act of 1891 shall be construed as references to the provision as re-enacted (with or without modification) in this Act.
- 10 References in any statutory provision to a registering authority under the Act of 1891 shall be construed as references to the Registrar within the meaning of this Act.

Status: Point in time view as at 29/08/2020.

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

N.I.

DISPOSAL OF CERTAIN BOOKS, ETC., RELATING TO RECORD OF TITLE

- 11 The Ministry may, subject to any rules made under the Public Records Act (Northern Ireland) 1923, direct that all or any of the books, documents and papers formerly in the possession of the Record of Title Office, or of any person by reason of his employment in or in aid of that Office, and directed by order of the Land Judge pursuant to section 18(4) of the Act of 1891 to be transferred to the Land Registry, be removed to the Public Records Office of Northern Ireland, and any books, documents or papers directed to be so removed shall be dealt with in accordance with the said Act of 1923 and with any rules made thereunder.

PART II N.I.

SAVINGS

N.I.

CONSENT TO ALIENATION, ETC.

- 1 Nothing in this Act (except the provisions relating to statutory charges) shall affect any statutory provision by which the alienation, assignment, sub-division or sub-letting of any land is prohibited or in any way restricted.

N.I.

PROVISIONS OF INTERPRETATION ACT (NORTHERN IRELAND)
1954 RELATING TO REPEALS AND SUBSTITUTING PROVISIONS

- 2 Nothing in this Act shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

N.I.

Schedule 14#Repeals

Status:

Point in time view as at 29/08/2020.

Changes to legislation:

There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970.