



Land Registration Act (Northern Ireland) 1970

1970 CHAPTER 18

PART VIII

RECTIFICATION AND INDEMNITY

69 Rectification of errors.

- (1) Subject to subsection (3), where any error (whether of misstatement, misdescription, omission or otherwise) occurs in^[F1] the register], the court, upon such application and in such manner as may be prescribed by rules of the appropriate court and after such notices, if any, as it may direct, may order such error to be rectified upon such terms as to costs or otherwise as it may think fit.
- ^[F1](2) Where, in the opinion of the Registrar, an incorrect entry in, or omission from, the register is of a clerical nature, he may, after making such enquiries (if any) and serving such notices (if any) as he considers necessary, rectify the register.
- (2A) The Registrar may in his discretion, after making such enquiries (if any), serving such notices (if any) and obtaining such consents (if any) as he considers necessary, amend any mistake in, or omission from, any document presented to the Land Registry, if, in his opinion, the mistake or omission is of a clerical nature.
- (2B) The Registrar may, after making such enquiries (if any) and serving such notices (if any) as he considers necessary, order the rectification of the register where all persons interested—
 - (a) consent to the rectification; or
 - (b) do not, within the prescribed period after being served with notice of the Registrar's intention to order the rectification, notify the Registrar in writing that they object to the rectification.
- (2C) Where the Registrar exercises the power conferred by subsection (2) or (2B) he may make such order as to the costs of rectification as the persons interested may, in writing, agree.]

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act (Northern Ireland) 1970, Section 69. (See end of Document for details)

- (3) [^{F1}The register] shall not be rectified under subsection (1) so as to affect the title of a registered owner, unless such rectification can be made without loss or damage to any person claiming for valuable consideration and in good faith through such registered owner and unless—
- (a) the registered owner or, as the case may be, a person claiming as aforesaid through the registered owner or anyone acting on behalf of either has, by his act, neglect or default, been in any way responsible for, or has contributed to, the error; or
 - (b) in the case of an error made before such registered owner was so registered, he was, in fact, aware of such error at the time of his registration as owner; or
 - (c) in the case of an error made after such registered owner was so registered, he or a solicitor acting on his behalf became aware of such error at a time when such error was capable of being rectified without causing loss or damage to any person except the expense of such rectification; or
 - (d) the immediate disposition to such registered owner, or the disposition to any person through whom he claims otherwise than for valuable consideration, was void; or
 - (e) such registered owner acquired the land otherwise than for valuable consideration and rectification of the error could have been made against the person through whom he claims if such person had been the registered owner; or
 - (f) such registered owner consents to rectification;
- but so that this subsection shall—
- (i) limit the power of the court to rectify [^{F1}the register] only where the registered owner of the land is in possession thereof; and
 - (ii) not limit the power of the court to rectify [^{F1}the register] in any particular case if the court is satisfied that it would be unjust not to rectify the register against the registered owner.
- (4) The provisions of subsections (1) and (3) shall extend, with any necessary modifications, to the rectification of [^{F1}the register] by order of a court of competent jurisdiction, exercising any jurisdiction based on the ground of fraud or mistake, in like manner as those subsections apply to the rectification of errors by order of the court.

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