



# Registration of Deeds Act (Northern Ireland) 1970

## 1970 CHAPTER 25

### *The Registry of Deeds and Proceedings Therein*

#### **7 The registry of deeds**

*Subs.(1) rep. by 1992 NI 7*

- (2) <sup>F1</sup> The staff of the registry of deeds shall—
- (a) consist of a registrar, [<sup>F2</sup> such assistant registrars] and such other officers and persons as in the opinion of the Ministry of Finance (in this Act referred to as “the Ministry”) are required for the service of the registry;
  - (b) be appointed by the Ministry;
- and their tenure, remuneration and superannuation rights shall, subject to section 8(1) of the Northern Ireland Act 1947 passed by the Parliament of the United Kingdom, be such as the Ministry determines.
- (3) The direction, management and superintendence of the registry of deeds shall be the duty of the registrar of deeds.
- <sup>F2</sup>(4) Each assistant registrar and other officer and person appointed under subsection (2) shall exercise, in accordance with this Act or any other statutory provision (including regulations under section 19), 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.
- (5) 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.
- (5A) Where the registrar is absent from the registry of deeds or the office of registrar is vacant and no person is acting as registrar under subsection (5) in accordance with a direction that he exercise all the functions of the registrar, the assistant registrar or, if

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there are more assistant registrars than one, the senior assistant registrar present may act as registrar and exercise all the functions of the registrar.

- (5B) All acts done by an assistant registrar under subsection (5) or (5A) 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.]
- (6) The registry of deeds shall be kept open for the transaction of business during such hours or other periods of time as the Ministry may by order made subject to negative resolution provide.

**F1** functions of D/Env exercised with the approval of D/FP, 1982 NI 6  
**F2** 1992 NI 7

### [<sup>F3</sup>7A] **Indemnity of registry of deeds' officials.**

The person who is registrar of deeds shall not, nor shall any assistant registrar or other officer or person appointed under section 7(2), be liable to any action, suit or proceedings for or in respect of any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred under the Registration of Deeds Acts on the registrar of deeds, the registry of deeds, any assistant registrar or any officer or person appointed for the service of the registry.]

**F3** 1992 NI 7

## **8 Allocation of serial numbers to documents and endorsement thereof on memorials.**

- (1) A serial number shall be allocated in the prescribed manner to every document lodged for registration under the Registration of Deeds Acts according to the date and time when such document is so lodged.
- (2) The serial number of a document which is rejected for registration shall be cancelled and if that document is subsequently relodged for registration under the Registration of Deeds Acts, it shall have a new serial number allocated to it according to the date and time when that document is so relodged.
- (3) Except where a document lodged for registration in the registry of deeds is to be filed in that registry in the same manner as a memorial would be filed, there shall be endorsed on the memorial of every document lodged in the registry of deeds the serial number allocated to that document pursuant to subsection (1) or subsection (2) and the date on which the serial number was so allocated.

## **9 Filing of memorials and keeping of abstract book.**

- (1) All memorials of registered documents shall be kept in the registry of deeds in files or books in such manner as may be prescribed.
- (2) There shall be kept in the prescribed manner in the registry of deeds a series of books (to be called "the Abstract Book") in which shall be entered abstracts of all memorials filed in the registry of deeds and every such abstract shall contain such matters as may be prescribed.

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## 10 Index of names.

There shall be kept in the prescribed manner in the registry of deeds a series of books (to be called “the Index of Names” ) in which shall be entered in alphabetical order the names of all grantors specified in documents registered under the Registration of Deeds Acts and the names of such other persons, and such other matters, specified in those documents as may be prescribed.

## 11 Preservation of records.

- (1) Subject to subsection (2), all books used or kept in the registry of deeds containing transcripts of memorials, abstracts of the contents of memorials and indexes to memorials kept in the registry of deeds shall be public property<sup>F4</sup> . . . .
- (2) The Ministry may, subject to any rules made under the Public Records Act (Northern Ireland) 1923 , direct that the Index of Lands (which by section 1(1) of the Registry of Deeds (Amendment) Act (Northern Ireland) 1967 was deemed to be closed on 31st December 1944), or any part thereof, be removed to the Public Record Office of Northern Ireland and the Index of Lands, or any part thereof, if directed to be so removed, shall be dealt with in accordance with that Act of 1923 and those rules.

<b>F4</b> 1992 NI 7
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## 12 Paper and writing authorised for registration purposes.

- (1) The Ministry may prescribe the nature (including shape, design, size, colour, quality and other specifications and characteristics) of paper which, by virtue of this subsection, is required to be used—
  - (a) for the purposes of any provision of the Registration of Deeds Acts; or
  - (b) in transactions in the registry of deeds generally, not being transactions involving the use of paper of a nature prescribed under paragraph ( a ).
- (2) Any provision of the Registration of Deeds Acts requiring the use of vellum or parchment shall be deemed to require the use in lieu thereof—
  - (a) where regulations under subsection (1)( a ) prescribe the nature of the paper to be used for the purposes of that provision, paper of that nature; and
  - (b) in any other case, paper of the nature prescribed under subsection (1)( b ).
- (3) The Ministry shall cause to be made available for inspection at the registry of deeds during normal office hours samples of paper of the nature prescribed under this section and may make arrangements for the supply and sale of any such paper.
- (4) Any provision of the Registration of Deeds Acts which authorises or requires any document to be in writing shall operate to authorise or, as the case may be, to require that document to be written, typewritten or printed or engraved or lithographed or photographed or represented or reproduced in any mode by which the words of the document appear in a durable and legible form and references in any provision of those Acts to writing shall be construed accordingly.
- (5) Where the registrar of deeds considers that any document tendered in connection with any registration or transaction is not written or printed on paper of the nature prescribed under this section or that the words of the document do not appear in a durable and

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legible form, he may refuse to accept that document for the purposes for which it is so tendered.

### 13 Common and negative searches by registry of deeds.

- (1) A requisition may be made to the registry of deeds for a common search or negative search to be made by an officer of that registry of the records and documents therein, and such requisition shall be in such form, contain such particulars and be signed by such person as may be prescribed.
- (2) All requisitions under subsection (1) shall be kept<sup>F5</sup>, or recorded and the record kept,] in the registry of deeds in the prescribed manner<sup>F5</sup> for the prescribed period].
- (3) Every common search and every negative search required by a requisition under subsection (1) shall be carried out in the manner and subject to the conditions prescribed for such a search.
- (4) A statement or, in the case of a negative search, a certificate, in the prescribed form, containing the prescribed particulars<sup>F5</sup>. . . , shall, on the completion of every search carried out by the registry of deeds pursuant to a requisition under subsection (1), be issued to the person making the requisition.
- (5) A certificate under subsection (4) shall include a copy of the requisition pursuant to which the negative search was carried out.
- (6) For the purposes of any action brought by virtue of section 17, any error in or omission from any certificate under subsection (4) shall, according to the contents thereof, be evidence of a breach of duty imposed under the Registration of Deeds Acts<sup>F5</sup>. . . , both in respect of the execution of the search and of the extent and nature of the requisition.

<b>F5</b> 1992 NI 7
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*S.14 rep. by 1992 NI 7*

### 15 Inspection, search and examination of records and documents.

Any person may, during such hours, in such manner and subject to such conditions as may be prescribed, inspect, search, examine and make extracts from, or take short notes of, such records and documents in the registry of deeds as may be prescribed.

### 16 Fees.

- (1) The Ministry may, by order, make provision for—
  - (a) the fees to be taken in respect of documents lodged for registration in the registry of deeds and of entries, searches, examinations, inspections, certificates and copies made and other matters done in that registry under the Registration of Deeds Acts;
  - (b) the manner in which such fees shall be paid; and
  - (c) the persons who shall be exempted from paying such fees.

*Subs.(2) rep. by 1992 NI 7*

- (3) All orders under subsection (1) shall be subject to affirmative resolution.

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- (4) Nothing in the Registration of Deeds Acts shall make it obligatory for any act to be done in the registry of deeds or for that registry to permit any act to be done in that registry, in respect of which a fee is payable, except on payment of such fee.

**Changes to legislation:**

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