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## STATUTORY INSTRUMENTS

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# 1981 No. 226

## Judgments Enforcement (Northern Ireland) Order 1981

### PART V

#### ENFORCEMENT ORDERS

##### Enforcement against land

##### **Order charging land to confer power of sale, etc.**

**52.**—(1) Subject to the provisions of this Article and of Article 93, the owner of a charge under Article 46 shall, subject to the terms of the order, have, for the purpose of enforcing his charge, the powers of sale of a mortgagee under a mortgage by deed, within the meaning of the Conveyancing Acts 1881 to 1911, where the principal sum under the mortgage has become due and the power of sale has become exercisable; and, without prejudice to those powers,—

- (a) he shall have the power to convey by deed the estate of the debtor in the land freed from all estates in the land inferior to the charge, but subject to all estates in the land having priority to the charge; and
- (b) subject as aforesaid and to paragraph (3), he may, for the purposes of sale, apply to the High Court or, subject to Article 12 of the County Courts (Northern Ireland) Order 1980, to the <sup>F1</sup>... county court for possession of the land or any part thereof; and on such application the court may order possession of the land or that part thereof to be delivered to the applicant;

and section 21(2) of the Conveyancing and Law of Property Act 1881 and section 5(1) of the Conveyancing Act 1911 shall have effect for the protection of the purchaser of any such land as aforesaid.

(2) Where the owner of such a charge on registered land has exercised his power of sale under this Article, the charge and any estate in the land inferior thereto shall upon registration of the purchaser be discharged.

(3) Except with the leave of the High Court or, subject to Article 12 of the County Courts (Northern Ireland) Order 1980, the <sup>F2</sup>... county court, this Article shall not confer any power of sale on the owner of a charge of which notice has been registered under Article 48(1).

(4) Nothing in this Article shall operate so as to discharge any entry on any register in the Land Registry relating to a right 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).

**F1** Word in art. 52(1) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 84\(4\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F2** Word in art. 52(3) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 84\(4\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 52.