

SCHEDULES

SCHEDULE 9

AMENDMENTS

PART II

OTHER AMENDMENTS

(2) ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

The Registration of Deeds Act (Northern Ireland) 1970 (c. 25)

77. After section 3 insert—

“Pending actions relating to bankruptcy.

3A.—(1) A bankruptcy petition, whether or not it is known to affect land, may be registered by the lodgment in the registry of deeds of 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the High Court.

(2) The certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy petition under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy petition if the application for registration is made by the High Court.

(5) A bankruptcy petition filed on or after the coming into operation of the Insolvency (Northern Ireland) Order 1989 shall not bind or affect a purchaser of any unregistered land who has acted in good faith without actual knowledge of that petition—

- (a) unless it is registered under this section; and
- (b) before the expiration of 21 days from the date on which it is registered.

(6) In this section and section 3B “purchaser” means—

- (a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and
- (b) the agent of any such person.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Bankruptcyorders.

3B.—(1) Without prejudice to section 2(3), a bankruptcy order, whether or not the bankrupt’s estate is known to include land, may be registered by the lodgment in the registry of deeds of 2 copies of the order one of which copies shall be certified by the High Court and 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the official receiver.

(2) The certified copy of the bankruptcy order and the certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy of the bankruptcy order and the document referred to in subsection (1) shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of the document to be registered.

(3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy order under this section as they apply to the registration of a pending action relating to land.

(4) No fee shall be charged for the registration of a bankruptcy order if the application is made by the official receiver.

(5) Subject to paragraph (6), the title of a trustee in bankruptcy shall be void as against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the bankruptcy order claiming under a conveyance registered before the expiration of 21 days from the date on which the bankruptcy order is registered under this section.

(6) Where a bankruptcy petition has been registered under section 3A, the title of the trustee in bankruptcy shall be void against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the petition claiming under a conveyance registered on or after the expiration of 21 days from the date of registration of the petition, unless at the date of the registration of the conveyance either—

- (a) the registration of the petition is in force; or
- (b) a bankruptcy order is registered under this section and 21 days have expired from the date on which the order is registered.”.

78. In section 4(1) (effect of registration) for “section 5” substitute “sections 3A(5), 3B(5) and 5”.

79. After section 19(2) (regulations) insert—

“(3) The power of the Lord Chancellor, with the concurrence of the Department of Economic Development, to make rules under Article 359 of the Insolvency (Northern Ireland) Order 1989 shall include power to make rules as respects the registration and re-registration of a bankruptcy petition under section 3A and a bankruptcy order under section 3B, as if the registration and re-registration were required by that Order of 1989.

(4) Any rules made by virtue of paragraph (3) shall be made with the concurrence of the Department.”.

80. In section 20(1) (interpretation) insert the following definitions—

““bankruptcy order” means an order adjudging an individual bankrupt;

“bankruptcy petition” means a petition to the High Court for a bankruptcy order;”.