
STATUTORY INSTRUMENTS

1992 No. 811

**The Registration (Land and Deeds)
(Northern Ireland) Order 1992**

PART II

LAND REGISTRATION

Registration of title

Application for registration with qualified title

7.—(1) In sections 14(2) and 19(2) of the 1970 Act (class of title for which registration application may be made), after paragraph (c) there shall be inserted (in each case):

“; or

(d) a qualified title.”.

(2) In sections 14(6) and 19(7) of that Act (in each case) the words “or with a qualified title” shall cease to have effect.

Exemption, etc., of estates and land from Schedule 5 burdens

8.—(1) In sections 15(3) and 20(3) of the 1970 Act (under which, on first registration, the estate of the registered owner is subject to Schedule 5 burdens affecting the estate), at the beginning of paragraph (c) (in each case), there shall be inserted “without prejudice to Schedule 5, Part II, paragraph 1,”.

(2) In section 34(4) of the 1970 Act (under which transfers of registered land are subject to Schedule 5 burdens affecting the land), at the beginning of paragraph (b), there shall be inserted “without prejudice to Schedule 5, Part II, paragraph 1,”.

Extension of period within which certain matters must be registered

9.—(1) The amendments specified in the following paragraphs shall be made in Schedule 2 to the 1970 Act (compulsory registration).

(2) In column 2 of entry 3 in Part I (under which, where land is compulsorily acquired by a Government department or public or local body, an estate in the land cannot be acquired by persons deriving title until the title to the estate is registered) for “estate” in the second place where it occurs substitute “land”.

(3) In column 2 of entries 4, 5 and 6 in Part I (under which certain leases, rent-charges, fee farm grants and fishing or sporting rights are void unless applications are made to register them within three months) for “three” substitute “six”.

(4) In Part II for “entries 2, 4, 5 and 6” substitute “entry 2, and the period of six months so referred to in respect of entries 4, 5 and 6”.

First registration of certain leasehold estates

10.—(1) At the end of section 24 of the 1970 Act there shall be inserted:

“(6) The provisions of Part IV of Schedule 2 shall have effect in connection with the registration of a leasehold estate the title to which is required to be registered under subsection (1) and entry 4 in Part I of Schedule 2.”.

(2) At the end of Schedule 2 to the 1970 Act (compulsory registration) there shall be inserted the following Part:

“PART IV

PROVISIONS RELATING TO CERTAIN LEASES

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);
- (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).”.

(3) In Article 46(3) of the Judgments Enforcement (Northern Ireland) Order 1981 (order charging land not to have effect until registration)—

- (a) after “Article 48” there shall be inserted “or paragraph 4 of Part IV of Schedule 2 to the Land Registration Act (Northern Ireland) 1970”, and
- (b) after “Land Registry, and” there shall be inserted “subject to Part IV of that Schedule 2”.

Extension of compulsory registration

11. The following amendments shall be made in section 25 of the 1970 Act (under which orders declaring all or part of a county or county borough to be a compulsory registration area are subject to affirmative resolution and cannot take effect until at least six months after being made):

- (a) renumber the section as section 25(1) and in it—
 - (i) for “affirmative” substitute “negative”;
 - (ii) for “county or county borough” (twice) substitute “local government district”;
 - (iii) for “six months” substitute “three months”;
- (b) after section 25(1) insert:
 - “(2) A compulsory registration area declared under subsection (1) shall not be affected by any subsequent alteration in the boundaries of, or the subsequent abolition of, the local government district in question.”.