
STATUTORY INSTRUMENTS

1992 No. 811

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

PART II

LAND REGISTRATION

Transfers, etc.

Abolition of requirement that documents, etc., accompany certain applications for registration

16. Subsection (7) of section 34 of the 1970 Act (which requires certain applications for the registration of transfers of registered land for valuable consideration to be accompanied by the documents and evidence specified in that subsection) shall cease to have effect.

Amendment of supplemental provisions relating to defeasance of estates

17. In section 36 of the 1970 Act (estate passing from registered owner or his personal representatives to another person in certain circumstances: duty of the Registrar, if not satisfied that an application by that other person is made with the concurrence of the registered owner or certain other persons, to give notice of the application):

- (a) in subsection (1), after “prescribed” in the second place where it occurs, there shall be inserted “and subject to subsections (2) and (3)”;
- (b) for subsection (2) there shall be substituted:

“(2) Where it appears to the Registrar that the application may have been made without the knowledge of the registered owner, the Registrar may, before registering the applicant as owner of the estate, send notice of the application to the registered owner.

(3) The Registrar may, in his discretion, decline to register the applicant as owner except in pursuance of an order of the court.”.

Assent or transfer by personal representatives

18.—(1) The amendments specified in the following paragraphs shall be made in Schedule 4 to the 1970 Act (registration of person named in assent or transfer by personal representatives).

(2) In paragraph 4, at the end, insert “, and to register any burdens specified in the assent or transfer and the ownership of such burdens, where so specified”.

(3) Renumber paragraph 6 as paragraph 6(1) and at the beginning insert “Without prejudice to sub-paragraph (2) and paragraph 6A,”.

(4) After paragraph 6(1) insert:

“(2) Where—

- (a) a person has been registered as limited owner by virtue of paragraph 4; and

(b) the estate (“the relevant estate”) of that person is determined;
then, the assent or transfer mentioned in paragraph 4 shall, on application in such manner as may be prescribed, authorise the Registrar—

- (i) to register as full or limited owner (as the case may be) the person named in the assent or transfer (or his successor in title) as the person entitled to the land on the determination of the relevant estate; and
- (ii) to register any burdens specified in the assent or transfer and, where the ownership of such burdens is specified in the assent or transfer, the owner so specified or his successor in title.”.

(5) After paragraph 6 insert:

“Functions of Registrar in relation to assents or transfers by personal representatives

6A. Where an application for registration is made for the purposes of paragraph 4 or 6(2), the Registrar—

- (a) shall not call for any information as to why the assent or transfer was made;
- (b) shall assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.”.

(6) In paragraph 7 and its cross-heading, for “6” substitute “6A”.