
STATUTORY INSTRUMENTS

1992 No. 811

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

PART III

REGISTRATION OF DEEDS

Registration of deeds and conveyances

39.—(1) In section 1(2) of the Deeds Act (memorial of deed or conveyance to be produced to the registrar of deeds) for the words from “in writing” onwards there shall be substituted “in the prescribed form and such other documentation as may be prescribed”.

(2) The registrar of deeds need not satisfy himself that the execution of a deed or conveyance has been witnessed, and, accordingly, section 1(3) of the Deeds Act shall cease to have effect.

(3) In section 1(4) of the Deeds Act (memorial of deed or conveyance must contain the correct particulars specified in Schedule 1), for the words from “On the registrar being so satisfied” to “from the deed or conveyance” there shall be substituted “Where the registrar is satisfied that the documentation mentioned in subsection (2) has been produced to him”.

(4) In section 1(5) of the Deeds Act (after registration of deed or conveyance, the registrar must endorse on it and sign a certificate giving its serial number and other information) for the words from “the registrar” to “stating” there shall be substituted “it shall be endorsed with”.

(5) In section 1(6) of the Deeds Act (evidence of registration) for the words from the beginning to “conveyance” there shall be substituted “The endorsement of that serial number and date” and for “that registration” there shall be substituted “the registration of the deed or conveyance on that date with the priority of time provided for in section 4(1)”.

Witnesses

40. Section 2(1), (2) and (3A) of the Deeds Act (witnesses required for execution or sealing of documents) shall cease to have effect.

Vacation of registered pending actions

41.—(1) The following subsection shall be inserted after section 3(4) of the Deeds Act (pending actions relating to land):

“(4A) The registration of a pending action may also be vacated by lodging in the registry of deeds a certificate stating such matters as may be prescribed—

(a) which is signed by—

(i) the person on whose behalf the pending action was registered, or

(ii) a solicitor acting for that person or, if that person is dead, for his personal representatives; and

- (b) except where that person is a body corporate, which has its execution attested by two witnesses whose names and addresses and occupations or descriptions are subscribed to the certificate or attested by one witness who is a solicitor and whose name, address and description as a solicitor are subscribed to the certificate.”.
- (2) In section 3(6) of that Act after “(4)” there shall be inserted “or (4A)”.
- (3) This Article applies only to certificates signed after the commencement of the Article.

Certified copies of memorials, etc., to be received in evidence

42. For section 6 of the Deeds Act (office copies of memorials of registered documents) there shall be substituted:

“6 Certified copies admissible in evidence.

6. In any proceedings before any court—

- (a) a copy of a memorial filed in the registry of deeds; or
- (b) a copy of a copy of a registered document filed in that registry; or
- (c) a copy in legible form of a record kept in non-legible form by or on behalf of the registrar of deeds,

shall, if purporting to be certified by or on behalf of the registrar, be admissible in evidence in like manner as the original memorial, copy document or record.”.

The registry of deeds

43.—(1) Section 7(1) of the Deeds Act (which requires the registry of deeds to be situated in Belfast) shall cease to have effect.

(2) In section 7(2)(a) of that Act for “an assistant registrar” there shall be substituted “such assistant registrars”.

(3) For section 7(4) and (5) of that Act there shall be substituted the following subsections:

“(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 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.”.

Indemnity of registry of deeds' officials

44. The following section shall be inserted after section 7 of the Deeds Act:

“Indemnity of registry of deeds' officials.

7A. 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.”.

Lodging documents by post

45.—(1) Any reference in the Registration of Deeds Acts or this Part (however expressed) to lodging documentation in the registry of deeds for registration includes a reference to sending it to that registry by post.

(2) Where such documentation is sent to the registry of deeds by post, the serial number allocated under subsection (1) or (2) of section 8 of the Deeds Act, and the date and time which are to be treated as the date and time of lodgment, shall be determined in accordance with regulations under section 19 of that Act.

Records, etc.

46.—(1) The information contained in any documentation delivered to the registrar of deeds may be recorded and kept in any form he thinks fit, if it is possible to inspect the information and to produce a copy of it in legible form.

(2) The records required to be kept by the registrar of deeds may be kept in any form he thinks fit, if it is possible to inspect the information contained in them and to produce a copy of it in legible form.

(3) Where the records are kept otherwise than in legible form they may be kept by the registrar of deeds or on his behalf in such place as he may direct.

(4) Any reference in the Registration of Deeds Acts (however expressed) to the issue of any documentation by the registrar of deeds may, if he thinks fit, be satisfied by the communication by him of the requisite information by transmission in any non-legible form prescribed by regulations or approved by him.

(5) Where all the information contained in a book or index in the registry of deeds is also kept by the registrar of deeds otherwise than in legible form, the Department may, subject to any rules made under the Public Records Act (Northern Ireland) 1923 direct that the book or index be removed to the Public Record Office of Northern Ireland, where it shall be dealt with in accordance with that Act and those rules.

(6) Where any documentation referred to in paragraph (4) is required to be signed or certified, it shall instead be authenticated in such manner as may be prescribed by regulations or approved by the registrar of deeds.

(7) In section 11(1) of the Deeds Act (which requires certain records to be preserved in the registry of deeds and not to be removed from the registry), the words from “and shall be preserved” onwards shall cease to have effect.

(8) In this Article—

“legible” means capable of being read with the naked eye;

“record” includes a file and an index and the books mentioned in sections 9, 10 and 11 of the Deeds Act;

“regulations” means regulations under section 19 of the Deeds Act.

Searches

47.—(1) The amendments specified in paragraphs (2) to (4) shall be made in section 13 of the Deeds Act (common and negative searches).

(2) In subsection (2) (preservation of requisitions for searches) after “kept” insert “, or recorded and the record kept,”, and at the end insert “for the prescribed period”.

(3) In subsection (4) (statement or certificate containing the results of a search is to be signed by such person as may be prescribed) the words “and signed by such person as may be prescribed” shall cease to have effect.

(4) In subsection (6) (breach of duty by person signing certificate of search) the words “upon the person signing the certificate” shall cease to have effect.

(5) Regulations under section 19 of the Deeds Act may make provision with respect to applications for searches under section 13 of that Act, and the provision of information, by telephone or other automated means.

Fees

48. Section 16(2) of the Deeds Act (which applies such provisions of the Stamp Act 1891 as are specified in an order under section 16(1) to any fees paid by stamps) shall cease to have effect.

Regulations

49. At the end of section 19(1) of the Deeds Act (power of Department to make regulations) there shall be inserted “and providing for anything for which provision is permitted or required by the Registration of Deeds Acts to be made by regulations”.

The Crown

50.—(1) The following section shall be inserted after section 21 of the Deeds Act:

“The Crown.

21A. This Act binds the Crown.”.

(2) Paragraph (1) does not affect any priority existing immediately before the commencement of this Article.