

SCHEDULES

SCHEDULE 1

Article 51.

MINOR AND CONSEQUENTIAL AMENDMENTS

References to the central office

1. In the following provisions of the 1970 Act, for “central office” substitute “Land Registry”:
sections 1(4), 2(1), 68(2)(a) and 81(4);
Schedule 1, paragraphs 3, 4 and 5.

References to various registers

- 2.—(1) In the following provisions of the 1970 Act, for “appropriate register” or “appropriate registers” (wherever occurring) substitute “title register”:

sections 11(3), 14(3), 19(3), 38(1), 39(1), 40, 42(1), 49(1), 51, 55, 58, 59(2), 60(1) and (2), 67A(1) and (5), 68(1), 81(3), 85(3)(h)(q)(r) and 94 (in the definitions of “registered burden” and “registered charge”);

Schedule 2, Part I, column 2 of entries 2, 4, 5 and 6; Schedule 4, paragraph 3; Schedule 5, Part II, paragraphs 1 and 2; Schedule 6, Part II, paragraph 2; Schedule 7, Part I, paragraphs 2 and 3; Schedule 8, Part I, paragraph 2, and Part II, paragraphs 1 and 2 and Schedule 10, paragraph 5.

- (2) In the following provisions of the 1970 Act, for “the appropriate register” substitute “the register”:

section 64(2) and (4) and Schedule 10, paragraph 4.

- (3) In the 1970 Act:

- (a) for “any register”, “a register” or “the register” where occurring in sections 40, 41(3), 54(1), 68(2) and (3) and section 94 (in the definition of “limited owner”) and in Schedule 6, Part II, paragraph 5, Schedule 8, Part I, paragraphs 4(1) and 8 and Schedule 10, paragraph 3, substitute “the title register”;

- (b) for “any register”, “a register” or “each register” wherever occurring in sections 11(1), 48(2), 64(1) and (3), 69(1), (3) and (4), 77(3) and 79(2)(d) and Schedule 9, paragraphs 1(1)(a)(b)(d), 2, 4(2)(a)(b)(c) and 6(a)(b), and Schedule 10, paragraph 4(a) substitute “the register”.

- (4) In section 27(2) of the 1970 Act for “register of leaseholders” substitute “title register”.

- (5) In section 41(2) of the 1970 Act for “register” substitute “manner”.

- (6) In section 82(1)(b) of the 1970 Act for “any register” substitute “the register or the Statutory Charges Register or any index to that Register”.

- (7) In section 83(2) of the 1970 Act for “any register” substitute “the register, the Statutory Charges Register, any index to that Register or any”.

- (8) In section 85(3)(c) and (j) of the 1970 Act (in each case) for “the registers” (wherever occurring) substitute “the register or the Statutory Charges Register”, and in section 85(3)(f) for “any register” substitute “the register or the Statutory Charges Register”.

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(9) In Schedule 2 to the 1970 Act, Part I, entry 3, column 1 for the words from “the register of freeholders” onwards substitute “the title register”.

Examination of title

3.—(1) In section 14(5) of the 1970 Act for the words from “unless the title” onwards substitute “until his right to be so registered has been shown to the satisfaction of the Registrar”.

(2) In section 19 of the 1970 Act:

(a) in subsection (5) for the words from “unless” onwards substitute

“until he has produced such evidence of title to—

(a) the leasehold estate; and

(b) the freehold estate; and

(c) any intermediate estate which may exist,

as the Registrar considers necessary to justify registration with the proposed class of title”;

(b) in subsection (6) for the words from “unless” onwards substitute “until his right to be so registered has been shown to the satisfaction of the Registrar”.

(3) In section 28 of the 1970 Act for “the examination of any title under this Act” substitute “where the examination of any title is required under this Act or is necessary to facilitate any registration, such examination”; and in paragraph (a) of that section for “sufficient” substitute “, where notice is given, an”, and for “come in and state” substitute “submit”; and in paragraph (c) for “approve” substitute “register”.

(4) In section 29(1) of the 1970 Act for “and his solicitor shall each” substitute “or his solicitor shall” and for the words from “course” onwards substitute “documentation lodged in connection with the particular application for registration”.

(5) In section 30(1) of the 1970 Act for “which requires” substitute “and”, and after “land” insert “is necessary to facilitate registration”.

Other amendments of the 1970 Act

4.—(1) In section 32(2) of the 1970 Act after “subsection” insert “and paragraph 1(2) of Part I of Schedule 7”.

(2) In section 54(1) of the 1970 Act after “Act” insert “or Land Registry Rules”.

(3) In section 59(2) of the 1970 Act for “indemnity” substitute “compensation”.

(4) In section 67A of the 1970 Act, at the end, insert:

“(10) In this section references to a disposition of registered land include a lease, a charge and the creation or disposal of any interest in such land or in a charge of such land, and “purchaser” includes a lessee, a chargee and a person in whose favour such an interest is created or disposed of.”.

(5) In section 68(1) of the 1970 Act for “protecting the Insurance Fund against” substitute “avoiding”.

(6) In section 82(1)(a) of the 1970 Act after “court” insert “or the Lands Tribunal”.

(7) In section 94 of the 1970 Act, in the definition of “the registry map”, for “(2)” substitute “(1)”; and at the appropriate places in alphabetical order insert:

““the register” means the title register and the registry map;

“the title register” means the register maintained pursuant to section 10;”.

(8) In Schedule 2 to the 1970 Act, Part I, entry 2, column 1 for the words from “capable of being” to “subsidiary interests” substitute “comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)”; and in entry 3, column 1 after “mortgage” (and within the brackets) insert “or land comprising incorporeal rights held in gross or rights prescribed under section 10(1)(d)”.

(9) In Schedule 9 to the 1970 Act, paragraph 1(1)(d), before “document” insert “a”.

(10) In Schedule 10 to the 1970 Act, paragraph 6, for “against the Insurance Fund” substitute “for compensation”.

(11) In Schedule 11 to the 1970 Act, paragraph 18A, for “1979” substitute “1980”.

Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983 (NI 9)

5.—(1) In Article 3(6) of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983 for “and attested in accordance with section 2 of the Registration of Deeds Act (Northern Ireland) 1970” substitute “and, except where the mortgagee is a body corporate, attested by two witnesses whose names and addresses and occupations or descriptions are subscribed to the receipt or attested by one witness who is a solicitor and whose name, address and description as a solicitor are subscribed to the receipt”.

(2) In the Schedule to that Order, after “our” insert “[or my]”, after “witnesses” insert “or witness” and after “witnesses” insert “or address and description as a solicitor of witness”.

(3) This paragraph applies only to receipts executed after the commencement of the paragraph.

General modification of other statutory provisions

6.—(1) In any statutory provision other than a provision of the 1970 Act, any reference, in relation to the Land Registry, to a particular description of register or the appropriate register shall be construed as a reference to the title register.

(2) Sub-paragraph (1) does not apply to a reference to the Statutory Charges Register.