

1977 No. 154

LAND REGISTRATION

Land Registration Rules (Northern Ireland) 1977

Made 1st June 1977

Coming into operation 1st October 1977

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The Department of Finance, in exercise of the powers conferred by sections 2(5), 10, 12, 14(6), 19(7), 27(1), 28, 33(1), 34(2), (7) and (8), 36, 38(1), 43(2), 49(1), 50, 53(2), 55(1) and (2), 59(1), 60(2) and (3), 62(1) and (2), 64(2) and (4); 65(1) and (2), 66(1), (2), (6) and (7), 67(4), 72(3), 79, 81, 85, 86, 89(1), 92(1) of, and paragraph 6 of Schedule 1, entries 2, 4, 5 and 6 of Part I of Schedule 2, paragraphs 1, 2, 3 and 5 of Schedule 3, paragraphs 4 and 6 of Schedule 4, paragraph 2 of Part II of Schedule 5, entry 16 of Part I and paragraphs 1 and 3 of Part II of Schedule 6, paragraph 1 of Part I of Schedule 7, paragraphs 4(1) and 5 of Part I of Schedule 8, paragraphs 1(1)(c) and (d), 9, 10 and 12 of Schedule 9, paragraphs 6 and 7 of Part I of Schedule 13 to the Land Registration Act (Northern Ireland) 1970(a) and now vested in it(b) and of every other power enabling it in that behalf and with the advice and assistance of the Land Registry Rules Committee established pursuant to section 85 of that Act, hereby makes the following rules:

PRELIMINARY

Commence-
ment.

1. These Rules shall come into operation on 1st October 1977 and may be cited as the Land Registration Rules (Northern Ireland) 1977.

Interpre-
tation.

2. In these Rules—

“the Act” means the Land Registration Act (Northern Ireland) 1970;

“appurtenance” includes any right, privilege or appurtenance belonging, appurtenant, or attached to, any registered land and “appurtenant” shall be construed accordingly;

“dealing” includes any transaction with or event affecting registered land which requires an entry or a cancellation to be made on any register and any document connected with such a transaction or event;

“Department” means the Department of Finance;

“folio” means a folio, as described in rule 5(1);

“Form”, with a number thereafter, refers to the form denoted by that number in the Schedule;

“non-contentious business” has the meaning assigned to it by article 3(2) of the Solicitors (Northern Ireland) Order 1976(c);

“registered owner” in respect of any land means a person of any class of ownership registered with any class of title;

“Registry” means the central office of the Land Registry.

Revocations.

3. Except in so far as they relate to costs incurred in respect of non-contentious business, the following Orders and Rules so far as they were in force immediately before the commencement of these Rules are hereby revoked—

Land Registry of Northern Ireland Orders and Rules 1936(d)

Land Registration Northern Ireland Rules Order 1944(e)

Land Registry (Statutory Charges Register) Rules (Northern Ireland) 1951(f)

(a) 1970 c. 18 (N.I.)

(b) By 1973 c. 36 s. 40 and Schedule 5 paragraph 7(1); 1974 c. 28 Schedule 1 paragraph 2(1) and (2)

(c) S.I. 1976 No. 582 (N.I. 12)

(e) S.R. & O. 1944 No. 853

(d) S.R. & O. 1936 No. 561

(f) S.R. & O. (N.I.) 1951 No. 50

Land Registry (Costs) Order (Northern Ireland) 1953(g)

Land Registry (Costs) Order (Northern Ireland) 1954(h)

Land Registry of Northern Ireland (Administration of Estates) Rules 1956(i)

Land Registry of Northern Ireland (Days and Hours of Business) Rules 1958(j)

4. In relation to the Statutory Charges Register and the registration of any statutory charge Parts I to VII inclusive of these Rules shall not apply except where otherwise provided in Part VIII of these Rules.

Application to the Statutory Charges Register.

PART I

THE LAND REGISTRY.

THE REGISTERS AND INDICES

5.—(1) Each register shall be divided into folios and each folio shall bear a distinguishing number.

Form and contents of registers.

(2) Every folio opened after the commencement of these Rules shall be divided into three parts as follows—

Part I, containing—

- (a) a description of the land with a reference to the relevant registry maps and, in the case of the register of subsidiary interests, of the particular right in the land to which the folio relates;
- (b) in the case of any leasehold estate, a reference to the lease creating that estate, with particulars of the date thereof, the parties thereto and the term thereby granted, the folio reference relating to the title of the lessor, if such title is registered, and such other particulars (if any) relating to the lease as the Registrar considers desirable;
- (c) any exceptions and reservations relating to the land;
- (d) any entries which are authorised to be made by the Act or these Rules and which relate to—
 - (i) appurtenances;
 - (ii) title to mines and minerals in the land;
 - (iii) boundaries of the land.

Part II, containing—

- (a) the name of the registered owner, his address or addresses for service of notices, his description and the class of ownership registered;
- (b) any note of the fact of the death of a registered owner made under rule 60 or rule 62;
- (c) a note of the class of title registered;
- (d) any entry made under section 55 or section 60 of the Act;
- (e) any entry relating to any of the matters referred to in paragraphs 2, 4 and 5 of Part I of Schedule 8 to the Act;
- (f) any notice entered under section 59 of the Act of the presenting of a petition of bankruptcy or a petition for arrangement;
- (g) any caution or inhibition restricting or prohibiting the registration of any dealing with the land.

(g) S.R. & O. (N.I.) 1953 No. 23

(i) S.R. & O. (N.I.) 1956 No. 77

(h) S.R. & O. (N.I.) 1954 No. 72

(j) S.R. & O. (N.I.) 1958 No. 6

Part III, containing—

- (a) notice of the existence of any Schedule 5 burden;
- (b) notice of the fact that the land is exempt from, or has ceased to be subject to, any Schedule 5 burden;
- (c) any Schedule 6 burden and, where the ownership of any such burden is registered in the register of leaseholders or the register of subsidiary interests, a reference to the appropriate folio of such register;
- (d) any note of indemnity in respect of a rent registered as a burden entered under paragraph 5 of Part II of Schedule 6 to the Act;
- (e) the ownership of a registered charge, where such ownership is not registered in the register of subsidiary interests;
- (f) any sub-charge within the meaning of rule 76 and the ownership thereof, when the Registrar permits;
- (g) a notice of deposit of, or lien on, a land certificate, or a certificate of charge, under rule 132;
- (h) any caution or inhibition against registration of any dealing with a registered burden the ownership of which is not registered in the register of subsidiary interests.

(3) Subject to rule 6, all folios existing at the commencement of these Rules shall be revised in accordance with paragraph (2) as soon as the revision can, in the opinion of the Registrar, be conveniently effected.

(4) Every entry in a folio of a person as a registered owner or as a cautioner, or as entitled to receive any notice, or in any other capacity, shall include his address, or addresses, in the United Kingdom for service of notices.

Schedule Folios.

6. Any folio maintained in the form known as a Schedule Folio and existing at the commencement of these Rules may be continued in that form save that no further lands shall be added therein. After the commencement of these Rules, no Schedule Folio shall be opened.

Folio Books.

7.—(1) Where any person is, or is entitled to be, registered as owner of lands in different folios of the same register and the lands are situate in the same county, that person may require all such folios to be included in a Folio Book.

(2) Each Folio Book shall bear a distinguishing number and each folio included in the Folio Book shall bear the number of the Folio Book and shall also be numbered in such manner as will enable such folio to be identified separately.

(3) The registered owner of the lands the subject of any Folio Book may at any time, in writing, require that all or any of the folios comprised in the Folio Book be withdrawn from the Book and thereafter be treated independently, or that other folios of the same register relating to lands in the same county, and in respect of which he is, or is entitled to be, registered as owner, be added to the Book.

Authentification of registers and of entries and cancellations therein.

8.—(1) On the opening of every folio and Folio Book, the folio and Folio Book shall be authenticated by the official seal of the Registry being affixed thereto.

(2) Entries and cancellation of entries, in any register, shall be authenticated in such manner as the Registrar directs.

9.—(1) Where a person is, or is entitled to be, registered as owner of land in a county and also of contiguous land situate in one or more other counties, and all of the lands are held on a common title, then in any such case, at the request of that person, for the purpose of saving expense and facilitating transactions, the title to all the lands may be included in one folio in any of those counties, and all registrations in respect of the lands shall be made in that folio.

Contiguous lands of an owner in two or more counties.

(2) In any case in which the title to lands in more than one county is included in one folio for registration purposes, another folio shall be opened in each county in respect of which registrations are not to be made, and such other folios shall contain only a description of the lands in that county, a reference to the number of the folio in which registrations in respect of these lands are to be made and a statement that all registrations in respect of these lands are included in that other folio.

(3) Where the title to lands in more than one county is included in one folio under this rule, the registered owner may, at any time, request that the title to lands in a county other than the county in which that one folio has been opened, be entered in a separate folio in accordance with the normal procedure. On receiving such a request the Registrar shall, after giving such notices as to him may seem proper, make all necessary alterations in the folios involved.

10.—(1) The Registrar, on the application of, or after notice to, the registered owner of land included in any folio may, when he considers it to be practicable and desirable to do so, clear the folio by closing it and making a new edition of it containing the subsisting entries only, and may, in so doing, make any arrangement that may appear to him to be conducive to clarity, including the entry in two or more folios of different parts of the lands previously contained in one folio, or the entry in one folio of lands previously contained in two or more folios, or the alteration of a number of a folio.

New editions of folios.

(2) The Registrar may order any person who has custody of a land certificate or certificate of charge to produce it to him for the purpose of clearing any folio under this rule.

(3) No fee shall be charged in connection with the clearance of any folio under this rule, unless it is done on the application of the registered owner at a time when there is no dealing with the land in respect of which a fee is payable.

(4) Closed editions of any folio shall be marked 'closed' and shall be retained for such period as the Registrar considers expedient, and while so retained may be inspected by any person.

11.—(1) The Registrar may revise the description of the lands included in a folio and make the description conformable with the description in the registry map, whenever the latter is revised.

Revision of description of lands, formal alterations, cancellation of obsolete entries and correction of clerical errors.

(2) The Registrar may, after such inquiries and the service of such notices (if any) as he considers proper, and upon such evidence as he considers satisfactory, make any formal alterations in a register, or cancel in a register, any burden or other entry that he is satisfied no longer affects or relates to the land.

(3) Where any clerical error is discovered in the register or in any document connected with registration, the Registrar may (if he thinks fit, and after giving any notices and calling for any evidence or obtaining any assent he considers proper) cause the necessary correction to be made.

Indices to be maintained in the Registry.

12. There shall be maintained in the Registry the following indices—
- (a) an index of lands containing the identification references on the registry maps to every parcel of land in respect of which a folio of any register has been opened, with the number of the folio;
 - (b) an index of names containing the name of every registered owner in every folio, except in the case of a charge the ownership of which is registered in the register of freeholders or register of leaseholders, and also containing the folio reference.

DAYS AND HOURS OF BUSINESS

Hours when open to public.

13. The Registry shall be open for the transaction of public business between the hours of 11 a.m. and 4 p.m. on every day except Saturdays, Sundays and all other days which are authorised by the Department to be a public or privilege holiday to be observed by the officials in the Registry.

PART II

EXAMINATION OF TITLE

FIRST REGISTRATION

Presentation of applications for first registration.

14.—(1) Every application for first registration of ownership shall, except in the case of a charge or in a case to which rule 84(1), 85(1) or 87 applies, be made by an application in Form 1, 2, 3 or 4 as the case requires.

(2) The application shall be sent to, or delivered at, the Registry and be accompanied by the prescribed fee.

Documents to be delivered with an application for first registration of the ownership of a freehold estate.

15. An application for first registration of the ownership of a freehold estate in the register of freeholders or in the register of subsidiary interests shall, except in a case to which rule 84(1) or rule 85(1) applies, unless the Registrar otherwise directs, be accompanied by—

- (a) all such original deeds and documents relating to the title as the applicant has in his possession or under his control including affidavits, statutory declarations, opinions of counsel, abstracts of title, contracts for or conditions of sale, searches and requisitions on title and replies thereto and other like documents, and any other evidence necessary to prove such title;
- (b) an abstract, or a concise statement (which may be included in the application) of the title (duly verified) giving, in chronological order, a summary of the documents and the events and facts on which the applicant's claim is based;
- (c) particulars, consisting of a map or otherwise, sufficient to enable the land to be fully identified on the ordnance map and to be delineated on a registry map in accordance with section 62(2) of the Act and these Rules;
- (d) a schedule, in duplicate, of all documents lodged with the application.

Documents to be delivered with an application for first registration of the ownership of a leasehold estate.

16.—(1) An application for first registration of the ownership of a leasehold estate in the register of leaseholders or in the register of subsidiary interests shall, except in a case to which rule 85(1) or rule 87 applies unless the Registrar otherwise directs, be accompanied by the documents specified in paragraphs (a), (b), (c) and (d) of rule 15.

(2) Where the title of the lessor is not registered and a counterpart of the lease is delivered with the application, the counterpart shall be returned to the person entitled to it endorsed with a note of the fact of registration in such form as the Registrar considers appropriate.

17. Where any land comprised in an application for first registration includes foreshore or seabed, that fact shall be stated in the application so that such notice (if any) as is required by section 78 of the Act may be given.

Foreshore
and seabed.

18. Every first registration shall be made as of the day on which the folio is authenticated in accordance with the provisions of rule 8; and the folio shall bear that date accordingly.

Date of first
registration.

19. The notice of registration to be given to the Registrar of Deeds pursuant to section 72(3) of the Act shall be a memorial in Form 5 with such modification thereof as the Registrar may, in special circumstances, allow and shall be sealed with the official seal of the Registry. On completion of registration the memorial shall, forthwith, be transmitted for registration in the Registry of Deeds.

Memorial
for
Registrar of
Deeds.

CAUTIONS AGAINST FIRST REGISTRATION

20. A caution requiring notice of an application for first registration in any register shall be lodged by filing an affidavit in Form 6 sworn by the cautioner or his solicitor and containing an address in the United Kingdom for service of notices and also particulars, by plan or otherwise, sufficient to identify on the ordnance map and on the registry maps the land to which the caution relates.

Form of
caution.

21.—(1) A caution may be withdrawn in respect of the whole of the land to which it relates, by an application in writing signed by the cautioner, or his solicitor, or the person entitled to the benefit of the caution, or his solicitor.

Withdrawal
of caution.

(2) A caution may also be withdrawn in respect of a part only of the land to which it relates, and in any such case the application for withdrawal shall be in Form 7, signed by a person specified in paragraph (1), and shall be accompanied by particulars, by plan or otherwise, sufficient to identify on the ordnance map and on the registry maps, the part to which the withdrawal relates.

22. The notice to be served upon a cautioner, under section 65(2) of the Act, shall be in Form 8 and the time to be stated in that notice, within which he may appear and oppose an application for first registration, shall be fourteen days from the date of service of the notice or such longer period as the Registrar may, in special circumstances, allow.

Notice to
cautioner
and time for
objections.

23. At any time after the notice required by section 65(2) of the Act has been served, the cautioner (or, if he has died, his personal representatives) may, by writing signed by himself or his solicitor, consent to the registration, and the consent may be either absolute or conditional on some special entry being made on the register.

Consent by
cautioner.

24. The Registrar shall allow any person appearing to him to be interested in the land to inspect a caution lodged under section 65(1) of the Act.

Inspection
of cautions.

RECLASSIFICATION OF TITLE

Reclassification of possessory titles formerly subject to notes as to equities.

25. An application, made under paragraph 1 of Schedule 3 to the Act by a registered owner to reclassify as absolute a title deemed to be a possessory title, shall be made, in a case in which no other alteration is required to be made on the register, in Form 9, and, in any other case, in Form 11, with such modifications as the case may require.

Reclassification on efflux of time.

26. An application, made under paragraph 2 of Schedule 3 to the Act, by a registered owner, or by a transferee for valuable consideration of the estate of a registered owner, to reclassify a title on registration of the transfer, shall be in Form 10 with such modifications as the case may require.

Reclassification of titles in other cases.

27. An application, made under paragraph 3 of Schedule 3 to the Act, to reclassify a title in any other case, after due examination of the title, shall be made—

- (a) in Form 11, where the application is made by the registered owner or other person claiming to be entitled to the land, to reclassify a title other than an absolute title as an absolute title, or to reclassify a possessory or a qualified title as a good fee farm grant, or a good leasehold, title; or
- (b) in Form 12, where the application is made by the registered owner to reclassify as a good fee farm grant, or a good leasehold, title, a title registered at the commencement of the Act as a qualified title and the Registrar at the time of first registration would have been justified in registering such title as a good fee farm grant, or a good leasehold, title if the provisions of section 13 of the Act had applied at that time.

Notices, advertisements and enquiries before reclassification.

28.—(1) Before reclassification of a title in a case to which rule 26 applies, the Registrar may—

- (a) serve such notices as he considers necessary, including notices to owners of neighbouring land who may, in his opinion, be entitled to enforce restrictive covenants or conditions affecting the land;
- (b) at the applicant's expense, insert notice of the intended reclassification in the Belfast Gazette and in such other (if any) newspaper or newspapers as the Registrar considers desirable;
- (c) make such enquiries, on the land or elsewhere, as he considers necessary.

(2) Before reclassification of a title in a case to which rule 27 applies the Registrar shall, unless in any particular case he considers it unnecessary to do so—

- (a) give notice of the intended reclassification to the registered owner, if such owner is not the applicant and does not consent to the reclassification;
- (b) where, on reclassification, it is intended to register a burden in priority to an existing registered burden, give notice of such intention to the owner or reputed owner of the registered burden;
- (c) where, on reclassification, it is intended to cancel a registered burden which appears not to affect the ownership of the land as ascertained, or only affects a limited ownership or an estate in

remainder therein, give notice, to the owner or the reputed owner of the burden, of the facts ascertained and of the entries and cancellation or amendment of entries intended to be made on the register.

(3) In any case in which, under this rule, notice is given or an advertisement is made, the Registrar shall not reclassify the title until after the expiration of such period as he, in the particular case, considers reasonably sufficient to permit an objection to be made to him and every such notice and advertisement shall state the period during which an objection should be made, and to whom it should be addressed.

29. On every reclassification of title the Registrar shall make the register conformable with the title as ascertained on examination, and shall make all entries and cancellations on the register necessary for this purpose, save that, in respect of a registered burden, the ownership of the burden shall be registered only where the title to the ownership has been shown to the satisfaction of the Registrar.

Register to be made conformable on reclassification.

MISCELLANEOUS PROVISIONS RELATING TO EXAMINATION OF TITLE

30.—(1) The examination of titles under the Act shall be conducted in such manner as the Registrar directs.

Examination of title

(2) In any examination of title, such searches, advertisements and notices may be directed and such enquiries may be made as the Registrar considers expedient.

31.—(1) Except as otherwise provided in this rule, the title to be shown by an applicant may commence with a disposition of the land, made not less than twenty years prior to the date of the application, that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

Modification of examination of title.

(2) In cases of compulsory registration on sale under entry 2 of Part I of Schedule 2 to the Act, where the purchase money does not exceed seven thousand five hundred pounds the Registrar may, if he thinks fit, register with an absolute title, or a good fee farm grant title, or a good leasehold title, on production of a certificate by a solicitor, at the expense of the applicant, to the effect that—

- (a) he acted for the applicant on the purchase which led to the application for registration;
- (b) he investigated, or caused to be investigated, the title in the usual way on behalf of the applicant and made, or caused to be made, all such searches as he considered necessary;
- (c) the whole of the purchase money was paid to the person mentioned in that behalf in the conveyance or assignment;
- (d) he believes, as the result of his investigation and subject to registration, that the conveyance or assignment validly conveys or assigns to the applicant the estate in the land purported to be conveyed or assigned, free from any adverse rights or incumbrances or restrictive covenants which were not shown by the conveyance or assignment.

(3) Where the title of an applicant has been examined by the conveyancing counsel appointed by a court, on a sale or purchase of the land under an order of such court, the examination of title may be modified in such manner as the Registrar thinks fit.

(4) Where, in the course of the investigation of a title, the applicant requests that the title should be referred to counsel for his opinion, or the Registrar considers such a reference to be desirable, the Registrar may, with the consent and at the expense of the applicant, refer the title to counsel for his opinion, either generally or upon any specific matter.

Title to
mines and
minerals.

32.—(1) Where, on an application for first registration in the register of freeholders or in the register of leaseholders, or at any time after such registration, it is proved to the satisfaction of the Registrar that the title of the applicant or, as the case may be, of the registered owner, includes any mineral rights in the land, the Registrar may at the request of the applicant or, as the case may be, of the registered owner, add in Part I of the folio relating to the land a note to the effect that the title to such mineral rights is included in the registration.

(2) No registration in the register of subsidiary interests in respect of any mineral right and no entry in a folio of the note provided for in this rule shall be made in any case until after the expiration of ten days from the date of service upon the Department of Commerce of notice of an intention to make such registration or, as the case may be, to enter such note.

Registration
in case of a
flat, floor,
cellar, etc.

33.—(1) Where the land comprised in an application for registration consists of or includes a flat or floor, or part of a flat or floor, of a house or building, or a cellar or tunnel, or an underground space apart from the surface, or where any of the boundaries of such land is in a plane other than the vertical, a plan shall be furnished of the surface under or over which the land to be registered lies, together with such other elevations, sections, plans and other descriptions (if any) as the Registrar considers necessary and with particulars of any appurtenant rights of access, whether held in common with others or not, or obligations affecting other land for the benefit of the land the title to which is to be registered.

(2) Before registration is completed in a case to which paragraph (1) applies notice may be given to the reputed owners or occupiers of the property or properties above or below or adjoining laterally the land to be registered and to such other persons (if any) as the Registrar may direct.

Application
for registra-
tion of title
to registered
land
acquired by
possession.

34.—(1) Any person claiming, pursuant to section 53 of the Act, to have acquired a title by possession to registered land, may apply for registration of such title by lodging in the Registry an application in Form 13 supported by an affidavit of the applicant in Form 15 or, where the application relates only to an undivided share in the land, by an application in Form 14 supported by an affidavit of the applicant in Form 16.

(2) All statements made in the affidavit of the applicant, which are not supported by other documentary evidence, shall be corroborated by affidavit of an independent person which shall be lodged with the application.

(3) Upon lodgment of an application under this rule, a copy thereof, together with a notice in Form 17 shall be served upon such persons as the Registrar directs and the application shall not be complied with until after the expiration of the time for objection limited by the notice:

(4) Where, at any time, a request is made to the Registrar to refer an application under this rule for decision by a county court, the request shall be accompanied by the evidence necessary to prove the jurisdiction of the county court to decide the application.

35. An application to examine the title to the ownership of a registered burden, for the purpose of having the burden cancelled or of having the applicant registered as owner thereof, shall be made in the same manner as in the case of an application for first registration of such ownership, with the necessary modifications, except that a map shall not be necessary.

Examination of title to ownership of a registered burden.

36.—(1)(a) Where section 27(1)(b) of the Act applies or where the owner of an unregistered fee simple or superior leasehold estate acquires a registered leasehold estate capable of merging therewith and is desirous of having registration effected as if section 27(1)(b) applied, and where it is intended to register the conversion or effect merger or extinguishment of the relevant leasehold estate, an application shall be made in Form 18 for the registration of the fee simple or superior leasehold estate and for the cancellation on the register of leaseholders of the registration therein relating to the leasehold estate intended to be converted, merged or extinguished.

Extinguishment of registered leasehold estates.

(b) Where section 27(1)(b) does not apply and where the owner of the unregistered superior estate does not desire to have registration of such estate effected but it is intended to effect merger or extinguishment of the inferior registered leasehold estate then the application for such registration shall be in Form 18 with such modifications as may be necessary.

(2) Where the same person is or becomes entitled to be registered as owner of a registered fee simple estate or a registered superior leasehold estate and is or becomes entitled to an inferior leasehold estate registered as a burden on the relevant superior estate but the title to which is otherwise unregistered and which is capable of merging therewith and it is intended to effect merger or extinguishment of that unregistered leasehold estate, an application shall be made in Form 19.

(3) Where the same person is or becomes entitled to be registered as owner of a registered fee simple estate or a registered superior leasehold estate and of a registered inferior leasehold estate capable of merging therewith, and it is intended to effect merger or extinguishment of the inferior registered leasehold estate, then an application shall be made in Form 20 unless the instrument of transfer contains terms corresponding in substance with paragraphs 1, 2, 3, 4, 6 and 7 of Form 20.

(4) The Registrar shall not, save on foot of express statutory provision to the contrary or on foot of a consent under paragraph (5) or an order of a Court or a Judge or on being otherwise satisfied that he is

legally bound so to do, make any entry in the register which would in any way prejudice any charge or other burden to which any leasehold estate merged or liable to be merged in a superior leasehold estate or estate in fee simple or otherwise to be extinguished, is subject.

(5)(a) Nothing hereinbefore contained shall preclude the parties entitled, whether as registered owners thereof or otherwise to any charge or other burden on any leasehold estate intended to be merged in any superior leasehold or fee simple estate or otherwise extinguished, from agreeing to any such merger or other extinguishment upon such terms as they think fit. Such terms may include the registration as burdens upon the superior leasehold or fee simple estate of any charge or other burden to which immediately prior to the extinguishment thereof the extinguished estate was subject.

(b) This paragraph and paragraph (4) shall apply notwithstanding any declaration as to merger which may have been made by any transferee, grantee or assignee.

(6) This rule shall apply mutatis mutandis and subject to the relevant statutory provisions to any case where a leasehold estate is converted into a fee simple estate under any statutory provision.

Affidavit
under
section 29
of the Act.

37. An affidavit made pursuant to section 29 of the Act, may be in Form 21.

Registration
of tenant
in common
or co-
parcener.

38.—(1) Where it is proved to the satisfaction of the Registrar that a person entitled to be registered as a co-owner is a tenant in common or a co-parcener, the entry of ownership made in the register shall show that such owner is a tenant in common or, as the case may be, a co-parcener and also, in the case of a tenant in common, the undivided share to which he is entitled.

(2) An application for registration as owner of a person claiming as tenant in common of an undivided share in land shall state the share to which he is entitled where the share does not appear from the instrument lodged.

Registration
of trustee
owner.

39. Upon registration, as owner, of any person who holds the land as a trustee, there may be entered in the folio, at his request in writing, an inhibition for the protection of the trusts.

Notice of
proposed
registration
to be given.

40. A registration consequential upon an examination of title shall not, save in special circumstances, be completed until—

(a) where the registration proposed to be made is not the registration applied for, the applicant; and

(b) any other person whom the Registrar considers it proper to notify; have been notified of the registration proposed to be made.

PART III

DEALINGS

GENERAL PROVISIONS

41. Where a document deals with part only of the land in a folio, then unless that part is clearly defined on the registry map and may be identified thereon from a verbal description in the document, or is otherwise clearly identified, the document shall include or be accompanied by such plan as is necessary clearly to define that part on the registry map; any such plan shall, unless included in the document, be signed by the persons concerned or by their solicitors.

Identification of part of registered land.

42.—(1) All dealings shall be presented for registration by being sent to, or delivered at, the Registry.

Presentation and receipt of dealings for registration.

(2) A dealing shall not be received in the Registry for registration unless—

- (a) every document which is liable to stamp duty either bears the proper Inland Revenue stamp or is accompanied by a written undertaking under rule 47; and
- (b) the prescribed fee has been paid; and
- (c) if production of a land certificate or certificate of charge is required under these Rules for the purpose of registration, either that certificate is or has been produced for the purpose of the registration sought or an application, under rule 125, for an order for production of the certificate or a request to the Registrar to dispense under rule 126 with such production, is lodged; and
- (d) the matter is otherwise, *prima facie*, in order for registration.

43. Where a dealing received in the Registry for registration is accompanied by an application, under rule 125, for production of a certificate or a request to the Registrar to dispense under rule 126 with such production and such application or request is refused, the receipt of the dealing shall be cancelled and the proceedings treated as having been abandoned.

Refusal to grant an order for production of a land certificate or certificate of charge.

44.—(1) Where a person who has become entitled to be registered as owner of any registered land, either on transmission on the death of a registered owner or in consequence of a disposition by a registered owner, deals with the land before he has made application for registration of his ownership, the dealing shall be presented for registration at the same time as the application for registration of ownership. In any such case, if the Registrar is satisfied as to the right of the person to be registered as owner, effect may be given to the dealing as if it were a dealing by a registered owner.

Dealings by person entitled to be registered.

(2) Where any such dealing is not presented for registration at the same time as the application for ownership, but is so presented subsequently, the Registrar may refuse to accept it for registration until it is confirmed in the appropriate manner.

45.—(1) Except as is otherwise provided in these Rules, dealings received for registration shall be registered in the order in which they are received, or are deemed to have been received, in the Registry.

Registration of dealings.

(2) All dealings delivered by post at the Registry prior to the opening on any day of that office for the transaction of public business shall, when received, be deemed to have been so received at the same time and immediately after the opening on that day of that office for the transaction of public business.

(3) All dealings delivered, by post or otherwise, at the Registry after the opening on any day of that office for the transaction of public business shall, when received, be deemed to have been so received at the same time and immediately before the closing of that office to the public on that day.

(4) Where two or more dealings relating to the same land are received, or are deemed to have been received from the same person at the same time they shall, as between themselves, be registered in the order in which that person directs or, in the absence of any such direction, in the order which may be inferred from such dealings.

(5) In the case of any particular dealing which, for the purposes of registration, was received or was deemed to have been received after any other dealing, that particular dealing may be registered before the other dealing if the Registrar considers that such order of registration can be made without prejudice to the rights of any person and that it is expedient to proceed with registration of the later dealing.

Errors in documents discovered after presentation.

46.—(1) Where any alteration is required to be made in a document, in consequence of an error having been discovered in the document after it has been presented for registration, the document may, if the Registrar permits, and if no entry in respect of it has been made in a register, be withdrawn from the Registry for the purpose of alteration and re-execution.

(2) Subject to paragraphs (3) and (4), and unless in any particular case the Registrar otherwise permits, the re-execution shall be by all persons who are parties to the document and whose interests appear to be affected, whether or not the document was originally executed by all those persons.

(3) Where the alteration required to be made is for the purpose only of correcting an error contained in a plan included in or accompanying the document, the alteration may be made by amending the incorrect plan or by substituting a new plan for the incorrect plan; and where, consequential upon any such alteration, the area of the land as stated in the document requires to be altered, the correct area shall be included in the amended or substituted plan. When any such amended or substituted plan is signed by all persons who are parties to the document and whose interests appear to be affected, or their solicitors, it shall be unnecessary to re-execute the document.

(4) Where the error in a document consists only of an incorrect statement of the area in respect of any lands included in the document, registration may be made showing the correct area, upon consent in writing of all persons who are parties to the document and whose interests appear to be affected, or their solicitors, to such registration; and in any such case amendment of the document shall be unnecessary.

(5) On receipt in the Registry of any document altered in accordance with the provisions of this rule, the dealing shall be deemed to have been received in the Registry as if such receipt were the presentation of the dealing.

47.—(1) Where, upon delivery of a document for registration, a question arises as to whether the document bears a sufficient Inland Revenue stamp and the applicant for registration, or his solicitor, gives a written undertaking that he will, within a time to be fixed by the Registrar, furnish the evidence necessary to prove that the document either was upon such delivery, or has since become, sufficiently stamped, the document may be returned, for the purpose of procuring such evidence, to the person who delivered it.

Questions as to stamp duty.

(2) If the document is subsequently, within the time fixed under paragraph (1), re-delivered at the Registry with the proper evidence that it is, at the time of its re-delivery sufficiently stamped, the document shall, for registration purposes, be deemed to have been received in the Registry on the date and with the priority of its original delivery.

(3) If, at the expiration of the time fixed under paragraph (1), the written undertaking has not been complied with, the dealing in connection with such document shall be treated as withdrawn.

48. Every application or other document received for registration, or a note thereof, shall, pending registration, be kept with or attached to the folio to which it relates in such manner as the Registrar directs.

Pending dealings.

49. On receipt, for registration, of an application or other document purporting to be executed by a registered owner notice of such receipt shall be sent by post to the registered owner.

Notice to registered owners.

50. Except as is otherwise provided by these Rules or any other statutory provision, the date of registration of any dealing with registered land shall be the date on which the application or other document upon which the dealing is founded was received, or was deemed to have been received, in the Registry.

Date of registration.

TRANSFERS

51. A transfer of ownership may, except where the ownership is in respect of a registered charge, be in Form 23, 24, 25, 26, 27, 28, 29 or 30 as the case requires.

Forms of transfer.

52. Registered owners who hold land as trustees, having acquired it with capital money arising under a settlement, may, by lodging an affidavit made by them in Form 31, have the person entitled under the settlement registered as owner accordingly.

Registered land acquired by trustees of a settlement.

53.—(1) Where an application is made for the registration of a transfer for valuable consideration and the transferor is, by virtue of paragraph 2 of Part I of Schedule 13 to the Act, deemed to be registered as an owner with a possessory title, it shall be unnecessary for the application to be accompanied by the documents specified in paragraph (a) of section 34(7) of the Act.

Documents to be lodged on transfer for valuable consideration.

(2) In any case to which paragraph (a) of section 34(7) of the Act applies, except in a case to which rule 26 or paragraph (1) of this rule applies, and, in any case to which paragraph (b) of that sub-section applies, if the Registrar so requires, the document of transfer shall be accompanied by an affidavit of disclosure in Form 21, with such modifications as the case requires, to be made by the applicant or his solicitor. This paragraph does not apply to the transfer of a charge.

Defeasance.

54.—(1) In any case of the defeasance of the estate of a registered owner mentioned in section 36 of the Act, the person claiming to be entitled may apply to be registered as owner and on any such application shall—

- (a) lodge in the Registry the documents under which he claims and also any other documents which, in the opinion of the Registrar, may be necessary to prove the defeasance;
- (b) furnish to the Registrar the particulars necessary for the service of any notice under paragraph (2) or (4);
- (c) if required by the Registrar to do so, state in writing the burdens and other entries appearing in the register for the cancellation of which application is made;
- (d) where the ownership passes under any statutory provision, state in writing the statutory provision relied on and furnish proof that the conditions have arisen, or that the events have happened, that operate to transfer the land by virtue of the statute.

(2) Notice of every application under this rule shall be given—

- (a) to the registered owner; or
- (b) where a registered full owner is dead, to the personal representative of such owner named in the register; or
- (c) where a registered limited owner is dead, to any trustees of the settlement named in the register or, if there are none, to such persons appearing from the settlement, or any inhibition protecting claims thereunder, to be entitled to estates the subject of the settlement, as the Registrar directs;

save that it shall be unnecessary to give notice to any person who has concurred in the application.

(3) On registration of an owner, pursuant to an application made under this rule, the following registered burdens and notices shall be cancelled in the register—

- (a) where the transfer is made by statute, or in exercise of a statutory power, burdens and notices from which the land would be discharged by the statute, or the exercise of the statutory power, if the land were unregistered;
- (b) where the transfer is made in exercise of a power registered as a burden, the burdens and notices that rank in priority after the power;
- (c) where the transfer is made by a vesting order of a court or by a person appointed by a court to transfer, the burdens and notices that the court directs to be discharged on the registration of the transferee.

(4) On the cancellation, under this rule, of a burden in respect of which an owner thereof is registered, the Registrar shall give notice of the cancellation to the owner.

TRANSMISSION OF REGISTERED LAND

55.—(1) Where, on the death of a registered owner, registered land vests in his personal representative, a person (including a person who is himself the sole personal representative) may be registered as owner of the land upon lodgment in the Registry of an assent in whichever of the forms prescribed by this rule is appropriate.

Assent of personal representatives.

(2) Where the assent is in respect of a charge, of which the deceased was registered as owner, the form may be modified so far as is necessary.

(3) Except as provided by paragraph (5), an assent by a personal representative to the registration of a person entitled as devisee under a will shall be in Form 32.

(4) Except as provided by paragraph (5), an assent by a personal representative to the registration of the persons entitled on an intestacy shall—

- (a) where the deceased died before 1st January 1956 be in Form 33;
- (b) where the deceased died on or after 1st January 1956 be in Form 34.

(5) An assent by a personal representative where there is an appropriation under section 37 of the Administration of Estates Act (Northern Ireland) 1955(k) shall be in Form 35.

(6) Where the personal representative is also the person who is to be registered as owner of the land, any statement in the assent as to the identity of persons entitled as next of kin on any intestacy, shall be corroborated by the affidavit of some independent person and the discharge of any burden created by the will shall be proved by production of a verified receipt or other evidence of discharge.

(7) Where, in any assent lodged under paragraph (1), there is included a statement as to the net value of the estate of the deceased, or as to the value of any part of that estate, the statement may be accepted by the Registrar as conclusive, without further proof of its correctness.

(8) Where any person who became entitled, on transmission on the death of a registered owner, to be registered as owner, has died before being so registered, the person then entitled to be registered as owner may be so registered upon lodgment of a further assent by the personal representatives of the person so dying as if such person had been a registered owner. The assent of the personal representatives of the registered owner may incorporate such further assent or, when the further assent is made in a separate document, shall make specific reference to the further assent when making a request for the registration of a person as owner.

56.—(1) Where a personal representative transfers registered land to a purchaser for value or, instead of executing an assent in a form prescribed by rule 55, transfers the land to the person entitled to be registered as owner thereof, then, in any such case, the transfer may be in one of the forms of transfer prescribed by these Rules with the necessary modifications.

Transfer by personal representative to person entitled.

(2) In any case in which a personal representative transfers registered land to a person entitled thereto instead of executing an assent, he shall lodge an affidavit containing such of the particulars required by Form 32, 33 or 34, as the case requires.

Grant of representation to accompany an assent or a transfer by a personal representative.

Application for registration by a devisee of freehold.

57. Every assent under rule 55 and every transfer by a personal representative under rule 56 shall, on lodgment in the Registry, be accompanied by the original or an office copy of the probate of the will or, as the case may be, of the letters of administration, together with, in the case of a transfer, evidence of the identity of the deceased named in the grant of representation with the owner stated to be deceased.

58.—(1) An application for registration as owner by a devisee, or his successor in title, of a registered full owner of freehold land that did not vest in the personal representative of such owner at his death shall be in Form 36.

(2) Where the will under which the applicant claims charges the land with the payment of debts or contains a general charge for payment of legacies that are payable primarily out of the general personal estate then, in any such case, subject to paragraph (3), registration shall not be made except with the concurrence of the personal representative of the testator, or after notice to him in Form 37 issued from the Registry.

(3) The Registrar may dispense with such concurrence or notice where he is satisfied that, by reason of lapse of time or otherwise, no claim by the personal representative subsists.

(4) The application shall be accompanied by the original probate, or letters of administration with will annexed, or an office copy thereof, and, where the applicant is a successor in title of a devisee, by such other documents as are necessary to prove the devolution of title.

(5) Where any burden created by the will has been discharged, a verified receipt or other evidence of discharge shall be lodged with the application.

Application for registration by heir, husband or widow of intestate freeholder.

59.—(1) An application for registration as owner by a person entitled as heir, or as husband or widow, on the death intestate of a registered full owner of freehold land that did not vest in the personal representative of such owner shall be in Form 38.

(2) The application shall be accompanied by—

(a) the original or an office copy of the letters of administration granted on the death of such owner or, if representation has not been raised, by evidence to prove, to the satisfaction of the Registrar, the facts of death and intestacy; and

(b) if the applicant claims as heir, independent evidence to prove the facts necessary to establish his entitlement as such heir, together with the relevant certificates, duly verified, of birth, marriage and death; or

(c) if the applicant claims as tenant by the curtesy, independent evidence that there was issue born alive and capable of inheriting; or

(d) if the applicant claims under the Intestates' Estates Act, 1890(1), evidence that the owner left no issue and that the net value of his real and personal estate did not exceed five hundred pounds.

60.—(1) Where one of two or more persons who are registered as joint tenants dies his name may, on the application of a survivor of such persons, or his solicitor, be withdrawn from the folio. The application may be in Form 39. Death of a joint tenant.

(2) The death of a joint tenant shall be proved by the production of a certificate of death, or of the original or an office copy of the probate, or, as the case may be, the letters of administration, together with evidence of the identity of the deceased named in the certificate or grant with the person registered as a joint tenant, or by such other proof as the Registrar considers sufficient.

(3) Where two or more persons are registered as joint tenants and the death of one of them is proved in accordance with paragraph (2) a note of the death may be entered on the folio, but the name of the deceased person shall not be withdrawn from the folio until it is proved to the satisfaction of the Registrar that at least one other of such persons has survived.

61.—(1) On the determination of the estate of a person registered as a limited owner, the person entitled, as a result of such determination, shall be registered as owner upon lodgment in the Registry of the documents constituting the settlement (unless already filed in the Registry) and also of an affidavit by the person so entitled setting out— Determination of limited ownership.

- (a) the terms of the settlement;
- (b) the manner in which the determination of the limited ownership occurred;
- (c) the manner in which the interest of the person entitled to be registered as owner has accrued;
- (d) such other facts as, from the settlement and the nature of the case, may be necessary to prove that such person is entitled to be registered as owner;
- (e) an averment as to the dealings (if any) by that person with his interest and that all material facts have been disclosed;
- (f) a statement of all burdens affecting the ownership; and
- (g) a request for registration of the ownership sought to be made and the burdens affecting the same.

(2) The affidavit referred to in paragraph (1) may, instead, be made by the trustees of the settlement (whether trustees for the purposes of the Settled Land Acts or not) and subject, in the case of any burdens affecting the estate of the person entitled to be registered as owner, to paragraph 3 of Part II of Schedule 6 to the Act, that person may be registered as owner subject to those burdens (if any).

(3) Where the affidavit referred to in paragraph (1) is not made by the trustees in accordance with paragraph (2) the Registrar may, if he considers it to be expedient to do so, postpone registration until after service upon the trustees (if any) of notice of the registration sought to be made.

(4) An admission by the trustees of the settlement of the discharge or cesser of any burden created by the settlement shall be sufficient evidence of such discharge or cesser.

Note of death of registered full owner.

62. On the death of a registered full owner who is not a joint tenant, his personal representatives may, on lodgment in the Registry of the original or an office copy of the probate or, as the case may be, the letters of administration, together with a certificate of the solicitor acting in the matter or, if the Registrar so requires, an affidavit, identifying the deceased named in the probate or letters of administration with such registered owner, have a note entered on the folio setting out the fact of such death and particulars of representation including the names and addresses of such personal representatives.

Entry of name of new trustee of settlement.

63.—(1) The name of a new trustee of a settlement under which a limited owner is registered shall be entered on the register on production in the Registry of the deed or an office copy of the order appointing the trustee with evidence that the appointor is the person authorised to make the appointment and such other evidence as may be necessary to show that the appointment was properly made.

(2) When the appointment has been made by deed, the deed or a duplicate or certified copy thereof or a relevant extract therefrom shall be filed for reference.

BURDENS GENERALLY

Mode of entry of burden.

64. The entry to be made on a folio in respect of a registered burden may consist of an extract from, or a note as to the effect of, the document creating the burden or, when that document or, where so authorised by these Rules a copy thereof, is filed in the Registry, of a reference to that document or copy.

Notice to owner of inclusion of registered charge.

65. Where, on the opening of a new folio, a charge which is entered on another folio is included in the new folio, the Registrar shall, in any case where the ownership of the charge is registered, and unless he is satisfied that the registered owner of the charge is aware of the intention to make such inclusion, give notice of the inclusion to that owner.

Assent to or concurrence in registration of certain Schedule 6 burdens.

66.—(1) Where an application is made for registration as a burden of one of the matters to which paragraph 3 of Part II of Schedule 6 to the Act applies, and the concurrence in such registration of the registered owner of the land affected by the burden is not contained in the instrument creating the burden, such concurrence may be given by the registered owner of the land or by his solicitor in Form 40 or in such other form as may to the Registrar seem sufficient.

(2) Where, in the case to which paragraph (1) applies, the registered owner has not concurred in any manner indicated in that paragraph, concurrence in the registration of the burden may be presumed in any case where—

- (a) a person has applied to be registered as owner under a transfer and the burden is created or arises under that transfer; or
- (b) a person is registered as owner pursuant to an assent by the personal representative of a former owner, and the personal representative requests or consents to such registration of ownership subject to the burden; or
- (c) a person has applied to be registered as owner, claiming under a will, or on a partial intestacy, and the burden is created by the will; or

- (d) the burden is a charge by the personal representative of a registered owner for moneys that, as such representative, he is liable to pay; or
- (e) the burden is created under a statutory provision or statutory power, or under a power to charge the land registered as a burden under entry 3 of Part I of Schedule 6 to the Act, or under a trust for securing money on the land registered as a burden under entry 4 of that Part; or
- (f) the burden is created by trustees in exercise of a power under a settlement under which a limited owner is registered; or
- (g) notice in Form 41 has been served upon the registered owner or, if he was a full owner and has since died, upon his personal representative (if any), and no objection to registration of the burden is received within the time limited by the notice.

67.—(1) On registration of a burden which is shown to the satisfaction of the Registrar to have, by virtue of any statutory provision, priority over other burdens, an entry shall be made on the register to the effect that, as between that burden and prior burdens, that burden ranks in priority in accordance with the priority conferred by that statutory provision.

Burdens having a statutory priority.

(2) An applicant for registration of any such burden, or any person having an interest in any burden intended to be registered and in respect of which he claims priority by virtue of any statutory provision, shall state in writing the statutory provision by virtue of which priority is claimed.

68. Where, in an instrument lodged for registration, two or more of the matters specified in Part I of Schedule 6 to the Act are created then, on registration of such matters as burdens, such burdens shall, for registration purposes, except in the case of a burden having a priority conferred by a statutory provision, be deemed to be in equal priority, unless a contrary intention is indicated in the instrument or the parties concerned agree to a different priority.

Priority where two or more burdens are created by the same instrument.

69. On registration of a charge actually raised, within the meaning of section 20(2)(ii) of the Settled Land Act 1882(m), by an instrument executed in exercise of a power in a settlement under which a limited owner is registered, an entry shall be made on the register to the effect that, as between the charge and any other burden arising under the settlement, the charge ranks in the priority which it has under the settlement.

Note as to priority on registration of charge actually raised under a settlement.

70.—(1) A covenant or condition which is registered as a burden under entry 12 of Part I of Schedule 6 to the Act and which, under section 48(1)(a) of the Act, may be modified or discharged by the Registrar with the consent of the persons concerned, may be so modified or discharged upon lodgment in the Registry of a consent in writing, signed by all persons concerned.

Modification and discharge of burdens.

(2) In the case of any lease which is registered as a burden and the ownership of which is not registered in the register of leaseholders, or of any incorporeal right held in gross which is registered as a burden and the ownership of which is not registered in the register of subsidiary interests, the registration of such lease or incorporeal right as a burden shall not be cancelled or modified, except after examination of the title to such lease or incorporeal right.

(3) Save as is otherwise provided in the Act or these Rules, any entry in a register of notice of the existence of a Schedule 5 burden, or of a Schedule 6 burden, may be modified or cancelled upon lodgment in the Registry of an affidavit of the registered owner of the land which is subject to such burden setting out the relevant facts, together with such documents or other evidence (if any) as, in the opinion of the Registrar, are sufficient to justify such modification or cancellation, and after such examination of title as the Registrar considers proper.

(4) Except where all persons concerned consent to the modification or cancellation, such modification or cancellation shall be made only after such enquiries have been made and such notices given as the Registrar directs.

Restrictive covenants under a building scheme.

71. On the determination, otherwise than by effluxion of time, of a lease containing restrictive covenants which the Registrar has reason to believe may be enforceable by persons other than the lessor, he may, if he thinks fit, make an entry on the register to the effect that the land is subject to such liability (if any) as may be subsisting by reason of those covenants.

CHARGES

Forms of charge.

72. A charge for payment of money may be in Form 42, 43, 44 or 45 as the case may require.

Transfers of charge.

73.—(1) A transfer of a charge by the registered owner thereof may be in Form 46.

(2) On registration of the transferee as owner of the charge, the document of transfer shall operate as a conveyance by deed within the meaning of the Conveyancing Acts and the transferee shall—

- (a) have the same title to the charge as, under the Act, a registered transferee of land other than a charge would have to such land under a transfer for valuable consideration or, as the case may be, without valuable consideration; and
- (b) have, for enforcing his charge, the same rights and powers in respect of the land as if the charge had been created in his favour originally;

and the provisions of section 34(4) of the Act in its application to the transfer of charges are modified accordingly.

Registration of charge created by a company.

74. On an application for registration of a charge created by a company within the meaning of the Companies Act (Northern Ireland) 1960⁽ⁿ⁾, there shall be produced to the Registrar a certificate under section 96(2) of that Act in respect of that charge and, if no such certificate is produced, a note to that effect shall, on registration of such charge, be entered on the register.

Note of registration of charge in register of subsidiary interests.

75. When the ownership of a charge is registered on the register of subsidiary interests a note of that fact, with a reference to the number of the folio on which the ownership is registered, shall be included in the entry of the charge as a burden.

76.—(1) Where the registered owner of a charge creates a charge on his interest, such charge shall be described in the register as a sub-charge. Sub-charges.

(2) When the ownership of a sub-charge is registered in the register of subsidiary interests, a note of that fact, with a reference to the number of the folio in which such ownership is registered, shall be included in the entry of the sub-charge as a burden.

(3) In respect of the creation, registration, transfer, disposition and release of sub-charges, the same forms may be used as those which are, by these Rules, prescribed for the creation, registration, transfer, disposition and release of charges, with the necessary modifications.

77. Where a charge for securing future advances to an unlimited amount is registered and such charge is liable to ad valorem duty, an entry shall be made on the register of the amount that the ad valorem duty impressed on the instrument of charge extends to cover, and the entry of such a charge in the register shall not be evidence that the charge secures any advances in excess of that amount, except as provided in section 88 of the Stamp Act 1891(o). Future advances.

78.—(1) In the case of a mortgage or a term of years created prior to first registration which, by virtue of section 46(2) of the Act, operates as a charge on the land, the Registrar may, upon the registration as a burden of such charge and on the application or with the concurrence of the person entitled thereto, register him as owner of the charge, on due proof of his title and after notice to the owner of the land which is subject to the charge. Mortgages or terms of years created prior to first registration and affecting registered land.

(2) The same procedure shall be adopted, and the same forms of transfer and other dispositions may be used, in respect of a charge of which an owner is so registered, as are applicable to other registered charges.

79. A receipt of a registered owner of a charge for payment of the amount of such charge may be in Form 17 duly authenticated to the satisfaction of the Registrar. Receipt for payment of amount of registered charge.

80. A release, by the registered owner of a charge, of the land charged, or part thereof, from the charge, may be in Form 48 duly authenticated to the satisfaction of the Registrar. Release of registered charge.

81. A registered charge may be modified or cancelled upon such evidence as, in the opinion of the Registrar, is sufficient to justify such modification or cancellation, and after such enquiries and the service of such notices as he may direct, save that where the ownership of the charge is registered and the registered owner thereof has not requested, or does not concur in the proposed modification or cancellation, the modification or cancellation shall not be made unless notice of the intention to make it has been given to such registered owner and the time for objection limited by the notice has expired. Modification or cancellation of registered charges.

82. The registered owner of a charge shall not, merely by reason of his being such owner, be entitled to custody of the land certificate in respect of the registered land which is subject to the charge. Restriction on custody of land certificate by a registered owner of a charge.

OTHER SCHEDULE 6 BURDENS

Form of
rent-charge.

83. A rent-charge in respect of registered land may be created by an instrument in Form 49.

Fee farm
grant in
respect of
registered
land.

84.—(1) An application for registration in respect of a fee farm grant, to which entry 5 of Part I of Schedule 2 to the Act applies, shall be made by lodgment in the Registry of the original grant and also of such map (if any) as is necessary to enable the land the subject of the fee farm grant to be identified on the registry maps.

(2) The registration to be made on any application to which paragraph (1) applies shall include—

- (a) entry, on the register of freeholders, of the grantee as owner of the land the subject of the fee farm grant; and
- (b) entry, on the register of subsidiary interests, of the grantor as owner of the fee farm rent.

(3) An application for first registration of the ownership of a fee farm rent issuing out of registered land in any case to which entry 5 of Part I of Schedule 2 to the Act does not apply shall be made in accordance with the provisions of Part II of these Rules, relating to applications for first registration, with the necessary modifications.

Perpetual
rent-charges,
fishing or
sporting
rights.

85.—(1) An application for registration of a perpetual rent-charge to which entry 5 of Part I of Schedule 2 to the Act applies, or of a fishing or sporting right to which entry 6 of Part I of that Schedule applies, shall be made by lodgment in the Registry of the original grant whereby the perpetual rent-charge was created or, as the case may be, the fishing or sporting right was granted or reserved and also of such map (if any) as is necessary to enable the land the subject of the grant or reservation to be identified on the registry maps.

(2) The registration to be made on any application to which paragraph (1) applies shall, subject to paragraph 3 of Part II of Schedule 6 to the Act, include—

- (a) entry, on the appropriate folio, of the perpetual rent-charge or, as the case may be, the fishing or sporting right, as a burden; and
- (b) entry, on the register of subsidiary interests, of the ownership of the perpetual rent-charge or, as the case may be, of the fishing or sporting right.

(3) An application for first registration of the ownership of a perpetual rent-charge to which entry 5 of Part I of Schedule 2 to the Act does not apply, or of a fishing or sporting right to which entry 6 of Part I of that Schedule does not apply, shall be made in accordance with the provisions of Part II of these Rules relating to applications for first registration, with the necessary modifications.

Lien for
unpaid
purchase
money.

86.—(1) An application for registration as a burden of a lien for unpaid purchase money shall be made in writing signed by the vendor or his solicitor. Every such application shall state an address of the vendor in the United Kingdom for service of notices and shall be accompanied by proof of the request or concurrence of the registered owner of the land affected, or of an order of court, as provided in paragraph 3 of Part II of Schedule 6 to the Act and rule 66.

(2) A burden entered in a register in respect of such a lien may be cancelled on lodgment of a consent in writing by the vendor or his solicitor.

87.—(1) An application to register any lease to which entry 4 of Part I of Schedule 2 to the Act applies shall be made by lodgment in the Registry of the original lease and also of such map (if any) as is necessary to enable the land the subject of the lease to be identified on the registry maps.

Registration of leases of registered land to which entry 4 of Part I of Schedule 2 to the Act applies.

(2) The registration to be made on any application to which paragraph (1) applies shall, subject to paragraph 3 of Part II of Schedule 6 to the Act, include—

- (a) registration of the lease as a burden on the appropriate folio, by making an entry on that folio giving the date of and parties to the lease, particulars of the term and of the rent, and also particulars of the land demised, sufficient to identify such land on the registry maps; and
- (b) registration as owner, on the appropriate register, of the lessee, with such class of title as the Registrar considers appropriate.

88.—(1) An application to register any lease of registered land to which rule 87 does not apply (not being a lease referred to in entry 12 of Part I of Schedule 5 to the Act) shall be made by an application of the lessee for first registration, in the register of leaseholders, of the ownership of the lease, in accordance with the provisions of Part II of these Rules, with the necessary modifications.

Registration of other leases of registered land to which entry 6 of Part I of Schedule 6 to the Act applies.

(2) The registration to be made on any application under paragraph (1) shall, subject to paragraph 3 of Part II of Schedule 6 to the Act, include—

- (a) registration of the lease as a burden on the appropriate folio, by making an entry on that folio giving the date of and parties to the lease, particulars of the term and of the rent, and also particulars of the land demised, sufficient to identify that land on the registry maps; and
- (b) registration as owner, on the register of leaseholders, of the lessee, with such class of title as the Registrar considers appropriate.

89. An application to register a lease as a burden only where the ownership in respect of the lease is not required, under the Act or otherwise, to be registered, shall be made by lodgment in the Registry of the original lease or a counterpart thereof, together with a duplicate or attested copy of the lease, and also of such map (if any) as is necessary to enable the land the subject of the lease to be identified on the registry maps.

Application to register lease as a burden.

90.—(1) An application for registration as a burden of a judgment shall be made in writing signed by the applicant or his solicitor accompanied by proof, in the appropriate manner, of the judgment and where the land affected by the judgment is not sufficiently identified in the judgment, by evidence, including where necessary a map, sufficient to identify the land to the satisfaction of the Registrar.

Registration of judgments.

(2) A burden entered on a folio under this rule may be cancelled on proof, to the satisfaction of the Registrar, that the judgment no longer affects the lands.

Application for registration of order, or notice of an order, charging land.

91.—(1) An application for registration of an order charging land made under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969^(p) shall be made by the creditor by lodgment in the Registry of the documents specified in section 50(1) of the said Act of 1969.

(2) An application for registration of notice of such an order, made pursuant to section 48 of the said Act of 1969, shall be made by the creditor by lodgment in the Registry of one certified copy of the order and a notice in Form 50 and also, where the debtor is a company within the meaning of section 129 of the said Act of 1969, two copies of such notice, certified by the applicant, or his solicitor, to be true copies.

(3) Where the order charging land is made subject to a condition specified in the order, the Registrar may require proof to his satisfaction that the condition has been complied with, or no longer applies, or he may, on registration of the order or notice of the order, as a burden, make specific reference in the entry to the condition.

Application for registration of other enforcement orders.

92. An application for registration of an enforcement order under the said Act of 1969 (other than an order charging land) shall be made by lodgment in the Registry of a certified copy of the order, issued from the Enforcement of Judgments Office, together with such further evidence (if any) as is necessary to identify the land the subject of the order with the land in the folio on which it is sought to register the order as a burden.

Cancellation of entries in respect of an enforcement order.

93.—(1) An entry in a register as a burden of an enforcement order may be cancelled, upon application of the registered owner of the land against which the order or notice of an order is registered as a burden, on proof that such land is no longer affected by the order or, in the case of an order charging land, where the Registrar is satisfied, in consequence of an examination of the title to the land under the Act, that the debtor is not entitled to the estate charged by the order.

(2) An entry shall not be cancelled under paragraph (1) until after the expiration of seven days from the service of notice of the intention to make the cancellation upon the person in whose favour the enforcement order appears, from such entry, to have been made, and upon the Chief Enforcement Officer unless that person and the Chief Enforcement Officer consent to the cancellation.

(3) Where, by virtue of section 47 of the said Act of 1969, any order charging land ceases to have effect, any entry in a register in respect of the order may be cancelled, at the request of the registered owner whose title is affected by the entry.

Cancellation of judgment mortgage.

94. An entry in a folio as a burden of a judgment mortgage, under the Judgment Mortgage (Ireland) Act 1850^(q), registered at the commencement of the said Act of 1969, may be cancelled upon lodgment in the Registry of the consent in writing to such cancellation of the person appearing from such entry to be the creditor, or upon proof that the land is no longer affected by the judgment mortgage.

95.—(1) An application for the registration of a pending action as a burden shall be made in Form 51 signed by the applicant or his solicitor and having subscribed thereto a certificate of the proper officer of the court in which the action or proceeding is pending to the effect that the particulars set out in the application relating to the action or proceeding are correct.

Registration
of pending
actions.

(2) The entry in a folio in respect of a pending action shall be made in Form 52 or in such other form as to the Registrar may, in special circumstances, seem appropriate and may, without application, be cancelled where the entry has ceased to have effect by reason of expiration of time.

(3) An application for renewal of the registration as a burden of a pending action shall be in Form 53 and shall be made in the same manner as in the case of an application for registration of a pending action under paragraph (1) of this rule.

(4) Before registration of a pending action or the renewal thereof, notice shall be sent by post addressed to the registered owner of the land affected thereby informing him of the application for the registration or, as the case may be, the renewal.

(5) Registration of a pending action as a burden may be cancelled upon lodgment in the Registry of—

- (a) a certificate of the proper officer of the court in which the action or proceeding was pending, to the effect that the action or proceeding has terminated; or
- (b) a certified copy of the order of the court directing its cancellation on the register; or
- (c) a transfer of the land in pursuance of an order for sale made by the court in which the pending action may be; or
- (d) a consent to cancellation thereof signed by the person on whose behalf it was registered or his personal representative or his solicitor.

96.—(1) Every application for the registration of an easement or a profit-a-prendre as a burden shall be accompanied by a map sufficient to enable the land over which the right is to be exercised to be identified on the registry maps, unless such land can be clearly identified by a verbal description or a plan included in the document creating the right.

Easements,
profits-a-
prendre etc.

(2) In the case of an appurtenance, the land to which the right is appurtenant shall be identified in the same manner as is prescribed in paragraph (1) for the identification of the land over which the right is to be exercised.

(3) Any plan not included in the document creating the right and lodged for the purposes of this rule shall be signed by the registered owner of the land over which the right is to be exercised, or his solicitor and by the grantee of the right, or his solicitor.

97. In addition to the matters specified in entries 1 to 15, both inclusive, of Part I of Schedule 6 to the Act, there may also be registered as a Schedule 6 burden if the Registrar approves, any other incumbrance affecting the land, not being a Schedule 5 burden or a statutory charge, created or arising after first registration.

Additional
Schedule 6
burden.

SCHEDULE 5 BURDENS

Entries relating to certain burdens which affect land without registration.

98.—(1) Notice of the existence of any of the burdens specified in Part I of Schedule 5, as for the time being subsist, may be entered on the appropriate folio at the request, or with the consent in writing, of the registered owner or his solicitor, and on proof, to the satisfaction of the Registrar, of their existence.

(2) If any such burden does not affect all the land in such folio any such request or consent shall be accompanied by a map or other particulars sufficient to identify on the registry maps the part subject to the burden.

(3) The note required, by paragraph 2 of Part II of Schedule 5 to the Act, to be entered on the appropriate register shall consist of an entry in the folio to the effect that the lands are subject to the prohibitive or restrictive provisions of the statutory provision by which the alienation, assignment, sub-division or sub-letting of the land is prohibited or in any way restricted.

CAUTIONS AGAINST REGISTRATION OF DEALINGS

Cautions against dealings by the registered owner.

99.—(1) A caution against any dealing with registered land by the registered owner shall be lodged by filing an affidavit in Form 54, sworn by the cautioner or his solicitor, and containing an address in the United Kingdom for service of notices.

(2) Notice of the entry of the caution shall be sent from the Registry to the registered owner of the land to which the caution relates. The notice shall be in Form 55.

(3) In the case of a caution lodged by a government department or by a public or local body, in any case to which this rule applies, instead of the affidavit referred to in paragraph (1), there may be substituted a certificate by the solicitor for that government department or public or local body as to the matters required to be included in such affidavit.

Application by registered owner to discharge a caution.

100. An application, by a registered owner of the land to which a caution relates, to discharge the caution shall be in writing, signed by the registered owner or his solicitor, and shall state the grounds of the application and the facts alleged in support thereof.

Warning to cautioner.

101. On receipt of any application to discharge a caution, notice in Form 56 or, on receipt of any dealing by the registered owner for registration without the consent of the cautioner, notice in Form 57, shall be sent from the Registry to the cautioner warning him that the caution will lapse after the expiration of fourteen days from the date of the notice or such other period (not being less than seven days) as the Registrar may, in special circumstances, direct.

Objection by cautioner to registration of a dealing.

102.—(1) At any time before the expiration of the period limited by the notice referred to in rule 101, the cautioner or his personal representative may show cause why the caution should continue to have effect or, as the case may be, why the dealing should not be registered.

(2) Cause may be shown by the cautioner or his personal representative either by appearing before the Registrar or by delivering a statement in writing, signed by him or his solicitor, setting forth the grounds on which cause is shown.

(3) Where he considers it necessary or expedient to do so, the Registrar may appoint a day and time for the parties to attend before him for the determination of any question relative to the continuance or discharge of the caution and he may serve such notices (if any) as he considers necessary.

(4) The Registrar may order that the caution shall thenceforth cease to have effect and that the entry thereof be cancelled, or that it shall continue to have effect or, as the case may be, may order that registration of the dealing be refused, or that such registration be completed forthwith or after an interval, or that it be completed conditionally or with some modification or subject to the prior registration of a dealing in favour of the cautioner, or he may make such other order as to him may seem just.

103.—(1) A caution against any dealing with registered land by the registered owner of that land may be withdrawn at any time in respect of either all the land to which it relates, or of a part thereof, and an application for such withdrawal may be in Form 58 signed by the cautioner or his solicitor.

Withdrawal
of caution.

(2) Where any such withdrawal is in respect of only a part of the land affected by the caution that part shall, if necessary, be identified by reference to a map sufficient to identify it on the registry maps.

104. A cautioner or his personal representative may, by writing signed by himself or his solicitor, consent to registration of a specified dealing and such consent may be absolute or conditional on the caution being continued or on a specified inhibition being entered on the register.

Consent of
cautioner to
registration of
dealing.

105. Any person having any claim adverse to the title of a registered owner may lodge a caution against reclassification of the title of that owner and the provisions of section 66 and of rules 99 to 104 inclusive shall, with the necessary modifications, apply to any such caution save that the affidavit to be filed shall be in Form 59 and the warning notice to such a caution shall be in Form 60.

Caution
against re-
classification

INHIBITIONS

106.—(1) An inhibition for the protection of an interest in registered land, enforceable against the registered owner, may be entered on the appropriate register upon lodgment in the Registry of the consent in writing to such entry of the registered owner and of any other persons concerned, together with a statement of the facts showing the nature of the interest sought to be protected.

Entry of
inhibition
on consent.

(2) An inhibition for the protection of an interest affecting an estate created by a settlement under which a limited owner is registered may be entered on the appropriate register upon lodgment, in the Registry, of the consent in writing, of the owner of such estate and of any other persons concerned, together with a statement in writing of the facts showing the nature of the interest sought to be protected.

Application for entry of inhibition without consent.

107.—(1) An application to the Registrar, by any person interested in registered land, for the entry on the appropriate register of an inhibition, except in a case to which rule 39 or 106 applies, shall be made by lodgment in the Registry of an affidavit in Form 61 to be made by the applicant stating precisely the terms of the inhibition sought to be so entered.

(2) Every application made under this rule shall be accompanied by the document (if any) creating the interest, and any other document necessary to prove the interest sought to be protected by the entry of the inhibition or, where the interest does not arise under any document, other evidence in proof of the facts which gave rise to such interest.

(3) Any document creating an interest which is protected by the entry on the appropriate register of an inhibition may, at the request of the applicant, be retained in the Registry.

Procedure on application for inhibition.

108.—(1) Where the Registrar is satisfied, on the facts disclosed in an application under rule 107 or in any document produced in support of such an application, that the applicant is prima facie entitled to the entry of an inhibition he shall send notice of an intention to make the entry, in Form 62—

- (a) to the registered owner of the land, if the interest is enforceable against him; or
- (b) where the registered owner is known to be dead, or to be mentally incapacitated, or is a minor or cannot be traced, or where the land is settled land and a limited owner is registered, to the person or persons appearing to be entitled to dispose of the estate in the land against which the right sought to be protected by the inhibition exists.

(2) Where an application is made to the Registrar to enter an inhibition he may refuse to enter the inhibition unless it is modified in such manner as he directs.

Objections to inhibitions.

109.—(1) Any person to whom notice is sent under rule 108 may apply to the Registrar, within the time stated, objecting to the entry of the proposed inhibition, or requesting that its terms be modified, or that it be limited in duration, and stating the grounds for such objection or request.

(2) The Registrar may, if he thinks fit, appoint a day and time for the parties to attend before him for the determination of any question relative to the terms or duration of the inhibition to be entered.

(3) The Registrar may make any modification of the proposed inhibition that he thinks expedient, having regard to any additional facts disclosed by the parties, and may enter the inhibition so modified on the register.

Withdrawal or modification of inhibition on consent.

110. An application to withdraw or modify an inhibition entered on the register, otherwise than by order of a court, shall, where all the persons for the time being appearing from the register to be interested or a solicitor on behalf of any such person consent to the withdrawal or modification, be in Form 63.

111.—(1) An application to modify or discharge an inhibition entered on the register, otherwise than by order of a court, shall, when made without the consent referred to in rule 110, be in Form 64.

Discharge or modification of inhibition where there is no consent.

(2) Notice of any application made under this rule shall be sent from the Registry in Form 65 to the persons appearing, from the register or otherwise, to be interested.

(3) Any person receiving a notice referred to in paragraph (2) may, within the time limited in the notice, object to compliance with the application by giving to the Registrar notice in writing of his objection and the grounds thereof.

(4) The Registrar may make such ruling on the application as he considers just and he may, where he considers it necessary or expedient to do so, appoint a day and time for the parties to attend before him for the determination of any question arising on the application, notice or objection.

112.—(1) Where an inhibition is entered on a register restricting dealings except after notice to a specified person and a dealing within the terms of the inhibition is lodged for registration, the notice to be sent to such person shall be in Form 57, with such modifications as the Registrar considers necessary.

Dealings inhibited except after notice to a specified person.

(2) Any person to whom such notice is sent, or his personal representative or other person entitled to the benefit of the inhibition may, within the time limited by the notice, object to registration of the dealing and in respect of any such objection the procedure to be adopted and the powers to be exercised by the Registrar shall be the same as are prescribed in rule 102 in respect of an objection by a cautioner to registration of a dealing.

113. Where the entry in a register of an inhibition is made pursuant to an order of court that fact shall be stated in the entry.

Inhibition under order of court.

PART IV

LAND CERTIFICATES AND CERTIFICATES OF CHARGE

ISSUE OF CERTIFICATES OF TITLE

114. Every registered owner of land other than a charge shall, subject to rule 120, be issued with a land certificate upon request in writing signed by him or his solicitor.

Request for issue of a land certificate.

115.—(1) Every land certificate shall have affixed to it the official seal of the Registry and shall include a copy of the entries in the folio in which the title to which it relates is registered, save that it may include only such entries in that folio as are in force at the date of the issue or, as the case may be, re-issue of the land certificate.

Form of land certificates.

(2) Every land certificate shall, subject to rule 122, also include a certificate in Form 66 with such modifications as the case may require.

116. Every registered owner of a charge shall, subject to rule 120, be issued with a certificate of charge upon request in writing signed by him or his solicitor.

Request for issue of a certificate of charge.

Form of certificate of charge.

117.—(1) A certificate of charge shall relate to the title to the charge, and shall not extend to the title to the land the subject of the charge, and every such certificate shall have affixed to it the official seal of the Registry and, except in a case to which rule 118 applies, shall be in Form 67, with such modifications as the Registrar in the special circumstances of any case may direct, and shall contain particulars of—

- (a) the land charged;
- (b) the charge and the ownership thereof;
- (c) the burdens, notices of burdens, cautions and inhibitions appearing in the folio as affecting the charge on the date of issue or, as the case may be, re-issue of the certificate;
- (d) such further particulars (if any) as the Registrar thinks fit.

(2) The certificate of charge may have a duplicate or an office copy of the instrument of charge annexed to it and in any such case, particulars of the charge may be given in the certificate by reference to the duplicate or office copy.

Alternative form of certificate of charge in certain cases.

118. On the registration, as owners of a charge, of a building society, industrial or provident society, or the trustees of a registered society or branch as defined by rule 146, the Registrar may, upon lodgment of a duplicate or certified copy of the instrument of charge, issue the original instrument with an endorsement thereon certifying the registration of the charge as a burden in the folio affected and the ownership of the charge; and any such instrument so endorsed shall be the certificate of charge.

MISCELLANEOUS PROVISIONS RELATING TO LAND CERTIFICATES AND CERTIFICATES OF CHARGE

Delivery of certificates.

119.—(1) Every certificate when first issued shall—

- (a) be delivered to the registered owner or his solicitor named in the certificate or to such other person as that registered owner may in writing direct; or
- (b) if such registered owner or his solicitor so requests, be retained in the Registry.

(2) The registered owner may, at any time, apply for the delivery to himself, or to such other person as that registered owner or his solicitor may in writing direct, of the certificate to which he is entitled and which is retained in the Registry under paragraph (1)(b) and he may, at any time again, lodge it in the Registry.

Separate certificates in certain cases.

120.—(1) Where two or more persons are registered as co-owners, not being tenants in common, only one certificate in respect of their title shall be issued and the certificate may, in the absence of an agreement to the contrary between such co-owners, be delivered to any one of them or be retained in the Registry.

(2) Where two or more persons are registered as owners as tenants in common then, at the request of any one or more of them, separate certificates may be issued in respect of each co-ownership and the ownership of only one of such tenants in common shall be certified in any one separate certificate. There may be omitted from any such separate certificate, such entries in the relevant folio as the Registrar considers inappropriate to the certificate.

(3) Where one certificate is in force in respect of the ownership of all the tenants in common, no separate certificate shall be issued until that one certificate has been lodged in the Registry and cancelled.

(4) Where two or more separate certificates have been issued under paragraph (2) then, at the request of all the registered owners, all the separate certificates may be cancelled and one certificate in respect of the ownership of all the tenants in common may be issued.

(5) Where a Folio Book has been opened under rule 7, one land certificate may be issued in respect of all the lands in the Book or, alternatively, separate land certificates may be issued in respect of each of the folios included in the Book; and where, in any such case, one land certificate has been issued, a separate land certificate shall not be issued in respect of any of the folios included in the Book.

(6) Except as provided in this rule, and subject to rules 128 and 129, not more than one certificate shall be issued in respect of any one title.

121.—(1) In respect of every certificate the date on which that particular certificate is first issued shall be called the “date of issue” and every date on which that certificate is afterwards made conformable with the register, shall be called the “date of re-issue”.

Authenticat-
tion of
certificates.

(2) In respect of every land certificate and every certificate of charge issued after the commencement of these Rules, the date of issue and every date of re-issue shall be entered on the certificate and every entry and cancellation of an entry therein shall be authenticated in such manner as the Registrar directs.

122.—(1) Any land certificate or, in respect of an ownership registered in a subsidiary register, any certificate of title, in existence at the commencement of these Rules, may be continued in its then existing form and further entries may be made in the certificate accordingly until the folio has been revised in accordance with these Rules; and any such certificate, so continued, shall be deemed to be a land certificate issued in accordance with these Rules.

Certificates
in force
at the
commence-
ment of
these Rules.

(2) Any certificate of charge in force at the commencement of these Rules may be continued in its then existing form and further entries may be made therein accordingly until the charge in respect of which the certificate was issued is cancelled; and any certificate of charge so continued shall be deemed to be a certificate of charge issued in accordance with these Rules.

(3) Every entry and cancellation of an entry made after the commencement of these Rules, in any certificate, to which paragraph (1) or (2) applies, shall be authenticated in such manner as the Registrar directs.

123.—(1) Except as provided in paragraph (2), a certificate shall be prima facie evidence of the several matters therein contained.

Evidential
value of
certificates.

(2) A certificate shall not be deemed to certify the title to any burden appearing thereon save as of the date of the first registration of the burden and nothing in these Rules shall make it obligatory for the subsequent title to or any dealing affecting such burden to be shown in the certificate except an entry of its release or discharge or modification of its terms or any entry affecting its priority.

Production
of
certificates.

124.—(1) Every certificate which is not retained in the Registry shall be produced to the Registrar on registration of a dealing with the estate to which the certificate relates in every case in which such dealing is—

- (a) by, or with the consent of, the registered owner; or
- (b) by the personal representative of a registered owner; or
- (c) a transmission on death of a registered owner; or
- (d) a transmission under a settlement where a limited owner is registered; or
- (e) registration of an enforcement order under the Judgments (Enforcement) Act (Northern Ireland) 1969(r), except registration under section 48 of that Act of notice of an order charging land; or
- (f) the entry under rule 132 of a notice of deposit of a certificate; or
- (g) a registration in respect of which any statutory provision (including these Rules) requires such production; or
- (h) any entry made on the register (under the Act or otherwise) adversely affecting the title of the registered owner, but not in the case of the entry of a pending action, or a caution or an inhibition or a notice under section 59(1) of the Act.

(2) A land certificate or certificate of charge shall not be required to be produced in any case to which paragraph (1) does not apply.

(3) Notwithstanding the foregoing provisions of this rule, where any land comprised in a certificate has been acquired or the title to any such land extinguished pursuant to a vesting or other order of any court or other competent authority and the certificate is not in the custody of the person applying for registration, it shall not be necessary to produce the certificate on the registration of the order. Where the person applying for registration obtains custody of the certificate at any time after making the application he shall forthwith produce the certificate to the Registrar.

Order for
production
of a
certificate.

125.—(1) Any person entitled to the production of a certificate which is required, under rule 124, for the purpose of a registration, may apply to the Registrar to make an order directing a person in whose custody the certificate may be to produce that certificate for the purpose of such registration and the application shall be in Form 68 signed by the applicant or his solicitor.

(2) On receiving any such application, the Registrar shall give notice of the application to the person against whom the order is sought and the notice shall be in Form 69 with such modifications as may be required.

(3) Where the person having custody of the certificate objects to producing it he shall, within the time stated in the notice under paragraph (2), lodge in the Registry an objection to such production stating the grounds of the objection and thereupon the Registrar may determine the question and for this purpose may appoint a day and time for the parties to appear before him.

(r) 1969 c. 30 (N.I.)

(4) The Registrar may, after due consideration of the matter, including any objection or any other reply to the notice given under paragraph (2), make the order sought and such order shall be in Form 70 and shall, subject to rule 181, be served personally upon the person to whom it is directed.

(5) Where the person having custody of the certificate claims that it has been deposited with him for the purpose of giving security for the payment of a sum of money he shall, upon lodgment of the certificate, also lodge in the Registry the notice of deposit prescribed in rule 132, and in any such case registration shall be made by making an entry in respect of the dealing for which the certificate was required and of the notice of deposit and each of such entries shall include such note as to the relative priority of the entry as the Registrar considers appropriate.

126.—(1) Where it is proved to the satisfaction of the Registrar—

(a) that a certificate is in the custody of a person not residing in Northern Ireland who refuses or neglects to produce it, or of a person whose address cannot be ascertained, and

(b) that the certificate is not deposited with that person for the purpose of giving security for the payment of a sum of money,

he may, subject to paragraph (2), dispense with the production of the certificate on the registration of a dealing with the estate to which the certificate relates.

Power to dispense with production of certificates in certain cases.

(2) Where the person having custody of the certificate has lodged an objection, under rule 175, to the registration for which production of the certificate is required, the Registrar shall not dispense with such production until the objection has been determined.

(3) Where it is proved to the satisfaction of the Registrar that a certificate of charge has been lost or destroyed he may, on an application for cancellation of the charge, dispense with production of that certificate.

(4) Where in any case in which the Registrar is satisfied that the closure of a folio is required—

(a) by reason of the title registered therein having become extinguished by virtue of a title paramount to the registered estate (other than a title which is extinguished pursuant to a vesting or other order of any court or other competent authority), or

(b) by reason of the title registered therein having become extinguished otherwise than as mentioned in sub-paragraph (a) and it is proved to his satisfaction that a certificate relating to the title has been lost or destroyed,

the Registrar may, on such closure, dispense with production of the certificate relating to the extinguished title.

(5) Before dispensing with production of a certificate under this rule the Registrar may give such notices, or direct such advertisements, and take such indemnity (if any) as he considers necessary or expedient.

127. Where a certificate is retained in the Registry, or where a certificate is produced for the purpose of registration of a dealing, it shall be made conformable with the register, in accordance with these Rules, before it is re-issued.

Certificates to be made conformable with register before re-issue.

Issue of new certificate where certificate is lost or destroyed.

128. Where it is proved to the satisfaction of the Registrar that any certificate has been lost or destroyed he may issue a new certificate after giving such notices and directing such advertisements in local or other newspapers and making such enquiries and taking such indemnity (if any) as he considers necessary.

Issue of new certificate in certain cases.

129.—(1) The Registrar may, in any case in which he considers it appropriate to do so, issue a new certificate in substitution for a certificate produced to him. On the issue of the new certificate, the old certificate shall be cancelled.

(2) Subject to such notices and enquiries (if any) as he considers expedient, the Registrar may issue a new certificate to a registered owner whose registration without production of an existing certificate is authorised by these Rules.

Record of certificates cancelled.

130.—(1) A record shall be kept in the Registry of every outstanding certificate for which a new certificate is issued under rule 128 or 129.

(2) Such record shall be open to public inspection on payment of the prescribed fee.

Lodgment of certificate for a specified registration.

131.—(1) A certificate may be lodged in the Registry by the person having custody of it, for the purpose of the registration of such dealing as is specified in a notice signed by that person or his solicitor and accompanying the certificate.

(2) The notice shall be in Form 71, specifying a time within which application for registration of such dealing is to be made, and shall be lodged in duplicate.

(3) Upon such lodgment a receipt for the lodgment shall be endorsed on the duplicate which shall be returned to the person who lodged the notice.

(4) Where the dealing is not presented for registration within the time specified in the notice the certificate shall be re-delivered to the person who lodged it or as he directs.

Deposit of certificate.

132.—(1) Any person with whom a certificate is deposited for the purpose of giving security for the payment of money or who holds a certificate subject to any lien may, or when directed to produce such certificate by an order of the Registrar made under rule 125 shall, lodge in the Registry a notice in Form 72 with such modifications as may be required.

(2) Upon such lodgment, notice thereof in Form 73 with such modifications as may be required shall be given to the registered owner and to such other person as the Registrar considers appropriate and, after the expiration of the time for objection limited by such notice, an entry may be made on the appropriate folio in respect of the notice of deposit or lien. Such entry shall for the purpose of showing any priority claimed in respect of the deposit or lien in relation to any registered burden include such note as to priority as the Registrar considers appropriate.

(3) Where the registered owner making a deposit of a certificate for the purpose of giving security for the payment of money is a body corporate incorporated under any statutory provision, lodgment of a notice of deposit under paragraph (1) shall be deemed to include an application for entry of an inhibition for the protection of the deposit inhibiting any dealing with the land except with the consent of, or after notice to, the deposittee.

(4) The entry in the folio of a notice of deposit or lien may be cancelled upon lodgment of a consent in Form 74 with such modifications as may be required. Where an inhibition has been entered on a folio by virtue of paragraph (3) such consent shall be deemed to include consent to the cancellation of the inhibition.

133. On completion of registration in respect of any dealing the certificate shall, unless in any particular case the Registrar otherwise directs, be returned to the person who lodged it or, at the request of that person, either be retained in the Registry or be delivered to some other person.

Delivery of certificates.

134. On the issue, and on every re-issue, of a certificate, a note shall be entered on the appropriate folio of the name of the person to whom the certificate was delivered or, as the case may be, of the fact that the certificate was retained in the Registry.

Note as to delivery, or retention in Registry, of certificates.

135. A certificate may have endorsed upon it a short statement of its purport and effect and of the procedure on registration.

Authorised statements in certificates.

PART V

MAPS AND BOUNDARIES

136.—(1) Every registry map shall be—

- (a) one of a series of maps, which together shall be called the General Map, each of which shall be a print of an ordnance map; or
- (b) a plan which shall be called a Filed Plan, based on an ordnance map and which may be drawn on or be an extract from, such a map, revised and corrected to such extent as may be necessary; or
- (c) a plan, which shall be called a Supplemental Plan, being supplemental to an entry in the General Map or in a Filed Plan and made for the purpose of identifying a parcel of land when that entry is insufficient for that purpose.

Registry maps.

(2) Every entry of a parcel of land in a registry map shall include the number of the folio to which the parcel relates.

(3) Any reference to an official map or an office map, contained in any register or in any certificate issued from the Land Registry or in any note endorsed on any document in the Registry, existing at the commencement of these Rules, shall be deemed to be a reference to a registry map.

137.—(1) Every Filed Plan shall be included in a Book of Filed Plans and every such Book shall bear a number and shall contain an index which shall be in the form of a map showing the boundaries of the land included in the Book and also showing in relation to each Filed Plan in the Book, the boundaries of the land included in that Plan with the number of the Filed Plan.

Filed Plans.

(2) The Books of Filed Plans shall be indexed by delineating the land to which each Book relates on the General Map or on a separate index map maintained for that purpose.

Scales to be used.

138.—(1) For the definition of registered land in the General Map or in a Filed Plan the Ordnance Survey scales to be used shall be in accordance with the provisions of this rule.

(2) In urban areas, the scale 1/1250 shall be used when a map on that scale has been published.

(3) In urban areas, the scale 1/2500 shall be used when a map on the scale 1/1250 has not been published.

(4) In any area, subject to paragraph (5), a scale smaller than 1/2500 shall not be used unless a map on that scale has not been published or unless, in any particular area, the Registrar allows a smaller scale to be used.

(5) In any case, where registered land is, at the commencement of these Rules, defined on a map drawn to a scale other than 1/2500, the land may, at the discretion of the Registrar, continue to be defined on that other scale.

Application to make boundaries conclusive.

139.—(1) An application, pursuant to section 64(2) of the Act, to settle and enter on the appropriate register as conclusive any boundaries, shall be made in writing, signed by the applicants, and shall include reference to an ordnance map or a map based on an ordnance map on which shall be clearly defined the precise position of the boundaries involved and may also include a verbal description of those boundaries.

(2) On receiving the application the Registrar may, if he considers it expedient to do so, give notice of the application, with a copy of the map accompanying the application, to the owners or occupiers of any land appearing to be affected by the application, and he may refuse to give effect to the application until all information necessary for the purposes of any such notice has been furnished to him.

(3) When the Registrar is satisfied that the position and description of the boundaries have been determined precisely, and that the owners of the lands involved are in agreement as to such determination, any necessary entries or alterations shall be made on the Registry maps and a note shall be entered, in every folio affected, stating which boundaries are entered as conclusive, and the persons between whom such entry is conclusive.

Boundaries made conclusive on transfer of part.

140. On the transfer of part of any registered land the boundaries between the part transferred and the part not transferred may be entered on the appropriate register as conclusive upon consent of the transferor and the transferee. The consent may be included in the document of transfer, when that document is executed by both the transferor and the transferee, or may be included in a separate document, signed by the transferor and the transferee, defining precisely the boundaries involved.

Application to decide questions as to boundaries or extent of registered land, arising on transfer.

141.—(1) An application to the Registrar, pursuant to section 64(5) of the Act, to decide any question arising, on the transfer of any registered land, as to the boundaries or extent of the land, shall be made in writing, signed by the applicant or his solicitor, stating precisely the question arising and the position of any boundary involved.

(2) Upon receiving such an application the Registrar may fix a time and place for the transferor and transferee to appear before him, or he may refer the matter for decision to the person (if any) agreed upon by the transferor and transferee, or to some other person appointed by him, and he shall notify the transferor and the transferee accordingly.

142. A registry map and a verbal description of the land in the register may be revised at any time on the application in writing of the registered owner upon production of such evidence and after the giving of such notices (if any) as the Registrar considers necessary.

Revision of registry maps and verbal description.

PART VI

MISCELLANEOUS PROVISIONS

RIGHTS APPURTENANT TO LAND

143.—(1) Where, at first registration or at any other time, the registered owner claims to be entitled to any appurtenance in respect of the land, he may apply to the Registrar in writing, signed by himself or his solicitor, to have a specific entry made on the register of any such appurtenance.

Appurtenances.

(2) The application shall state the nature of the appurtenance and shall be accompanied by evidence of its existence.

(3) Upon receiving such an application the Registrar shall give such notice (if any) to the person in possession of the land affected as he considers advisable.

(4) If the land affected is registered land the Registrar shall give such notice (if any) of the application to the registered owner of that land, and to every other person appearing by the register to be interested, as he considers advisable.

(5) If the Registrar is satisfied that the right claimed is appurtenant to the land he may make an entry on the folio showing the existence of such appurtenance. If he is not satisfied that such right is appurtenant he may enter such note with such qualification as he considers advisable, or he may merely enter a note to the effect that the registered owner claims such right.

BODIES CORPORATE AND CERTAIN CHARITABLE TRUSTS

144.—(1) Where an application is made to register a body corporate as owner of land there shall be produced to the Registrar, if he so requires, such evidence of its incorporation and power to hold land as he directs.

Registration of, and dispositions by, a body corporate.

(2) On a disposition by a body corporate there shall be produced to the Registrar, if he so requires, proof that the disposition is within the powers of disposition of the body corporate.

(3) On a disposition by a body corporate where the seal appears to have been duly affixed and attested, the Registrar shall be entitled to assume that the deed was duly executed by the body corporate.

Registration of, and dispositions by, trustees appointed pursuant to the Trustee Appointment Acts 1850 and 1890.

145.—(1) Where an application is made, pursuant to paragraph 1 of Part II of Schedule 8 to the Act, to register as owners of land persons in whom the land has become vested as trustees, in pursuance of the Trustee Appointment Act, 1850(s) or the Trustees Appointment Act, 1890(t), there shall be produced to the Registrar such evidence of the application of the said Act of 1850 or 1890, and of the appointment of such persons as such trustees, as he directs.

(2) When any such trustees are registered as owners of the land the Registrar shall not, in any way, be concerned with the trusts upon which the lands are held and shall not make any enquiry as to whether or not any disposition by such registered owners is within their powers as such trustees.

REGISTERED SOCIETIES OR BRANCHES

Registration of, and dispositions by, the trustees of a registered society or branch.

146.—(1) For the purposes of this rule a registered society or branch means a registered society or branch within the meaning of the Friendly Societies Act (Northern Ireland) 1970(u) or a society or branch registered in Great Britain for purposes corresponding to those of that Act.

(2) Where an application is made to register as owners the trustees for the time being of a registered society or branch there shall be produced to the Registrar, if he so requires, an acknowledgment of registration, a copy of the resolution whereby the trustees were appointed and a copy of the registered rules of the society or branch, as the case may be.

(3) On proof to the satisfaction of the Registrar that any person has ceased to be a trustee of a registered society or branch, he may cancel the registration of that person as an owner and any new trustee may be registered as owner on lodgment in the Registry of a copy of the resolution whereby he was appointed.

(4) Where the trustees of a registered society or branch are registered as owners, on a disposition by such registered owners there shall be produced to the Registrar, if he so requires, a copy of the registered rules of the society or branch, as the case may be.

SMALL DWELLINGS ACQUISITION ACTS (NORTHERN IRELAND) 1899 TO 1948(v)

Endorsement to be made on land certificate.

147. In every registered title to which the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948 apply, and so long as the burden securing repayment of the advance to the local authority remains on the register, there shall be endorsed on the land certificate a note of the several prohibitive restrictions and conditions provided by the said Acts.

Registration of local authority as owner.

148. Where a house becomes the property of a local authority, under section 5 of the Small Dwellings Acquisition Act 1899(w), that authority may be registered as owner of the house, in defeasance of the estate of the registered owner, on lodgment of an application, in Form 75, by the solicitor to that authority, and no further evidence of possession by the authority shall be required.

(s) 13 and 14 Vict. c. 28

(w) 62 and 63 Vict. c. 44

(t) 53 and 54 Vict. c. 19

(u) 1970 c. 31 (N.I.)

(v) 62 and 63 Vict. c. 44; 13 and 14 Geo. 5 c. 30 (N.I.); 1947 c. 8 (N.I.); 1948 c. 6 (N.I.)

149. On registration of a transferee as owner under a transfer by a local authority, in purported exercise of its powers under section 6 of the said Act of 1899, no evidence shall be required of the breach, if any, of the conditions specified in section 3 of the said Act of 1899, and the Registrar shall, unless evidence to the contrary is adduced, assume that the local authority is acting correctly and within its powers.

Registration of transferee on a sale by the local authority.

BANKRUPTCY

150.—(1) Notice of the presenting of a petition which is required, under section 59 of the Act, to be given by the Bankruptcy Registrar shall be in Form 76 signed by him.

Entry of notice on register.

(2) Any notice which is required under sub-section (4) of section 59 of the Act to be furnished by the Bankruptcy Registrar may be in Form 77 signed by him.

151.—(1) The assignees in bankruptcy of a registered owner who has been adjudicated a bankrupt may be registered as owners in his place, or, where he is a registered limited owner, as assignees of the limited owner, on production in the Registry of an office copy of the certificate of the vesting of the estate and effects in the assignees, endorsed as prescribed by paragraph (7).

Registration of assignees or trustees as owners and re-registration of former ownership.

(2) The trustee of a bankrupt registered owner appointed under the Bankruptcy (Ireland) Amendment Act, 1872(x), may be registered as owner in place of the bankrupt or, where he is a registered limited owner, as assignee of the limited owner, on production in the Registry of an office copy of the certificate under section 90 of the said Act of 1872, endorsed as prescribed by paragraph (7).

(3) Where registered land of an arranging debtor who is a registered owner has become vested in the Official Assignee alone or jointly with other persons under section 349 of the Irish Bankrupt and Insolvent Act, 1857(y) the Official Assignee and such other persons (if any) may be registered as owners in his place or, where he is a registered limited owner, as assignees of the limited owner, on production in the Registry of an office copy of the order of the court approving and confirming the resolution or agreement referred to in the said section, endorsed as prescribed by paragraph (7).

(4) A person appointed creditors' assignee or trustee in place of a registered assignee or trustee of a bankrupt who has ceased from any cause to be an assignee or trustee may be registered in place of the registered assignee or trustee, on production of proof of his appointment as creditors' assignee or trustee.

(5) A bankrupt whose trustee, appointed under the Bankruptcy (Ireland) Amendment Act, 1872 is, or whose assignees are, registered as owner of his registered land may be re-registered as owner or, where he is a limited owner, the entry of the assignees or trustee as assignees of the limited owner may be cancelled on production in the Registry of an office copy of an order of the court under section 22(2) of the Bankruptcy Amendment Act (Northern Ireland) 1929(z).

(x) 35 and 36 Vict. c. 58
(y) 20 and 21 Vict. c. 60

(z) 20 Geo. 5 c. 1 (N.I.)

(6) Where the Official Assignee, alone or jointly with other persons, has been registered as owner of registered land, an arranging debtor may be re-registered as owner or, where such debtor was a limited owner, the entry of the Official Assignee and such other persons (if any) as assignees of the limited owner, may be cancelled, on production in the Registry of an office copy of an order of the court under section 65 of the said Act of 1872, endorsed as prescribed by paragraph (7).

(7) Every order or certificate or office copy thereof, produced for the purposes of a registration referred to in this rule, shall have endorsed thereon a certificate by the Official Assignee or the trustee identifying the bankrupt or arranging debtor named in the order or certificate with the registered owner or, as the case may be, the former bankrupt registered owner named in a specified folio whose land is sought to be dealt with.

(8) The provisions of this rule shall apply with any necessary modifications to a petition for the administration of the estate in bankruptcy of a person dying insolvent and to an order for the administration of such an estate as it applies to a petition of bankruptcy and to an adjudication of bankruptcy.

MINORS

Persons
who may
represent
minors.

152.—(1) A minor may, for all or any of the purposes of the Act, be represented by his guardian (if any) appointed by a court of competent jurisdiction or, if there is no such guardian, by his parents, or by a person who is his guardian under the provisions of the Tenures Abolition Act (Ireland) 1662(a) or the Guardianship of Infants Act, 1886(b), or by trustees appointed under the provisions of section 38 of the Administration of Estates Act (Northern Ireland) 1955(c).

(2) Where it appears to the Registrar, in the course of any proceedings under the Act, that the person representing a minor has an interest adverse to or conflicting with the interest of the minor, or that it is in the interest of the minor that some other person should be appointed to represent him, he may refuse to proceed until another person is appointed to represent the minor in the proceedings.

(3) Where there is no person authorised to represent a minor, or where, in the opinion of the Registrar, someone other than such person ought to be appointed, the Registrar may appoint a person to represent the minor for all or any purposes of the Act. Any application to the Registrar to make such an appointment shall be in writing and shall be accompanied by the consent in writing of that person to act and an affidavit of his fitness to act as such representative.

Cessation
of minority.

153. Where a minor registered owner of any land ceases to be a minor, an application to have the description "minor" or "infant" in the appropriate register cancelled, may be made by that registered owner or his solicitor, with evidence, to the satisfaction of the Registrar, that the minor has attained his majority.

(a) 14 & 15 Chas. 2 sess. 4 c. 19

(b) 49 and 50 Vict. c. 27

(c) 1955 c. 24 (N.I.)

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT
(NORTHERN IRELAND) 1971(d)

154. On receipt in the Registry of any application for registration involving, by virtue of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971, an enlargement or extension of a registered leasehold estate, notice of the application shall be sent by post from the Registry to every registered owner affected by the application, including the registered owner of a charge. Notice of application.

155. In any case where, by virtue of the said Act of 1971, the owner of a leasehold estate acquires the fee simple in the land and a registered charge is discharged without prejudice to any right or remedy for the enforcement of the obligation secured by the charge against other property comprised in the same or any other security, and to any personal liability as principal or otherwise of the registered owner of the land charged or of any other person, the instrument of charge may, at the request of the registered owner of the charge made on cancellation of the charge as a burden or at any time thereafter, be returned to the registered owner of the charge on payment by him of the fee prescribed for making a copy in the Registry of such instrument; and the copy when made shall be retained in the Registry. Return of instrument of charge.

156. In any case where, by virtue of the said Act of 1971, the owner of a leasehold estate acquires the fee simple in the land and the Registrar has reason to believe that covenants, conditions or agreements contained in the lease may continue in full force and effect, by virtue of section 28 of that Act, the Registrar may, if he thinks fit, enter in any folio opened in respect of the ownership of such fee simple, a note to the effect that the land is subject to such liability (if any) as may be subsisting by reason of such covenants, conditions and agreements. Continuance of certain covenants, conditions and agreements affecting the fee simple acquired under the said Act of 1971.

FORMS AND DOCUMENTS

157.—(1) The forms in the Schedule to these Rules shall be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions as are necessary or desirable and the Registrar allows. Forms to be used.

(2) Documents for which no form is prescribed, or for which the scheduled forms cannot conveniently be adapted, shall be in such form as the Registrar shall direct or allow, the scheduled forms being followed as closely as circumstances permit.

(3) A solicitor who intends to present in the Registry any document to which paragraph (2) applies, may submit a draft thereof for approval. Every such draft shall be lodged in duplicate, unless the solicitor does not wish it to be returned to him, and if it contains a plan, the plan should also be in duplicate.

Improper forms.

158. If it appears to the Registrar that any instrument is improper, in form or substance, or is not clearly expressed, or does not indicate with sufficient precision the particular interest or land which it is intended to affect, or refers only to matters which are not the subject of registration under the Act, or omits to include any matter which is relevant and which ought to have been included, or is expressed in a manner inconsistent with the principles upon which the register involved is to be kept, he may refuse registration either absolutely or subject to such modifications in the instrument as he approves.

Execution of documents.

159.—(1) The execution of every deed relating to registered land shall be attested by either—

- (a) two witnesses who subscribe their names, addresses and descriptions to that deed; or
- (b) one witness who subscribes his name, address and description to that deed, where such one witness is a solicitor.

(2) Save as is otherwise provided in these Rules, or in any form in the Schedule hereto, the execution of every document other than a deed shall, except in the case of execution by a solicitor in his capacity as such, be attested by a witness.

(3) Every execution of a document by a blind or illiterate person shall be verified by affidavit of an attesting witness proving such execution and containing averments to the effect that the document was read over and explained to such person and that such person appeared to understand it.

(4) Every execution of a document by a person by his mark due solely to physical disability shall be verified by affidavit of an attesting witness giving the reason why the document is so executed.

(5) Notwithstanding the foregoing provisions of this rule, the Registrar may in any case require the execution of any deed or other document to be verified by affidavit.

(6) Except in respect of the seal of a corporate body, the Registrar shall be entitled to assume that every deed expressed to be sealed by any party executing the same has, in fact, been so sealed notwithstanding the fact that the deed bears no trace of such sealing.

Execution of documents by attorney.

160.—(1) In every case of execution of a document by attorney, the power of attorney or a duplicate or certified copy thereof, shall be produced to the Registrar together with evidence of the identity of the donor of the power.

(2) If any transaction between the donee of a power of attorney and the person dealing with him is not completed within twelve months of the date on which the power came into operation, evidence shall be produced to the Registrar to satisfy him that the power had not been revoked at the time of the transaction.

(3) Unless the Registrar otherwise directs, the evidence that the power had not been revoked shall consist of a statutory declaration by the person dealing with the donee that, at the time of the completion of the transaction, the declarant did not know of the revocation of the power and did not know of the occurrence of any event (such as the death, bankruptcy or other incapacity of the donor) which had the effect of revoking the power.

Provided that where the power is expressed in the instrument creating it to be irrevocable and to be given by way of security the statutory declaration shall be to the effect that, at the time of the completion of the transaction, the declarant did not know that the power was not in fact given by way of security and did not know that the power had been revoked by the donor acting with the consent of the donee.

161.—(1) When an application has been made to the Registrar which requires the examination of any title to land and a person has in his possession or custody any document or evidence of title relating to or affecting that title, to the production of which the applicant or any trustee for him is entitled, the applicant or such trustee may request the Registrar to make an order directing the person in whose possession or custody the document or evidence of title may be, to produce that document or evidence of title for the purpose of the application and the request shall be in Form 78 signed by the person seeking such order or his solicitor.

Production of documents or evidence of title.

(2) On receiving any such request the Registrar may give notice in Form 79 to the person against whom it is proposed to make the order.

(3) Where the person having possession or custody of the document or evidence of title desires to show cause why he should not produce such document or evidence of title, he shall, within the time stated in the notice under paragraph (2), lodge in the Registry a statement in writing setting out the grounds of his objection and thereupon the Registrar may determine the question and for this purpose may appoint a day and time for the parties to appear before him.

(4) The Registrar may, after due consideration of the matter, including any reply to the notice given under paragraph (2) make the order sought and the order shall be in Form 80 and shall, subject to rule 181, be served personally upon the person to whom it is directed.

(5) Where the person having possession or custody of the document or evidence of title claims that it has been deposited with him for the purpose of giving security for the payment of a sum of money or is held by him subject to any lien and that such deposit or lien affects the title to the lands the subject of the application, he shall, upon lodgment of the document or evidence of title, also lodge in the Registry a notice similar to the notice prescribed in rule 132 with such modifications as may be required and in any such case where the deposit of the document or evidence of title or lien affects the title to be registered, registration shall be made where appropriate by making an entry in respect of the notice of deposit or lien with such note relating to the priority of the notice of deposit as the Registrar considers proper.

162. Except where otherwise provided by the Act or these Rules, all deeds and other documents on which any entry in the register is founded shall be retained in the Registry and shall not be removed therefrom except under a written order of the Registrar or an order of court.

Documents to be retained in the Registry.

163.—(1) In the case of any deed or other document relating to both registered and unregistered land, the original thereof may be returned to the person who would be entitled to the custody thereof if all the land were unregistered, upon delivery at the Registry of a duplicate or certified copy thereof or on payment of the fee chargeable for a certified copy. The duplicate or certified copy shall be filed for reference in sub-

Documents which may be returned.

stitution for the deed or document so returned and, on future dealings with the registered land, may be accepted as sufficient evidence of the original and the contents thereof.

(2) No original deed or other document shall be so returned until an endorsement is made on it showing, in such manner as the Registrar may direct, the land therein which is affected by the registration.

(3) Any deed or document in the Registry which relates only to unregistered land may, in default of application by and after notice to the person who lodged such deed or document, or his personal representative, be delivered to such person as appears to the Registrar to be entitled to the custody thereof, upon application in writing by that person for such delivery.

Delivery of documents to a solicitor for production in court or to the Taxing Master.

164. The Registrar may deliver to the solicitor for a registered owner of land other than a charge, an instrument filed in the Registry and relating to such land, except an instrument creating or disposing of a charge, on receiving from the solicitor his certificate in writing that the production of such instrument is required in a court on the hearing of some cause or matter, or before a Taxing Master of the Supreme Court for the purposes of a taxation, and his personal undertaking in writing to return it to the Registry within a time to be fixed by the Registrar.

Copies of documents delivered.

165. No instrument shall be delivered to a solicitor under rule 164 until a copy thereof has been made in the Registry. Such copy shall be filed for reference during the absence of the original.

Documents becoming obsolete.

166. Subject to any direction given by the Department under paragraph 11 of Part I of Schedule 13 to the Act, the Registrar may direct the destruction of any documents filed in the Registry when they have been superseded by entries in the register or have ceased to be of any effect or he may, if such documents appear to him to be of historical interest, transmit them to the Public Record Office.

INSPECTION, SEARCHES AND COPIES

Inspection of folios, registry maps and indices.

167. Any person, upon lodgment of a requisition, which may be in Form 81, may inspect any folio, or registry map, or the index of lands, or the index of names, or any index maintained in respect of any registry maps, or any instrument filed in the Registry in connection with any entry or cancellation made on a folio or registry map.

Copies of and extracts from registers and other documents.

168. Any person upon lodgment of a requisition, which may be in Form 82, may obtain copies of, or extracts from, the registers or documents received in the Registry, which copies or extracts shall be certified as true, if so required.

Official search in index of names and folios.

169.—(1) Any person may apply to the Registrar to make an official search and to certify—

- (a) whether a named person is entered on the index of names for a specified county and, if so, the number of the folio in which the name of that person appears; or
- (b) in the case of registered land, as to what entries (if any) have been made on the folio since first registration or during such period subsequent to first registration as shall be specified.

(2) The requisition for a search under this rule shall be in Form 83 or Form 84, as the case requires, and the certificate of the result of the search shall be in Form 85 or Form 86 as the case requires.

170.—(1) Any person may apply to the Registrar to make an official search in the registry maps and to certify—

Official search in registry maps.

- (a) whether the land searched against is the subject of a registration, and if so subject, the number of any folio in which any ownership relating to such land is registered; and
- (b) whether any caution against first registration, affecting the lands searched against, is registered.

(2) The requisition for a search under this rule shall be in Form 87 and shall describe the land to be searched against by delineating the boundaries thereof on a copy or extract from the ordnance map on the largest scale published. Every map accompanying the requisition shall be furnished in duplicate unless it is not required to be returned to the applicant.

(3) The certificate of the result of a search under this rule shall be in Form 88.

171.—(1) A person who has entered into a contract to purchase, take a lease of, or lend money on the security of a charge on, registered land may apply to the Registrar to make an official search in the folio in which the title to such land is registered, to ascertain whether or not any entry has been made on such folio which affects such land since such date as is specified, and to make an entry in such folio pursuant to section 81(3) of the Act.

Priority search.

(2) A search under this rule shall be referred to as a priority search.

(3) An application for a priority search shall be in Form 89 or 90, as the case may require, and be lodged in duplicate.

(4) A certificate of the result of a priority search shall be in Form 91 or 92, as the case may require.

(5) The entry in the register, pursuant to section 81(3) of the Act, shall consist of a priority note to the effect that the document to complete the contract, if in order and delivered at the Registry within a period of fourteen days from the date of the issue of the certificate under paragraph (4), shall rank in priority before any other dealing presented for registration during that period.

172.—(1) Where a certificate of the result of a priority search has been issued under rule 171 and the instrument to complete the purchase, lease, or charge specified in the application, is delivered at the Registry within the period of fourteen days after the date of issue of the certificate, it shall be accompanied by the certificate which shall be retained in the Registry.

Effect of priority search.

(2) Where two or more certificates of the result of a priority search have been issued and are in operation pursuant to these Rules, such certificates shall, so far as relates to the priority thereby conferred, take effect in the order in which the applications therefor were received or were, under rule 45, deemed to have been received, in the Registry.

173.—(1) Any person may apply by telephone to the Registry for a search to ascertain whether an entry has been made on, or registration of a dealing is pending relating to, a specified folio affecting—

Application by telephone for search.

- (a) the ownership of the land (other than a charge) entered therein since the date of the issue or, as the case may be, of the last re-issue of the land certificate, or such other date as is specified; or
 - (b) the ownership of a specified charge since the date of the issue or, as the case may be, of the last re-issue of the certificate of charge, or such other date as is specified.
- (2) The applicant shall give the following particulars—
- (a) the county in which the land is situate, the number of the folio in which the search is to be made, and the name of the registered owner;
 - (b) where the application relates to an entry affecting a charge, a description of the charge sufficient to identify it in the register;
 - (c) the date from which the required search is to be made;
 - (d) the name, address and telephone number in Northern Ireland of the applicant to whom the reply is to be made.
- (3) The application shall be confirmed by letter sent on the same day to the Registrar enclosing the prescribed fee.

(4) Subject to paragraph (5) the search shall be made as soon as is practicable and the reply shall be made by telephone and shall consist of a reference to the application, the county and folio number, the date from which the search begins and, in the case of a charge, its description and also the result of the search in the form of a statement "Yes" or, as the case may be, "No". The reply shall be confirmed in writing sent on the same day from the Registry.

(5) When the application is made by a person other than a solicitor the reply shall not be made until the confirmatory letter with the prescribed fee has been received in the Registry. In any case where the applicant has not remitted the amount payable on any previous application by telephone made by him under these Rules, the Registrar may refuse to make the search.

(6) A reply to an application under this rule, or a confirmation in writing of such a reply, shall not, for the purposes of paragraph 1(1)(c) of Schedule 9 to the Act, be regarded as a certificate issued as the result of an official search.

PROCEEDINGS IN THE REGISTRY

Decisions
of the
Registrar.

174.—(1) Whenever the Registrar refuses to comply with any application for the registration of an ownership or burden or notice or other matter, or for the cancellation of any entry made on any register, he shall, unless the refusal is contained in an order made by him, give his decision in writing, and notice thereof shall be given to the applicant or his solicitor.

(2) Where any question, difficulty, or dispute arises during an investigation of title, or in any registration or other proceeding in the Registry, the Registrar may give notice to all persons interested to attend before him, on a day and at a time to be stated in the notice, for consideration of the matter; and, upon such consideration, he shall either decide the matter and make an order accordingly or, if he entertains a doubt upon any question arising, make an order under section 6(2) of the Act referring the question to the High Court.

(3) Every decision of the Registrar to which paragraph (1) applies (not being an order) shall—

- (a) be signed by the Registrar; and
- (b) refer to the documents to which the decision relates; and
- (c) state the reasons for the decision; and
- (d) be entered in a file or book kept for that purpose.

(4) Every other decision of the Registrar (not being an order) shall, on the application of any person desiring to appeal therefrom, be given in the same manner as in the case of a decision to which paragraph (1) applies.

175.—(1) Any person may by notice in writing, signed by himself or his solicitor, and delivered at the Registry before registration has been completed in any application or dealing, object to such registration. The notice shall state concisely the grounds of the objection and any objection which does not state the grounds thereof may be disregarded.

Objections
to
registration.

(2) Notice of the objection, with the grounds thereof, shall be sent from the Registry to the person requiring the registration to which the objection is made and such registration shall not be completed until the objection has been disposed of.

(3) Before making any decision in the matter the Registrar may and, if requested to do so by any person concerned shall, require all persons concerned to appear before him.

(4) The Registrar may decide to allow the objection, or to refuse the objection, or to stay registration until the objector has had an opportunity to obtain an order of court establishing his claim, or he may, in exercise of the power in that behalf conferred on him by section 6(2) of the Act, refer the matter to the High Court.

176.—(1) Every order made by the Registrar under section 6(2) of the Act shall—

- (a) contain a concise statement of the material facts and documents on which the question referred arises;
- (b) state the question of law or fact in respect of which he entertains a doubt;
- (c) direct by whom the matter is to be brought before the High Court;
- (d) direct upon what persons notice of the order is to be served and, if service is to be made other than by post by the ordinary delivery service, the mode of such service.

Reference
by
Registrar
of
questions to
the High
Court.

(2) Where it appears to the Registrar that there has been undue delay in having a question referred by him to the High Court brought before that Court, he may, by a further order, transfer the carriage of the proceedings from the person to whom it was given to another person, or he may rescind any order made by him under this rule and treat the proceedings in which the reference was made as having been abandoned.

177.—(1) A summons by the Registrar, if issued under sub-section (1) or sub-section (2) of section 2 of the Act, shall be in Form 93 and shall be served personally.

Summons by
Registrar.

(2) When the summons is served upon any person not bound to attend at his own expense, the affidavit proving service shall also prove that the reasonable travelling and subsistence expenses of the attendance of the person summoned have been paid or tendered to him.

(3) The Registrar may direct payment of the reasonable expenses of the attendance of any person on a summons in relation to a registration and by whom such payment is to be made.

Addresses
to be
furnished.

178.—(1) Every person whose address is required, under rule 5(4), to be entered on a folio, shall furnish an address, or if he so desires two addresses, in the United Kingdom, and all notices to him shall be sent to such address or addresses.

(2) The entry of any such address may, at any time, be altered, at the request of such person and after giving such notice (if any) as the Registrar considers appropriate.

Information
to be
furnished
by a
solicitor.

179.—(1) Every application or dealing presented in the Registry by a solicitor shall be accompanied by a statement in writing, which may be in Form 22, containing the following information—

- (a) the names of the parties to the transaction for whom he acts as solicitor;
- (b) the documents sent or delivered;
- (c) particulars of any registration applied for;
- (d) particulars of registration fees sent or delivered;
- (e) where any land certificate or certificate of charge produced with the dealing is not, on such registration, to be delivered to such solicitor, the name and address of the person, or his solicitor, to whom such certificate is to be delivered.

(2) The Registrar may refuse to accept for registration any dealing which is not accompanied by the statement prescribed in paragraph (1).

Notices
sent from
or issued
by the
Registry.

180.—(1) Except as is otherwise provided in the Act or these Rules every notice required to be given to any person may be sent by post by the ordinary delivery service, unless the Registrar directs that it shall be sent by registered letter, or by the recorded delivery service, or that personal service be made.

(2) Every notice issued from or sent by the Registry which requires any act to be done or step to be taken (excluding notices of the receipt of instruments or applications for registration, or formal notices of a like description) shall—

- (a) fix a time within which the act is to be done or the step taken;
- (b) state the consequences of an omission to do the act or take the step;
- (c) state the address at or to which any objection or other communication arising out of the notice is to be delivered or sent.

(3) Every notice sent through the post shall, in the absence of evidence to the contrary, be deemed to have been received by the person to whom it is addressed, on the third day after the day of posting or, if the address is not within the United Kingdom, on such later date, to be stated in the notice, as the Registrar may determine.

(4) At the request, or with the consent, of any person concerned, a notice to be sent from the Registry by post, may be sent by air mail at the expense of that person.

(5) On the return by the Post Office of a letter containing a notice, the Registrar may require some other notice to be given, or may authorise substituted service of the notice; or he may proceed without further notice if, in the circumstances, he thinks it proper to do so.

181.—(1) Where service of a notice or summons or order of the Registrar is required, under these Rules, to be made personally, such service shall, subject to paragraph (2), be made by delivering the notice or summons or, in the case of an order, a sealed copy thereof, to the person on whom service is directed. The service shall be proved by affidavit. Personal service of notice, summons or order.

(2) Where personal service cannot be made, or is shown to be impracticable, the Registrar may order such substituted service as he may deem sufficient in the circumstances of the particular case.

182. Evidence in any proceeding in the Registry may be given by affidavit, or, except where the Act or these Rules prescribe an affidavit, by statutory declaration and the Registrar may, if he thinks fit, take evidence viva voce before him on oath and may administer the oath. Evidence in proceedings in the Registry.

183.—(1) An affidavit or statutory declaration made for the purpose of any proceeding in the Registry may be sworn or taken before the Registrar, or any person authorised by law to administer oaths, or, in the case of a statutory declaration, any person authorised by law to take and receive statutory declarations. Affidavits and statutory declarations.

(2) Every such affidavit or statutory declaration shall be entitled as in Form 1 or 9 as the case may require.

(3) Every such affidavit shall comply generally with the provisions relative to form, jurat, interlineations, alterations and erasures in the Rules of the Supreme Court concerning affidavits for use in the High Court.

184. The Registrar shall have power, in any particular case, to extend the time limited by or by virtue of, or relax the provisions of, these Rules, to adjourn any proceedings and where he is of the opinion that the production of further documents or evidence or the giving of any notice is necessary or desirable, he may refuse to proceed until such documents evidence or notice have been supplied or given. In all merely formal matters the foregoing powers shall be exercisable by the Registrar in his discretion. Power of Registrar to relax regulations.

185. Where in the case of any application for registration, a death, transmission or change of interest, occurs before registration is effected, the proceedings shall not abate, but may be continued by any person entitled to apply for registration. Proceedings not to abate.

186. Where no step has been taken for a period of two months in any matter pending in the Registry, notice may be given by the Registry to the applicant, or his solicitor, that the matter will be treated as abandoned unless it is proceeded with within such time as is stated in the notice and at the expiration of that time, unless it has been proceeded with, the matter may be treated as abandoned. Delay.

PART VII

CLAIMS FOR COMPENSATION PAYABLE OUT OF THE
INSURANCE FUNDForm
of claim.

187.—(1) Every claim for compensation under Schedule 9 to the Act shall be made to the Registrar by the lodgment of an application by the claimant, which may be in Form 94, accompanied by the copies thereof necessary for the purpose of service under rule 188.

(2) Every claim for compensation shall contain—

- (a) particulars of the land to which the claim relates;
- (b) particulars of the circumstances which gave rise to the error or omission, forgery or fraud, on which the claim is based;
- (c) particulars of the loss sustained;
- (d) a statement that the claimant has not himself, or by any agent of his, caused or substantially contributed to the loss by any act, neglect or default;
- (e) where the claimant derives title otherwise than under a registered disposition for valuable consideration, a statement that any person from whom the claimant derives title has not, to the best of claimant's knowledge, information and belief, caused or substantially contributed to the loss by any act, neglect or default;
- (f) a statement of the steps (if any) taken by the claimant to prevent or minimise the loss the subject of the claim;
- (g) the full name of the claimant and his address in the United Kingdom to which all notices and communications are to be sent;
- (h) if the claimant so desires, a statement that in the event of any dispute arising in connection with the claim, the claimant requires the Registrar to refer the claim for decision by the High Court;

and shall be verified by affidavit of the claimant or, by leave of the Registrar, of some person on behalf of the claimant having knowledge of the facts.

Notice
of claim.

188. On lodgment in the Registry of a claim for compensation, notice thereof shall be given by the Registry, by sending two copies of the claim to the Department and a copy to such other person (if any) as the Registrar considers proper.

Notice to
be given
by
Department.

189. The Department shall, within two months from the date of the service on it of such notice, give notice in writing to the Registrar and to the claimant stating whether, and to what extent, it admits or disputes the claim.

Procedure
where claim
is admitted.

190. Where the Department—

- (a) admits the claim wholly; or
- (b) admits the claim in part and the claimant is satisfied to accept the part so admitted in full satisfaction;

the Registrar may make an order, allowing the claim or, as the case may be, the part thereof so admitted and accepted, and directing to whom the amount of the compensation awarded is to be paid.

191.—(1) Where the claim for compensation is not admitted, or where the claimant is not satisfied to accept in full satisfaction the part of the claim admitted by the Department and gives to the Registrar notice to that effect, the Registrar shall, except where paragraph (3) applies, at the request of the claimant or the Department, fix a day and hour for the parties to attend before him for the hearing and determination of the claim and shall notify the claimant and the Department and all other persons (if any) appearing to be interested in the claim, accordingly.

Procedure where claim is not wholly admitted.

(2) On any hearing by the Registrar under this rule, he may receive evidence, orally or on affidavit, and his determination of the claim shall be embodied in an order to be made by him which shall specify the amount of the compensation to be paid and the person to whom it is to be paid, or shall dismiss the claim.

(3) Where the claimant or the Department requires him to do so in any case, the Registrar shall, instead of hearing the claim, make an order referring the claim to the High Court for decision, and shall give notice thereof to the claimant and the Department and to all other persons (if any) appearing to be interested.

PART VIII

THE STATUTORY CHARGES REGISTER

192. The provisions of section 1 of the Act and of Schedule 1 to the Act shall (save to the extent that they apply to a local registrar or to a local office or to any matter connected with such office) apply in relation to the Statutory Charges Register and the registration of any statutory charge.

Administration.

193.—(1) Every application relating to registration in the Statutory Charges Register shall be sent to or delivered at the Registry.

Office of registration and priority of applications.

(2) For the purposes of this Part the Registry shall be open for the transaction of public business during the same hours as it is open for the transaction of such business under rule 13.

(3) The date and time of registration of every statutory charge and priority notice shall be the date and time on which the application for such registration was received, or was deemed to have been received, in the Registry, save that any such application shall not be received unless and until it is in order for registration.

(4) Every application delivered by post at the Registry prior to the opening on any day of that office for the transaction of public business shall, when received, be deemed to have been so received at the same time and immediately after the opening on that day of that office for the transaction of public business.

(5) Every application delivered, by post or otherwise, at the Registry after the opening on any day of that office for the transaction of public business shall, when received, be deemed to have been so received at the same time and immediately before the closing of that office to the public on that day.

(6) Entries shall be made on the Statutory Charges Register in the order in which the applications therefor are received, or are deemed to have been received, in the Registry and, in the case of two or more such applications received, or deemed to have been received, at the same time, in such order, as between such applications, as the Registrar considers appropriate.

Statutory
Charges
Register
and indices.

194.—(1) For the purpose of registration, the Statutory Charges Register shall be maintained in such manner and in such parts as the Registrar thinks fit.

(2) Entries and cancellations of entries in the Statutory Charges Register shall be authenticated in such manner as the Registrar directs.

(3) Indices to the register, for the purpose of enabling entries therein to be traced, shall be kept in such manner as the Registrar considers most convenient for that purpose.

Applications
for
registration.

195.—(1) Every application for registration of a statutory charge shall be authenticated, in the case of an application by a government department, by the signature of an official of that department not below the rank of assistant secretary, or by some other official duly authorised in that behalf, and, in the case of an application by a local or other statutory authority by the signature of the secretary, town clerk or other principal officer of that authority and, in any other case, by the signature or seal of the applicant.

(2) Except in the case of an application for registration of a notice under section 1 of the Rights of Light Act (Northern Ireland) 1961(e), every application for registration of a statutory charge shall contain—

- (a) a description of the land affected by the charge, including reference to a map drawn or based on the current largest scale map published by Ordnance Survey relating to the area in which that land is situate;
- (b) the name, address and description of the applicant for registration;
- (c) a reference to the statute and section and, where in the opinion of the Registrar it is expedient to include such information, to the document or matter by virtue of which the charge was created or arose;
- (d) a reference to the statute and section by virtue of which registration of the charge is sought;
- (e) the date when the charge was created or arose;
- (f) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon.

Entry of
a statutory
charge.

196. Subject to section 90 of the Act, every entry of a statutory charge in the register (except in the case of a notice under section 1 of the Rights of Light Act (Northern Ireland) 1961) shall contain—

- (a) a description of the land affected by the charge;
- (b) a reference to the entry made on the statutory charges map referred to in rule 198, defining the land affected by the charge;

(e) 1961 c. 18 (N.I.)

- (c) the name and address of the person entitled to the charge;
- (d) a reference to the statute and section under which the charge was created or arose;
- (e) the date when the charge was created or arose;
- (f) the date and time of the registration of the charge;
- (g) the nature and, where it is for a limited time, the duration of the charge and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon;
- (h) such other particulars (if any) relating to the charge as may appear expedient to the Registrar.

197.—(1) Every application for the registration of a priority notice shall be authenticated in the same manner as an application for the registration of the contemplated statutory charge and shall contain—

Application for entry of a priority notice.

- (a) a description of the land which will be affected by the contemplated charge, by reference to a map drawn or based on the current largest scale map published by Ordnance Survey relating to the area in which that land is situate;
- (b) the name, address and description of the applicant for registration of the priority notice;
- (c) a statement of the nature of the contemplated charge with a reference to the statute and section under which that charge will be created or arise;
- (d) a reference to the statute and section by virtue of which registration of the contemplated charge will be sought;
- (e) such other particulars relating to the notice as may, to the Registrar, appear expedient.

(2) On registration, the entry in respect of the priority notice shall contain the matters referred to in paragraph (1) and also the date and time of registration.

198.—(1) In respect of every statutory charge and priority notice, the position and extent of the land affected by the statutory charge or priority notice shall be defined on a map to be known as the statutory charges map and that map shall be deemed to be part of the Statutory Charges Register.

The statutory charges map.

(2) The statutory charges map shall consist of—

- (a) a series of maps, which together shall be called “the statutory charges general map”, each of which shall be a print of an ordnance map; or
- (b) a series of plans, each of which shall be called a “Statutory Charges Filed Plan” and shall be based on an ordnance map.

(3) Every entry of a parcel of land in the statutory charges map shall include a reference to the number of the part of the register and the entry therein to which the entry in such map relates.

(4) All maps and plans maintained in the Registry at the commencement of these Rules and on which are delineated any lands the subject of a statutory charge or priority notice shall be deemed to be incorporated in the statutory charges map.

(5) Every Statutory Charges Filed Plan shall be included in a Book of Statutory Charges Filed Plans and shall show the number of the part of the register in which registration is made, and every such Book shall bear a number and shall contain an index, which shall be in the form of a map, showing the boundaries of the land included in such Book.

(6) Every Book of Statutory Charges Filed Plans shall be indexed by delineating the land to which the Book relates on the statutory charges general map or on a separate index map maintained for that purpose.

Revision of
register and
map.

199.—(1) The statutory charges map, and any verbal description of land in the Statutory Charges Register, may be revised or corrected upon production of such evidence, and after giving such notices, as the Registrar may deem necessary.

(2) The Registrar may, when he considers it to be practicable and desirable to do so, clear the Statutory Charges Register or statutory charges map or any part of such Register or map by closing the same and making a new edition thereof containing the subsisting entries only and may, in so doing, make any amendment that may appear to him to be conducive to clarity.

Official
searches in
the
Statutory
Charges
Register.

200.—(1) Any person requiring an official search to be made in the Statutory Charges Register for subsisting entries affecting any parcel of land shall deliver at, or send to, the Registry a requisition in Form 95 signed by him or his solicitor.

(2) Every such requisition shall define the parcel of land in respect of which the search is to be made by means of a map drawn to scale sufficient to enable such parcel to be identified accurately in the statutory charges map, or by other means which are, in the opinion of the Registrar, sufficient for that purpose.

(3) A separate requisition shall be lodged in respect of each parcel of land in respect of which the search is required, except that one requisition shall be sufficient in any case in which the Registrar is satisfied that the search is to be made in respect of two or more contiguous parcels of land for the same purpose.

(4) Every map or plan accompanying the requisition shall be furnished in duplicate, unless the map or plan is not required to be returned to the applicant.

(5) The result of an official search shall be set forth in a certificate which shall be in Form 96 and be authenticated by the signature of the Registrar or of such other official of the Registry as the Registrar may nominate for that purpose.

(6) A search made under this rule shall extend to registration of statutory charges and priority notices subsisting immediately before the Registry closed to the public on the date of the certificate of the result of such search.

Personal
searches.

201. Any person desiring to make a personal search in the Statutory Charges Register, or in any index thereto, or in the statutory charges map, or in any index thereto, shall deliver at the Registry a requisition in writing, which may be in Form 97, and he shall, if so required, indicate by reference to a map or plan or otherwise, the parcel or parcels of land in respect of which he proposes to search in a manner sufficient to enable the same to be identified in the statutory charges map.

202.—(1) Where a certificate of the result of an official search has been issued under rule 200, any person may, within two months from the date of the certificate, apply by telephone to the Registry for a search to ascertain whether, since the date of the certificate, an entry has been made or an application for an entry is pending, on the Statutory Charges Register affecting the parcel of land to which that certificate related.

Application
by tele-
phone for
search.

(2) The applicant shall give the following particulars—

(a) the name and address of the person who lodged the requisition for the official search;

(b) the date of lodgment of the requisition;

(c) the official number of the requisition appearing in the certificate;

(d) the date of the certificate;

(e) the name, address and telephone number in Northern Ireland of the applicant to whom the reply is to be made.

(3) The application shall be confirmed by letter sent on the same day to the Registrar enclosing the prescribed fee.

(4) Subject to paragraph (5), the search shall be made as soon as is practicable and the reply shall be made by telephone and shall consist of a reference to the application, and to the official number of the requisition for the official search and also of the result of the search in the form of a statement "Yes" or, as the case may be, "No". The reply shall be confirmed in writing sent on the same day from the Registry.

(5) Where the application is made by a person other than a solicitor, the reply shall not be made until the confirmatory letter with the prescribed fee has been received in the Registry. In any case where the applicant has not remitted the amount payable on any previous application made by him under these Rules, the Registrar may refuse to make the search.

(6) A reply to an application under this rule, or a confirmation in writing of such a reply, shall not, for the purposes of paragraph 1(1) of Schedule 9 to the Act, be regarded as a certificate issued as the result of an official search.

203.—(1) Any person requiring a copy of or an extract from any entry in the Statutory Charges Register, or in the statutory charges map, shall make an application in writing addressed to the Registrar for such copy or extract. The application shall state whether a copy or an extract is required and, if an extract is required, shall state precisely the extent of the extract, and shall also state whether the copy or extract is to be certified.

Copies of
or extracts
from entries
in the
Statutory
Charges
Register or
statutory
charges
map.

(2) Every certificate given pursuant to this rule shall be authenticated by the signature of the Registrar or of such other official of the Registry as the Registrar may nominate for that purpose.

(3) Every such copy or extract shall be sealed with the official seal of the Registry in any case in which the person applying for such copy or extract requires that it be so sealed.

Summons to witnesses.

204.—(1) For the purpose of the registration or cancellation of the registration of any statutory charge, or anything required to be done by Part X of the Act, or by these Rules, the Registrar shall have all the powers conferred on him by sub-sections (1), (2), (3) and (4) of section 2 of the Act.

(2) The provisions of sub-sections (5) and (6) of section 2 of the Act and of rules 177 and 181 shall, with the necessary modifications, apply in respect of any summons issued pursuant to this rule.

Indemnity of officials.

205. The indemnity conferred, by section 3 of the Act, upon the Registrar and upon any officer or person acting pursuant to any authority conferred by or under the Act, shall extend to any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of any function relating to the Statutory Charges Register or the registration of any statutory charge.

Compensation for loss.

206.—(1) The provisions of sections 70 and 71 of the Act shall be applicable to the Statutory Charges Register and the registration of any statutory charge, with the modifications provided for in this rule.

(2) The provisions of paragraph 1(1) of Schedule 9 to the Act shall be applicable except that the person to whom compensation is payable shall be any person who has sustained loss by reason of—

- (a) any non-registration or incorrect registration of any statutory charge or priority notice, where the failure to register, or the incorrect registration, occurred in consequence of an official error in the Land Registry; or
- (b) an omission from or an incorrect statement in, a certificate issued as a result of an official search made pursuant to rule 200; or
- (c) a copying error made in a copy or extract duly certified and issued pursuant to rule 203.

(3) The provisions of paragraph 1(2) of Schedule 9 to the Act shall be applicable except that the reference therein to sub-paragraph (1) shall be read as if it were a reference to that sub-paragraph as modified by paragraph (2) of this rule.

(4) The provisions of paragraphs 3(a), 4(1), 7, 8, 9, 10, 11, 12 and 13 of Schedule 9 to the Act shall be applicable.

(5) For the purposes of paragraph 4(1) of Schedule 9 to the Act, a right to compensation under this rule shall be deemed to accrue—

- (a) in regard to any non-registration, at the time when the omission happened;
- (b) in regard to any incorrect registration, on the date of such incorrect registration;
- (c) in regard to any omission from, or incorrect statement in, a certificate issued as a result of an official search made pursuant to rule 200, at the date of the certificate;
- (d) in regard to any copying error made in a copy or extract duly certified and issued pursuant to rule 203, at the date of the certificate.

(6) Where compensation is payable the amount thereof (excluding costs) shall not exceed the value of the statutory charge at the time when the error was made or, as the case may be, the omission happened.

(7) The provisions of Part VII of these Rules shall, with the necessary modifications, apply to all claims for compensation made pursuant to this rule.

207. The provisions of sections 8, 82 and 83(2) of the Act shall apply in relation to the Statutory Charges Register and the registration of any statutory charge and the references, in sections 82(1)(b) and 83(2) of the Act to any register, may be read as including references to the Statutory Charges Register (including the statutory charges map). Application of sections 8, 82 and 83(2) of the Act.

208. The provisions of rules 157, 158, 166, 174, 175, 176, 182, 183, 184, 185 and 186 shall, with the necessary modifications, apply in relation to the Statutory Charges Register and to the registration of statutory charges. Application of certain rules.

PART IX

209. Subject to the provisions herein, these Rules shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland. Rules to be binding on the Crown.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 1st June 1977.

(L.S.)

Jim Malley
Assistant Secretary

SCHEDULE

FORM 1

Application for first registration in the register of freeholders (rule 14)

LAND REGISTRY

County

Application of

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. The lands to which this application relates are described in the First Schedule hereto and defined on the map(s) therein referred to.

2. The title to the said lands is set out in the abstract (or, concise statement) of title accompanying this application (if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit). All deeds, wills and other documents to my knowledge affecting the title have been disclosed.

3. I purchased the said lands for £ _____, and I refer to the certificate of A.B. of _____, solicitor, lodged herewith.

(or)

To be included only in a case to which rule 31(2) applies.

The title has been examined by the conveyancing counsel appointed by a court on a sale or purchase of the lands under an order of such court and I refer to (state relevant documents).

To be included only in a case to which rule 31(3) applies.

4. I am entitled for my own benefit to the fee simple in the said lands (or, as the case may be) free from incumbrances (or, subject only to the mortgages, charges, leases, tenancies, restrictive covenants and other incumbrances specified in the Second Schedule hereto).

5. I am, and since _____ have been, in undisputed possession (or, receipt of the rents and profits) of the said lands, no other person is in occupation or has, or claims to have, any title to or interest in the said lands, save as is hereinbefore indicated, and all material facts have been disclosed.

To be included only where appropriate.

6. I refer to the schedule of documents accompanying this application, which is a list of all documents in my possession or under my control, relating to the title.

7. I require that, on registration of my title, the original documents numbered (as the case may be) in the said schedule of documents, which relate also to other land the title to which is unregistered, shall be returned to me (or, as the case may be) and certified copies of such documents are lodged with this application for retention in the Land Registry.

8. I hereby apply that I be registered, in the register of freeholders, as owner in fee simple (or, as the case may be) of the said lands, (or, in the case of an application by a personal representative that a note be entered in the register of freeholders of the title of the deceased, with particulars of representation) and that registration be made with an absolute (or, good fee farm grant, or, possessory) title.

9. I request that, for the protection of the trusts on which I hold the lands, on my registration as such owner as aforesaid, there be entered on the register an inhibition in the following terms—
(State terms precisely).

To be included only where appropriate.

Signature of deponent	}	Sworn this . . . day of 19 . . . , at . . . in the County of . . . before me a Commissioner for Oaths (or other qualified person) signature
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FIRST SCHEDULE

(insert description of lands and refer to any accompanying map)

SECOND SCHEDULE

(where necessary)

FORM 2

Application for first registration in the register of leaseholders (rule 14)

(Heading as in Form 1)

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. As in Form 1 paragraph 1.

2. The said lands are held under a Lease dated _____ of _____ and made between _____ of _____ the one part and _____ of _____ the other part for _____ years from _____ at the yearly rent of £ _____ and particulars of the title are set out in the abstract, or concise statement, of title accompanying this application (if the title is short, such particulars may be set out, in paragraphs in chronological order, in this affidavit). All deeds, wills and other documents to my knowledge affecting the title have been disclosed.

Where appropriate.

3. As in Form 1 paragraph 3.

4. I am entitled for my own benefit (or, as the case may be) to the interest of the lessee in the said lease subject as in the said lease appears and subject also only to the mortgages, charges, sub-leases, tenancies, restrictive covenants and other incumbrances specified in the Second Schedule hereto.

5. As in Form 1 paragraph 5.

6. As in Form 1 paragraph 6.

Where appropriate.

7. As in Form 1 paragraph 7.

8. I hereby apply that I be registered, in the register of leaseholders, as full owner (or, as limited owner) of the said lands (or, in the case of an application by a personal representative, that a note be entered on the register of leaseholders of the title of the deceased, with particulars of representation) and that registration be made with a good leasehold (or, absolute, or, possessory) title.

Where appropriate.

9. As in Form 1 paragraph 9.

(Jurat as in Form 1)

FIRST SCHEDULE

(insert description of lands and refer to any accompanying map)

SECOND SCHEDULE

(where necessary)

FORM 3

Application for first registration in the register of subsidiary interests
(rule 14)

(Heading as in Form 1)

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. The right to which this application relates consists of (state nature of right).

2. As in Form 1 paragraph 1.

3. Particulars of the title to the said right are set out in the abstract or concise statement of title accompanying this application (if the title is short, such particulars may be set out, in paragraphs in chronological order, in this affidavit). All deeds, wills and other documents affecting the title to my knowledge have been disclosed.

4. The title has been examined by the conveyancing counsel appointed by a court on a sale or purchase of the lands under an order of such court and I refer to (state relevant documents).

5. I am entitled for my own benefit in fee simple to the said right (or otherwise as the case may be) free from incumbrances (or, subject only to the incumbrances specified in the Second Schedule hereto).

To be included only in a case to which rule 31(3) applies.

6. I am, and since _____ have been, in undisputed possession of the said right, no person has or claims to have any title to or interest in the said right, save as is hereinbefore indicated, and all facts material to the title have been disclosed to the Registrar.

7. As in Form 1 paragraph 6.

8. As in Form 1 paragraph 7.

Where appropriate.

9. I hereby apply that I be registered, in the register of subsidiary interests, as full owner (or, limited owner) of the said right (or, in the case of an application by a personal representative, that a note be entered, in the subsidiary register, of the title of the deceased, with particulars of representation) and that registration be made with an absolute (or, a good fee farm grant, or, a good leasehold, or, a possessory) title.

10. As in Form 1 paragraph 9 with the necessary modifications.

(Jurat as in Form 1)

To be included only where appropriate.

FIRST SCHEDULE

(insert description of lands and refer to any accompanying map)

SECOND SCHEDULE

(where necessary)

FORM 4

**Application for first registration where the title is based on possession
(rule 14).***(Heading as in Form 1)*

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. *As in Form 1 paragraph 1.*

2. I, (and my predecessors in title) have been in sole and exclusive beneficial occupation and possession (or, in sole receipt of the rents and profits) of the said lands for upwards of years last past.

3. *(Describe exactly when, and under what circumstances the adverse possession began and the acts said to constitute a dispossession of the former owner. If the adverse possession involved an encroachment from adjoining land of the applicant, it must be shown how such adjoining land is held by the applicant).*

4. *(Describe the applicant's knowledge of the documentary title. Give the name and present address of any person known to have been in possession of the lands and, where any such person has since died, details of the persons beneficially entitled to his estate and, where representation has been raised to such estate, the names and present addresses of the personal representatives. Where the applicant has no knowledge of any of these matters that fact should be stated).*

5. I have no documents of title but I claim that, by virtue of the Statute of Limitations (Northern Ireland) 1958, I am entitled, for my own benefit, to the fee simple in the said lands.

6. I am not aware of any contract or agreement for sale or of any mortgage, charge, lease, tenancy, restrictive covenant or of any other matter affecting the said lands, or any part thereof, adversely to my interest therein.

7. I have not, at any time, acknowledged the title of any other person to the said lands, or any part thereof, nor have I ever received any claim by any person, adverse to my own, in respect thereof.

8. I am not aware of any question or doubt affecting my title to the said lands, or any part thereof, and I have disclosed all material facts.

9. I hereby apply that I be registered as owner in fee simple of the said lands with an absolute (or, a possessory) title.

(Jurat as in Form 1)

(insert Schedule setting out description of lands and referring to any accompanying map)

FORM 5

**Memorial for Registry of Deeds of first registration in the Land Registry
(rule 19)**

To the Registrar of Deeds

A memorial of the registration, on 19 ,
 in the register of
 of the title of the owner described in the first column of the Schedule hereto
 to the land described in the second column of the said Schedule and made
 in the folio specified in the third column of the said Schedule.

Dated

19 .

(Official Seal of the Registry)

SCHEDULE

(1) Name, address and description of registered owner	(2) Description of land	(3) Folio No. of register in which the ownership is registered

FORM 6

Caution against first registration (rule 20)

LAND REGISTRY

I, A.B. of
and say—

make oath

1. I claim (*or, I am solicitor on behalf of C.D. of who claims*) an interest in the lands of (*describe the lands in a manner which will enable the lands to be identified on the ordnance map and on the registry maps and, where necessary for that purpose, refer to a plan accompanying the affidavit*).

2. I claim (*or, my client claims*) to be entitled (*set out all necessary particulars of the claim*).

3. Notice of any application which may be made for first registration of an owner of the said lands (*add, where only registration in a particular register is intended, in the register of*) is required to be given to (*state name and address in the United Kingdom, of person to whom notice is to be sent*).

(*Jurat as in Form 1*)

FORM 7

Application to withdraw, in part, a caution against first registration (rule 21)

LAND REGISTRY

I, A.B. of
to withdraw the caution lodged by

hereby apply

on _____, so far
as it relates to (*describe the part of the lands to which the withdrawal relates in a manner which will enable such part to be identified on the ordnance map and on the registry maps and, where necessary for that purpose, refer to a plan accompanying the application*).

Dated

19 .

(*Signed*)

FORM 8

Notice to cautioner of application for first registration (rule 22)

LAND REGISTRY

(insert address)

Take notice that A.B. of _____ has applied to be registered in the register of _____ as full (or, limited) owner of (or, to have entered in the register of a note of the title of E.F. deceased to) the lands (state verbal description of the lands as in the application of A.B.) and that such application is affected by the caution lodged by _____ in the Land Registry on (date).

If you intend to oppose such application you are required to lodge in the Land Registry, at the above address, before the expiration of fourteen (or as the case may be) days from the service of this notice on you, an objection in writing, stating the grounds of such objection. Unless such an objection is so lodged, the application may proceed.

This notice will be deemed to have been received by you on (insert date), in the absence of proof to the contrary.

Dated

19

To:

FORM 9

Application by a registered owner to reclassify a title deemed to be a possessory title by virtue of paragraph 2 of Part I of Schedule 13 to the Act, as an absolute title, in a case in which no other alteration is required to be made on the register (rule 25)

LAND REGISTRY

Folio

County

Registered Owner

I, A.B. of _____, the above named registered owner, make oath and say—

1. During the last twelve years I and my predecessors in title have been in sole and undisputed beneficial occupation and possession of the lands in the above mentioned folio as owner in fee simple, as in the said folio appears.

2. I am not aware of any mortgage, charge, lease, lien, agreement, restrictive covenant, right of residence, or other incumbrance or any trust created before first registration and now affecting the said lands or any part thereof (*or, except as now appears in the said folio, or except as stated in the Schedule hereto*).

3. I am not aware of any question or doubt, or of any deed, will, settlement, or other document, affecting the title to the said lands, or any part thereof, or of any matter whereby the title is, or may be, impeached or affected in any manner whatsoever and all material facts have been disclosed to the Registrar.

4. I apply that the title in the above mentioned folio be reclassified as an absolute title.

(Jurat as in Form 1)

SCHEDULE

(insert, where appropriate)

FORM 10

Application to reclassify a possessory title as an absolute, or good fee farm grant or good leasehold title, on registration of a transfer for valuable consideration (rule 26)

(Heading as in Form 9)

I, A.B. of _____ make oath
and say—

1. I am the above named registered owner and I have, by a transfer dated _____, made for valuable consideration transferred the lands in the above mentioned folio to _____
(or)

The above named registered owner, by a transfer dated _____, made for valuable consideration, has transferred the said lands to me and I have applied to be registered as owner thereof.

2. The said lands are held under the Fee Farm Grant (or, the Lease) dated _____, and made between _____, referred to in (part _____ of) the above mentioned folio.

To be included only where appropriate.

(NOTE—If particulars of the Fee Farm Grant or Lease do not appear in the folio, such particulars must be set out).

3. The lands in the above mentioned folio have been registered with a possessory title for _____ years and I was (or, I believe that the said registered owner was) immediately prior to the date of the said transfer, in sole beneficial possession of the said lands subject as in the said folio now appears (or as the case may be).

4. As in Form 9 paragraph 2.

5. I am not aware of any question or doubt affecting the title to the said lands, or any part thereof, or of any matter whereby the title is, or may be, impeached or affected in any manner whatsoever and all material facts have been disclosed to the Registrar.

6. I have no deeds or other documents relating to the title in my possession or control (except those lodged with this application and set out in the accompanying list dated _____ and signed by me).

7. I apply that, on registration of the said _____ (or, on my registration) as owner of the said lands the title be reclassified as an absolute (or, as a good fee farm grant, or, as a good leasehold) title.

(Jurat as in Form 1)

SCHEDULE

(insert, where appropriate)

FORM 11

Application to reclassify a title other than an absolute title as an absolute title, or to reclassify a possessory, or a qualified title as a good fee farm grant, or good leasehold title (rules 25 and 27)

(Heading as in Form 9)

I, A.B. of
make oath and say—

1. I am the above named registered owner and I am registered with a title *or*, I claim to be entitled to be registered as owner of (*or*, of that part of) the lands in the above mentioned folio (*if so*, known as and delineated on the map accompanying this application) with an absolute (*or*, a good fee farm grant, *or*, a good leasehold) title.

2. The particulars of my title are as follows—

(Set out particulars in detail and show all rights capable of registration and protected by registration with the particular class of title specified in the folio. This should be done in a verified abstract or concise statement of title or, if the title is short, by setting out the details in paragraphs in chronological order).

3. *As in Form 9 paragraph 1 (or, as the case may be).*

4. *As in Form 9 paragraph 2.*

5. *As in Form 10 paragraph 5.*

6. *As in Form 10 paragraph 6.*

7. I apply that the title in the said folio be reclassified as an absolute (*or*, a good fee farm grant, *or*, a good leasehold) title (*or*, that I be registered in the said folio as full owner with an absolute title, *or*, a good fee farm grant title, *or*, a good leasehold title) (*or*, that I be registered in a separate folio as full owner of the said part of the lands with an absolute *or*, *as the case may be*, a good fee farm grant, *or*, good leasehold) title and (*where appropriate*) that the matters set out in the First Schedule hereto be entered in the said (*separate*) folio as burdens affecting the lands (*set out in detail*) and (*where appropriate*) that the burdens set out in the Second Schedule be cancelled.

(Jurat as in Form 1)

FIRST SCHEDULE

(insert, where appropriate)

SECOND SCHEDULE

(insert, where appropriate)

FORM 12

Application by a registered owner to reclassify a qualified title existing at the commencement of the Act as a good fee farm grant (or, good leasehold) title (rule 27)

(Heading as in Form 9)

1. I, the above named registered owner (or, as solicitor for the above named registered owner), hereby apply that the title in the above mentioned folio be reclassified as a good fee farm grant (or, a good leasehold) title.

2. The lands are held under the fee farm grant (or, lease) referred to in the said folio and, at first registration on 19 registration was made with a qualified title which did not affect or prejudice the enforcement of (*state, verbatim, the qualification appearing in the folio*).

3. I refer to the application for such first registration and the deeds and other documents lodged therewith and also to the rulings on title issued in connection with such application and the replies to such rulings.

Dated

19

(To be signed by the registered owner or his solicitor and, when signed by the registered owner, his signature shall be attested)

FORM 13

Application for registration, pursuant to section 53 of the Act, where the application relates to the whole interest in the land (rule 34)

(Heading as in Form 9)

1. A.B. of (*state address in the United Kingdom for service of notices, and description*) hereby applies, pursuant to section 53 of the Land Registration Act (Northern Ireland) 1970, to be registered as owner in fee simple of the lands in the above mentioned folio (or, (subject to consent to subdivision of the lands in the said folio by the Department of Finance) to be registered as owner in fee simple of that part of the lands in the said folio comprising , and shown on the map accompanying this application and thereon edged red) with an absolute (or, as the case may be) title.

2. It is requested that (in the event of any objection being made to the application) the Registrar refer this application for decision to the High Court (or, where appropriate, to the County Court for). *To be included where appropriate.*

Dated

19

(To be signed by the applicant or his solicitor and, when signed by the applicant, his signature shall be attested).

FORM 14

Application for registration, pursuant to section 53 of the Act, where the application relates only to an undivided share in the land (rule 34)

(Heading as in Form 9)

1. A.B. of (state address in the United Kingdom for service of notices, and description) hereby applies, pursuant to section 53 of the Land Registration Act (Northern Ireland) 1970, to be registered as owner in fee simple of (state precisely the undivided share in respect of which the application is made) in the lands in the above mentioned folio, with an absolute (or, as the case may be) title.

2. The said undivided share arises (show origin of the share).

To be
included
where
appropriate.

3. It is requested that (in the event of any objection being made to the application) the Registrar refer this application for decision to the High Court (or, where appropriate, to the County Court for).

Dated

19 .

(To be signed by the applicant or his solicitor and, when signed by the applicant, his signature shall be attested)

FORM 15

Affidavit of applicant for registration pursuant to section 53 of the Act, where the application relates to the whole interest in the land (rule 34)

(Heading as in Form 9)

I, A.B. of _____ make oath and say—

1. I, (and my predecessors in title) have been for upwards of _____ years last past in sole and exclusive beneficial occupation and possession (or, in sole receipt of the rents and profits) of the lands in the above mentioned folio (or, that part of the lands in the above mentioned folio shown on the map herewith and thereon edged red).

2. *As in Form 4 paragraph 3.*

3. *As in Form 4 paragraph 4.*

4. I have no documents of title but I claim that, by virtue of the Statute of Limitations (Northern Ireland) 1958, I am entitled, for my own benefit, to be registered as owner in fee simple of the said lands (or, said part of the lands) subject as in the said folio now appears.

5. I am not aware of any matter capable of registration as a burden, by virtue of Part I of Schedule 6 to the Land Registration Act (Northern Ireland) 1970 affecting my interest in the said lands, or any part thereof, or of any contract or agreement for sale or for lease, or of any other matter, affecting the lands adversely to my said interest.

6. I have not, at any time, acknowledged the title of any other person to the said lands, or any part thereof, nor have I ever received any claim in respect thereof adverse to my own.

7. I am not aware of any question or doubt affecting my title to the said lands, or any part thereof, and I have disclosed all material facts.

(*Jurat as in Form 1*)

FORM 16

Affidavit of applicant for registration pursuant to section 53 of the Act, where the application relates only to an undivided share in the land (rule 34)

(Heading as in Form 9)

I, A.B. of _____ make oath and say—

1. *(Describe in detail the title of the applicant and identify the lands in respect of which the application is made. The devolution of title must be traced and all persons who obtained an interest in the lands by devise, or on intestacy, or otherwise, must be identified. The address of any such person who is alive must be stated if it is known and, if unknown, that fact must be stated. In the event of the death of any such person subsequent to the acquisition of an interest in the lands the date of death must be stated and, if representation was raised to his estate, the names and addresses of the personal representatives must be given. All grants of representation and certificates of death etc. produced in support of the statements made should be referred to).*

2. *(State what persons have been in occupation or possession of the lands during the relevant period. State which of the persons who became entitled to an interest in the lands in fact entered into possession and which afterwards went out of such possession. In the case of every interest which the applicant claims to have acquired by adverse possession, the period of adverse possession must be clearly shown).*

3. I claim that I am, by virtue of the Statute of Limitations (Northern Ireland) 1958, entitled to an undivided _____ share in the said lands, being the total of the undivided shares to which the said *(insert names of those whose shares have been captured by possession)* were formerly entitled.

4. I am not aware of any matter capable of registration as a burden by virtue of Part I of Schedule 6 to the Land Registration Act (Northern Ireland) 1970, affecting my interest in the said lands, or of any contract or agreement for sale or for lease, or of any other matter, affecting the lands adversely to my said interest.

5. I have not, at any time, acknowledged the title of any other person to the said undivided shares, nor have I ever received any claim by any person adverse to my own in respect thereof.

6. I am not aware of any question or doubt affecting my title to the said undivided shares and I have disclosed all material facts.

(Jurat as in Form 1)

FORM 17

Notice of an application for registration under rule 34

(Heading as in Form 9)

On _____ 19____, A.B. of _____
lodge in the Land Registry an application, a copy of which
is attached hereto, applying to be registered as owner in fee simple of the
lands in the above mentioned folio (or, as the case may be).

If you object to compliance with the said application you should lodge,
in the Land Registry, an objection in writing stating the grounds of your
objection. Any objection should be addressed to the Registrar of Titles,
Land Registry, (insert address) and should be lodged not later than
_____ 19____. Unless such an objection is so lodged
the application may proceed.

Dated _____

19____

To:

FORM 18

Application to cancel an entry in the register of leaseholders and to register the immediate superior title (rule 36)

(Heading as in Form 9)

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. I am entitled to the interest of the lessor in the lease described in the above mentioned folio and hold such interest (*insert details showing whether such interest is held in fee simple or held under a lease with details of the lease or relevant fee farm grant by virtue of which the interest is held*).

2. The particulars of my title are set out in the abstract (*or, concise statement*) of title accompanying this application (*if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit*). All deeds, wills and other documents to my knowledge affecting the title have been disclosed.

Where appropriate.

3. As in Form 1 paragraph 3.

4. I am the registered owner (*or, entitled to be registered as the owner*) of the lands comprised in the above mentioned folio.

5. I am advised and believe that I am entitled in the same right both to the unregistered estate mentioned in paragraphs 1 and 2 and to the estate registered in the said folio.

6. The lease described in the above mentioned folio was (*or, was not*) made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained; none of the (*or, certain*) covenants, conditions and agreements contained in the said lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.

7. I am entitled to the said estates free from incumbrances

(*or*)

I am entitled to the said estates subject only to the following incumbrances:—

(a) as respects the said unregistered estate, to—

(*specify the relevant incumbrances in numbered sub-paragraphs*),

(b) as respects the said registered estate, to the incumbrances appearing in the said folio and to the following—

(*specify same*).

Where appropriate.

8. The several parties entitled to the incumbrances referred to in paragraph 7(b) have agreed to the extinguishment of the said registered leasehold estate upon the terms set out in the following instrument(s):—

(*specify same*)

9. I declare that it is my intention (*or, the intention of all necessary parties*) that the said registered lease be extinguished by merger (*or as the case may be*) and that the aforementioned incumbrances affecting the same (*save the rent reserved by and (where appropriate) the covenants by the lessee and conditions and agreements contained in the said lease*) be carried forward and registered as burdens against the said freehold (*or, superior leasehold*) estate.

10. By deed (*give particulars*) I have charged the said superior interest with (*complete as appropriate*). *Where appropriate.*

11. *As in Form 1 paragraph 5.*

12. *As in Form 1 paragraph 6.*

13. *As in Form 1 paragraph 7.*

14. I therefore apply that:—

- (a) I be registered in the register of freeholders (*or, leaseholders*) with an absolute (*or as the case may be*) title as full (*or, limited*) owner of the said lands,
- (b) that the following matters be entered as burdens on the folio to be opened in accordance with this application—
(detail them including, where necessary, a reference to the notes specified in rules 71 and 156),
- (c) the said folio (*insert folio number*) be closed, a note of the reason for such closure being first entered on that folio.

(Jurat as in Form 1)

FORM 19

Application to cancel the registration of a lease as a burden where the title to such leasehold estate has not been registered (rule 36)

(Heading as in Form 9)

I, A.B. of

make oath and say—

1. I am the above named registered owner and as such am (*or*, I am entitled by virtue of (*specify chain of transmissions and transfers*) to be registered as owner of the lands comprised in the above mentioned folio and as such am) entitled to the interest of the lessor in the lease (Instrument No.) registered as a burden on said lands on the day of

2. I am also entitled to the lessee's interest under the said lease. The particulars of my title thereto are set out in the abstract (*or*, concise statement) of title accompanying this application (*if the title is short, it may be set out, in paragraphs in chronological order, in this affidavit*). All deeds, wills and other documents to my knowledge affecting the said title have been disclosed.

Where appropriate.

3. *As in Form 1 paragraph 3.*

4. I am advised and believe that I am entitled in the same right both to the above mentioned registered estate and to the leasehold estate mentioned in paragraph 2.

5. The lease described in the above mentioned folio was (*or*, was not) made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained; none of the (*or*, certain) covenants, conditions and agreements contained in the said lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.

6. I am entitled to the said estates free from incumbrances

(*or*)

I am entitled to the said estates subject only to the following incumbrances:—

(a) as respects the said unregistered estate, to—

(*specify the relevant incumbrances in numbered sub-paragraphs*),

(b) as respects the said registered estate, to the incumbrances in the said folio appearing and to the following—

(*specify same*).

Where appropriate.

7. The several parties entitled to the incumbrances referred to in paragraph 6(a) have agreed to the extinguishment of the said leasehold estate upon the terms set out in the following instrument(s):—

(*specify same*)

8. I declare that it is my intention (*or*, the intention of all necessary parties) that the said lease be extinguished and the registration thereof as a burden affecting the lands comprised in the above mentioned folio be cancelled (*add, if appropriate*, and that upon the extinguishment of the said lease the following incumbrances affecting the same be charged upon and registered as burdens affecting the lands comprised in the said folio:—

(*detail such incumbrances and give order of intended priorities*)).

Where appropriate.

9. *As in Form 18 paragraph 10.*

10. *As in Form 1 paragraph 5.*

11. I therefore apply that the registration of the said lease as a burden affecting the said lands be cancelled, a note of the reason for such cancellation being first entered on said folio (*add, if appropriate*, and that the incumbrances referred to in paragraph 6(a) be entered on the register as burdens affecting the same lands).

(*Jurat as in Form 1*)

FORM 20

Application to cancel an entry in the register of leaseholders where the title to the superior estate has been registered (rule 36)

(*Heading as in Form 9, setting out folio numbers and associated details relating to all titles concerned*)

I, A.B. of _____, being the above named registered owner of the lands comprised in the above mentioned folio (*insert folio number*) and also the above named registered owner of the lands comprised in the above mentioned folio (*insert folio number*), make oath and say—

1. I am advised and believe that I am entitled in the same right to both of the estates of which I am registered as owner.

2. The lease described in the above mentioned folio (*insert folio number*) was (*or, was not*) made pursuant to a building scheme by virtue of which persons other than the lessor can enforce the restrictive covenants therein contained; none of the (*or, certain*) covenants, conditions and agreements contained in the lease continue in full force and effect by virtue of section 28 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.

3. I am entitled to the estates comprised in the said folios subject to the following incumbrances:—

(*specify same, identifying the folio to which relating*)

4. The several parties entitled to the incumbrances affecting the registered leasehold estate have agreed to the extinguishment of such estate upon the terms set out in the following instrument(s):—

Where appropriate.

(*specify same*)

5. *As in Form 18 paragraph 10.*

Where appropriate.

6. I declare that it is my intention (*or, the intention of all necessary parties*) that the said registered lease be extinguished by merger (*or as the case may be*) and that the aforementioned incumbrances affecting the same (*save the rent reserved by and (where appropriate) the covenants by the lessee and conditions and agreements contained in the said registered lease*) be carried forward and charged against the aforementioned freehold (*or, superior leasehold*) estate.

7. I therefore request the Registrar to make such entries and cancellations on the registers of the titles concerned as may be necessary to give effect to this application.

(*Jurat as in Form 1*)

FORM 21

Affidavit of disclosure (rule 37)

(Heading as in Form 1 or 9)

I, A.B. of
appropriate, as solicitor for C.D. of
 make oath and say—

(*add, where*
)

1. The lands to which this affidavit refers are (*insert the description of the lands as appearing in the application for registration and, in the case of registered land, state particulars of the register and folio*) and I refer to my (*or, my client's*) application (*insert particulars of the application*) in the Land Registry.

2. To the best of my knowledge and belief, all deeds, wills and other documents affecting the title the subject of the said application, all incumbrances affecting such title, and all facts material to such title, have been disclosed in the course of the examination of title made by the Registrar.

3. I am acquainted with the foregoing facts in as much as (*set out deponent's means of knowledge*).

(Jurat as in Form 1)

FORM 22

Application by a solicitor for registration of ownership, burdens or other entries, under documents presented by him (rule 179)

(Heading as in Form 9)

1. I, as solicitor for (*state the names of the persons for whom the solicitor acts*), having delivered to the Registry the documents set out in the Schedule hereto apply for registration in the above mentioned folio of (*state the ownership, burden, or other entry, applied for*) arising under the said documents.

2. I send herewith _____ for £ _____ to cover registration fees.

Omit where no certificate issued.

3. I request that the Land Certificate, (*or, Certificate of Charge*) now produced for the purposes of the registration applied for, shall, on completion of registration, be delivered to (*state to whom it is to be re-delivered*).

4. I request that, on completion of registration, the returnable documents be sent to me by post.

Dated

19

Signature of solicitor

SCHEDULE

FORM 23

Transfer of freehold by a registered full owner (rule 51)*(Heading as in Form 9)*

I, A.B., the above named registered owner, in consideration of £ (the receipt whereof is hereby acknowledged) hereby transfer all the lands in the above mentioned folio (or, that part of the lands in the above mentioned folio described in the Schedule hereto) to C.D. of (state address in the United Kingdom for service of notices, and description).

It is hereby certified *etc.* (add, where appropriate, the certificate required by any Finance Act).

Dated

19

Signed sealed and delivered
by the said A.B. in
presence of—

(Seal)

SCHEDULE*(To be added in case of a transfer of part)*

Note—See section 35(1) of the Act.

FORM 24

Transfer of freehold (whole) by a registered full owner where the registered owner of a charge joins to release the charge (rule 51)*(Heading as in Form 9)*

1. I, A.B., the above named registered owner, in consideration of £ paid as to £ to me and as to £ to E.F., (the receipt whereof is hereby acknowledged) hereby transfer all the lands in the above mentioned folio to C.D. of (state address in the United Kingdom for service of notices, and description).

2. I, E.F., the registered owner of the charge for £ registered in the above mentioned folio on 19 , for the consideration aforesaid (the receipt whereof is hereby acknowledged) hereby release the said lands from the said charge.

3. It is hereby certified *etc.* (add, where appropriate, the certificate required by any Finance Act).

Dated

19

(Execution as in Form 23)

FORM 25

Transfer of freehold (part) by a registered full owner where the registered owner of a charge joins to release the charge (rule 51)

(Heading as in Form 9)

1. I, A.B., the above named registered owner, in consideration of £ paid as to £ to me and as to £ to E.F. (the receipt whereof is hereby acknowledged) hereby transfer that part of the lands in the above mentioned folio described in the Schedule hereto to C.D. of *(state address in the United Kingdom for service of notices, and description)*.

2. I, E.F., the registered owner of a charge for £ registered in the said folio on 19 , for the consideration aforesaid (the receipt whereof is hereby acknowledged) hereby release the said part of the lands from the said charge.

Insert, if required.

3. Nothing herein contained shall prejudice the operation of the said charge in relation to the lands comprised in the said folio not hereby transferred.

Dated

19

(Execution as in Form 23)

SCHEDULE

FORM 26

Transfer of freehold on a sale by a limited owner in exercise of his powers under the Settled Land Acts, 1882 to 1890, the purchase money being paid to the trustees of the settlement (rule 51)

(Heading as in Form 9)

1. I, A.B., the above named registered limited owner, in consideration of £ now paid to E.F. and G.H., the trustees for the purposes of the Settled Land Acts, 1882 to 1890 of the settlement under which I am registered as limited owner, and in exercise of the powers in that behalf conferred upon me by the said Acts, hereby transfer all the lands in the above mentioned folio (or, that part of the lands in the above mentioned folio described in the Schedule hereto) to C.D. of *(state address in the United Kingdom for service of notices, and description)*.

2. We, the said E.F. and G.H. hereby acknowledge receipt of the said sum of £.

3. It is hereby certified *etc.* (add, where appropriate, the certificate required by any Finance Act).

Dated

19

(Execution by A.B. and the trustees as in Form 23)

SCHEDULE

(To be added where necessary)

FORM 27

Transfer of freehold by a registered owner of a charge in exercise of his power of sale (rule 51)

(Heading as in Form 9)

1. I, A.B., the registered owner of a charge registered in the above mentioned folio on 19, in consideration of £ paid to me (the receipt whereof is hereby acknowledged) and in exercise of the power in that behalf conferred upon me by and by virtue of the Land Registration Act (Northern Ireland) 1970, hereby transfer all the lands in the said folio (or, that part of the lands in the said folio described in the Schedule hereto) to C.D. of *(state address in the United Kingdom for service of notices, and description)* discharged from the said charge.

2. It is hereby certified *etc.* (add, where appropriate, the certificate required by any Finance Act).

Dated

19

(Execution as in Form 23)

SCHEDULE

(To be added where necessary)

FORM 28

Transfer of leasehold (whole) by a registered full owner (rule 51)*(Heading as in Form 9)*

1. I, A.B., the above named registered owner, in consideration of £, (the receipt whereof is hereby acknowledged) hereby transfer all the lands in the above mentioned folio to C.D. of *(state address in the United Kingdom for service of notices, and description)*.

2. I, the said C.D. hereby covenant *etc. (add, where desired, the usual covenants by an assignee for payment of the rent and performance of the covenants by the lessee contained in the lease)*.

3. It is hereby certified *etc. (add, where appropriate, the certificate required by any Finance Act)*.

Dated

19

(Execution by A.B. and C.D. as in Form 23)

FORM 29

Transfer of leasehold (part) by a registered full owner (rule 51)*(Heading as in Form 9)*

1. I, A.B., the above named registered owner, in consideration of £ (the receipt whereof is hereby acknowledged) hereby transfer that part of the lands in the above mentioned folio described in the Schedule hereto to C.D. of *(state address in the United Kingdom for service of notices, and description)*.

2. I, the said C.D. for myself *etc.* hereby covenant *etc. (add any covenant by C.D. for payment of the rent, or an amount equivalent to part thereof, and for performance and observance of the covenants by the lessee and conditions contained in the said lease so far as they affect the said part of the lands, and also any covenant with A.B. by way of indemnity)*.

*Insert,
where
appropriate.*

3. I, the said C.D. hereby charge the part of the lands hereby transferred with payment of all moneys (if any) which may become due on foot of my said covenant of indemnity and I assent to the registration of the said charge as a burden against the said part.

4. I, A.B. for myself *etc.* hereby covenant *etc. (add any covenant by A.B. for payment of rent and for performance and observance of the covenants by the lessee and conditions contained in the said lease so far as they affect the lands comprised in the said folio and not hereby transferred and any covenant with C.D. by way of indemnity)*.

*Insert,
where
appropriate.*

5. I, the said A.B. hereby charge the lands comprised in the said folio and not hereby transferred with payment of all moneys (if any) which may become due on foot of my said covenant of indemnity and I assent to the registration of the said charge as a burden in the said folio.

Dated

19

(Execution by A.B. and C.D. as in Form 23)

SCHEDULE

FORM 30

Transfer of a rent-charge by a registered full owner (rule 51)

(Heading as in Form 9)

1. I, A.B., the above named registered owner, in consideration of £ (the receipt whereof is hereby acknowledged) hereby transfer the rent-charge of £ described in the above mentioned folio to C.D. of (state address in the United Kingdom for service of notices, and description).

2. It is hereby certified (etc. (add, where appropriate, the certificate required by any Finance Act).

Dated

19 .

(Execution by A.B. as in Form 23)

FORM 31

Affidavit of registered owners who hold land as trustees of a settlement, made for the purpose of having persons beneficially entitled to the lands registered as owners (rule 52)

(Heading as in Form 9)

We, A.B. of
and C.D. of
the above named registered owners, make oath and say—

1. We were registered as owners of the above mentioned lands on pursuant to a transfer dated and made between (insert particulars of the deed of transfer) having purchased the said lands with capital money arising under (insert particulars of the instrument creating the trust).

2. The said lands are held by us upon trust (insert particulars of the trusts upon which the lands are held showing any devolution of title and appointment of new trustees).

3. We hereby request that E.F. of (state address in the United Kingdom for service of notices, and description) be registered as owner in fee simple of the said lands.

(or, alternatively)

We hereby request that—

(a) G.H. of (state address in the United Kingdom for service of notices, and description) be registered as limited owner of the said lands.

(b) We (or, as the case may be) be noted in the said folio as the trustees of the settlement for the purposes of the Settled Land Acts 1882 to 1890.

(add, where appropriate)

and we request that upon the registration of such ownership there be entered in the folio an inhibition in the following terms—(insert terms of inhibition sought).

(Jurat as in Form 1)

FORM 32

Assent by a personal representative to the registration as owner of a person entitled on the death testate of a registered owner (rule 55)

(Heading as in Form 9)

I, A.B. of
make oath and say—

1. C.D., the above named registered owner, died on 19 , and Probate of his will was (or, Letters of Administration with his will annexed were) on 19 , granted to me the executor named in the said will (or, as the case may be).

2. By the said will dated 19 , the said C.D. devised the lands described in the said will as (state description as in the will) being the lands in the above mentioned folio to E.F. absolutely (or, as the case may be).

3. The said will created the following burdens on the said lands— (set out all burdens on the lands created by the will and, in particular, refer to any provision in the will whereby the land was expressly charged with payment of money) (or, if it be so, the said will did not create any burdens on the land).

To be included where appropriate.

4. Of the burdens referred to at paragraph 3 the following do not now affect the said lands (here insert particulars of any such burden explaining how it lapsed or terminated or was satisfied or discharged).

5. I hereby assent to the foregoing devise and I request that—

(a) E.F. of (state address in the United Kingdom for service of notices, and description) be registered as full (or, limited) owner of the said lands;

(add, where appropriate)

See Note

(b) the charges referred to in the First Schedule hereto be entered as burdens on the said folio with the ownership thereof;

(c) the matters referred to in the Second Schedule hereto be entered as burdens only on the said folio; (add, if appropriate, where a limited owner is being registered)

(d) there be entered on the said folio a note of the settlement and that L.M. of etc. and N.O. of etc. are (or, are deemed to be) trustees thereof for the purpose of the Settled Land Acts 1882 to 1890.

(Jurat as in Form 1)

FIRST SCHEDULE

Particulars of Charge	Name, address in the United Kingdom for service of notices, and description of the persons to be registered as owners of the charge

SECOND SCHEDULE

(Particulars of matters to be entered as burdens on the folio where no ownership thereof is to be registered)

NOTE—By virtue of section 41(3) of the Land Registration Act (Northern Ireland) 1970, where a charge created by will does not expressly charge any registered land with payment to a specified person of a specified sum, with or without interest, or of an annuity, the Registrar shall not, unless the court otherwise directs, be obliged to register the ownership of that charge on any register. It is necessary to include the First Schedule only where the ownership of a charge is to be registered.

FORM 33

Assent by a personal representative to the registration as owner of the persons entitled on the death intestate of a registered owner where such death occurred before 1st January 1956 (rule 55)

(Heading as in Form 9)

I, A.B. of _____ make oath and say—

See Note (1) 1. C.D., the above named registered owner, died on _____ 19
intestate leaving _____, her husband her surviving
(or, _____, his widow), and (state the names of all
See Note (2) persons who became entitled in distribution to the deceased's estate). (It
should be stated whether the deceased had any adopted children who
became entitled in distribution and, if any child was the subject of an adop-
tion order, that fact should be stated. If the deceased died leaving no issue
or adopted child entitled in distribution and was himself the subject of an
adoption order that fact should be stated, if material to the distribution.
Show clearly how each person entitled in distribution became so entitled).

(or)

See Note (3) C.D., the above named registered owner, died on _____ 19
intestate leaving _____ his heir at law (and
_____, his widow) him surviving (or, leaving
_____, her husband her surviving and having had issue of
the marriage born alive and capable of inheriting the lands comprised in
the above mentioned folio).

(or)

See Note (4) C.D., the above named registered owner, died on _____ 19
intestate, without issue, leaving me his widow him surviving and the net
value of his real and personal estates did not exceed five hundred pounds
and I am, by virtue of the Intestates' Estates Act 1890, now entitled to the
lands comprised in the above mentioned folio.

2. Letters of Administration of the estate of the said registered owner
were granted to me on _____ 19 _____.

3. I hereby request that the following persons be registered as full owners
of the lands comprised in the above mentioned folio as tenants in common
in the undivided shares specified—

(state in respect of each owner, his address in the United Kingdom for
service of notices, his description and the undivided share to which he is
entitled)

(or)

See Note (3) I hereby request that _____ of (state address in the
United Kingdom for service of notices, and description) be registered as
owner in fee simple of the said lands (add, where appropriate, subject to
the right to dower of (state address in the United Kingdom for service of
notices, and description)).

(or)

See Note (3) I hereby request that _____ of (state address in the
United Kingdom for service of notices, and description) be registered as
limited owner of the lands comprised in the above mentioned folio.

(or)

I hereby request that I be registered as full owner of the said lands. *See Note (4)*
My address for service of notices is (state address in the United Kingdom
for service of notices, and description).

(Jurat as in Form 1)

NOTE (1)—This paragraph applies in the case of land which is, or which devolves as if it were, a chattel real.

NOTE (2)—An adopted child means an adopted child to whom sections 9 and 10 of the Adoption of Children Act (Northern Ireland) 1950 apply. Adoption order means the same as in that Act.

NOTE (3)—This alternative applies in the case of freehold land which devolved as realty but which, by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937, vested in the personal representatives.

NOTE (4)—This alternative applies in a case where the widow is solely entitled by virtue of the Intestates' Estates Act 1890.

FORM 34

Assent by a personal representative to the registration as owner of the persons entitled on the death intestate of a registered owner where such death occurred on or after 1st January, 1956 (rule 55)

(Heading as in Form 9)

I, A.B. of _____ make oath and say—

1. C.D., the above named registered owner, died on _____ 19 _____
intestate leaving _____ his (or her) spouse and (state the
See Note (1) names of all persons who became entitled in distribution to the deceased's
estate. It should be stated whether the deceased had any adopted children
who became entitled in distribution and, if any child was the subject of an
adoption order, that fact should be stated. If the deceased died leaving no
issue or adopted child entitled in distribution, it should be stated whether
the deceased was himself the subject of an adoption order if material to the
distribution. Show clearly how each person entitled in distribution became
so entitled).

2. Letters of Administration of the estate of the said registered owner
were granted to me on _____ 19 _____

See Note (2) 3. The net value of the estate of the said registered owner exclusive of
personal chattels within the meaning of the Administration of Estates Act
(Northern Ireland) 1955 is £ _____

4. I request that _____ of (state address in the
United Kingdom for service of notices, and description) and
_____ of (state address in the United Kingdom for service of
notices, and description) be registered as full owners in the said folio as
tenants in common in the following shares (show the particular share of
each).

(add, where appropriate)

See Note (3) And I request that a charge for £ _____ to which I (or, the said
_____ of (state address in the United Kingdom for
service of notices, and description)) am (or, is) entitled, as spouse of the
said C.D., be entered as a burden on the said folio.

(Jurat as in Form 1)

NOTE (1) An adopted child means an adopted child to whom sections
18 and 19 of the Adoption Act (Northern Ireland) 1967 as extended by the
Adoption (Hague Convention) Act (Northern Ireland) 1969 apply, or, where
the intestate's death occurred before 1st December 1969, to whom sections
9 and 10 of the Adoption of Children Act (Northern Ireland) 1950 apply.

NOTE (2) This paragraph applies only where the deceased left a spouse.

NOTE (3) This paragraph refers to the charge arising by virtue of sec-
tion 7 of the Administration of Estates Act (Northern Ireland) 1955.

FORM 35

Assent by personal representative where there is an appropriation under section 37 of the Administration of Estates Act (Northern Ireland) 1955 (rule 55)

(Heading as in Form 9)

I, A.B. of _____ make oath and say—

1. As in Form 34 paragraph 1.

(or)

C.D., the above named registered owner, died on 19____, having by his will dated _____, inter alia, bequeathed a legacy of £ _____ to _____ and the residue of his property to _____

2. Letters of Administration of the estate (or, Probate of the Will, or Letters of Administration with the Will annexed) of the said registered owner were (was), on 19____, granted to me.

3. The net value of the estate of the said registered owner, exclusive of personal chattels within the meaning of the Administration of Estates Act (Northern Ireland) 1955 is £____. *See Note (1)*

4. For the purpose of the appropriation hereinafter made the value of the land in the above mentioned folio is fixed at £ _____ and I refer to (add reference to any certificate of valuation obtained).

5. Notice of the intended appropriation was served by (state mode of service) on (insert date) upon (insert names and addresses of the persons served and indicate the interest of each of such persons) and I refer to copies of all such notices and to (state certificate of posting or other evidence of service). *See Note (2)*

6. I refer to the consent in writing to such appropriation of _____ *See Note (3)*

7. In exercise of the power of appropriation conferred upon me by section 37 of the Administration of Estates Act (Northern Ireland) 1955, and of every other power enabling me in that behalf, I hereby appropriate the land in the above mentioned folio to myself (or, as the case may be) in satisfaction (or, part satisfaction) of my (or, as the case may be) share in the estate of the said registered owner (or, said legacy of £ _____) and I request that I (or, as the case may be) be registered as owner in fee simple of the said land.

(Jurat as in Form 1)

NOTE (1)—This paragraph may be omitted where the appropriation is in satisfaction, or part satisfaction, of a legacy.

NOTE (2)—This paragraph may be omitted where the registered owner died intestate.

NOTE (3)—This paragraph should be included where the appropriation is in favour of a person other than the deponent.

FORM 36

Application for registration of ownership of freehold land on death testate of a registered full owner where the land did not vest in the personal representatives (rule 58)

(Heading as in Form 9)

I, A.B. of (state address in the United Kingdom for service of notices, and description) make oath and say—

1. C.D., the above named registered full owner, died on 19 , and Probate of his will was on 19 , granted to (state names of the persons to whom Probate was granted) the executors named in the said will (or, as the case may be).

2. By the said will dated 19 , the said C.D. devised the lands described in the will as (state description as in the will), being the lands in the above mentioned folio, to me absolutely (or, as the case may be).

To be included where appropriate.

3. The said will created the following burdens on the said lands (state particulars).

To be included where appropriate.

4. Of the burdens referred to in paragraph 3 the following have been satisfied (add particulars and refer to any evidence of satisfaction, such as a receipt for payment of money, to be produced with the application).

5. I have not transferred, charged or otherwise dealt with the said lands in any way (or, if the case be otherwise, except as follows—).

To be included where appropriate.

6. I refer to (indicate evidence of concurrence of personal representative).

7. I request that—

(a) I be registered as full owner (or, as the case may be) of the said lands.

(add, where appropriate)

(b) the following matters be entered as burdens on the said folio— (state particulars)

(add, if appropriate, where a limited owner is being registered)

(c) there be entered on the said folio a note of the settlement and that E.F. of etc. and G.H. of etc., are trustees thereof for the purposes of the Settled Land Acts 1882 to 1890.

(Jurat as in Form 1)

FORM 37

Notice to personal representative of a deceased registered full owner of an application for registration of ownership made under rule 58

(Heading as in Form 9)

TAKE NOTICE that A.B. of
has applied to be registered as owner of the lands in the above mentioned folio, by virtue of a devise in the will of the above named registered owner who died on 19

If you, as personal representative of the said registered owner, have any claim against the said lands in respect of the debts or legacies charged thereon by the said will, but payable primarily out of his personal estate, you are required to notify the Registrar of Titles of your claim and of your estimate of the sum, if any, necessary to be raised out of the said lands in aid of the personal estate.

Unless a claim is made by you on or before 19 , the registration applied for may be made.

Your reply to this notice should be sent to the Registrar of Titles, Land Registry, *(insert address)*.

Dated

19 .

To:

FORM 38

Application for registration of ownership of freehold land on the death intestate of a registered owner where the land did not vest in the personal representatives (rule 59)

(Heading as in Form 9)

I, A.B. of *(state address in the United Kingdom for service of notices, and description)* make oath and say—

1. C.D., the above named registered full owner, died intestate on 19 , and Letters of Administration of his personal estate were on 19 granted to *(or, if no representation was raised, refer to the evidence of death and of intestacy relied on)*.

2. The said C.D. was registered as owner by virtue of *(state the facts necessary to show the identity of the purchaser from whom title is to be traced)*.

3. I am now entitled to the said lands as the eldest son of the said C.D. *(or, state the facts necessary to show how the applicant is entitled as heir)* *(add, if appropriate, subject to the right to dower of E.F. of (state address in the United Kingdom for service of notices) widow of the said C.D.)*

(or)

I am now entitled to the said lands as tenant by the curtesy, being the surviving husband of the said C.D., and issue of the marriage capable of inheriting the said lands having been born alive, namely *(state names of issue)*

(or)

I am now entitled to the said lands as widow of the said C.D. who died intestate and without issue and leaving real and personal estate the net value of which did not exceed five hundred pounds.

4. I have not transferred, charged or otherwise dealt with the said lands in any way *(or, if the case be otherwise, except as follows—)*

5. I request that I be registered as full owner *(or, where the applicant is entitled as tenant by the curtesy, as limited owner)* of the said lands.

(Jurat as in Form 1)

FORM 39

Application by an owner registered as a joint tenant to cancel the registration of a deceased co-owner (rule 60)

(Heading as in Form 9)

I, A.B. of
make oath and say—

1. I am one of the above named registered owners (or, I am the solicitor for C.D. one of the above named registered owners who is alive at the date hereof).

2. E.F., one of the above named registered owners, died on 19 , and I refer to *(state evidence of death)*.

3. I request that the ownership of the said E.F. be cancelled in the folio (or, in the case of a sole surviving joint tenant, I request that I (or, the said C.D.) be registered as full owner of the lands in the above mentioned folio).

(Jurat as in Form 1)

FORM 40

Assent to registration of a burden (rule 66)

(Heading as in Form 9)

I, A.B., the above named registered owner, (or, as solicitor for C.D., the above named registered owner,) hereby assent to the registration of the burden specified in the Schedule (or, Part I of the Schedule) hereto as a burden on the above mentioned folio (or, on that part of the lands described in the above mentioned folio specified in Part II of the Schedule hereto).

Dated

19

(To be signed by the registered owner or his solicitor and, when signed by the registered owner, his signature shall be attested):

SCHEDULE

FORM 41

Notice to a registered owner of an application to register a burden under Schedule 6 to the Act (rule 66)

(Heading as in Form 9)

TAKE NOTICE that an application has been made by of to register as a burden against the lands in the above mentioned folio, of which you are registered as owner, the following matter—(insert particulars of the matter).

AND FURTHER TAKE NOTICE that, after 19 you will be deemed to have concurred in the registration of the said burden unless, before that date, you have lodged in the Land Registry, (insert address) an objection in writing to such registration, stating the grounds of objection.

Dated 19

To:

FORM 42

Charge on registered land for payment of money (rule 72)

(Heading as in Form 9)

I, A.B., the above named registered owner, in consideration of £ , hereby charge all the lands comprised in the above mentioned folio with payment to C.D. of (state address in the United Kingdom for service of notices, and description) on 19 , of the principal sum of £ with interest thereon at per cent. per annum payable half yearly (or, as the case may be) on the day of and day of in every year, and I request that the said charge be registered as a burden on the said lands.

See Note (1)

See Note (2)

(I hereby covenant for payment of the said principal sum).

Dated 19

(Execution as in Form 23)

NOTE (1)—Special conditions relating to the time and mode of payment of principal or interest, or to the rate of interest, may be included if desired.

NOTE (2)—The inclusion of this covenant has the effect described in paragraph 4 of Part I of Schedule 7 to the Act.

FORM 43

Charge for future advances (rule 72)

(Heading as in Form 9)

I, A.B., the above named registered owner, in consideration of _____, hereby charge all the lands in the above mentioned folio with payment to C.D. of *(state address in the United Kingdom for service of notices, and description)* of future advances to be made by him to me (not exceeding in all £ _____) with interest *etc.* (as in Form 42) and I request that the said charge be registered as a burden on the said lands.

Dated

19 .

(Execution as in Form 23)

FORM 44

Charge by way of annuity (rule 72)

(Heading as in Form 9)

I, A.B., the registered owner of the lands in the above mentioned folio, in consideration of _____, hereby—

(a) grant to C.D. of *(state address in the United Kingdom for service of notices, and description)*, for his life (or, for _____ years from 19 _____), an annuity of £ _____ to accrue from day to day but to be paid free from all deductions except income tax, by half yearly (or, as the case may be) payments on the day of _____ and _____ day of _____ in every year;

(b) charge all the lands in the said folio with payment of the said annuity and request that such charge be registered as a burden on the said lands.

Dated

19 .

(Execution as in Form 23)

NOTE—A covenant for payment of the annuity may be inserted, if desired.

FORM 45

Charge by a registered limited owner and all other persons entitled under the settlement (rule 72)*(Heading as in Form 9)*

See Note (1) By virtue of a settlement created by *(insert particulars of the deed or will creating the settlement)* all the lands in the above mentioned folio stand limited to A.B. the above named registered limited owner, for life, with remainder to C.D. now of _____, in fee simple *(or otherwise as the terms of the settlement provide)*.

I, the said C.D., hereby declare that I have not in any way dealt with my estate in remainder in the said lands and that (except as provided in the said settlement) such estate is not subject to any incumbrance other than the charge intended to be hereby created.

See Note (2) I, the said A.B., in consideration of £ _____ now paid to me and I, the said C.D. in consideration of £ _____, (receipt of which sums we hereby acknowledge), hereby charge our respective estates in the said lands with payment to E.F. of *(state address in the United Kingdom for service of notices, and description)* on _____ 19 _____, of the principal sum of £ _____ with interest thereon at _____ per cent. per annum payable half yearly *(or, as the case may be)* on the _____ day of _____, and _____ day of _____, in every year and we request that the said charge be entered on the said folio as a burden affecting the fee simple interest.

Dated

19 _____

(Execution as in Form 23)

NOTE (1)—This form may be used only in cases to which Part II of Schedule 7 applies.

NOTE (2)—A covenant for payment of the principal sum may be included. Also special conditions relating to the time and mode of payment of principal or interest, or to the rate of interest.

FORM 46

Transfer of charge (rule 73)

LAND REGISTRY

Folio

County

Registered Owner of Charge

I, A.B., the above named registered owner of a charge for the principal sum of £ entered on the above mentioned Folio on 19 , in consideration of £ (the receipt whereof is hereby acknowledged) hereby transfer the said charge to C.D. of (state address in the United Kingdom for service of notices, and description).

It is hereby certified, etc. (add, when appropriate, the certificate required by any Finance Act).

Dated

19

(Execution as in Form 23)

FORM 47

Receipt by a registered owner of a charge for payment of the amount of the charge (rule 79)

LAND REGISTRY

Folio

County

Registered Owner

Registered Owner of Charge

I, A.B., the above named registered owner of a charge for the principal sum of £ with interest thereon at the rate of per cent. per annum, registered on 19 as a burden on the lands comprised in the above mentioned folio, do hereby acknowledge the receipt from , of all monies due on foot thereof for principal and interest.

Dated

19

Signed by the
said A.B. in
presence of:—

FORM 48

Release by a registered owner of a charge of the land charged, or part thereof, from the charge (rule 80)

(Heading as in Form 47)

I, A.B., the above named registered owner of a charge for the principal sum of £ with interest thereon at the rate of per cent. per annum, registered on 19 as a burden on the lands comprised in the above mentioned folio, in consideration of £ paid to me by , the receipt whereof is hereby acknowledged, hereby release from the said charge the said lands (or, that part of the said lands described in the Schedule hereto).

(Add, if appropriate)

Nothing herein contained shall prejudice the operation of the charge in relation to the lands comprised in the said folio and not included in the said Schedule.

Dated

19

(Execution as in Form 23)

SCHEDULE

(To be added where necessary)

FORM 49

Grant of rent-charge by a registered owner of freehold land (rule 83)

(Heading as in Form 9)

I, A.B., the above named registered owner, in consideration of hereby grant to C.D. of (state address in the United Kingdom for service of notices and description), in fee simple, a perpetual yearly rent-charge of £ , to issue out of (all) the lands in the above mentioned folio (or, that part of the lands in the above mentioned folio described in the Schedule hereto) and to accrue from day to day but to be paid, free from all deductions (except such as may be required by law notwithstanding any agreement to the contrary) by half yearly payments on and in every year, the first payment to be made on and I, the said A.B., assent to the registration of the said rent-charge as a burden in the said folio.

Dated

19

(Execution as in Form 23)

SCHEDULE

(To be added where necessary)

NOTE—Covenants for payment of the rent or other covenants may be inserted if desired.

FORM 50

Notice of an order charging land made pursuant to section 48 of the Judgments (Enforcement) Act (Northern Ireland) 1969 (rule 91)

(Heading as in Form 9)

TAKE NOTICE that the Enforcement of Judgments Office made on an Order charging land, a certified copy of which is lodged herewith.

(add, if appropriate)

The condition subject to which the Order was made, has been complied with inasmuch as *(insert particulars of compliance with the condition)*

The lands the subject of the Order are the same as the lands comprised in the above mentioned folio *(or, that part of the lands comprised in the above mentioned folio shown on the map annexed hereto and thereon edged red)*

AND FURTHER TAKE NOTICE that I, A.B., the creditor named in the Order, pursuant to the power in that behalf conferred upon me by section 48 of the Judgments (Enforcement) Act (Northern Ireland) 1969 require that notice of the Order be entered on the said folio.

Dated

19 .

(To be signed by the creditor and attested)

FORM 51

Application for registration of a pending action (rule 95)*(Heading as in Form 9)*

I, A.B. of
 (or, as solicitor for C.D. of)
 require that the pending action or proceeding, particulars of which are
 contained in the memorandum hereunder, be registered on the above men-
 tioned folio as a burden affecting the estate of *(set out the name, address
 and description of the person whose interest is to be affected)*.

Dated

19 .

*(To be signed by the applicant or his solicitor and
 when signed by the applicant, his signature shall be
 attested)*

Memorandum

Title of action or proceeding:

Particulars of action or proceeding:

Description of lands the subject of action or proceeding:

Court in which action or proceeding is pending:

Name, address and description of Plaintiff:

Name, address and description of Defendant:

Date of commencement or entry of action or proceeding:

I certify that the particulars set out in the above memorandum in respect
 of an action or proceeding pending before the above mentioned Court are
 true and correct.

Dated

19 .

*(Signature of the proper officer of the court in which
 the action or proceeding is pending)*

FORM 52

Entry of pending action in the register (rule 95)

An action or proceeding affecting the estate of A.B. of *(insert address
 and description as in application for registration)* in the lands herein, is
 pending in the High Court *(or, County Court for the County of)*
 in a matter *(insert title of action or proceeding)*.

FORM 53

Application for renewal of the registration of a pending action (rule 95)*(Heading as in Form 9)*

I, A.B. of
 (or, as solicitor for C.D. of)
 require that the registration as a burden in the above mentioned folio on
 19 , of the pending action or proceeding
 specified in the memorandum hereunder be renewed for a period of five
 years from the date of renewal.

Dated 19 .

*(To be signed by the applicant or his solicitor and
 where signed by the applicant his signature shall be
 attested)*

Memorandum

(Insert particulars of action or proceeding as in entry to be renewed)

I certify that the particulars set out in the above memorandum in respect
 of an action or proceeding pending before the above mentioned Court are
 true and correct.

Dated 19 .

*(Signature of the proper officer of the court in which
 the action or proceeding is pending)*

FORM 54

Caution against dealings by a registered owner (rule 99)*(Heading as in Form 9)*

I, A.B. of
 make oath and say—

1. I claim (or, I am solicitor on behalf of C.D. of
 , who claims) an interest in the lands comprised in the
 above mentioned folio (or, in the charge registered as a burden in the above
 mentioned folio on 19 , of which charge
 is registered as owner).

2. My interest (or, the interest of the said C.D.) in the said lands (or,
 charge) is as follows—*(State the facts and refer to the documents (if any)
 giving rise to, or creating such interest).*

3. I require (or, The said C.D. requires) that no dealing (or, no dealing
 in favour of
 by the said *(insert name of registered owner)* with the said lands (or, with
 that part of the said lands shown on the map annexed hereto and thereon
 edged red) (or, with the said charge) be registered until notice thereof has
 been given to *(state name and address in the United Kingdom of cautioner).*

(Jurat as in Form 1)

FORM 55

Notice to registered owner of entry of a caution (rule 99)

LAND REGISTRY

(insert address)

TAKE NOTICE that a caution has been registered on Folio
 County , against the registration of any dealing by you
 (or, any dealing by you in favour of)
 with the lands (*insert description of lands as in caution*) (or, with the charge
 registered on the said folio on 19)
 (or, against reclassification of the title in the said folio) until notice thereof
 has been served on (*name of cautioner*).

Short particulars of the interest claimed by the cautioner are set out in
 the Schedule hereto.

Dated

19 .

SCHEDULE

To: (*the registered owner of the lands or,
 as the case may be, charge*)

FORM 56

**Warning notice to a cautioner of an application by a registered owner to
 discharge the caution (rule 101)***(Heading as in Form 9).*

TAKE NOTICE that the registered owner of the lands in the above
 mentioned folio (or, of the charge registered in the above mentioned folio
 on) has applied to the Registrar of Titles to
 discharge the caution lodged by you on 19 , requiring
 (*insert requirements appearing in the caution*).

Short particulars of the grounds of such application are stated in the
 Schedule hereto.

Your caution will lapse on 19 , unless an
 order to the contrary is made by the Registrar.

Any application by you to continue the caution should be made in
 writing addressed to the Registrar of Titles, Land Registry, (*insert address*),
 and state the grounds thereof.

Dated

19 .

SCHEDULE

To:

FORM 57

Warning notice to a cautioner of a dealing (rules 101 and 112)*(Heading as in Form 9)*

TAKE NOTICE that the dealing specified in the Schedule hereto has been received for registration and that the caution lodged by you on 19 , requiring *(state the requirement)* will lapse on 19 , unless an order to the contrary is made by the Registrar.

Any objection by you to registration of the said dealing should be made before the caution lapses and should be made in writing, addressed to the Registrar of Titles, Land Registry, *(insert address)*, stating the grounds of objection.

Dated

19

SCHEDULE

To:

FORM 58

Application to withdraw a caution (rule 103)*(Heading as in Form 9)*

I, A.B. of (or, as solicitor for C.D. of) hereby apply for the withdrawal (in respect only of that part of the lands in the above mentioned folio shown on the map annexed hereto and thereon edged red) of the caution lodged by me (or, by the said C.D.) on 19 , requiring *(insert requirement appearing in the caution)*.

Dated

19

(To be signed by the cautioner or his solicitor and when signed by the cautioner his signature shall be attested)

FORM 59

Caution against reclassification of title (rule 105)*(Heading as in Form 9)*

I, A.B. of

make oath and say—

1. *As in Form 54 paragraph 1.*
2. *As in Form 54 paragraph 2.*

3. I require (or, the said C.D. requires) that the registered title to the lands in the said folio (or, that part of the lands shown on the map annexed hereto and thereon edged red) shall not be reclassified until notice has been given to *(state name and address in the United Kingdom of cautioner)*.

(Jurat as in Form 1)

FORM 60

Warning notice to a cautioner against reclassification of title (rule 105)*(Heading as in Form 9)*

TAKE NOTICE that an application by (*or, on behalf of*) A.B. of
 has been received requiring that the title in the
 above mentioned folio be reclassified and that he (*or, as the case may be*)
 be registered as full owner of the said lands (*or, of that part of the said*
 lands shown on the map annexed to the said application and thereon edged
 red) with an absolute (*or, a good fee farm grant, or, a good leasehold*) title
 and, in consequence, that the caution lodged by you on 19
 requiring that the registered title to the said lands shall not be reclassified
 until notice has been given to you, will lapse on 19
 unless an order to the contrary is made by the Registrar.

Any objection by you to compliance with the said application should be
 made before the caution lapses, and should be made in writing, addressed to
 the Registrar of Titles, Land Registry, (*insert address*), stating the grounds
 of objection.

Dated

19

To:

FORM 61

Application to the Registrar for the entry of an inhibition (rule 107)*(Heading as in Form 9)*

I, A.B. of
 make oath and say—

1. I claim an interest in the lands comprised in the above mentioned
 folio (*or, in that part of the lands comprised in the above mentioned folio*
 described in the Schedule hereto) (*or, in the burden registered in the above*
 mentioned folio on 19).

2. My interest in the said lands is (*state the nature of the interest sought*
to be protected and refer to any document under which such interest is
created or arises, and any other evidence relied on in proof of such interest).

3. I apply that an inhibition be entered on the above mentioned folio
 in the following terms—(*state precisely the terms of the inhibition sought*
to be entered).

4. My address in the United Kingdom for service of notices is—

(Jurat as in Form 1)

SCHEDULE

(to be added where necessary)

FORM 62

Notice of intention to enter an inhibition (rule 108)

(Heading as in Form 9)

TAKE NOTICE that an application has been made by
of
for the entry on the above mentioned folio of an inhibition for the protec-
tion of (state the interest sought to be protected).

On the facts disclosed the Registrar intends to enter on the said folio
an inhibition in the following terms—

Unless, on or before 19 , you make an
objection in writing, addressed to the Registrar of Titles, Land Registry,
(insert address), stating the grounds of objection and any proposal by you
for modification of the terms of the inhibition, an inhibition may be entered
on the said folio in the terms stated above.

Dated 19 .

To:

FORM 63

Application to withdraw or modify an inhibition on consent (rule 110)

(Heading as in Form 9)

I, A.B. of
(add, if so, as solicitor for)
hereby apply to the Registrar of Titles that the inhibition entered on the
above mentioned folio on 19 , be withdrawn
(or, modified as follows—)

We, C.D. of
(add, if so, as solicitor for)
and E.F. of)
(add, if so, as solicitor for)
hereby consent to the withdrawal (or, modification) above applied for.

Dated 19 .

(To be signed by all persons interested and the
signatures, except in the case of a solicitor, to be
attested)

FORM 64

Application to discharge or modify an inhibition where the parties do not consent (rule 111)

(Heading as in Form 9)

I, A.B. of _____,
(*add, if so, as solicitor for* _____) hereby apply to the Registrar of Titles, that the inhibition entered on the above mentioned folio on _____, be discharged (*or, modified as follows*— _____).

I make this application on the following grounds—(*state reasons for the application and specify any documents relied upon*).

Dated _____ 19 _____ .

(To be signed by the applicant and, except in the case of a solicitor, the signature to be attested)

FORM 65

Notice of application, under rule 111, to modify or discharge an inhibition (rule 111)

(Heading as in Form 9)

TAKE NOTICE that A.B. of _____ has applied to the Registrar of Titles (*continue as in the application, showing whether discharge or modification of the inhibition is sought and the grounds on which the application is made*).

Unless, before _____ 19 _____, you lodge an objection in writing addressed to the Registrar of Titles, Land Registry, (*insert address*), stating the grounds of objection, the said application may be complied with.

Dated _____ 19 _____ .

To:

FORM 66

Form of certification to be included in a land certificate (rule 115)

LAND REGISTRY

THIS IS TO CERTIFY that all entries in Folio _____ County _____ of the register of freeholders (*or, leaseholders*) (*or, subsidiary interests*) as are in force at the date of the issue or, as the case may be, re-issue of this land certificate, are as within set forth.

(Seal)

Dated _____ 19 _____ .

FORM 69

Notice of an application to make an order for production of a land certificate or a certificate of charge (rule 125)

(Heading as in Form 9)

TAKE NOTICE that, on _____ 19____, A.B. of _____ made application to the Registrar of Titles to make an order directed to you requiring you to produce the land certificate relating to the lands in the above mentioned folio, (or, certificate of charge relating to a charge registered in the above mentioned folio on _____ 19____, in favour of _____) which certificate is stated to be in your custody, for the purpose of registration of (*state particulars of the dealing*).

If the said certificate is not in your custody you should state this fact and specify the whereabouts of the certificate, if it is known to you. If the said certificate was, at any time, in your custody you should state the circumstances under which it ceased to be in your custody.

If the said certificate is in your custody and you object to its production you should lodge in the Land Registry, within the time stated below, an objection in writing to such production stating the grounds of the objection.

If you claim that the said certificate has been deposited with you for the purpose of giving security for the payment of a sum of money you should lodge the said certificate with me together with a notice of deposit in accordance with rule 132 of the Land Registration Rules (Northern Ireland) 1977.

All replies to this notice should be addressed to the Registrar of Titles, Land Registry (*insert address*) and should reach the Land Registry before _____ 19____, and unless, before that date, the said certificate is lodged in the Land Registry, or an objection is lodged as hereinbefore indicated, or it is otherwise shown to the satisfaction of the Registrar that said order should not be made, an order may be made against you for the purpose aforementioned.

Dated _____

19 ____

To:

FORM 70

Form of order by the Registrar for production of a land certificate or a certificate of charge (rule 125)

(Heading as in Form 9)

On 19 , A.B. of lodged in the Land Registry, for registration, (state particulars of the dealing).

The land certificate relating to the lands in the above mentioned folio (or, certificate of charge relating to the charge registered in the above mentioned folio on 19 , in favour of) is required for the purpose of the aforementioned registration and it appears that such certificate is in your custody.

It is hereby ordered that, within days of the service of this Order on you, you lodge the said certificate for the purpose aforesaid, with the Registrar of Titles, Land Registry, (insert address).

If you claim that the said certificate has been deposited with you for the purpose of giving security for the payment of a sum of money, you should lodge, with the said certificate, a notice of deposit in accordance with rule 132 of the Land Registration Rules (Northern Ireland) 1977.

Dated 19

REGISTRAR OF TITLES

To:

Endorsement to be entered on above Order

You are hereby notified that (subject to your right of appeal to the High Court within the time prescribed by the Rules of the Supreme Court) if you disobey the said Order such disobedience may be certified to the High Court whereupon you may be punished for such disobedience as if this Order were the Order of the High Court.

REGISTRAR OF TITLES

FORM 71

Notice to accompany a land certificate or a certificate of charge produced in the Registry for the purpose of a specified registration (rule 131)*(Heading as in Form 9)*

To the Registrar of Titles

The land certificate relating to the lands (*or, certificate of charge relating to the charge registered in favour of* on 19) in the above mentioned folio, which certificate accompanies this notice, is produced in the Registry for the purpose of registration of the dealing specified in the Schedule hereto.

Registration of the dealing is to be applied for on or before 19 , and the certificate is to be re-delivered to (*insert name and address of person to whom the certificate is to be re-delivered*).

Dated

19

(To be signed by the holder of the certificate or his solicitor, and, if signed by a solicitor, he must state for whom he acts).

SCHEDULE

NOTE—This notice is required to be lodged in duplicate.

FORM 72

Notice of deposit of a land certificate or a certificate of charge for the purpose of giving security for payment of money (rule 132)*(Heading as in Form 9, or, as the case may be, Form 47)*

To the Registrar of Titles

1. The land certificate relating to the lands (*or, certificate of charge relating to the charge registered in favour of* on 19) in the above mentioned folio was on 19 , deposited by the above named registered owner (*or, registered owner of charge*) with me (*insert name, address in the United Kingdom for service of notices, and description of the deposit*) to secure (*insert particulars*).

See Note

2. The amount now due in respect of the said deposit is (*or, due in respect of the said deposit on* 19 , being the date on which the depositee received notice of £ , was

Dated

19

(To be signed by the depositee)

NOTE—The alternative is to be used where the depositee requires a specific entry in respect of priority to be entered on the register on registration of the notice of deposit.

FORM 73

Notice of application to enter notice of deposit of a land certificate or a certificate of charge (rule 132)*(Heading as in Form 9 or, as the case may be, Form 47)*

TAKE NOTICE that an application has been made by A.B. of _____ to enter on the above mentioned folio notice of the deposit of the land certificate relating to the lands in the said folio (or, the certificate of charge relating to a charge registered on the said folio on _____ 19____, in your favour).

It is stated in the said application, among other things, that the said certificate was deposited by you with the said A.B. to secure (*insert particulars*) and that the amount due in respect of the said deposit on _____ 19____, (*add, if appropriate, being the date on which the deposittee received notice of _____*) was £ _____.

AND FURTHER TAKE NOTICE that after _____ 19____, notice of said deposit will be entered on the said folio accordingly unless on or before that date you lodge in the Land Registry, (*insert address*) notice in writing of your objection to such entry stating the grounds of objection.

Dated

19____.

To:

FORM 74

Consent to cancellation of the entry in a folio relating to notice of deposit of a land certificate or a certificate of charge (rule 132)*(Heading as in Form 9 or, as the case may be, Form 47)*

I, A.B. of _____ hereby consent to the cancellation of the entry in the above mentioned folio on _____ 19____, of notice of deposit with me of the land certificate relating to the lands (or, certificate of charge relating to the charge registered in favour of _____ on _____ 19____,) in the above mentioned folio.

Dated

19____.

(To be signed by the deposittee named in the notice and attested by a witness)

FORM 75

Application by a local authority to be registered as owner of land vested in it under section 5(1) of the Small Dwellings Acquisition Act 1899 (rule 148)

(Heading as in Form 9)

I, A.B. of
solicitor to *(insert name and address of local authority)* (hereinafter referred to as "the local authority") hereby certify that the local authority became entitled to take possession of the lands in the above mentioned folio under section 3(3) of the Small Dwellings Acquisition Act 1899 and is now in such possession.

(add, where appropriate)

I refer to a decree dated _____ 19____, made in the County Court of County _____, Division of _____, in proceedings entitled *(insert title of proceedings including record number)*, under which decree possession was obtained.

I hereby apply that, by virtue of section 5(1) of the said Act of 1899, the local authority be registered as full owner of the said lands.

Dated _____ 19____

(Signed)

FORM 76

Notice of the presenting of a petition to be given by the Bankruptcy Registrar (rule 150)

LAND REGISTRY

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

A petition of bankruptcy *(or, a petition for arrangement under section 343 of the Irish Bankrupt and Insolvent Act 1857)* was, on _____ 19____, presented by *(or, against)* *(insert name, address and description)* who is believed to be the person registered as owner of the lands *(or, of a charge on the lands)* comprised in Folio No. _____ County _____

Dated _____ 19____

BANKRUPTCY REGISTRAR

FORM 78

**Application for order for production of a document or evidence of title
(rule 161)***(Heading as in Form 6 or 9 as appropriate)*

1. I, A.B. of _____ am (the solicitor for C.D.)
the applicant (*or*, the trustee for the applicant) in an application which
requires the examination of title to land, particulars of which application
are specified in the Schedule hereto.

2. The documents or evidence of title relating to or affecting the title
to such land include (*specify the document or evidence of title in respect of
which the order for production is sought*).

3. The said document or evidence of title specified in paragraph 2 is in
the possession or custody of (*insert name, address and description of person
who has such possession or custody*).

4. I am entitled to the production of the said document or evidence of
title specified in paragraph 2 because (*set out details of the facts establish-
ing that the applicant is entitled to production of the document or evidence
of title*).

5. I hereby apply to the Registrar of Titles to make an order directing
the said _____ to produce to the Registrar of Titles
the said document or evidence of title specified in paragraph 2, for the pur-
pose of the above mentioned application.

Dated

19 . . .

*(Signed. When signed by the applicant or trustee
his signature must be attested).*

SCHEDULE

FORM 79

Notice of application to the Registrar to make an order for production of a document or evidence of title (rule 161)

(Heading as in Form 6 or 9 as appropriate)

TAKE NOTICE that, on _____ 19____, A.B. of _____ made application to the Registrar of Titles to make an order directing you to produce to the Registrar of Titles (*state details of the document or evidence of title to be produced*). The application of the said _____ states that this (*refer to document or evidence of title*) is in your possession or custody and that it is required for the purpose of (*state the particulars of the application for registration*).

TAKE FURTHER NOTICE that, if you object to production of the said (*refer to document or evidence of title*) to the Registrar of Titles, you should show cause in writing to the Registrar of Titles within ten days from the date of this notice, why you should not produce the said (*refer to document or evidence of title*).

If the said (*refer to document or evidence of title*) is not in your possession, you should state this fact and specify the whereabouts of the same, if it is known to you.

If the said (*refer to document or evidence of title*) was at any time in your possession or custody, you should state the circumstances under which it ceased to be in your possession or custody.

If you claim that the said (*refer to document or evidence of title*) has been deposited with you for the purpose of giving security for the payment of a sum of money or is held by you subject to any lien and that such deposit or lien affects the title to the lands the subject of the application for registration mentioned above you should lodge the said (*refer to document or evidence of title*) with the Registrar of Titles together with a notice similar to the notice prescribed in rule 132 of the Land Registration Rules (Northern Ireland) 1977 with such modifications as may be required.

All replies to this notice should be addressed to the Registrar of Titles, Land Registry, (*insert address*) and unless, within the time specified above the said (*refer to document or evidence of title*) is lodged in the said Land Registry or cause shown to the Registrar of Titles to his satisfaction why such (*refer to document or evidence of title*) should not be produced, an order may be made against you for the purpose aforementioned.

Dated

19

FORM 80

Form of order by the Registrar for production of a document or evidence of title (rule 161)

LAND REGISTRY OF NORTHERN IRELAND

Re: Lands at (insert short description of lands the title to which requires examination)

IT APPEARING that:—

- (a) On 19 , A.B. of lodged in the Land Registry an application relating to the above lands which application seeks and requires the examination of the title to the said lands.
- (b) The document or evidence of title set out in the Schedule hereto relates to or affects that title and is in your possession or custody.
- (c) The said A.B. (or, C.D. of a trustee for the said A.B.) is entitled to the production of the said document or evidence of title.
- (d) On 19 , the said A.B. (or, C.D.) applied for an order directing you to produce the said document or evidence of title to the Registrar of Titles for the purposes of the above mentioned application.
- (e) On 19 , notice of the said application was served on you requiring you within days from the date thereof to show cause why you should not produce such document or evidence of title to the Registrar of Titles.
- (f) No reply was received to such notice (or, as the case may be) and cause has not been shown to the satisfaction of the Registrar of Titles within the time specified in the said notice why you should not produce such document or evidence of title to him.

IT IS HEREBY ORDERED that, within ten days of the date of the service of this Order on you, you do lodge at the expense of the said A.B. the said document or evidence of title for the purpose aforesaid with the Registrar of Titles, Land Registry, (insert address).

If you claim that the said document or evidence of title has been deposited with you for the purpose of giving security for the payment of a sum of money or is held by you subject to any lien and that such notice of deposit or lien affects the title to the lands the subject of the application for registration, you should lodge, with the said document or evidence of title, a notice similar to that prescribed in rule 132 of the Land Registration Rules (Northern Ireland) 1977 with such modifications as may be required.

SCHEDULE

Dated

19 .

REGISTRAR OF TITLES

To:

Endorsement to be entered on above Order

You are hereby notified that (subject to your right of appeal to the High Court within the time prescribed by the Rules of the Supreme Court) if you disobey the said Order such disobedience may be certified to the High Court whereupon you may be punished for such disobedience as if this Order were the Order of the High Court.

REGISTRAR OF TITLES

FORM 81

Requisition to inspect documents (rule 167)

LAND REGISTRY

I require to inspect the following documents—
(state precisely the folio, registry map, index or instrument which it is desired to inspect).

Dated

19

Signed

Address

FORM 82

Requisition for copies of or extracts from a register or document in the Registry (rule 168)

LAND REGISTRY

I require copies of the following documents—
(specify the documents to be copied)

(or)

I require extracts from the following documents as indicated—
(specify precisely the extract).

(add, if appropriate)

I require that such copies (or, extracts) be certified as true copies (or, extracts).

Dated

19

Signed

Address

FORM 83

Requisition for official search in the index of names (rule 169)

LAND REGISTRY

I, A.B. (as solicitor for C.D.) require that an official search be made in the index of names for the County of _____ against the name (*insert name*) and that I be furnished with the numbers of all folios in that county in which, at the date of the search, there appears an ownership in that name.

Dated

19 . . .

(Signed)

(Add address to which the certificate of the result of the search is to be sent)

FORM 84

Requisition for official search in a folio for entries made therein (rule 169)*(Heading as in Form 9)*

I, A.B. (as solicitor for C.D.) require that an official search be made in the above mentioned folio and that I be furnished with short particulars of all entries made in the said folio from _____ 19 _____ ,
to _____

Dated

19 . . .

(Signed)

(Add address to which the certificate of the result of the search is to be sent)

FORM 85

Certificate of the result of an official search in the index of names (rule 169)

LAND REGISTRY

It is hereby certified that an official search has been made in the index of names for the County of _____ against the name of _____, and that particulars of every ownership in that name appearing in the index, at the date of this certificate, are set out in the Schedule hereto.

Dated

19

SCHEDULE

Folio No.	Register	Name of registered owner

FORM 86

Certificate of the result of an official search in a folio for entries made therein (rule 169)

(Heading as in Form 9)

It is hereby certified that an official search has been made in the above mentioned folio and short particulars of all entries made on, and all pending dealings relating to that folio during the period from 19____, to 19____, are set out in the Schedule hereto.

Dated

19

SCHEDULE

NOTE:—Where no entries appear, the word "none" shall be inserted in the Schedule.

FORM 87

Requisition for official search in the registry maps for the registration of ownership or cautions against first registration relating to a specified parcel of land (rule 170)

LAND REGISTRY

I, A.B. (as solicitor for C.D.) require that an official search be made in the registry maps and that I be furnished with particulars of all folios in which an ownership is registered relating to the lands of (*insert verbal description of the parcel of land*) shown on the annexed plan lodged herewith (in duplicate).

I further require that I be furnished with particulars of any caution against first registration, affecting the said lands.

Dated

19

(Signed)

(Add address to which the certificate of the result of the search is to be furnished)

FORM 88

Certificate of the result of an official search in the registry maps for registration of ownership or cautions against first registration relating to a specified parcel of land (rule 170)

LAND REGISTRY

It is hereby certified that an official search has been made in the registry maps and that—

- (a) particulars of all folios in which, at the date of this certificate, an ownership is registered relating to the lands of (*insert verbal description as in the requisition*) shown on the annexed plan, are set out in the First Schedule hereto, and
- (b) particulars of all cautions against first registration affecting the said lands at the date of this certificate are set out in the Second Schedule hereto.

Dated

19

FIRST SCHEDULE

SECOND SCHEDULE

NOTE—Where no folio, or caution against first registration appears on search the word “none” shall be inserted in the appropriate Schedule.

FORM 89

**Application for a priority search in respect of all the lands in a folio
(rule 171)***(Heading as in Form 9)*

I, the undersigned (as solicitor for A.B. of _____), hereby certify that I have (*or, he has*) entered into a contract to purchase (*or, take a lease of*) (*or, lend money on the security of a charge on*) all the lands in the above mentioned folio and I require a priority search to be made to ascertain whether any entry has been made in the said folio since 19____, (*insert date from which the search is to be made*).

I also apply that an entry be made in the said folio, in the prescribed manner, pursuant to section 81(3) of the Land Registration Act (Northern Ireland) 1970.

Dated

19

*(Signed)**(Add address to which the certificate of the result of the search is to be sent)*

FORM 90

Application for a priority search in respect of part only of the lands in a folio (rule 171)*(Heading as in Form 9)*

I, the undersigned (as solicitor for A.B. of _____), hereby certify that I have (*or, he has*) entered into a contract to purchase (*or, take a lease of*) (*or, lend money on the security of a charge on*) that part of the lands in the above mentioned folio shown edged red on the annexed plan and I require a priority search to be made to ascertain whether any entry has been made in the said folio affecting the said part since 19____, (*insert date from which the search is to be made*).

I also apply that an entry be made in the said folio, in the prescribed manner, pursuant to section 81(3) of the Land Registration Act (Northern Ireland) 1970.

Dated

19

*(Signed)**(Add address to which the certificate of the result of the search is to be sent)*

FORM 91

Certificate of the result of a priority search in respect of all the lands in a folio (rule 171)*(Heading as in Form 9)*

It is hereby certified that the priority search applied for in the annexed application has been made and that all entries made in the above mentioned folio, all pending dealings and applications for a priority search, other than the present application, received in the Land Registry during the period from *(insert date from which the search was made)* until the date of this certificate are set out in the Schedule hereto.

An entry has been made in the said folio under rule 171(5) of the Land Registration Rules: (Northern Ireland) 1977.

Issued

19

SCHEDULE

NOTE:—Where no entries have been made in the folio and there are no pending transactions or other applications for a priority search the word "none" shall be inserted in the Schedule.

FORM 92

Certificate of the result of a priority search in respect of part only of the lands in a folio (rule 171)*(Heading as in Form 9)*

It is hereby certified that the priority search applied for in the annexed application has been made and that, in relation to that part of the lands in the above mentioned folio which is described in the said application all entries made in the said folio, all pending dealings and applications for a priority search, other than the present application, received in the Land Registry, during the period from *(insert date from which the search was made)* until the date of this certificate, are set out in the Schedule hereto.

An entry has been made in the said folio under rule 171(5) of the Land Registration Rules: (Northern Ireland) 1977 relating to the said part of the lands.

Issued

19

SCHEDULE

NOTE—When no entries have been made in the folio and there are no pending transactions or other applications for a priority search the word "none" should be inserted in the Schedule.

FORM 93

Summons to attend before the Registrar (rule 177)

(Heading as in Form 1 or 9 as the case may require)

To

You are hereby required to attend before me at the Land Registry, *(insert address)* on the day of 19 , at *(insert time)* to be examined in relation to *(state the purpose for which attendance is required)* and to produce the documents specified in the Schedule hereto.

If, on being served with this summons, or with a copy thereof and having had tender made to you of the travelling and subsistence expenses (if any) to which you are entitled, you wilfully neglect or refuse to so attend or to produce any of the documents which you are required to produce, in pursuance of this summons then, in any such case, by virtue of section 2(6) of the Land Registration Act (Northern Ireland) 1970, you shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

Dated

19

(Registry Seal)

REGISTRAR OF TITLES

SCHEDULE

(where necessary)

NOTE—If attendance is required only for examination, or only to produce documents, the form should be altered accordingly.

FORM 94

Claim for compensation under Schedule 9 to the Act (rule 187)*(Heading as in Form 9)*

1. I, A.B. of _____ hereby apply for compensation under Schedule 9 to the Act for loss sustained by me by reason of *(state which of the reasons set out in paragraph 1(1) of Schedule 9 is applicable)*.

2. The land to which the claim relates is *(describe the land sufficiently to enable it to be identified)*.

3. The circumstances which gave rise to the error *(or, omission,)* are as follows—*(state particulars)*.

4. The loss sustained by me in consequence of the said error *(or, omission,)* is as follows—*(state particulars)*.

5. I have not myself, or by any agent of mine, caused or substantially contributed to the loss aforementioned by any act, neglect or default.

See Note

6. I derived title to the said land by virtue of *(where claimant derives title otherwise than under a registered disposition for valuable consideration, state how title was derived)* and the said *(state the name of the person from whom title is derived)* has not, to the best of my knowledge, information and belief, caused or substantially contributed to the loss aforementioned by any act, neglect or default.

See Note

7. I took the following steps to prevent or minimise the loss the subject of the claim—*(give details)*.

8. The address to which all notices and communications are to be sent is as follows—*(state an address in the United Kingdom)*.

See Note

9. In the event of any dispute arising in connection with the foregoing claim I require the Registrar to refer the claim for decision by the High Court.

Dated

19

*(Signed)**NOTE:—This paragraph to be included only when appropriate***Affidavit to verify the foregoing application**

LAND REGISTRY

Folio

County

I, _____ of _____, the applicant in the foregoing application, make oath and say as follows—

1. I have read the foregoing application and believe the same to be true in all particulars.

2. I am advised and believe that I have a good claim for compensation under Schedule 9 to the Act, by reason of the facts set forth in said application.

3. There is not any person, to my knowledge or belief who has or claims any estate, right, title, or interest in or to the property mentioned in said application, save as therein set forth.

4. To the best of my knowledge, information and belief, all material facts and all relevant documents relating to my claim for compensation are disclosed in said application.

I make this affidavit (*here state means of knowledge such as "from my own personal knowledge of the facts, and from information supplied to me by my solicitor" or as the case may be*).

(*Jurat as in Form 1*)

FORM 95

Requisition for an official search in the Statutory Charges Register (rule 200)

LAND REGISTRY

Statutory Charges Register

I, A.B. (as solicitor for C.D. of) *See Note*
require an official search to be made in the Statutory Charges Register for all subsisting entries therein affecting (*insert verbal description of the parcel of land*) defined in the map annexed hereto and subsisting on 19 , (*insert any particular date up to and including which the search is required*) (or, subsisting at the date of the certificate).

Dated 19 .

(Signed)

(*Add address to which the certificate of the result of the search is to be sent*)

NOTE—A map may be dispensed with where the parcel of land can be clearly identified, to the satisfaction of the Registrar, by other means.

FORM 96

Certificate of the result of an official search in the Statutory Charges Register (rule 200)

LAND REGISTRY

Statutory Charges Register

It is hereby certified that a search has been made in the Statutory Charges Register and particulars of all subsisting entries therein and pending applications, affecting the parcel of land described in Requisition No. lodged by _____ and dated _____ 19____, (and defined on the map attached hereto) are set out in the Schedule hereto.

Dated

19

SCHEDULE

NOTE—Where there are no subsisting entries the word “none” shall be inserted in the Schedule.

NOTE—Where the land is defined on a map lodged in duplicate with the requisition, the map shall be attached to the certificate.

FORM 97

Requisition for a personal search in the Statutory Charges Register (rule 201)

LAND REGISTRY

Statutory Charges Register

I require to make a personal search in the Statutory Charges Register (and the indices thereto) to ascertain all entries therein affecting the parcel of land known as (*insert verbal description*).

See Note

The said parcel is shown edged red on the map produced by me.

Dated

19

(Signed)

(Address)

NOTE—Production of a map may be dispensed with, and the reference in the form to a map deleted, where the Registrar is satisfied that the parcel may be positively identified in the statutory charges map without such a map.

EXPLANATORY NOTE

(This note is not part of these Rules, but is intended to indicate their general purport.)

These Rules are general rules for carrying into effect the objects of the Land Registration Act (Northern Ireland) 1970, with the exception of provisions relating to Land Registry fees and solicitors' costs. They revoke (inter alia) the Land Registry of Northern Ireland Orders and Rules 1936 and the Land Registry of Northern Ireland (Administration of Estates) Rules 1956 except in so far as those Rules relate to costs incurred in respect of non-contentious business.