

## 1991 No. 381

## INSOLVENCY LAW

## LAND REGISTRATION

Land Registration (Amendment No. 3) Rules  
(Northern Ireland) 1991

*Made* . . . . . 20th August 1991

*Coming into operation* . . . . . 1st October 1991

The Department of the Environment in exercise of the powers conferred by sections 48(2), 59(1), 67A(1), (2) and (3), 79(2) and 85(3) of the Land Registration Act (Northern Ireland) 1970(a) and by Article 6(5) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(b) as applied by Article 310 of the Insolvency (Northern Ireland) Order 1989(c) and now vested in it(d) and in exercise of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(e), hereby makes the following rules—

*Citation, interpretation and commencement*

**1.**—(1) These rules may be cited as the Land Registration (Amendment No. 3) Rules (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

(2) In these rules, a rule referred to by a number means a rule so numbered in the Land Registration Rules (Northern Ireland) 1977(f).

*Registration of bankruptcy petitions, bankruptcy inhibitions, official receiver etc*

**2.** Rules 150 and 151 are hereby revoked and the rules set out in Schedule 1 shall be inserted after rule 149.

*Bankruptcy forms*

**3.** Forms 76 and 77 in the Schedule to the Land Registration Rules (Northern Ireland) 1977 are hereby revoked and the forms set out in Schedule 2 shall be inserted after Form 75.

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- (a) 1970 c. 18 (N.I.) s. 59 was substituted and s. 67A was inserted by S.I. 1989/2405 (N.I. 19) Art. 381 and Sch. 9 paras. 71 and 72  
 (b) S.I. 1984/1984 (N.I. 14)  
 (c) S.I. 1989/2405 (N.I. 19)  
 (d) By 1974 (c. 28) s. 1(3) and Sch. 1, para. 2(1) and S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II  
 (e) Established by 1970 c. 18 (N.I.) s. 85(1)  
 (f) S.R. 1977 No. 154 to which there are amendments not relevant to the subject matter of these Rules

*Minor and consequential amendments*

4.—(1) In rule 90(1) (registration of judgments) for “Except in a case to which rule 90A applies” there shall be substituted “Except in cases to which rules 90A and 151D apply”.

(2) In rule 124 (production of land certificates and certificates of charge) for paragraph (1)(h) there shall be substituted the following:—

“(h) one which adversely affects the title of the registered owner but not in the case of an entry relating to—

- (i) a matrimonial charge,
- (ii) a pending action,
- (iii) a caution,
- (iv) an inhibition,
- (v) a restraint order or charging order made under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(a),
- (vi) a notice of the presenting of a bankruptcy petition,
- (vii) a bankruptcy inhibition under section 67A(3) of the Act,
- (viii) an order imposing a charge under Article 286 of the Insolvency (Northern Ireland) Order 1989, or
- (ix) a charge under Article 310 of the said Order.”.

*Application to the Crown*

5. Subject to the provisions of the Land Registration Act (Northern Ireland) 1970 and the Insolvency (Northern Ireland) Order 1989, these Rules shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Sealed with the Official Seal of the Department of the Environment on  
20th August 1991.

(L.S.)

*R. Warburton*

Assistant Secretary

## SCHEDULE 1

rule 2

## Rules inserted after rule 149

## INSOLVENCY

*Notice of bankruptcy petition*

150.—(1) The notice of the presentation of a bankruptcy petition which is required under section 67A of the Act to be given by the High Court shall be in Form 76.

(2) Notice of the presentation of such a petition shall be entered in the appropriate register in the following form:—

“Notice in respect of a bankruptcy petition against (*insert name, address and description of debtor*) presented in the High Court (Record No ..... ) protecting the rights of all creditors.”.

(3) Notice of any such entry shall be sent to the registered owner of the estate appearing to be affected by the petition.

(4) An application for renewal of the registration of notice of the presentation of a bankruptcy petition shall be in Form 76A.

*Cancellation of registration of a notice of bankruptcy petition*

150A. The registration of a notice of the presentation of a bankruptcy petition may be cancelled on lodgment in the Registry of a certified copy of the order of the High Court directing or permitting such cancellation.

*Bankruptcy inhibition*

150B.—(1) The notice of a bankruptcy order to be given by the official receiver or the trustee in bankruptcy to the Registrar under section 67A(3) of the Act shall be in Form 77.

(2) A bankruptcy inhibition shall be entered in the appropriate register in the following form—

“Bankruptcy inhibition in pursuance of a bankruptcy order against (*insert name, address and description of bankrupt*) made by the High Court (Record No ..... ). Dealings with the land herein are inhibited as provided in section 67A(5) of the Land Registration Act (Northern Ireland) 1970.”.

(3) Notice of any such entry shall be sent to the registered owner of the estate affected by the bankruptcy inhibition.

*Cancellation of registration of bankruptcy inhibition*

150C.—(1) The registration of an entry relating to a bankruptcy inhibition may be cancelled in whole or in part, as the case may require—

- (a) on registration of the trustee in bankruptcy as owner of the estate affected by the bankruptcy inhibition;
- (b) on lodgment of a certified copy of any relevant order of a court directing or permitting such cancellation; or
- (c) upon lodgment in the Registry of an affidavit of the registered owner of the estate affected by the bankruptcy inhibition 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 cancellation, and after such examination of title as the Registrar considers proper.

(2) Cancellation pursuant to paragraph 1(c) shall be made only after such enquiries have been made as the Registrar directs and after notice has been sent to the official receiver or the trustee in bankruptcy as the case may require.

*Registration of official receiver*

151.—(1) The official receiver may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or, may be registered as assignee of a limited owner where the bankrupt is registered as a limited owner, on production to the Registrar of—

- (a) a certified copy of the bankruptcy order relating to the bankrupt, and
- (b) a certificate signed by the official receiver that the land is comprised in the bankrupt's estate, has vested in the official receiver as trustee and has not been disclaimed.

(2) The official receiver may be registered as owner in place of a deceased registered owner on production of such evidence as the Registrar may require.

*Registration of trustee in bankruptcy in place of official receiver*

151A. Where the official receiver has been registered as owner and some other person is subsequently appointed trustee, such person may be registered as owner in place of the official receiver on production of the evidence required by rule 151B(1).

*Original registration of trustee in bankruptcy*

151B.—(1) If the official receiver has not been registered as owner and some other person has been appointed trustee of the bankrupt's estate, such person may be registered as owner in place of a bankrupt who is registered as full owner or assignee of a limited owner, or may be registered as assignee of a limited owner where the bankrupt is registered as limited owner, on production to the Registrar of—

- (a) a certified copy of the bankruptcy order relating to the bankrupt,
- (b) either a copy of his certificate of appointment as trustee by the meeting of the bankrupt's creditors duly certified by the trustee or his solicitor as being a true copy of the original or a copy of his certificate of appointment as trustee by the Department of Economic Development or a certified copy of the order of a Court of his appointment as trustee, and
- (c) a certificate signed by the trustee that the land is comprised in the bankrupt's estate and has not been disclaimed.

(2) The trustee in bankruptcy may be registered in place of a deceased registered owner on production of such evidence as the Registrar may require.

*Words added in register*

151C. Where the official receiver or trustee in bankruptcy is registered as owner, the words "official receiver" or "trustee in bankruptcy of (name)" shall be added to the register.

*Registration of order imposing charge*

151D.—(1) Where an order has been made by the High Court pursuant to Article 286 of the Insolvency (Northern Ireland) Order 1989 such order may be registered on lodgment in the Registry of a certified copy of the order.

(2) The entry to be made in respect of the order shall be in Form 77A.

*Registration of bankrupt's rights of occupation*

151E.—(1) An application for the registration of a charge in respect of rights of occupation under Article 310 of the Insolvency (Northern Ireland) Order 1989 shall be in Form 77B and shall be accompanied by—

- (a) a certified copy of the bankruptcy order relating to the bankrupt;

- (b) birth certificates of the persons under the age of 18 referred to in paragraph 1(b) of the said Article;
- (c) a copy of any release of part of the dwelling house from the rights of occupation;
- (d) a copy of any document postponing the priority of the charge;
- (e) a copy of any disclaimer by a trustee of a bankrupt's estate in respect of any part of the dwelling house; and
- (f) a certified copy of any order of the court under Article 4 of the 1984 Order in relation to the rights of occupation.

(2) The entry to be made on a folio in respect of a charge under the said Article 310 shall be in Form 77C.

*Cancellation and variation of entries relating to the registration of a bankrupt's rights of occupation and postponement of priority*

151F. The registration as a burden of a charge under Article 310 of the Insolvency (Northern Ireland) Order 1989 may be cancelled or varied or the postponement of its priority (except in the case of a postponement to which rule 67 applies) registered by lodgment of an affidavit setting out the relevant facts and accompanied by such other documents and evidence (if any) as is in the opinion of the Registrar sufficient to justify such cancellation, variation or postponement.

*Mistake in bankruptcy order or register*

151G. Where a mistake has occurred in a bankruptcy order or where any amendment is required to any entry in the register as a result of a mistake in any fact relevant to such entry, it shall be the duty of the official receiver, as soon as it comes to his knowledge, to notify such mistake or to suggest such amendment to the Registrar who shall thereupon, after making such enquiries and giving such notices (if any) as he shall deem necessary, make such amendment in the register as may be necessary.

*Trustee in bankruptcy vacating office*

151H. When a trustee in bankruptcy who has been registered as owner vacates his office as trustee because he ceases to be a person who is qualified to act as an insolvency practitioner under the Insolvency (Northern Ireland) Order 1989 or his office is vacated by release, resignation, death, removal from office or any other cause, the official receiver may be registered as owner, or, if some other person be appointed trustee, such person may be registered as owner on production of the evidence required by rule 151B(1).

*Administration orders and liquidation of a company*

151I.—(1) When an administration order has been made by the High Court in respect of a company under the provisions of the Insolvency (Northern Ireland) Order 1989 the order and the appointment of the administrator named therein shall on his application and on production of a certified copy of the order be noted in the register.

(2) When a company is in liquidation, any order, appointment or resolution appointing a liquidator shall be noted in the appropriate register on his application and on production of either a certified copy of the order or a copy of the appointment or resolution certified by the liquidator or his solicitor as being a true copy of the original together with such other evidence as the Registrar may require.

**Forms inserted after Form 75**

FORM 76

**Notice of presentation of bankruptcy petition (rule 150)**

*(Heading as in Form 9)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

A bankruptcy petition was on ....., presented in the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy) (Record No ..... ) in relation to the estate of *(insert name, address and description of the debtor)* who is believed to be the person registered as owner *(or one of the owners)* of the land *(or, of a charge on the land)* comprised in the above-mentioned folio.

Dated

Master (Bankruptcy)

FORM 76A

**Application for renewal of notice of presentation of bankruptcy petition (rule 150)**

*(Heading as in Form 9)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

I hereby apply for renewal of the registration of notice of the presentation of the bankruptcy petition registered in the above-mentioned folio on ..... affecting the estate of *(insert name)*.

I certify that the bankruptcy petition has not been dismissed.

Dated

Master (Bankruptcy)

FORM 77

**Notice of bankruptcy order (rule 150B)**

*(Heading as in Form 9)*

IN THE MATTER OF *(insert title of matter)*

To the Registrar of Titles

A bankruptcy order was on ..... made by the High Court of Justice in Northern Ireland Chancery Division (Bankruptcy) (Record No. ....) against *(insert name, address and description of the bankrupt)* who is registered as owner (or one of the owners) of the land (or, of a charge on the land) comprised in the above-mentioned folio..

Dated

Official receiver/Trustee in bankruptcy of *(insert name of bankrupt)*

FORM 77A

**Entry of order imposing charge under Article 286 of the Insolvency (Northern Ireland) Order 1989 (rule 151D)**

An order dated ..... of the High Court (Record No. ....) imposed a charge on the (estate of ..... in the) land herein under Article 286 of the Insolvency (Northern Ireland) Order 1989.

## FORM 77B

**Application for the registration of a bankrupt's rights of occupation as a burden  
(rule 151E)**

*(Heading as in Form 9)*

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

1. *(Identify the entitlement which the applicant had to the land in the above-mentioned folio and refer to any entry showing or which set out his ownership to the land.)*
2. *(Refer to the Bankruptcy Order made in respect of the applicant's estate, identify who is now the trustee of his estate and identify the estate or interest which vests in the trustee.)*
3. I believe that I am entitled by virtue of Article 310 of the Insolvency (Northern Ireland) Order 1989 (hereinafter called the "1989 Order") to the registration of a charge affecting the lands comprised in the above mentioned folio to the extent of my rights of occupation under the said Article on so much of my estate or interest in the dwelling house described in paragraph 4 as vests in the said *(insert name)* as trustee of my estate.
4. The dwelling house in which I have rights of occupation is *(identify the dwelling house, if necessary referring to a map on which it is identified; refer to any release of part of the dwelling house from the rights of occupation, to any disclaimer by the trustee in bankruptcy in respect of part of the dwelling house and to any order of the court under Article 4 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 in relation to the rights of occupation constituting the charge).*
5. I believe that the validity and priority of the said charge are affected by Part IX of the 1989 Order and Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 *(and refer, where appropriate, to any document postponing its priority).*
6. At the time when I was adjudged bankrupt, I was entitled to occupy the said dwelling house by virtue of the beneficial estate or interest referred to in paragraph 1.
7. During the period from \_\_\_\_\_ to \_\_\_\_\_, I occupied the said dwelling house along with my *(set out relationship (if any) and full names of minor(s))* who was/were born on \_\_\_\_\_ (respectively). I refer to their birth certificates lodged herewith. At the time when the bankruptcy petition was presented and at the commencement of my bankruptcy, the said *(set out names of minors)* had their home with me and we resided at *(set out address)*.
8. I request that my rights of occupation under Article 310 of the 1989 Order shall be registered as a burden affecting the said dwelling house comprised in the above-mentioned folio.

*(Jurat as in Form 1)*



## FORM 77C

**Entry of a bankrupt's rights of occupation as a burden (rule 151E)**

The land herein is subject to the rights of A. B. of (*state address in the United Kingdom for service of notices*) under Article 310 of the Insolvency (Northern Ireland) Order 1989 in (*identification of dwelling house as in application referring if necessary to the estate or interest in the dwelling house which vests in the trustee and referring also to any order of the court made under Article 4 of the 1984 Order or to any release of part of the dwelling house from the said rights*).

The validity and priority of the said rights are affected by Part IX of the Insolvency (Northern Ireland) Order 1989 and Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (*add, if appropriate, particulars of any postponement in priority*).

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**EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These rules, which come into operation on 1st October 1991, amend the Land Registration Rules (Northern Ireland) 1977 to accord with the provisions of the Insolvency (Northern Ireland) Order 1989. They provide for the procedure, documents and evidence required for the registration of notices of bankruptcy petitions and bankruptcy inhibitions and for their cancellation. They also provide for the procedure for the registration of the official receiver or trustee in bankruptcy, of orders made by the Court imposing charges on a bankrupt's home and of a bankrupt's rights of occupation, and make minor and consequential amendments to the principal rules.