
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 165

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2000

Made - - - - *11th May 2000*
Coming into operation *16th June 2000*

The Department of Finance and Personnel in exercise of the powers conferred by section 85 of the Land Registration Act (Northern Ireland) 1970(1) and now vested in it(2) and Article 46(2) of the Property (Northern Ireland) Order 1997(3) and of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(4), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land Registration (Amendment) Rules (Northern Ireland) 2000 and shall come into operation on 16th June 2000.

Interpretation

2. In these Rules—
“the Land Registration Rules” means the Land Registration Rules (Northern Ireland) 1994(5);
a reference to a rule or a form is a reference to a rule or a form in the Land Registration Rules.

Amendment of the Land Registration Rules

3. The Land Registration Rules are amended in accordance with the Schedule.

(1) 1970 c. 18 (N.I.). Section 85 was amended by Article 14 of the Property (Northern Ireland) Order 1978 (S.I. 1978/459 (N.I. 4)) Article 381(2) of and paragraph 73 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) and Article 35(2) to (5) of and paragraph 2(1) and (8) of Schedule 1 to the Registration (Lands and Deeds) (Northern Ireland) Order 1992 (S.I. 1992/811 (N.I. 7))
(2) By 1973 c. 36 section 40 and paragraphs 7 and 8 of Schedule 5; S.I. 1982/338 (N.I. 6) Article 5 and Part II of Schedule 1; S.R. 1999 No. 481 Article 6(b); 1988 c. 47 sections 95(5) and paragraph 11(2) of Schedule 12 and 2000 c. 1 section 1(8) and paragraph 4(1)(b) of the Schedule
(3) S.I. 1997/1179 (N.I. 8)
(4) Established by 1970 c. 18 (N.I.) s. 85(1)
(5) S.R. 1994 No. 424, to which there are no amendments

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Sealed with the Official Seal of the Department of Finance and Personnel on 11th May 2000.

L.S.

Arthur H. Moir
A senior officer of the
Department of Finance and Personnel

SCHEDULE

Amendment of the land registration rules

1. In rule 2 (interpretation) after the definition of “parcel of land” insert—
“the Property Order” means the Property (Northern Ireland) Order 1997(6);
2. For rule 7 (Folio Books) substitute—
“7. Any folios maintained in the form known as a Folio Book and existing at the commencement of these Rules may be continued in that form save that no further folio shall be added therein. A Folio Book shall not be opened after the commencement of these Rules.”
3. For rule 11(1) (presentation of applications for first registration) substitute—
“(1) Every application for first registration of ownership shall, except in the case of a charge to which section 41(2) of the 1970 Act applies or in a case to which rule 79(1), 80(1) or 82(1) applies, be made in the following manner—
 - (a) applications for registration with an absolute, good fee farm grant or good leasehold title shall be made in Form 1;
 - (b) applications for registration with a qualified title may be made in Form 1 or Form 2; and
 - (c) applications for registration with a possessory title shall be made in Form 3.”
4. In rule 12 (documents to be delivered with an application for first registration of the ownership of a freehold estate)—
 - (i) after the words “except a case to which” insert “sub-paragraph (e),”;
 - (ii) in sub-paragraph (e) omit the words “a duplicate, counterpart or copy certified by a solicitor as a true copy of”; and
 - (iii) in sub-paragraph (e)(ii) for the words “(if any)”, substitute the words “or conveyance”.
5. In rule 13 (documents to be delivered with an application for first registration of the ownership of a leasehold estate), for the words “(if any)”, substitute the words “or conveyance”.
6. In rule 16 (Memorial for Registrar of Deeds) omit “and shall be sealed with the official seal of the Registry”.
7. In rule 23(3) (modification of examination of title), for the words “with the consent and at the expense of the applicant, refer” substitute “require the applicant to refer”.
8. In rule 29(1) (notification of proposed registration), for the words “on an examination of title” substitute “on an application in Form 2 or Form 3”.
9. In rule 30 (identification of part of registered land) omit “then unless that part is clearly identified on the registry map and may be identified thereon from a verbal description in the document, or is otherwise clearly identified”.
10. In rule 43 (transfer for value by personal representative), for the word “may” substitute “shall”.
11. In rule 67(1) (transfers of charges), for the word “may” substitute “shall” and after “Form 32” insert the words “with such modifications as the case may require”.
12. In rule 115(4) (application for registration of title to registered land acquired by possession), for the words “shall be accompanied by the evidence necessary to prove the jurisdiction of the County

(6) S.I. 1997/1179 (N.I. 8)

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Court to decide the application” substitute “shall identify the relevant division and address of the County Court which has jurisdiction to decide the matter”.

13. In rule 120(1) (form of land certificate), omit “have affixed to it the official seal of the Registry and shall”.

14. In rule 121(1) (form of certificate of charge), omit “shall have affixed to it the official seal of the Registry and”.

15. For rule 122 (endorsed certificate of charge) substitute—

“122. Unless an applicant for registration specifically requests the issue of a certificate of charge in Form 68, the Registrar may issue a copy of the instrument of charge 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 copy so endorsed shall be the certificate of charge.”

16. In rule 124 (separate certificates in certain cases)—

(i) in paragraph (1), omit “not being tenants in common”;

(ii) omit paragraphs (2) and (3); and

(iii) in paragraph (4), for the words “have been issued under paragraph (2)” substitute “are in existence”.

17. In rule 128(1) (production of certificates), after sub-paragraph (x) insert—

“(xi) any registration consequent upon a redemption under the provisions of the Property Order.”

18. In rule 130(1)(a) (power to dispense with production of certificates in certain cases), after “ascertained” insert the words “or of a person who has failed to comply with an order made by the Registrar under Rule 129”.

19. In rule 141 (registry map)—

(i) in paragraph 1(a) omit “position and extent of registered holdings are shown, or where registered holdings are shown on filed plans, the”; and

(ii) in paragraph (2) for the word “extent” substitute “location”.

20. In rule 144 (application to make boundaries conclusive), in paragraph (3), omit “and the persons between whom such entry is conclusive”.

21. In rule 173(2) (issue of forms and directions), omit “forms and” in both places where it occurs.

22. In rule 179 (documents to be retained in the Registry)—

(i) for the word “shall” substitute “may”; and

(ii) after “on behalf of the Registrar and”, insert the words “where a document has been so retained it”.

23. In rule 191 (objections to registration), for paragraph (3) substitute—

“(3) Before making any decision in the matter, the Registrar may require any person concerned to produce an affidavit or statutory declaration containing full particulars of any facts upon which that person seeks to rely; and the Registrar may, if he considers it to be necessary, require all persons concerned to appear before him for consideration of the matter; and upon such consideration, he shall make such order in the matter as he considers just.”

24. In rule 195 (information to be furnished by a solicitor), omit “by a solicitor” from the heading and the rule.

25. After rule 202 (delay) insert—

“Proceedings under the Property Order

202A.—(1) A reference to the Registrar relating to any question arising or to any of the matters mentioned in Article 42(4)(h) to (j) of the Property Order shall be made by Affidavit signed by the applicant or his solicitor and shall exhibit thereto any documents or statements sought to be relied on by the applicant.

(2) If the Registrar considers that he is able to determine the matter, he may, in the course of such determination direct the applicant to make such enquiries, searches and advertisements and serve notices as he considers fit.

(3) If the Registrar is able to determine the matter, he shall give his decision in writing and notice thereof will be given to the applicant or his solicitor and such other persons who it appears may have an interest in the matter”.

26. In rule 207(2) (lodgment and priority of applications) omit “and time”.

27. In rule 210 (entry of a statutory charge)—

(i) in paragraph (f), omit “and time”; and

(ii) in paragraph (g), omit “and, where the charge is a money charge, the amount of the charge and the rate of interest (if any) thereon”.

28. In Schedule 2 to the Land Registration Rules—

(1) for Form 1 substitute—

FORM 1 Application for first registration (rule 11(1))

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FORM 1

Application for first registration (rule 11(1))

LAND REGISTRY

- Use a separate form for each title to be registered
- Complete panels in **typewriter** or **capital** letters
- Form 3 must be used where the application is based on **adverse possession**.

FOR OFFICIAL USE ONLY
DOCUMENT NO.

MAPPING REF.

1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

"The land" The land shown
.....
on the attached map being land situate at/known as
.....
County.....

2. Applicants *Enter the full name and address in the United Kingdom (including Postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

"The Applicant"

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in and the Applicant is/are limited owner(s) having the powers of a **tenant for life** under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5**.

The Trustees for the purposes of the Settled Land Acts are.....
.....

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4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If the panel is not completed co-owners will be assumed to be joint tenants).*

The Applicants are:

- joint tenants
 - tenants in common in the following shares:
-

5. Applicant's estate and class of title sought *Tick appropriate box and complete as necessary.*

- Good Fee Farm Grant by virtue of a Fee Farm Grant dated.....
- Good Leasehold estate by virtue of a Lease dated...
- Fee simple absolute. The root of title (being a Conveyance for value made at least 15 years ago) is a Conveyance dated
- Qualified title commencing with a Conveyance dated.....
The title is qualified because *(tick and complete the appropriate box and set out details of the reasons for the qualification).*
 - The Conveyance comprising the root of title is less than 15 years old
 - The root of title is a voluntary conveyance.
 - The Applicant's predecessors in title acquired the land by way of adverse possession and there is no root of title other than the deed mentioned in Panel 6.
 -

6. Acquisition *Give particulars of the deed by which the Applicant acquired the land.*

The Applicants acquired the land on.....
by virtue of a deed of
dated.

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7. Appurtenant Rights Only complete this panel if an appurtenant right is being claimed. NB: An additional fee is payable for registration of a note of a claimed appurtenant right.

The Applicant claims, under Rule 147, that the land has the benefit of an appurtenant right comprised in a Deed of.....
dated.....
and made between.....
being a right

8. Certificate of Title

I hereby certify as follows:

- (a) I act for the Applicant in relation to the land and I have investigated the title fully.
- (b) All necessary searches and enquiries have been made.
- (c) I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 7.
- (d) None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.
- (e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any matter whatsoever under the Insolvency (Northern Ireland) Order 1989.
- (f) The person or persons (if any) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership
- (g) All material information has been supplied and I enclose the documents mentioned in Panels 5 and 6, any mortgage or charge to be registered and any other document mentioned in Panel 7 or in the Schedule hereto.
- (h) The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.

Signature of partner or authorised Solicitor;

Date Name of Firm:

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9. Check List
<input type="checkbox"/> Have you completed the Schedule of Burdens overleaf? <input type="checkbox"/> Have you enclosed <ul style="list-style-type: none"> (a) the root of title (b) the assurance to the Applicant (c) any mortgage or other document referred to in Panel 7 or in the Schedule? <input type="checkbox"/> Have you marked the boundaries on the map? <input type="checkbox"/> Have you attached the map to this application form?

Important: Please read these instructions carefully before completing the Schedule

- (1) List burdens **in order of priority** (e.g. 1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5, 2. Mortgage dated between).
- (2) Since **easements** affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should **not** be listed as burdens.
- (3) Where the land is subject to a **mortgage or charge** give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (4) If only **part of the land** is affected by a burden, state this and identify that part by reference to the map.
- (5) **Covenants** and conditions may be referred to in general terms (e.g. contained in the said Fee Farm Grant).
- (6) If the land is **indemnified** against a rent, give full details of the rent and the indemnity and identify any relevant documents.
- (7) Where the Applicant holds the land **subject to but with the benefit of a lease** which requires to be registered as a burden state the date, parties, term and rent.

SCHEDULE-BURDENS

Item No.	Particulars of burdens

(2) For Form 95 [Rule 187] substitute—
 Form 95Application for a priority search in respect of all the land in a folio (rule 187(3))

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FORM 95

Application for a priority search in respect of all the land in a folio (rule 187(3))

LAND REGISTRY

FOLIO:
COUNTY:
REGISTERED OWNER:

PRIORITY SEARCH

<p>Application is made for a priority search to be made to ascertain whether any entry has been made on the above folio since the date shown opposite:</p> <p>Application is also made for an entry to be made on the above folio in respect of the priority conferred by the search.</p>	
<p>The full name and address in the United Kingdom for service of notices, of the applicant (i.e. purchaser, lessee or chargee) are shown opposite:</p>	
<p>I (the solicitor for) the applicant certify that the applicant has entered into a contract, to deal with all the land in the above folio in the manner shown opposite:</p>	<p><input type="checkbox"/> purchase all the land <input type="checkbox"/> take a lease of all the land <input type="checkbox"/> lend money on the security of all the land</p>
<p>DETAILS OF PERSON APPLYING FOR PRIORITY SEARCH</p> <p>Name:</p> <p><i>(Add address to which the certificate of the result of the search is to be furnished)</i></p> <p>Fax No:</p> <p>Solicitor's Reference:</p>	

Dated 20

(to be signed by the applicant or his solicitor except where the application is made electronically).

(3) For Form 96 [Rule 187] substitute—
Form 96 Application for a priority search in respect of part of the land in a folio (rule 187(3))

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FORM 96

Application for a priority search in respect of part of the land in a folio (rule 187(3))

LAND REGISTRY

FOLIO:

COUNTY:

REGISTERED OWNER:

PRIORITY SEARCH

(part of the land in folio)

Application is made for a priority search to be made to ascertain whether any entry has been made on the above folio affecting the undermentioned property since the date shown opposite:	
Property That part of the land in the above mentioned folio shown on the map attached hereto	
Application is also made for an entry to be made on the above folio in respect of the priority conferred by the search in relation to the said part of the land in the folio.	
The full name and address in the United Kingdom for service of notices of the applicant (i.e. purchaser, lessee or chargee) are shown opposite:	
I, (the solicitor for) the applicant certify that the applicant has entered into a contract to deal with the said part of the land in the folio in the manner shown opposite:	<input type="checkbox"/> purchase of the said part <input type="checkbox"/> take a lease of the said part <input type="checkbox"/> lend money on the security of the said part
DETAILS OF PERSON APPLYING FOR PRIORITY SEARCH Name: <i>(Add address to which the certificate of the result of the search is to be furnished)</i> Fax No: Solicitor's Reference:	

Dated 20.....

(to be signed by the applicant or his solicitor except where the application is made electronically).

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EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the rules governing the procedure of the Land Registry, the Land Registration Rules (Northern Ireland) 1994 (S.R. 1994 No. 424) (“the Land Registration Rules”) to give effect to Article 42(4)(h) to (j) of the Property (Northern Ireland) Order 1997 (S.I.1997/1174 (N.I. 8)), which contains provisions for the determination of disputes by the Registrar of Titles.

The rules also amend the Land Registration Rules to facilitate the introduction of computerised registration and to simplify applications for first registration of title and applications relating to registered land.