

**2007 No. 4**

**LAND REGISTRATION**

**Land Registration (Amendment) Rules (Northern Ireland) 2007**

*Made* - - - - - *9th January 2007*

*Coming into operation* *1st April 2007*

The Department of Finance and Personnel, in exercise of the powers conferred by section 85 of the Land Registration Act (Northern Ireland) 1970<sup>(a)</sup> and now vested in it<sup>(b)</sup> and of every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee<sup>(c)</sup>, hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Land Registration (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on 1st April 2007.

**Interpretation**

2. In these Rules—

“the Land Registration Rules” means the Land Registration Rules (Northern Ireland) 1994<sup>(d)</sup>; 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.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th January 2007.

(L.S.)

A senior officer of the Department of Finance and Personnel

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(a) 1970 c. 18 (N.I.) as amended by S.I. 1978/459 (N.I. 4), S.I. 1989/2405 (N.I. 19), S.I. 1992/811 (N.I. 7) and 2001 c. 5 (N.I.)  
(b) By virtue of 1998 c. 47 s. 95(5) and Sch. 12, para. 10(1)(b)  
(c) Established by 1970 c. 18 (N.I.) s. 85(1)  
(d) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165 and S.R. 2002 No. 229

## SCHEDULE

### AMENDMENT OF THE LAND REGISTRATION RULES

1. In Rule 2(1) (Interpretation)(a)—
  - (1) After the interpretation of “The Ground Rents Act” insert ““the 1998 Order” means the Family Homes and Domestic Violence (Northern Ireland) Order 1998”(b).
  - (2) For the definition of “matrimonial charge” substitute ““matrimonial or civil partnership charge” has the same meaning as in Article 5 of the 1998 Order”.
  - (3) In the definition of “rights of occupation” for the words “Part II of the Family Law Order” substitute “Article 4 of the 1998 Order”.
2. In Rule 29(2) (Notification of proposed registration)—
  - (a) After the word “matrimonial” insert “or civil partnership”.
  - (b) For the words “the Family Law Order” substitute “the 1998 Order”.
  - (c) After the word “spouse” insert “or civil partner”.
3. In Rule 60 (Notice to owner of inclusion of registered charge) for the word “shall” substitute “may”.
4. In Rule 86 (Registration of charging orders under the Criminal Justice Order) for the word “shall” substitute “may”.
5. In Rule 89 (Application for registration of other enforcement orders) for the word “shall” substitute “may”.
6. Delete Rule 90(2) (Cancellation of entries in respect of enforcement orders).
7. In Rule 91(4) (Registration of pending actions) for the word “shall” substitute “may”.
8. In Rule 92 (Registration of matrimonial charges and renewal of registration)—
  - (a) In the heading and in paragraphs (1), (4) and (5) after the word “matrimonial” where it occurs insert “or civil partnership”.
  - (b) In paragraph (1)(a) after the word “marriage” insert “or civil partnership”.
  - (c) For the words “the Family Law Order” in each place they occur, substitute the words “the 1998 Order”.
  - (d) In paragraph (2) for “Part II” substitute “Article 2(2)”.
  - (e) In paragraphs (3) and (5) for the words “Article 5(4)” in each place where they occur, substitute “Article 5(7)”.
9. In Rule 93 (Cancellation and variation of entries relating to the registration of matrimonial charges and postponement of priority)—
  - (a) In the heading and in paragraph (1) after the word “matrimonial” where it occurs, insert “or civil partnership”.
  - (b) In paragraphs (2)(a) and (d) and (3)(a) after the word “spouse” in each place where it occurs, insert “or civil partner”.
  - (c) In paragraph (2)(b) after the words “nullity of marriage” insert “or a certified copy of a dissolution or nullity order of the civil partnership”.
  - (d) In paragraphs 2(b) and (d) after the word “marriage” insert “or civil partnership”.
  - (e) In paragraphs (2)(c) and (3) for the words “the Family Law Order” in each place where they occur substitute “the 1998 Order”.

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(a) Rule 2(1) was amended by paragraph 1 of the Schedule to the Land Registration(Amendment) Rules (Northern Ireland) 2002  
(b) SI 1998/1071 (N.I. 6)

- (f) In paragraph 3 for the words “Article 5(4)” in each place where they occur, substitute “Article 5(7)”.
- 10. In Rule 147(3) and (4) (Appurtenances) substitute the word “may” for “shall”.
- 11. In Rule 153(3) (Notice of Bankruptcy petition) substitute the word “may” for “shall”.
- 12. In Rule 169 (Notice of application) substitute the word “may” for “shall”.
- 13. In Schedule 2 to the Land Registration Rules—
  - (a) For Form 1 substitute—

FORM 1

Application by a Solicitor for first registration (rule 11(1))

LAND REGISTRY

<ul style="list-style-type: none"> <li>• Use a separate form for each title to be registered</li> <li>• Complete panels in typescript or capital letters</li> <li>• Form 3 <u>must</u> be used where the application is based on <u>adverse possession</u>.</li> </ul>	FOR OFFICIAL USE ONLY DOCUMENT No.
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**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 e.g. an apartment or flat forming part of a building, the location map must be supplemented by a larger scale plan.*

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“**The land**” The land shown

.....

.....

on the attached map being land situate at/known as

.....

.....

County ..... (See Panels 7 or 8 for registration of claims as to appurtenances or easements)

**NB: Boundaries will be registered in accordance with the map attached to the Form 1 only**

**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.*

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“**The Applicant**”

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

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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 .....

.....

**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).*

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The applicants are:

joint tenants

tenants in common in the following shares: .....

(if shares are not indicated equal shares will be assumed)

**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 ..... between ..... and .....

(if original is not available or return is required lodge certified copy or provide a Deed more than 20 years old reciting its existence).

Good Leasehold estate by virtue of a Lease dated ..... between ..... and ..... for ..... years

(if original is not available or return is required lodge certified copy or provide a Deed more than 20 years old reciting its existence).

Absolute Leasehold estate by virtue of a Lease dated ..... between ..... and ..... for ..... years. The Lessor holds the title to the freehold under a Conveyance dated ..... (if original deeds are not available or return is required, lodge certified copies).

Fee simple absolute. The root of title is a Conveyance dated ..... between ..... and .....

(Must be a Conveyance for value made at least 15 years ago. If not see below. If original is not available or return is required, lodge certified copy.)

Qualified title commencing with a Conveyance dated ..... between ..... and .....

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. (If no deeds are available application must be in Form 3.)

.....

**N.B. If any relevant above Deeds have been lost or destroyed certified copy memorials can be accepted instead as good secondary evidence.**

**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 ..... between ..... and .....

**7. Appurtenant Rights** *Only complete this panel if an appurtenant right is being claimed.*

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 ..... and .....

being a right .....

[shown coloured ..... on map attached to the said Deed].

**[NB: Mapping of this right will not be carried out by Land Registry. A note of a claimed appurtenant right will only be registered where the requisite additional fee has been paid.]**

**8. Easements** *Only complete this panel if a note as to the existence of an easement created prior to first registration under Schedule 5 of 1970 Act is to be registered.*

Land subject to a right comprised in a Deed of ..... dated .....  
and made between ..... and ..... being a right ..... [shown coloured  
..... on map attached to the said Deed].

**[NB: Mapping of this right will not be carried out by Land Registry. A note of the existence of a Schedule 5 burden will only be registered where the requisite additional fee has been paid.]**

**9. 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, and mortgage or charge to be registered and any other document mentioned in Panels 7 or 8 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: .....

**(Signature must be of a qualified Solicitor not that of the firm)**

Date ..... Name of Firm .....

**10. Check List**

- Have you completed the Schedule of Burdens overleaf?
- Have you enclosed—
  - (a) the root of title
  - (b) the assurance to the Applicant
  - (c) any mortgage or other document referred to in Panels 7 or 8 or in the Schedule?
- Have you marked the boundaries on the map?
- Have you attached the map to this application form and have you checked the boundaries are correctly shown on the map and indicated correctly the entire property?
- Have you signed the certificate?

**Important: Please read these instructions carefully before completing the Schedule**

- (1) List burdens **in order of priority** (eg.
  1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5,
  2. Mortgage dated ..... between ..... and .....
- (2) Since **easements** affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should **not** be listed as burdens - see Panel 8 instead.
- (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 all of the land or only part of the land is affected by a burden e.g. **a Lease**, state this and identify that part by reference to the map and state the date, parties, term and rent relevant to the Lease.
- (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.	<i>Particulars of burdens - delete those not relevant; include any others not referred to.</i>
	Yearly rent reserved by Lease dated ..... [indemnified as set forth in Deed dated between ..... and .....].  Yearly Fee Farm Rent and grantees covenants contained in Fee Farm Grant dated ..... [indemnified as set forth in Deed dated between ..... and .....].  Northern Ireland Housing Executive Discount Charge.  Northern Ireland Housing Executive option to purchase Charge.  [Part of] the land [shown..... on the attached map] is subject to a Lease dated ..... between ..... and ..... for ..... years at yearly rent of .....  Covenant(s) contained in Deed dated ..... between ..... and .....  Right of Residence in favour of ..... [Mortgage] [Charge] dated ..... between ..... and .....

- (b) Delete Form 2
- (c) For Form 43 [Rule 92] substitute—

FORM 43

**Application for the registration of a matrimonial or civil partnership charge as a burden**  
(rule 92(1))

(Heading as in Form 18)

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

1. I believe that I am entitled by virtue of Articles 5 and 6 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (hereinafter called “the 1998 Order”) to the registration of a matrimonial or civil partnership charge in my favour affecting the land comprised in the above mentioned folio to the extent of my rights of occupation under the 1998 Order in the dwelling house (*identify the dwelling house which is subject to the rights of occupation, if necessary referring to an ordnance map on which the dwelling house is identified; and refer to any release of part of the dwelling house from the rights of occupation, to the priority conferred on the matrimonial or civil partnership charge by Article 5 of the 1998 Order, to any document postponing its priority and to any order of the court under Article 4 of the 1998 Order in relation to the rights of occupation constituting the charge, and state that a copy of any such release or postponement or a certified copy of any such order accompanies the application*).
2. I am the (wife) (husband) (civil partner) of C.D. of (state address and add, if appropriate) “(the above named Registered Owner)” and I refer to the marriage or civil partnership certificate accompanying this application.
3. The dwelling house is the matrimonial or civil partnership home (or, was the matrimonial or civil partnership home during the period from until).
4. My (husband) (wife) (civil partner) is entitled to occupy the dwelling house by virtue of a beneficial legal estate therein. The title to (his) (her) legal estate is registered in the said folio. (Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years, not being a term for securing money.”)

or

My (husband) (wife) (civil partner) is entitled to occupy the said dwelling house by virtue of a beneficial estate therein existing under a trust. Apart from my (husband) (wife) (civil partner) (and me) there is no person living or unborn who is or could become a beneficiary under the said trust (add, if appropriate: “apart from any potential beneficiaries under a general power of appointment exercisable by either or both of us alone.”) The Trustees of the said trust are E.F. of (state address) and G.H. of (state address) (add, if appropriate: “the above named Registered Owners”) who have a legal estate, the title to which is registered in the said folio. (Add, where the estate is a leasehold one: “It is a leasehold estate for a term exceeding 21 years not being a term for securing money.”)

5. Where an order has been made by virtue of Article 5(7) of the 1998 Order, insert the following paragraph: By an order of the (Family Division of the High Court of Justice in Northern Ireland) ( Recorder’s Court) (County Court for the Division of ) dated the day of 2007 and made by virtue of Article 5(7) of the 1998 Order it was directed that (*give particulars of any direction that the applicant’s rights of occupation should not be brought to an end by the death of the applicant’s spouse or civil partner on the termination of the marriage or civil partnership otherwise than by death and refer to the accompanying certified copy of the order*).
6. There is no subsisting registration of a matrimonial or civil partnership charge in my favour which affects any other dwelling house.

or

There is a subsisting registration of a matrimonial or civil partnership charge in my favour against:

Folio \_\_\_\_\_ County \_\_\_\_\_  
Registered Owner \_\_\_\_\_



And I apply for its cancellation pursuant to Article 7 of the 1998 Order.

or

There is a subsisting registration of a matrimonial or civil partnership charge in my favour registered in the Registry of Deeds against the names of                      and                      and affecting (*identification of dwelling house*) which registration is to be cancelled pursuant to Article 7 of the 1998 Order.

7. I apply for the registration of a matrimonial or civil partnership charge as a burden affecting the land comprised in the above mentioned folio to the extent of my rights of occupation in the said dwelling house.

*(Jurat as in Form 2)*

(d) For Form 44 [Rule 92(4)] substitute—

FORM 44

**Entry of a matrimonial or civil partnership charge as a burden on the register**

*(rule 92(4))*

(The estate or interest of \_\_\_\_\_ of \_\_\_\_\_ in) the land herein is subject to a matrimonial or civil partnership charge within the meaning of Article 5(7) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (hereinafter called “the 1998 Order”) to the extent of the rights of occupation of A.B. of *(state address)* in *(identification of dwelling house as in application referring to any order of the court made under Article 4 of the 1998 Order or to any release of part of the dwelling house from the rights of occupation)*.

*(Refer to any order of the Court made by virtue of Article 5(7) of the 1998 Order as in the application for registration or for renewal of the registration).*

The validity and priority of the said matrimonial or civil partnership charge is affected by Articles 5 and 10 of the 1998 Order (add, if appropriate, particulars of any postponement in priority).

(e) For Form 45 [Rule 92(5)] substitute—

FORM 45

**Application for the renewal of the registration of a matrimonial or civil partnership charge pursuant to Article 9(3)(a) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998**

*(rule 92(5))*

*(Heading as in Form 18)*

In consequence of an order dated \_\_\_\_\_ of (name of court) and made by virtue of Article 5(7) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998, I, A.B. of (state address), (or, I. C.D. of (state address) the solicitor acting for A.B. of *(state address)*) hereby apply pursuant to Article 9(3)(a) of the said Order of 1998 for the renewal of the registration of the matrimonial or civil partnership charge registered (in my favour) (in favour of the said A.B.) against the above mentioned folio on *(insert date)*.

A certified copy of the court order accompanies this application.

Dated \_\_\_\_\_ 2007

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

(f) For Form 100 (Rule 195) substitute—



**5. Documents Lodged:** List ALL documents lodged (attach a continuation sheet if necessary)

Date	Document(s) Lodged	Parties

<p><b>6. Special Directions</b> Complete where any document is to be returned to a person or firm NOT mentioned on Panel 2</p>	<p>Description of document _____ Addressee _____ _____ _____ _____ Postcode _____</p>
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<p><b>7. Change of address</b> This panel should be completed if the address of any person named (or to be named on the folio is to be updated</p>	<p>Please update the address of _____ to read _____ _____ _____ _____ Postcode _____</p>
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**8. Checklist:** This application may be rejected and returned to you if any of the following conditions are not met

<p>(a) Have you enclosed the appropriate fee and signed and dated the cheque? <input type="checkbox"/></p> <p>(b) Have all deeds been properly executed, dated, and witnessed? <input type="checkbox"/></p> <p>(c) Are all relevant deeds accompanied by the appropriate stamp duty land tax form? <input type="checkbox"/></p>	<p>(d) Where the application refers to a map as a map which meets the current requirement enclosed? <input type="checkbox"/></p> <p>(e) Have all necessary land certificates and certificates of charge been lodged? <input type="checkbox"/></p> <p>(f) Have any necessary certificates of identity and associated proofs been lodged? <input type="checkbox"/></p> <p>If you have any queries about completing this form ring our Customer Information Unit on 028 9025 1515 OR e-mail queries to enquiries@lrni.gov.uk</p>
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<p><b>9. Declaration by Applicant or Solicitor</b></p> <p>I/We certify that the information supplied is correct</p> <p>Signature of Applicant or Solicitor _____ Date _____</p>
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## **EXPLANATORY NOTE**

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

These Rules make amendments to the Land Registration Rules (Northern Ireland) 1994 (“the Land Registration Rules”) consequential upon the Family Homes and Domestic Violence (Northern Ireland) Order 1998 and relevant provisions of the Civil Partnership Act 2004 which came into force in Northern Ireland on 5th December 2005.

These Rules also amend the Land Registration Rules to simplify applications for first registration of title and applications relating to registered land and the registration process.