

LAND

COMPULSORY ACQUISITION OF LAND**Interest on Compensation Money**

ORDER, DATED 26TH MARCH, 1956, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 12 OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1955.

1956. No. 42

[NC]

1. In pursuance of section twelve of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1955, the Ministry of Finance hereby determines that the rate of interest payable on compensation money in respect of land compulsorily acquired under section twenty-two of the Local Government Act (Northern Ireland), 1934, shall, as from the 26th day of March, 1956, be five and one half per centum per annum.

2. The Compulsory Acquisition of Land (Interest on Compensation Money) (No. 2) Order (Northern Ireland), 1955(a), shall, as from the said 26th day of March, 1956, be revoked.

3. This Order may be cited as the Compulsory Acquisition of Land (Interest on Compensation Money) Order (Northern Ireland), 1956.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 26th day of March, 1956, in the presence of
(L.S.)

D. C. B. Holden,

Assistant Secretary.

LAND REGISTRY, NORTHERN IRELAND

THE LAND REGISTRY OF NORTHERN IRELAND (ADMINISTRATION OF ESTATES) RULES, 1956, DATED 3RD DAY OF MAY, 1956.

1956. No. 77

[C]

The Ministry of Finance for Northern Ireland in exercise of the powers conferred upon it by section ninety-four of the Local

(a) S.R. & O. (N.I.), 1955, No. 149.

Registration of Title (Ireland) Act, 1891 (a), as amended by the Northern Ireland (Land Registry) (Adaptation of Enactments) Order 1948 (b), and with the concurrence of the Lord Chief Justice and the Chancery Judge, by this order makes the following Rules:—

Short title

1. These Rules may be cited as the Land Registry of Northern Ireland (Administration of Estates) Rules, 1956.

Interpretation

2. In these Rules, unless the context otherwise requires—

- (a) "Act of 1955" means the Administration of Estates Act (Northern Ireland), 1955 (c);
- (b) "Rules of 1936" means the Land Registry of Northern Ireland Orders and Rules 1936 (d); and
- (c) Other expressions have the same meaning as in the Act of 1955.

Application of rules

3. In relation to deaths on or after the 1st day of January, 1956, of owners of any estate or interest in land there shall be substituted for Rules 3 to 12 (inclusive) of Order IV of the Rules of 1936 Rules 4, 5, 6, 7, 8, 9 and 10 of these Rules.

Transmission on death testate

4. (1) On the death testate of a registered owner of any estate or interest in land, who is not registered as a limited owner or as a joint tenant with any other person, any person beneficially entitled under the will to any estate or interest in the land which is capable of registration may be registered as owner of that estate or interest upon lodgment in the proper office of the original or a certified copy probate of the will of the deceased registered owner, or the original or certified copy letters of administration with the will annexed as the case may be, together with a verified assent of the personal representative in Form No. 1 in the Schedule to these Rules or as near thereto as may be. There shall be specifically stated in the assent the names, addresses and descriptions of all persons who are, or on the death of the registered owner became entitled to any estate or interest in the land.

(2) In cases where the person claiming to be registered as owner of an estate or interest is himself the sole personal representative, there shall be submitted for the assent above mentioned an affidavit by him containing averments similar to those to be inserted in the said assent, together with all documents necessary to vouch the discharge of any prior estate or interest or of any burden created by the will which has been discharged.

(a) 54 & 55 Vict. c. 66.
(b) S.I. 1948 No. 485.

(c) 1955 c. 24.
(d) S.R. & O. 1936 No. 561.

Transmission on death intestate

5. (1) On the death intestate of a registered owner of any estate or interest in land, who is not registered as a limited owner or as a joint tenant with any other person, any person beneficially entitled under the intestacy of the registered owner to any estate or interest in the land which is capable of registration may be registered as owner of that estate or interest upon lodgment in the proper office of the original or a certified copy letters of administration to the estate of the deceased registered owner together with a verified assent by the personal representative in Form No. 2 in the Schedule to these Rules, or as near thereto as may be. Such assent shall state specifically how such person became entitled to be so registered as owner of the said estate or interest and shall refer to all facts or documents necessary to show his title thereto, including documents necessary to vouch the discharge of any prior estate or interest.

(2) Where the person claiming to be registered as owner is the sole personal representative there shall be substituted for the assent above mentioned an affidavit by such personal representative containing averments similar to those to be inserted in the said assent. Such affidavit shall be accompanied by an affidavit of an independent person corroborating the statements made in the affidavit of the claimant and by such further evidence as the Registrar may require in confirmation of the statements aforementioned.

(3) Where the sole personal representative is a spouse whose claim to be registered arises by reason of the net value of the estate in respect of which the deceased died intestate, exclusive of personal chattels, not exceeding the amount specified in paragraph (a) of sub-section (2), or (as the case may be) paragraph (a) of sub-section (4) of Section Seven of the Act of 1955 the affidavit by such personal representative shall also state the net value of the estate in respect of which the deceased died intestate, exclusive of personal chattels, and the net value so stated may be accepted as conclusive by the Registrar.

On sale by personal representatives

6. Where on the death testate or intestate of a registered owner of land who is not registered as a limited owner or as a joint tenant with any other person, his personal representatives have sold the lands to a purchaser, such purchaser may be registered as owner on the lodgment in the proper office of the original or a certified copy probate or letters of administration as the case may be, and the transfer from the personal representatives, 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 the registered owner of the lands transferred.

Noting death

7. On the death testate or intestate of a registered owner of land, who is not registered as a limited owner or as a joint tenant with any other person, his personal representatives may, on the

lodgment in the proper office of the original or a certified copy probate or letters of administration, as the case may be, 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 the registered owner of the land, require an entry to be made in the Register setting out the fact of such death and the names of such personal representatives.

Registration of beneficiary after death noted

8. Where the entry referred to in the foregoing Rule appears in the Register, the persons beneficially entitled under the will or intestacy of the registered owner shall be registered as owners on lodgment in the proper office of such assent or affidavit as is required by Rules 4 and 5 of these Rules and on production of the original or a certified copy probate of the will or letters of administration with the will annexed of the registered owner in the case of a death testate.

Registration of purchaser after death noted

9. Where the personal representatives whose names are entered in the Register under Rule 7 of these Rules sell the lands, the purchaser from them shall be entitled to be registered as owner on lodgment in the proper office of the deed of transfer only.

Execution of transfer

10. All surviving personal representatives save as provided by Section 34(6) of the Act of 1955 must execute any transfer referred to in Rules 6 and 9 of these Rules.

Abolition of certain fees

11. So much of Rule 1 of Order XIII of the Rules of 1936 as may operate to require the payment of any fee on the transmission of registered land from personal representatives to the person entitled thereto under the will, or on the intestacy of a deceased owner, shall not apply in relation to any such owner dying on or after the first day of January, nineteen hundred and fifty-six.

Sealed with the Official Seal of the Ministry of Finance for
Northern Ireland this 3rd day of May, 1956,
(L.S.) in presence of

C. J. Bateman,
Assistant Secretary.

We, the Lord Chief Justice of Northern Ireland and the
Chancery Judge hereby concur with the foregoing
Rules this 4th day of May, 1956.

MacDermott,
Lord Chief Justice of Northern Ireland.

L. E. Curran,
Chancery Judge.

SCHEDULE OF FORMS

FORM No. 1

Transmission on death testate of a Registered Owner of land
 Assent of Personal Representatives.
 Land Registry of Northern Ireland.

Folio No..... County..... Lands of.....

Registered Owner.....

1. The above-named registered owner died on the _____ of 19____, having made his last will dated the _____ of _____ 19____, whereby he devised the lands comprised in the above-mentioned Folio to [state the name, full postal address and description of the devisee and, if more than one, the nature of the co-tenancy] (hereinafter called the devisee(s)).

2. Probate of the said will was, (or, Letters of Administration with the said will annexed were) on the _____ of _____ 19____, granted to _____ (hereinafter called the personal representatives).

3. The said will created the following burdens on the said lands:—

4. Of the burdens referred to in the preceding paragraph, the following have been discharged:—

[state particulars of discharge]

5. The duties payable to the Crown on the death of the registered owner have (not) been accounted for.

6. The personal representatives at the request of the devisee(s) hereby assent to the devise contained in the said will and to the registration of the devisee(s) as [state precisely the nature of the ownership sought to be registered] of the said lands, subject as in the said Folio set forth and to the following additional burdens:—

[state such of the burdens mentioned in paragraph 3 hereof as have not been discharged and also (when appropriate) a charge for £ _____ being a sum of money which the personal representatives are liable to pay]

Signed by the personal representatives in the presence of

Signature of Personal Representatives

Name

.....

Address

.....

Description

.....

Name

.....

Address

.....

Description

.....

Affidavit verifying the foregoing Assent.

Land Registry of Northern Ireland.

We, the above-named personal representatives, make oath and say:—

1. We have read the foregoing Assent, and the statements therein are true.
2. Every fact material to the title has been disclosed to the Registrar.

Sworn, etc.

Transmission on death intestate of a registered owner of land.

Assent of Personal Representatives

Land Registry of Northern Ireland

Folio No..... County..... Lands of.....

Registered Owner.....

1. The above-mentioned registered owner died on the 19... of... Intestate, leaving his spouse and [state the names, full postal addresses and descriptions of all persons entitled in distribution to the deceased's estate. It should be stated whether the deceased had any adopted children and, if the deceased had any lawful children, whether any of such lawful children was the subject of an adoption order. If the deceased died without child or adopted child, then in any such case, it should be stated whether the deceased was himself or herself the subject of an adoption order.]

2. Letters of Administration to the estate of the said registered owner were on the ... of ... 19... , granted to (hereinafter called the personal representative):

3. The net value of the estate of the said registered owner, exclusive of personal chattels, is £

[This paragraph shall be included only in cases where the spouse is to be registered as sole owner by reason of such net value:]

4. The duties payable to the Crown on the death of the registered owner have. (not) been accounted for.

5. The personal representative hereby assents at their request to the registration of the persons named in paragraph 1 hereof as owners in fee-simple of the said lands as tenants in common in the following shares: [state precisely the undivided shares of the persons to be registered as owners] subject as in the said Folio set forth and to:—

[Add where appropriate]

(1) A charge for £ ... being a sum of money which the personal representative is liable to pay

(2) A charge for £ ... in favour of of, etc. (the spouse)

[To be signed, attested and verified as in Form No. 1]