1991 No. 340

LAND REGISTRATION

Land Registration (Amendment No. 2) Rules (Northern Ireland) 1991

Made . . . . . *30th July 1991*

Coming into operation . . *2nd September 1991*

The Department of the Environment, in exercise of the powers conferred by sections 67(4)(**a**), 79 and 85(3) of the Land Registration Act (Northern Ireland) 1970(**b**), and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**c**) and now vested in it(**d**), and 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 and commencement

1. These Rules may be cited as the Land Registration (Amendment No. 2) Rules (Northern Ireland) 1991 and shall come into operation on 2nd September 1991.

Amendment of the Land Registration Rules (Northern Ireland) 1977

2. The Land Registration Rules (Northern Ireland) 1977(**f**) shall be amended as provided by rules 3 to 7.

Interpretation

3. In Rule 2, after the definition of ''certified copy'' there shall be inserted—

' ''Criminal Justice Order'' means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990;'

Registration discharge and variation of charging orders under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990

4.—(1) The following rules shall be inserted immediately after rule 90—

''*Registration of charging orders under the Criminal Justice Order*

90A. An application to register a charging order made under Article 14 of the Criminal Justice Order shall be made by lodgment in the Registry of a certified copy of the order and of any order varying it under Article 14(6) of the Criminal Justice Order.

(**a**) As applied by Article 13 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 S.I. 1990/2588 (N.I. 17)
(**b**) 1970 c. 18 (N.I.)
(**c**) 1974 c. 28
(**d**) 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

Discharge and variation of charging orders under the Criminal Justice Order

90B. An entry in the register protecting a charging order under Article 14 of the Criminal Justice Order shall be vacated or modified, as appropriate, upon lodgment in the Registry of a certified copy of an order of the High Court under Article 14(6) of the Criminal Justice Order discharging or varying such an order or directing that the relevant entry be vacated.''.

(2) At the beginning of rule 90(1) for ''An application'' there shall be substituted ''Except in a case to which rule 90A applies, an application''.

Registration etc of inhibition under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990

5.—(1) In rule 107(1) immediately after ''39'' there shall be inserted '', 113A''.

(2) In rules 110 and 111 immediately after ''inhibition'' there shall be inserted ''(other than one to which rule 113A applies)''.

(3) The following rule shall be inserted immediately after rule 113—

''*Registration modification and withdrawal of inhibition under the Criminal Justice Order*

113A.—(1) An application to the Registrar to enter an inhibition under Article 13(13) of the Criminal Justice Order may be made by lodgment in the Registry of an application in Form 61A.

(2) Where a restraint order has been made under Article 13 of the Criminal Justice Order prior to the making of an application under paragraph (1), that application shall be accompanied by a certified copy of the order and of any order varying it under Article 13(6) of the said Criminal Justice Order.

(3) Where an application under paragraph (1) is made to the Registry, notice in Form 61B shall be sent therefrom to the persons appearing from the register to be entitled to transfer or charge the interest in the land to which the application relates.

(4) Without prejudice to Article 13(15) of the Criminal Justice Order an inhibition under Article 13(13) of that Order may be withdrawn or modified at the request or with the agreement of—

(*a*) either:—

(i) the prosecution (within the meaning of Article 12(3)(*b*) of the Criminal Justice Order), or

(ii) the Director of Public Prosecutions for Northern Ireland or an official authorised by him in that behalf; and

(*b*) where it is proposed to modify the inhibition, the persons appearing from the register to be entitled to transfer or charge the interest in the land to which the inhibition relates.

(5) An application to withdraw or modify an inhibition to which paragraph (4) relates shall be in Form 63 save that the signatories shall be the persons set out in paragraph 4 or their solicitors.''.

Production of certificates of title

6. For rule 124(1)(*h*) there shall be substituted:—

"(*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 notice under section 59(1) of the Act, or

(vi) a restraint order or charging order made under the Criminal Justice Order.".

Forms

7. After Form 61 in the Schedule there shall be inserted the forms set out in the Schedule to these Rules.

Sealed with the Official Seal of the Department of the Environment on 30th July 1991.

(L.S.) *R. Warburton*
Assistant Secretary

SCHEDULE Rule 7

FORM 61A

Application for the Entry of an Inhibition under the Criminal Justice Order (Rule 113A(1))

(Heading as in Form 9)

I, A.B. of

make oath and say—

1. (*Set out details of the restraint order made by the High Court or details of the application for such an order.*)

2. (*Identify the land in the folio including the estate or interest therein to which the restraint order or the application for such an order relates. Where necessary, refer to a map of land.*)

3. (*Refer to and exhibit a certified copy of the restraint order and of any order varying it under Article 13(6) of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990, or, where appropriate, a copy of the application for the restraint order.*)

4. (*Set out the facts necessary to establish that the deponent is authorised to make the application on behalf of the prosecution within the meaning of Articles 12(3)(b) and 13(13) of the said Order. Also set out the deponent's address in the United Kingdom for service of notices.*)

5. I apply that an entry be registered on the above mentioned folio inhibiting any dealing with the estate or interest described in paragraph 2 above without the consent of the High Court.

(*Jurat as in Form 1*)

FORM 61B

Notice of Application to enter an Inhibition under the Criminal Justice Order (Rule 113A(3))

(*Heading as in Form 9*)

(Application No.)

TAKE NOTICE that an application has been made by

of

for the registration on the above mentioned folio of an entry inhibiting any dealing with (*state the estate or interest the subject of the inhibition*) without the consent of the High Court. A copy of the application is attached hereto.

No acknowledgement of this notice is necessary but if you consider that there is an error in the application or entry of registration, you should lodge forthwith a statement in writing, describing such error, with the Registrar of Titles, Land Registry (*state address*). Any such statement should quote the above County, folio number and application number.

Dated

TO:

EXPLANATORY NOTE

(This note is not part of the Rules.)

Under Article 13 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (''the Criminal Justice Order'') the High Court may by order (''a restraint order'') prohibit any person from dealing with certain property. Under Article 14 of that Order the High Court may make a charging order on property for securing payment to the Crown of certain amounts.

These Rules, which come into operation on 2nd September 1991, prescribe the procedure, documents and evidence required for the registration in the Land Registry of inhibitions relating to restraint orders and of charging orders made under the Criminal Justice Order. They also provide for the procedure for the modification and withdrawal of such inhibitions and the modification and vacation of entries in respect of such charging orders.