1991 No. 7

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 1991

Made . . . . . *10th January 1991*

Coming into operation . . *28th March 1991*

ARRANGEMENT OF RULES

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The Department of the Environment, in exercise of the powers conferred by sections 10, 12, 14(6), 19(7), 27(1), 28, 48(2), 49(1), 55(2), 79 and 85(3) of, and paragraphs 1, 3 and 5 of Schedule 3, paragraphs 4 and 6 of Schedule 4 and paragraph 1 of Part II of Schedule 6 to the Land Registration Act (Northern Ireland) 1970(**a**), and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and now vested in it(**c**), and every other power enabling it in that behalf, with the advice and assistance of the Land Registry Rules Committee(**d**), hereby makes the following rules—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Land Registration (Amendment) Rules (Northern Ireland) 1991 and shall come into operation on 28th March 1991.

(2) In these Rules—

"Department" means the Department of the Environment;

"the principal Rules" means the Land Registration Rules (Northern Ireland) 1977(**e**).

Form and contents of registers

2. For rule 5 of the principal Rules, there shall be substituted the following rule—

"*Form and content of registers*

5.—(1) Each register shall be divided into folios and each folio shall bear a distinguishing number.

(2) Every new folio opened after the commencement of these Rules shall be divided into three parts as follows—

(*a*) Part I, containing a description of the land (including a reference to the relevant registry map and, where appropriate, a reference to the lease creating the registered estate), any authorised entries

(**a**) 1970 c. 18 (N.I.)
(**b**) 1974 c. 28
(**c**) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II
(**d**) Established by 1970 c. 18 (N.I.) s. 85(1)
(**e**) S.R. 1977 No. 154

relating to mineral rights and such appurtenances and other relevant particulars or matters as the Registrar considers necessary or desirable;

(*b*) Part II, containing particulars of the owner of the land, the class of title, the class of ownership and such other particulars or matters as the Registrar considers necessary or desirable; and

(*c*) Part III, containing particulars of the incumbrances on the land, including the ownership of registered charges, notices as to the existence or otherwise of Schedule 5 burdens, and such other particulars or matters as the Registrar considers necessary or desirable.

(3) Subject to rule 6, all folios existing at the commencement of these Rules shall be revised in accordance with paragraph (2) as soon as the revision can, in the opinion of the Registrar, be conveniently effected.

(4) Every entry in a folio of a person as a registered owner or as a cautioner or in any other capacity, or as entitled to receive any notice, shall include his address in the United Kingdom for service of notices.''.

Index of names

3.—(1) For rule 12 of the principal Rules there shall be substituted the following rule—

''*Index of names*

12. There shall be maintained in the Registry an index of names containing the name of every registered owner (except registered owners of charges) in every folio, and the folio reference.''.

(2) In rule 167 of the principal Rules the words ''or the index of lands'' shall be deleted.

Days and hours of business

4. Rule 13 of the principal Rules is hereby revoked.

Applications for first registration

5.—(1) For rule 14 of the principal Rules, there shall be substituted the following rule—

''*Presentation of applications for first registration*

14.—(1) Subject to paragraph (2), every application for first registration of ownership shall, except in the case of a charge to which section 41(2) of the Act applies or in a case to which rule 84(1), 85(1) or 87 applies, be made in Form 1, 2, 3 or 4 with such modifications as the case may require, and where the application is to register the ownership of a registered burden a map shall not be necessary.

(2) Where an application for first registration is lodged by a solicitor, the Registrar may accept, as an alternative to an application in Form 1, 2, 3 or 4, a certificate by a solicitor to the effect that—

(*a*) he acts for the applicant and has examined the title to, and made or caused to be made all necessary searches and enquiries in respect of, the land described in the certificate as thoroughly as would be

required for the purchase of such land for full value under a contract limiting only the length of title to be shown to that set out in rule 31(1);

(*b*) he believes the applicant is, and has been since the date of acquisition as specified in the certificate, in undisputed possession of the land or in receipt of the rents and profits thereof;

(*c*) he is not aware of any question or doubt affecting the applicant's title or of any claim to the land adverse to the interest of the applicant;

(*d*) he is satisfied that the applicant has not entered into any arrangement, created any incumbrance, or incurred any liability giving rise to any incumbrance requiring entry on the register except as may be stated in the certificate;

(*e*) where the applicant is a corporate body—

(i) it has power to hold and dispose of the land;

(ii) any charge or mortgage by it requiring to be registered with the registrar of companies has been so registered;

(iii) no floating charge has been created by it (or, if a floating charge has been created, giving details and confirming that it has not crystallised), or as the case may be; and

(iv) the certifying solicitor is not aware of any petition or resolution for the applicant to be wound up; and

(*f*) the applicant is entitled to be registered as owner of the land for the estate and with the classes of ownership and title shown in the certificate subject to registration of only such burdens (not being matters which affect the land without registration by virtue of section 38 of and Schedule 5 to the Act) as are set out in the certificate.''.

(2) The following item shall be added as ''(*e*)'' to the list of documents set out in rule 15 of the principal Rules:—

''(*e*) where the application is made by a solicitor's certificate under rule 14(2), a duplicate, counterpart, or copy certified by a solicitor as a true copy, of—

(i) the assurance to the applicant;

(ii) the fee farm grant (if any) under which the land is held;

(iii) any mortgage or charge to be registered; and

(iv) any other document which is referred to in the solicitor's certificate and contains full details of a matter which requires to be registered on first registration.''.

(3) For paragraph (1) of rule 16 of the principal Rules, there shall be substituted the following paragraph—

''16.—(1) An application for first registration of the ownership of a leasehold estate shall, except in a case to which rule 85(1) or rule 87 applies unless the Registrar otherwise directs, be accompanied by the documents listed in rule 15 save that the reference in item (*e*)(ii) to 'the fee farm grant (if any) under which the land is held' shall be read as a reference to 'the lease under which the land is held'.''.

Reclassification of title

6.—(1) For rules 25, 26 and 27 of the principal Rules there shall be substituted the following rules—

"*Reclassification of possessory titles formerly subject to notes as to equities*

25. An application under paragraph 1 of Schedule 3 to the Act by a registered owner to reclassify as absolute a title deemed to be possessory, shall be made, where no other alteration is required to be made on the register, by lodgment of an application in Form 9 or in the form of a certificate by a solicitor containing a statement that he has made all necessary enquiries and also containing statements to the same effect as those in Form 9.

Reclassification on efflux of time

26. An application, under paragraph 2 of Schedule 3 to the Act by a registered owner or by a transferee for valuable consideration of the estate of a registered owner, to reclassify a title on registration of the transfer, shall be made by lodgment of an application in Form 10 or an application in the form of a certificate by a solicitor to the same effect.

Reclassification of certain qualified titles

27. An application under paragraph 3 of Schedule 3 to the Act may be made in Form 12 where such application is made by the registered owner to reclassify as a good fee farm grant, or a good leasehold, title, a title registered at the commencement of the Act as a qualified title and the Registrar at the time of first registration would have been justified in registering the title as a good fee farm grant, or a good leasehold, title if the provisions of section 13 of the Act had applied at that time.

Reclassification of titles in other cases

27A.—(1) An application to reclassify a title in any other case shall be made in Form 11.

(2) An application in Form 11 may be accompanied by a certificate by a solicitor confirming the contents of the applicant's affidavit to be true, that all necessary searches and enquiries have been made, and that the reclassification sought is justified.".

(2) At paragraph (2) of rule 28 of the principal Rules, "27A" shall be substituted for "27".

Examination of title

7. The following paragraph shall be added to rule 30 of the principal Rules—

"(3) In the course of any examination of title, the Registrar may take such indemnity (if any) as he considers necessary or expedient.".

Modification of examination of title

8. For rule 31 of the principal Rules, there shall be substituted the following rule—

"*Modification of examination of title*

31.—(1) Except as otherwise provided in this rule, the title to be shown by an applicant may commence with a disposition of the land, made not less than 15 years before the date of the application, that would be a good root of title on a sale under a contract limiting only the length of title to be shown.

(2) Where the title of an applicant has been examined by the conveyancing counsel appointed by a court, on a sale or purchase of the land under an order of such court, the examination of title may be modified in such manner as the Registrar thinks fit.

(3) Where, in the course of the investigation of a title, the applicant requests that the title should be referred to counsel for his opinion, or the Registrar considers such a reference to be desirable, the Registrar may, with the consent and at the expense of the applicant, refer the title to counsel for his opinion, either generally or upon any specific matter.

(4) Except as otherwise provided in the Act or these Rules, where an application involving examination of title is made in accordance with these Rules in the form of a solicitor's certificate which sets out details of such title—

(*a*) the Registrar may accept and approve the title as set out in the certificate without further examination or enquiry; and

(*b*) upon such approval, any requirement in the Act or these Rules for examination of the title shall be regarded as having been satisfied by the Registrar's consideration and acceptance of the details of the title as set out in the certificate.".

Modification and cancellation of burdens other than charges

9. Rule 35 of the principal Rules is hereby revoked and for rule 70 of the principal Rules there shall be substituted the following rule—

"*Modification and cancellation of burdens other than charges*

70.—(1) Where an application is lodged pursuant to section 48(1)(*a*) of the Act to modify or discharge a covenant or condition which is registered as a burden under entry 12 of Part I of Schedule 6 to the Act, evidence that all persons concerned have consented may consist of a consent in writing signed by them or by their solicitors on their behalf.

(2) Where a lease or an incorporeal right held in gross is registered as a burden but its ownership is not registered, its registration as a burden shall not be cancelled or modified except after examination of the title to such lease or incorporeal right.

(3) Save as otherwise provided in the Act or these Rules, any registration of notice of the existence of a Schedule 5 burden or any registration of a Schedule 6 burden, other than a charge or a covenant or condition to which section 48(1) of the Act applies, may be modified or cancelled upon lodgment in the Registry of either—

(*a*) an affidavit of the registered owner of the land subject to such burden, 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 the modification or cancellation and after such examination of title as the Registrar may consider proper; or

(*b*) a certificate by a solicitor, referring where appropriate to any accompanying release or other document necessary for the modification or cancellation sought, and containing statements by the solicitor to the following effect, modified as necessary in any particular case—

(i) he acts for the applicant;

(ii) he has investigated any unregistered title affected by the application for modification or cancellation and made or caused to be made all necessary searches and enquiries in respect of that title as thoroughly as would be required for its purchase for full value under a contract limiting only the length of title to that set out in rule 31(1);

(iii) he has investigated any registered title affected by the application;

(iv) he is satisfied, as the result of his investigation and subject to registration, that there is vested in the applicant, or in a person specified in the certificate, entitlement to the burden and/or other estate or interest in the land as set out in the certificate free from any adverse rights or incumbrances other than those (if any) set out in the certificate;

(v) he is not aware of any question or doubt regarding, or any claim adverse to, such entitlement; and

(vi) he requires such registrations or cancellations as are specified in the certificate and are consistent with the facts as certified by him.

(4) Except where all persons concerned consent to the modification or cancellation, or where a certificate by a solicitor has been lodged in accordance with paragraph (3), modification or cancellation under this rule shall be made only after such enquiries have been made and such notices given as the Registrar may direct.''.

Extinguishment of leasehold estates

10.—(1) In rule 36 of the principal Rules, the words ''or by a solicitor's certificate to the same effect'' shall be inserted as follows—

(*a*) in sub-paragraphs (1)(*a*) and (1)(*b*), immediately after the words ''Form 18'';

(*b*) in paragraph (2), immediately after the words ''Form 19''; and

(*c*) in paragraph (3), immediately after the words ''Form 20'' at the first place they appear.

(2) In the said rule 36, the words ''Except where the title set out in a solicitor's certificate lodged in accordance with this rule has been accepted and approved,'' shall be inserted at the beginning of paragraph (4).

Notice to registered owners

11. At rule 49 of the principal Rules the words "may, where the Registrar considers such notice necessary or desirable," shall be substituted for the word "shall".

Assent or transfer by personal representative

12.—(1) For rules 55 and 56 of the principal Rules there shall be substituted the following rules—

"*Assent or transfer by personal representative*

55.—(1) Where, on the death of a registered owner, registered land vests in his personal representative, an assent by the personal representative in favour of a person who claims to be entitled to the land shall be in Form 32.

(2) Where instead of executing an assent a personal representative transfers registered land to a person claiming to be entitled as a result of the death of the registered owner, the transfer may be in one of the forms of transfer prescribed by these Rules, modified to include a statement by the personal representative that the transfer is made for the purpose of administering the estate of the deceased registered owner and with such other modifications as may be necessary.

(3) Where the assent is in respect of a charge of which the deceased was the registered owner, Form 32 may be modified as necessary.

(4) (*a*) Subject to the provisions of the Act and these Rules, the Registrar, on production of the documents mentioned in sub-paragraph (*b*), shall register the person named in the assent or transfer for that purpose with the appropriate class of ownership and, subject to paragraph 3 of Part II of Schedule 6 to the Act, that person may be registered as owner subject to such burdens (if any) as are set out in the assent or transfer.

(*b*) The documents to be produced for the purpose of sub-paragraph (*a*) are—

(i) an assent or transfer prescribed by this rule,

(ii) the grant of letters of administration or probate or an office copy of the grant, and

(iii) written evidence of the identity of the deceased named in the grant with the owner stated to be deceased.

(5) Subject to the provisions of the Act and these Rules, where the Registrar is satisfied that on the death of a registered owner his estate vested in his personal representative and that an assent or transfer prescribed by this rule has been executed by the personal representative then, in processing the application for registration, the Registrar shall not challenge or question the validity of the making of such an assent or transfer for any reason whatsoever and, whether or not he has notice of the contents of the deceased's will (if any), the deceased's marital status, or any other fact which may be relevant to the administration of the estate, he shall assume that the personal representative is acting correctly and within his powers.

(6) In any case where a person who has become entitled to be registered as owner has died before being so registered, the person then entitled to be registered as owner may be so registered upon lodgment of the documents or evidence proving the entitlement of the deceased person and an assent or transfer by his personal representative as if that person had been a registered owner.

Transfer for value by personal representative

56. Where a personal representative transfers registered land to a purchaser for value, the transfer may be in one of the forms of transfer prescribed by these Rules with the necessary modifications.''.

(2) At rule 57 of the principal Rules, the words ''Every assent under rule 55 and'' shall be deleted.

(3) For Forms 32, 33, 34 and 35 in the Schedule to the principal Rules there shall be substituted Form 32 in the Schedule to these Rules.

Death of a joint tenant

13. At paragraph (1) of rule 60 of the principal Rules the following words shall be added after ''Form 39''—

''or in the form of a certificate by a solicitor to the same effect.''.

Determination of limited ownership

14.—(1) In paragraph (1) of rule 61 of the principal Rules, the following words shall be inserted immediately after the words ''so entitled''—

''or a certificate by a solicitor''.

(2) At paragraph (3) of the said rule, immediately before the word ''affidavit'' the word ''an'' shall be substituted for the word ''the''.

Registration of charge created by a company

15. For rule 74 of the principal Rules, there shall be substituted the following rule—

''*Charges created by companies*

74.—(1) Where on an application for registration of a charge created by a company within the meaning of the Companies (Northern Ireland) Order 1986(**a**), the documents lodged do not establish that the charge has been registered with the registrar of companies under Part XIII of that Order, a note to that effect shall, on registration of the charge, be entered on the register.

(2) The Registrar may accept a certificate by a solicitor as to whether or not a floating charge created by a company has crystallised as sufficient evidence of the facts as certified.''.

Modification or cancellation of registered charges

16. In rule 81 of the principal Rules the following shall be inserted immediately after the words ''such modification or cancellation''—

(a) S.I. 1986/1032 (N.I. 6)

"(which evidence may, if the Registrar thinks fit, consist of or include a certificate by a solicitor)".

Application to register lease as a burden

17. In rule 89 of the principal Rules, for the words "or attested copy of the lease" there shall be substituted the following words—

"of the lease or a certified copy".

Certificates of charge

18. For rules 117 and 118 of the principal Rules there shall be substituted the following rules—

"*Form of certificate of charge*

117.—(1) A certificate of charge shall relate to the title to the charge, and shall not extend to the title to the land the subject of the charge, and every such certificate shall have affixed to it the official seal of the Registry and, except where the Registrar issues an endorsed certificate of charge pursuant to rule 118, shall be in Form 67, with such modifications as the Registrar in the special circumstances of any case may direct, and shall contain particulars of—

(*a*) the land charged;

(*b*) the charge, the ownership thereof and incumbrances thereon;

(*c*) the cautions and inhibitions appearing in the folio as affecting the charge on the date of issue or, as the case may be, re-issue of the certificate; and

(*d*) such further particulars (if any) as the Registrar thinks fit.

(2) The certificate of charge may have annexed to it a duplicate of the instrument of charge or a certified copy of the instrument, and in any such case particulars of the charge may be given in the certificate by reference to such duplicate or copy.

Endorsed certificate of charge

118. Where the original instrument of charge together with a duplicate or a certified photocopy of the instrument is lodged for registration, the Registrar may issue the original instrument 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 instrument so endorsed shall be the certificate of charge.".

Dispensing with certificates of title

19. The following paragraph shall be added to rule 126 of the principal Rules—

"(6) Subject to paragraph (2) the Registrar may accept, for the purposes of dispensing with production of a certificate under paragraph (1), (3) or (4), a certificate by the solicitor acting for the applicant to the effect that the matters set out in sub-paragraphs (*a*) and (*b*) of paragraph (1) apply, or, as the case may be, that the certificate of title has been lost or destroyed and that paragraph (3) or sub-paragraph (*b*) of paragraph (4)

applies, and such solicitor's certificate shall also certify that adequate enquiries have been made and, where appropriate, a suitable advertisement has been published.''.

Duplicate certificates of title

20. For rule 128 of the principal Rules there shall be substituted the following rule—

''*Issue of new certificate of title where certificate lost or destroyed*

128.—(1) Where it is proved to the satisfaction of the Registrar that any certificate of title has been lost or destroyed he may issue a new certificate of title after giving such notices and directing such advertisements in local or other newspapers and making such enquiries as he may consider necessary.

(2) The Registrar may issue a new certificate of title on the receipt of a certificate by the applicant's solicitor to the effect that—

(i) the original certificate of title has been lost or destroyed;

(ii) the applicant is the person entitled to its custody;

(iii) adequate enquiries have been made; and

(iv) where appropriate, a suitable advertisement has been published.

(3) Before issuing a new certificate of title under this rule the Registrar may take such indemnity (if any) as he considers necessary or expedient.''.

Registration of, and dispositions by, a body corporate

21. The following paragraph shall be added to rule 144 of the principal Rules—

''(4) Without prejudice to paragraph (3), the Registrar may accept as sufficient evidence of the matters mentioned in paragraph (2) and of the due execution of a deed by a body corporate, a certificate by a solicitor stating that the disposition is within the powers of disposition of the body corporate and the deed has been executed validly by it.''.

Execution of documents

22.—(1) In paragraph (1) of rule 159 of the principal Rules, the following words shall be inserted immediately after the word ''land''—

''not being an execution by a body corporate''.

(2) In paragraphs (3) and (4) of the said rule 159, the following words shall be added at the end of each paragraph—

''or alternatively shall be verified by a certificate by a solicitor to the same effect.''.

Execution of documents by attorney

23. For rule 160 of the principal Rules there shall be substituted the following rules—

"*Execution of documents by attorney*

160.—(1) Subject to rule 160A, the provisions of this rule shall apply where a document executed by an attorney is lodged in the Registry.

(2) There shall be produced to the Registrar evidence of the identity of the donor of the power of attorney together with the following—

(*a*) the original power of attorney; or

(*b*) a duplicate or certified copy thereof; or

(*c*) an office copy of a power of attorney registered under the Enduring Powers of Attorney (Northern Ireland) Order 1987(**a**) or under the Enduring Powers of Attorney Act 1985(**b**); and

(*d*) an office copy of any Order made under Article 10 of the Enduring Powers of Attorney (Northern Ireland) Order 1987 or section 8 of the Enduring Powers of Attorney Act 1985.

(3) If any transaction between the donee of a power of attorney and the person dealing with him is not completed within twelve months of the date on which the power came into operation, evidence shall be produced to the Registrar to satisfy him that the power had not been revoked at the time of the transaction.

(4) Where the power was in the form prescribed in the Enduring Powers of Attorney Regulations (Northern Ireland) 1989(**c**) the evidence that the power had not been revoked shall, unless the Registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee of the power that he did not, at the time of the completion of the transaction—

(*a*) know of any revocation of the power whether by the donor or by an order of a court;

(*b*) know of the occurrence of any event (such as the death of the donor or the bankruptcy of the donor or of any donee or a direction by a court on exercising its powers under Part VIII of the Mental Health (Northern Ireland) Order 1986(**d**)) which had the effect of revoking the power;

(*c*) know that the power was not a valid enduring power of attorney and had been revoked by the donor's mental incapacity.

(5) In any case to which paragraph (4) does not apply the evidence that the power has not been revoked shall, unless the Registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee that he did not, at the time of the completion of the transaction—

(*a*) know of any revocation of the power;

(*b*) know of the occurrence of any event (such as the death, bankruptcy or other incapacity of the donor) which had the effect of revoking the power.

(**a**) S.I. 1987/1627 (N.I. 16)
(**b**) 1985 c. 29
(**c**) S.R. 1989 No. 64
(**d**) S.I. 1986/595 (N.I. 4)

Provided that where the power was expressed in the instrument creating it to be irrevocable and to be given by way of security the statutory declaration shall be to the effect that the declarant did not know that the power was not in fact given by way of security and did not know that the power had been revoked by the donor acting with the consent of the donee.

Solicitor's certificate as to execution by attorney

160A. As an alternative to the evidence required by rule 160, the Registrar may accept a certificate by a solicitor identifying the donor of the power of attorney and certifying that the document lodged for registration has been executed validly by the donee of the power of attorney on behalf of the donor pursuant to a power in that behalf contained in the power of attorney, and that such power has not been revoked or there is a conclusive presumption under section 4 of the Powers of Attorney Act (Northern Ireland) 1971(**a**) or, as the case may be, Article 11 of the Enduring Powers of Attorney (Northern Ireland) Order 1987, as to the validity of the transaction.''.

Documents which may be returned

24. The following paragraph shall be added to rule 163 of the principal Rules—

''(4) Where an entry on the register is founded on matters set out in a certificate, affidavit or statutory declaration by a solicitor, any deeds or other documents which accompanied the application for registration and which the Registrar does not consider necessary, practicable or expedient to retain, may be returned to the person who would be entitled to their custody if the land were unregistered.''.

Addresses to be furnished

25. For rule 178 of the principal Rules there shall be substituted the following rule—

''*Addresses to be furnished*

178.—(1) Every person whose address is required, under rule 5(4), to be entered on a folio, shall furnish an address, or if he so desires two addresses, in the United Kingdom to which notices may be sent to him from the Registry.

(2) In the absence of any specific statement of an address in the United Kingdom for such a person, the address of his solicitors may be entered on the folio as his address for the purpose of service of notices.

(3) The entry of any address of such person may at any time be altered at the request of such person and after giving such notice (if any) as the Registrar considers appropriate.''.

(a) 1971 c. 33 (N.I.)

Sealed with the Official Seal of the Department of the Environment on 10th January 1991.

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

Form substituted for Forms 32, 33, 34 and 35 in the Schedule to the Principal Rules

FORM 32

"Application by way of assent for registration on death of a registered full owner where the land vests in his personal representative (rule 55)

LAND REGISTRY

County:	Date:
Folio:	Registered Owner:

DECEASED REGISTERED OWNER: *(Insert full name)*
who died on: *(complete)*

PERSONAL REPRESENTATIVE of deceased Register Owner:
(insert full name, address and description of the personal representative.)

I, the above named personal representative, for the purpose of administering the estate of the deceased Registered Owner, assent to the vesting of the property as described in the First Schedule hereto in the Assentee as set out in the said Schedule and request registration accordingly, subject as appears in the Folio(s) *(include, where appropriate)* and also subject to registration of the burden(s) set out in the Second Schedule hereto

(add, if appropriate, where a limited owner is being registered)

and I further request that there be entered on the said folio a note that the settlement is comprised in *(insert details of document)* and that A.B. of etc. and C.D. of etc. are (*or*, are deemed to be) trustees thereof for the purpose of the Settled Land Acts 1882 to 1890.

Signed by the said *(name of personal representative)*
in the presence of:

FIRST SCHEDULE

THE PROPERTY: *(describe the land or estate being vested and indicate whether the full estate of which the deceased is registered as owner is passing. If part of the land is being vested in one person and another part in another person, that must be clarified in the description and the part going to each defined by reference if necessary to an attached map).*

THE ASSENTEE: *(insert full name, address in the United Kingdom for service of notices, and description. If a person is to be registered as a limited owner, or is a minor, that must be stated. If the land is being vested in more than one assentee, set out whether they are joint tenants or tenants in common and, if the latter, the shares of each).*

SECOND SCHEDULE

PARTICULARS OF BURDENS

SEE NOTE

(Set out full particulars of each burden. Identify which folio or part of a folio and, where necessary, whose estate or interest therein is subject to the burden. If the burden is a charge, identify it as such, show whether interest is payable, and state the name, address in the United Kingdom and description of the person (if any) entitled to be registered as owner of the charge. Where relevant to any other burden, such particulars of the person entitled should also be stated. If two or more burdens are to be registered, their priority inter se should be clarified.)

NOTE — Where a charge created by will does not expressly charge the land with payment to a specified person of a specified sum, or of an annuity, the Registrar shall not, unless the court otherwise directs, be obliged to register the ownership of that charge."

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules, which come into operation on 28th March 1991, amend the Land Registration Rules (Northern Ireland) 1977 relating to the Land Registry so as to:—

(*a*) increase flexibility regarding the form and contents of the registers and the need to send notices of dealings to registered owners of the land;

(*b*) permit increased use to be made of certificates by solicitors as evidence in applications:—

(i) for first registration;

(ii) for reclassification of title;

(iii) to modify or cancel registered burdens;

(iv) to cancel the registration of extinguished leasehold estates;

(v) to update the register on the death of a joint tenant, or the determination of a limited ownership;

(vi) to dispense with production of, or issue replacements of, land certificates and certificates of charge;

(vii) to register a dealing by a body corporate;

(viii) which include a document executed by a person who is blind or illiterate or who makes his mark by virtue of physical disability, or a document executed by an attorney under a power of attorney;

(*c*) revise the rule prescribing the evidence to be produced to the Land Registry where a document has been executed by an attorney to take account of enduring powers of attorney under the Enduring Powers of Attorney (Northern Ireland) Order 1987 and under the Enduring Powers of Attorney Act 1985;

(*d*) prescribe a new form of assent for execution by a personal representative of a deceased registered owner;

(*e*) dispense with the requirement that an index of lands be maintained in the Land Registry;

(*f*) allow the Registrar to accept the benefit of a bond, undertaking or other indemnity in applications involving examination of title and in applications for issue of duplicate certificates of title;

(*g*) simplify generally the rules governing the procedures to be followed in applications to have titles reclassified, for modification or cancellation of burdens, and for registration of transmissions on death;

(*h*) permit in some circumstances the return by the Registrar of documents upon which registrations have been founded;

(*i*) permit certificates of charge to be issued by way of endorsement on original deeds of charge in any case where a duplicate or certified copy of the charge document is also lodged;

(*j*) make a number of consequential and minor changes to the procedures governing registration of title.