2002 No. 229

LAND REGISTRATION

Land Registration (Amendment) Rules (Northern Ireland) 2002

Made - - - - -	*26th June 2002*
Coming into operation	*29th July 2002*

The Department of Finance and Personnel, in exercise of the powers conferred by sections 81(1) and (2) and 85(3) of the Land Registration Act (Northern Ireland) 1970(**a**), and articles 35 and 35A of the Property (Northern Ireland) Order 1997(**b**), and sections 4(1) to (3), 5(2), 6(2) to (4), 7(3), 23(1), 26(2) to (5) and 31(1) of the Ground Rents Act (Northern Ireland) 2001(**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) Rules (Northern Ireland) 2002 and shall come into operation on 29th July 2002.

Interpretation

2. In these Rules –

"the Land Registration Rules" means the Land Registration Rules (Northern Ireland) 1994(**f**);

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 26th June 2002.

(L.S.) *Gareth Johnston*
A Senior Officer of the Department of Finance and Personnel

(**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**) 1997 (N.I. 18)
(**c**) 2001 c. 5 (N.I.)
(**d**) By virtue of 1998 c. 47 s. 95(5) and Sch. 12, para. 10(1)(b)
(**e**) Established by 1970 c. 18 (N.I.) s. 85(1)
(**f**) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165

SCHEDULE

Rule 3

AMENDMENT OF THE LAND REGISTRATION RULES

1. In Rule 2(1) (interpretation) after the interpretation of "Form" insert –

" "the Ground Rents Act" means the Ground Rents Act (Northern Ireland) 2001(**a**);";

2. In Rule 116 (merger or extinguishment of leasehold estates) in paragraph (7) at the beginning insert –

"Subject to Rule 116A,".

3. After Rule 116 insert –

"*Registration on redemption of ground rent under the Ground Rents Act*

116A.—(1) Where by virtue of the provisions of the Ground Rents Act –

(a) the owner of a registered leasehold estate becomes entitled to be registered as owner of an unregistered fee simple estate and where it is intended to register the conversion of the registered leasehold estate, an application shall be made in Form 66A (or by a solicitor's certificate to the same effect);

(b) the same person is or becomes entitled to be registered as owner of a registered fee simple estate and is entitled to an inferior leasehold estate registered as a burden on the superior freehold estate but the title to which is otherwise unregistered and where it is intended to register the conversion of the relevant leasehold estate, an application shall be made in Form 66B (or by a solicitor's certificate to the same effect);

(c) the same person is or becomes entitled to be registered as owner of a registered fee simple estate and of a registered inferior leasehold estate where it is intended to register the conversion of the relevant leasehold estate, an application shall be made in Form 66C (or by a solicitor's certificate to the same effect).

(2) In all applications made under this rule, whether by affidavit or by a solicitor's certificate, there shall accompany the application, in addition to any document required in the prescribed forms, a certificate of redemption sealed under section 7(1) of the Ground Rents Act".

4. After Part VII insert –

"PART VIIA

THE REDEMPTION OF GROUND RENTS AND RELATED MATTERS

Application by a rent payer wishing to redeem a ground rent under the Ground Rents Act

222A.—(1) An application under section 4(1) of the Ground Rents Act to redeem a ground rent shall be in Form 104.

(2) An application under section 4(1) of the Ground Rents Act shall, in addition to the items set out in section 4(2)(a) to (c) of that Act, be accompanied by –

(a) a copy of the lease/grant under which the rent-payer holds the land referred to in the application certified to be a true copy of the lease/grant by a solicitor or estate agent; or

(b) where a copy of the lease/grant under which the rent-payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the lease/grant.

Notice under section 4(3) of the Ground Rents Act

222B. A notice served by a rent-payer on a rent-owner under section 4(3) of the Ground Rents Act shall be in Form 105.

Certificate of Redemption

222C. A certificate of redemption sealed under section 7(1) of the Ground Rents Act shall be in Form 106.

(**a**) 2001 c. 5 (N.I.)

Application by a rent payer wishing to redeem a nominal ground rent under a lease under the Property Order

222D.—(1) An application under Article 35 (4) of the Property Order to redeem a nominal ground rent under a lease shall be in Form 107.

(2) An application under Article 35 (4) of the Property Order shall, in addition to the item specified in said Article, be accompanied by –

(a) a copy of the lease under which the rent payer holds the land referred to in the application certified to be a true copy of the lease by a solicitor or estate agent; or

(b) where a copy of the lease under which the rent payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the lease.

Application by a rent payer wishing to redeem a nominal ground rent under a fee farm grant under the Property Order

222E.—(1) An application under Article 35A (3) of the Property Order to redeem a nominal ground rent under a Fee Farm Grant shall be in Form 108.

(2) An application under Article 35A (3) of the Property Order shall, in addition to the item specified in said Section, be accompanied by –

(a) a copy of the fee farm grant under which the rent payer holds the land referred to in the application certified to be a true copy of the grant by a solicitor or estate agent; or

(b) where a copy of the fee farm grant under which the rent payer holds the land referred to in the application cannot be produced, an affidavit by the applicant setting out the history of his occupation of the land and explaining why he is unable to produce a copy of the fee farm grant.

Form of register to be kept under section 5(2) of the Ground Rents Act

222F. The form of register to be kept under section 5(2) of the Ground Rents Act shall be in Form 109.

Searches of the register kept under section 5(2) of the Ground Rents Act

222G.—(1) Any person requiring an official search to be made in the register kept under section 5(2) of the Ground Rents Act for subsisting entries relating to any parcel of land, shall deliver or send to the Registry a requisition in Form 110 signed by him, his solicitor or other authorised agent.

(2) Every such requisition shall identify the land in respect of which the search is to be made by providing the full postal address thereof (inclusive of postcode).

(3) A separate requisition shall be made in respect of each parcel of land for which the search is required.

(4) The result of an official search shall be set forth in a certificate which may be in Form 111 and which shall be authenticated in such manner as the Registrar may direct.

(5) Any person wishing to make a personal search in the register kept under section 5(2) of the Ground Rents Act or any index thereto shall deliver or send to the Registry a requisition in writing which may be in Form 112.

Circumstances in which the Registrar may be satisfied as mentioned in section 6(2) of the Ground Rents Act

222H. Subject to rule 222I, where a person lodges an application in Form 113 together with –

(a) a copy of the lease/grant under which that person was entitled to receive ground rent in relation to the land which is the subject of the application certified to be a true copy of the lease/grant by a solicitor or estate agent; or

(b) where a copy of the lease/grant under which that person was entitled to receive ground rent in relation to the land which is the subject of the application cannot be found, an affidavit by the applicant setting out his interest in the land and why he is unable to produce a copy of the lease/grant; and

(c) a certificate by a solicitor in Form 114 or a statutory declaration by an estate agent in Form 115,

the Registrar shall, unless he has actual notice to the contrary, be satisfied that that person is entitled to payment of the money referred to in the application.

Entitlement to payment of money as mentioned in section 6(4) of the Ground Rents Act

222I. A person is not entitled to payment of money lodged under section 4(2) of the Ground Rents Act in relation to the redemption of a ground rent unless –

(a) he is the rent-owner or a superior owner; and

(b) in a case where there is one or more superior rent, he includes within his application in Form 113, a declaration that all monies paid to him on foot of the certificate issued by the Registrar under section 6(2) of the Ground Rents Act, shall be held in trust for all persons who are by virtue of the provisions of the Ground Rents Act entitled to a share of the said monies.

Certificate of Entitlement

222J. A certificate under Section 6(2) of the Ground Rents Act shall be in Form 116.

References under section 23 of the Ground Rents Act

222K. A reference to the Registrar relating to any question arising as to any of the matters mentioned in section 23(4) of the Ground Rents Act shall be made by affidavit sworn by the person making the application or his solicitor and shall exhibit thereto any documents sought to be relied on by the applicant.".

5. In Schedule 2 –

(a) after Form 66 insert the following Forms –

"FORM 66A

Application to cancel a leasehold folio and to register the superior title (rule 116A(1)(a))

LAND REGISTRY

Folio County

REGISTERED OWNER

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

1. I am entitled to the fee simple of the land situate at and known as
.....
.....
which is comprised in the lease ("the Lease") described in the above-mentioned folio and hold such interest having acquired same under the provisions of the Ground Rents Act (Northern Ireland) 2001.

2. My title to the fee simple arises under the Certificate of Redemption accompanying this application.

3. I am the registered owner of the leasehold estate comprised in the above-mentioned folio.

4. I am advised and believe that I am entitled in the same right both to the unregistered estate mentioned in paragraph 1 ("the unregistered estate") and to the leasehold estate registered in the folio ("the registered estate").

5. I am entitled to both estates subject only to the following charges and encumbrances:–
   (i) in respect of the unregistered estate (*specify same*)
   (ii) in respect of the registered estate, such charges and covenants and encumbrances as continue in force under the provisions of the Ground Rents Act (Northern Ireland) 2001 and the following encumbrances (*specify same*)

6. I declare that it is my intention that the registered estate be extinguished by merger and that the aforementioned charges and encumbrances affecting the registered estate be carried forward and registered as burdens affecting the freehold estate.

7. I therefore apply that:

(a) I be registered as full owner of the freehold estate mentioned in paragraph 1 with an absolute title;

(b) the matters referred to in paragraph 5 and following matters be entered as burdens on the folio to be opened in accordance with this application – (*detail them including, where necessary, a reference to the notes specified in rules 65 and 171*); and

(c) the leasehold estate be extinguished and that the above-mentioned leasehold folio be closed.

(Jurat as in Form 2)

FORM 66B

Application to cancel the registration of a lease as a burden where the title to such leasehold estate has not been registered (rule 116A(1)(b))

LAND REGISTRY

Folio County

REGISTERED OWNER

I, A.B. of *(state address)* make oath and say –

1. I am entitled by virtue of having acquired the fee simple under the provisions of the Ground Rents Act (Northern Ireland) 2001 to be registered as owner of the land situate at and known as

   .....
   comprised in the lease registered as a burden in the above folio on ("the Lease"). My title to the fee simple arises under the Certificate of Redemption accompanying this application.

2. I am also entitled to the lessee's interest under the lease. The particulars of my title thereto are set out in the concise statement of title accompanying this application. (If the title is short, it may be set out in paragraphs in chronological order in this affidavit). All deeds, wills and other documents to my knowledge affecting the said title have been enclosed.

3. I am advised and believe that I am entitled in the same right both to the above-mentioned fee simple ("the registered estate") and to the leasehold estate mentioned in paragraph 2 ("the unregistered estate").

4. I am entitled to both estates subject only to the following encumbrances:–
   (a) in respect of the unregistered estate –
   (*specify any charges and encumbrances in numbered sub-paragraphs*)
   (b) in respect of the registered estate, such charges, covenants and encumbrances appearing in the folio as continue in force under the provisions of the Ground Rents Act (Northern Ireland) 2001 and the following –
   (*specify same*)

5. I declare that it is my intention that the Lease be extinguished and the registration thereof as a burden affecting the land comprised in the above-mentioned folio be cancelled and that upon the extinguishment of the Lease the following charges and encumbrances referred to in paragraph 4(a) be registered as burdens affecting the registered estate –
   (*detail such encumbrances and give order of intended priorities*).

6. I am in undisputed possession of the land the subject of the Lease; no other person is in occupation or has, or claims to have, any title to or interest in the said land, save as hereinbefore indicated, and all material facts have been disclosed.

7. I therefore apply that –
   (a) the registration of the said Lease as a burden affecting the said land be cancelled;
   (b) I be registered as owner in fee simple of the land comprised in the said Lease; and
   (c) The charges and encumbrances (if any) referred to in paragraph 4 be entered on the register as burdens affecting the land.

(Jurat as in Form 2)

FORM 66C

Application to cancel a leasehold folio where the title to the superior estate has been registered (rule 116A(1)(c))

LAND REGISTRY

Folio *(the freehold folio)* County

REGISTERED OWNER

Folio *(the leasehold folio)* COUNTY

REGISTERED OWNER

I, A.B. of (*state address*), being entitled to be registered as owner of (part of) the land comprised in the above-mentioned freehold folio ("the superior folio") by virtue of having acquired the fee simple in the land comprised in the lease (" the Lease ") described in the above-mentioned leasehold folio ("the inferior folio") under the provisions of the Ground Rents Act (Northern Ireland) 2001, make oath and say –

1. I am advised and believe that I am entitled in the same right to the estates of both the lessor and the lessee in relation to the Lease.

2. My title to the fee simple arises under the Certificate of Redemption accompanying this application.

3. I am entitled to the estates comprised in the superior and inferior folios subject to the charges and encumbrances set out in the above-mentioned folios and to the following charges, covenants and encumbrances (*specify same, identifying the folio to which they relate*) –

4. I declare that it is the intention of all necessary parties that the Lease, the title to which is registered in the inferior folio, be extinguished by merger and that the aforementioned charges, covenants and encumbrances affecting the same (save the rent reserved by the Lease) be carried forward and charged against the estate comprised in the superior folio.

5. I therefore request the Registrar to make such entries and cancellations on the folios of the titles concerned as may be necessary to give effect to this application.

(Jurat as in Form 2)"

(b) after Form 103 insert the following Forms –

"FORM 104

Application to redeem a ground rent under section 4 of the Ground Rents Act (Northern Ireland) 2001 (rule 222A)

RE: LAND SITUATE AT AND KNOWN AS

.....

..... (*insert full postal address including Townland where applicable and postcode*)

I .....

of .....
aged eighteen years and upwards do hereby sincerely and solemnly declare as follows: –

1. I am the owner of the above-mentioned land ("the land") which I hold for a term of ..... years from ..... under the Lease specified in the Schedule hereto ("the Lease") subject to a ground rent of £ or which I hold under Fee Farm Grant specified in the Schedule hereto ("the Grant") subject to a ground rent of £

2. The land is not used or required to be used wholly for business purposes.

3. I am entitled to apply to redeem the ground rent payable under the said Lease/Grant and none of the exceptions referred to in section 3 of the Ground Rents Act apply.

4. The amount payable to redeem the ground rent is £

5. I apply under section 4(1) of the Ground Rents Act to redeem the ground rent referred to in paragraph 1 and enclose:–
   (i) the amount payable to redeem the ground rent;
   (ii) the receipt for the last payment of the ground rent or such sum of money, if any, necessary to discharge any arrears of the ground rent due and recoverable by law at the date of lodgment of this application;
   (iii) such sum of money, if any, necessary to discharge any apportionment of ground rent from the last day for payment thereof before the date of lodgment of this application to the date of lodgment; and
   (iv) a certified copy of the Lease/Grant certified to be a true copy by a solicitor or estate agent or an affidavit setting out the history of my occupation of the land and why I am unable to produce a copy of the Lease/Grant.

SCHEDULE

(*set out the date of the Lease/Grant and details of the parties*)

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE PROVISIONS OF THE STATUTORY DECLARATIONS ACT, 1835

Declared at _____
before me _____
_____
_____
_____

FORM 105

Notice under section 4(3) of the Ground Rents Act (Northern Ireland) 2001 (rule 222B)

To: (*name and address of rent-owner or his agent*):

.....

.....

Land situate at (insert postal address and postcode)

.....

Name and address of rent payer(s):

.....

.....

1. I hereby give you notice under section 4(3) of the Ground Rents Act of an application made by me to redeem the ground rent of £ to which the above-mentioned land is subject and a copy of the Lease/Fee Farm Grant under which I hold the land is enclosed herewith.

2. The application was made to Land Registry, 27-45 Great Victoria Street, Belfast, BT2 7SL on the day of 20 .

SIGNED: ..... (Rent Payer)

DATED: .....

FORM 106

Certificate of Redemption under section 7(1) of the Ground Rents Act (rule 222C)

Application No:

LAND REGISTRY

CERTIFICATE OF REDEMPTION

RE: LAND SITUATE AT AND KNOWN AS (*insert full postal address including postcode*)

.....

.....

WHEREAS

1. An application under section 4 of the Ground Rents Act (Northern Ireland) 2001 has been received from ..... ("the applicant") in respect of the above-mentioned land ("the land").

2. It appears that the applicant is entitled to redeem the ground rent attaching to the land;

NOW THEREFORE the Registrar, in exercise of the powers conferred upon him by section 7 of the Ground Rents Act (Northern Ireland) 2001 HEREBY CERTIFIES that the ground rent attaching to the land has been redeemed.

Dated this day of 20

IN WITNESS WHEREOF THE SEAL
OF THE LAND REGISTRY IS AFFIXED
HERETO IN THE PRESENCE OF

.....
(Signature of authorised official)

SEAL

Note: THIS CERTIFICATE NOW FORMS PART OF THE TITLE DEEDS TO THE LAND AND SHOULD BE PLACED WITH THE OTHER TITLE DEEDS RELATING TO THE LAND.

FORM 107

Application to redeem a nominal ground rent under Article 35 of the Property (Northern Ireland) Order 1997 (rule 222D).

RE: LAND SITUATE AT AND KNOWN AS

.....

..... (insert full postal address including Townland where applicable and postcode)

I .....

of .....

aged eighteen years and upwards do hereby sincerely and solemnly declare as follows:–

1. I am the owner of the above-mentioned land ("the land") which I hold for a term of ..... years from ..... under the Lease specified in the Schedule hereto ("the Lease") subject to a nominal ground rent.

2. The land is not used or required to be used wholly for business purposes.

3. I am entitled to apply to redeem the ground rent payable under the said Lease and none of the exceptions referred to in Article 35 of the Property (NI) Order 1997 apply.

4. The ground rent is nominal being a rent of a yearly amount of less than £1 or a peppercorn or other rent having no money value.

5. I apply to redeem the ground rent referred to in paragraph 1 and enclose:–
   (a) Deed of Declaration; and
   (b) A copy of the Lease certified to be a true copy by a solicitor or estate agent or an affidavit setting out the history of my occupation of the land and why I am unable to produce a copy of the Lease.

SCHEDULE

(*set out the date of the Lease and details of the parties*)

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT, 1835.

Declared at _____
before me _____
_____
_____
_____

FORM 108

Application to redeem a nominal ground rent under Article 35A of the Property (Northern Ireland) Order 1997 (rule 222E)

RE: LAND SITUATE AT AND KNOWN AS

.....

.....

..... (insert full postal address including Townland where applicable and postcode)

I .....

of .....

aged eighteen years and upwards do hereby sincerely and solemnly declare as follows: –

1. I am the owner of the above-mentioned land which I hold under the Fee Farm Grant specified in the Schedule hereto ("the Grant") subject to a nominal rent.

2. The land is not used or required to be used wholly for business purposes.

3. I am entitled to apply to redeem the ground rent payable under the Grant and none of the exceptions referred to in Article 35A of the Property (NI) Order 1997 apply.

4. The ground rent is nominal being a rent of a yearly amount of less than £1 or a peppercorn or other rent having no money value.

5. I apply to redeem the ground rent referred to in paragraph 1 and enclose: –

(a) Deed of Declaration; and

(b) A copy of the Grant certified to be a true copy by a solicitor or estate agent or an affidavit setting out the history of my occupation of the land and why I am unable to produce a copy of the Grant.

SCHEDULE
(*set out the date of the Lease and details of the parties*)

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT, 1835.

Declared at _____
before me _____
_____
_____
_____

FORM 109

Form of register kept under section 5(2) of the Ground Rents Act (rule 222F)

APPLICATION NUMBER	DATE RECEIVED	REDEMPTION AMOUNT	PROPERTY DETAILS	APPLICANT	DETAILS OF TITLE	DATE OF PAYMENT TO RENT OWNERS

FORM 110

Requisition for official search in the register kept under section 5(2) of the Ground Rents Act (rule 222G(1))

LAND REGISTRY

I, A.B. (as solicitor for CD) require that an official search be made in the register kept under section 5(2) of the Ground Rents Act in respect of the land situate at and known as (insert full postal address including postal code): –

.....

.....

.....

and that I be furnished with short particulars of all subsisting entries on that register relating to the said land.

Dated: .....

Signed: .....

Name and address, IN BLOCK CAPITALS, to which the certificate of search is to be sent and APPLICANT'S REFERENCE.

FORM 111

Certificate of the result of an official search in the register kept under section 5(2) of the Ground Rents Act (rule 222G(4))

LAND REGISTRY

It is hereby certified that an official search has been made in the register kept under section 5(2) of the Ground Rents Act against the land situate at and known as: –

.....

.....

.....

and that particulars of any entry affecting said land appearing in that register at the date of this certificate are set out in the Schedule hereto.

Dated 20 .

SCHEDULE

FORM 112

Requisition for a personal search in the register kept under section 5(2) of the Ground Rents Act (rule 222G(5))

LAND REGISTRY

I require to make a personal search in the register kept under section 5(2) of the Ground Rents Act and any index thereto to ascertain all entries therein affecting the land situate at and known as:–

.....

.....

.....

Dated: .....

.....

Signed:.....

Address: .....

.....

FORM 113

Application for payment of money lodged with the Registry under section 4(2) of the Ground Rents Act (rule 222H)

RE: LAND SITUATE AT AND KNOWN AS (*insert full postal address including postcode*)

.....

.....

I .....

of .....

.....

aged eighteen years and upwards do hereby sincerely and solemnly declare as follows:–

1. the sum of £ relating to the above-mentioned land ("the land") was lodged with the Registry under section 4(2) of the Ground Rents Act by of .

2. I am entitled to payment of the said monies and enclose herewith: –
   (a) certified copy Lease/Fee Farm Grant dated or an affidavit setting out my interest in the land and why I am unable to produce a copy of the Lease / Grant;
   (b) certificate from my solicitor in Form 114 or Statutory Declaration from my estate agent in Form 115.

3. I hereby apply to the Registrar for a certificate that I am entitled to payment of the sum of money referred to in paragraph 1.

4. I do hereby declare that I shall hold the certificate and all monies paid to me on foot thereof in trust for all persons who are by virtue of the provisions of the Ground Rents Act (Northern Ireland) 2001 entitled to a share of the said monies.

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT, 1835.

Declared at .....

before me .....

.....

.....

.....

FORM 114

Solicitor's certificate to accompany Form 113 (rule 222H)

RE: LAND SITUATE AT AND KNOWN AS (*insert full postal address including postcode*)

.....

I, the undersigned, a partner/solicitor in the firm of .....

..... of .....

.....

hereby certify as follows:

1. I act for ..... of .....

.....

("the applicant") in relation to his application dated .....

relating to the above-mentioned land ("the land").

2. I have made a thorough examination of the title to the land and made all necessary searches and enquiries.

3. The statements made by the applicant in the said application are true and I am satisfied that subject to paragraph 4 of the said application, the applicant is entitled to payment of the money referred to therein.

Dated: .....

Signed: .....

FORM 115

Estate agent's statutory declaration to accompany Form 113 (rule 222H)

RE: LAND SITUATE AT AND KNOWN AS (*insert full description and postcode*)

.....

I, ...of ....

..... aged eighteen years and upwards do hereby solemnly and sincerely declare as follows:

1. I am an estate agent in the firm of .....

   .....of .....

   .....and I act for .....

   .....

   of .....

   ("the applicant") in relation to the above-mentioned land ("the land").

2. I have carried out a thorough investigation of the records relating to the ground rent and any superior rents formerly payable in respect of the land.

3. I have read the application of the applicant dated ..... and I am satisfied that subject to paragraph 4 of the said application, the applicant is entitled to payment of the money referred to therein.

4. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

Declared at .....

before me .....

.....

.....

....."

FORM 116

Certificate under Section 6(2) of the Ground Rents Act (rule 222J)

Application No.

LAND REGISTRY

RE: LAND SITUATE AT AND KNOWN AS (*insert full postal address including postcode*)

.....

.....

WHEREAS

1. An application under section 6 of the Ground Rents Act (Northern Ireland) 2001 has been received from ..... ("the applicant") in respect of the above-mentioned land ("the land").

2. It appears that the applicant is entitled to payment of monies lodged in relation to redemption of the ground rent.

NOW THEREFORE the Registrar, in exercise of the powers conferred upon him by section 6(2) of the Ground Rents Act (Northern Ireland) 2001 HEREBY CERTIFIES that the applicant is entitled to payment of monies lodged in relation to redemption of the ground rent.

Dated this day of 20 .

.....
(Signature of authorised official)

EXPLANATORY NOTE

(This note is not part of the Rules.)

The Ground Rents Act (Northern Ireland) 2001 ("the 2001 Act") provides for the redemption of ground rents. With the exception of those provisions providing for the compulsory redemption of ground rents, it comes into operation on 29th July 2002.

These Rules insert a new rule 116A and a new Part VIIA into the Land Registration Rules (Northern Ireland) 1994 as amended –

(a) to enable the Land Registry to deal with applications made by persons wishing to redeem ground rents under the 2001 Act;

(b) to provide for the making of entries and cancellations on the title register in consequence of the redemption of ground rents;

(c) to provide for searches in the register kept under section 5(2) of the 2001 Act (register of redemption money and other money lodged with the Land Registry under section 4(2) of the 2001 Act) and searches in that register; and

(d) to provide for the disposal of money lodged with the Land Registry under section 4(2) of the 2001 Act.

In addition, Articles 35 and 35A of the Property (Northern Ireland) Order 1997 provides for the redemption of nominal rents. Part VIIA of the Land Registration Rules (Northern Ireland) 1994 as amended includes rules relating to redemption of such rents.

© Crown Copyright 2003

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N755. C2. 1/03. Gp. 130. 14567.

£3·00

ISBN 0-337-94720-1

9 780337 947209