



# Registration of Deeds Act (Northern Ireland) 1970 <sup>F1</sup>

## 1970 CHAPTER 25

An Act to consolidate certain enactments relating to the registration of documents in the Registry of Deeds. [9th July 1970]

**F1** functions transf. by SR 1999/481

### *Registration*

#### **1 Registration of deeds and conveyances.**

- (1) Subject to and in accordance with the provisions of this Act and the rules made thereunder, a deed or conveyance affecting land in Northern Ireland may be registered in the Registry of Deeds for Northern Ireland (in this Act referred to as “the registry of deeds”).
- (2) A deed or conveyance brought to the registry of deeds to be registered shall be produced to the registrar together with a memorial<sup>F2</sup> in the prescribed form and such other documentation as may be prescribed].

*Subs.(3) rep. by 1992 NI 7*

- (4) [<sup>F2</sup>Where the registrar is satisfied that the documentation mentioned in subsection (2) has been produced to him], then, subject to the provisions of this Act, the deed or conveyance shall be registered but not otherwise.
- (5) When the deed or conveyance is registered,<sup>F2</sup> it shall be endorsed with] the serial number allocated to it under section 8 and the date on which that number was so allocated.
- (6) [<sup>F2</sup>The endorsement of that serial number and date] shall be admitted and taken in any court of record as evidence of<sup>F2</sup> the registration of the deed or conveyance on that date with the priority of time provided for in section 4(1)].

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*Changes to legislation:* There are currently no known outstanding effects for the Registration of Deeds Act (Northern Ireland) 1970. (See end of Document for details)

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**F2** 1992 NI 7

## **2 Proof of execution of documents, judgments, etc.**

*Subs.(1)#(2) rep. by 1992 NI 7*

- (3) Without prejudice to any other provision in the Registration of Deeds Acts—
- (a) any judgment, decree or order of a court which affects unregistered land may be registered by the lodgment in the registry of deeds of two copies thereof, one of which shall be certified by the court entering or making the same;
  - (b) the certified copy of such judgment, decree or order shall, for the purposes of this Act, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document;
  - (c) such registration may be vacated by the lodgment in the registry of deeds of a certificate of the appropriate court stating such matters as may be prescribed.

*Subs.(3A) rep. by 1992 NI 7*

## **3 Pending actions relating to land.**

- (1) A pending action shall not bind or affect a purchaser of any unregistered land, which is the subject of the pending action, who has not actual knowledge of that action, unless and until the pending action has been registered in the registry of deeds in accordance with the succeeding provisions of this section.
  - (2) A pending action may be registered by the lodgment in the registry of deeds of two copies of a document, stating such matters as may be prescribed, one of which copies shall be certified by the court before whom the action is pending.
  - (3) The certified copy of the document referred to in subsection (2) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.
  - (4) The registration of a pending action may be vacated by the lodgment in the registry of deeds of a certificate of the appropriate court stating such matters as may be prescribed.
- [<sup>F3</sup>(4A) The registration of a pending action may also be vacated by lodging in the registry of deeds a certificate stating such matters as may be prescribed—
- (a) which is signed by—
    - (i) the person on whose behalf the pending action was registered, or
    - (ii) a solicitor acting for that person or, if that person is dead, for his personal representatives; and
  - (b) except where that person is a body corporate, which has its execution attested by two witnesses whose names and addresses and occupations or descriptions are subscribed to the certificate or attested by one witness who is a solicitor and whose name, address and description as a solicitor are subscribed to the certificate.]
- (5) A pending action validly registered or re-registered in the judgments registry or in the registry of deeds under any statutory provision (within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 ) immediately before the coming into

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force of this section shall be deemed to have been validly registered in accordance with this section with effect from the date on which it was so registered or re-registered, as the case may be.

- (6) Without prejudice to subsection (4)<sup>[F3]</sup> or (4A)], the registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

- (7) In this section—

“pending action” means any action or proceeding pending in the [<sup>F4</sup> High Court or the Court of Appeal] or in a county court relating to any unregistered land;

“purchaser” means—

- (a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and
- (b) the agent, within the meaning of section 4(4), of any such person.

*Subs.(8)(9) rep. by 1981 NI 6*

**F3** 1992 NI 7  
**F4** 1978 c.23

<sup>F5</sup>  
<sup>F5</sup>**3A** **Pending actions relating to bankruptcy.**

- (1) A bankruptcy petition, whether or not it is known to affect land, may be registered by the lodgment in the registry of deeds of 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the High Court.
- (2) The certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy thereof shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of that document.
- (3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy petition under this section as they apply to the registration of a pending action relating to land.
- (4) No fee shall be charged for the registration of a bankruptcy petition if the application for registration is made by the High Court.
- (5) A bankruptcy petition filed on or after the coming into operation of the Insolvency (Northern Ireland) Order 1989 shall not bind or affect a purchaser of any unregistered land who has acted in good faith without actual knowledge of that petition—
  - (a) unless it registered under this section; and
  - (b) before the expiration of 21 days from the date on which it is registered.
- (6) In this section and section 3B “purchaser” means—
  - (a) any person (including a mortgagee or lessee) who, for valuable consideration, takes any estate in any unregistered land; and
  - (b) the agent of any such person.]

**F5** 1989 NI 19

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### **3B Bankruptcy orders.**

- (1) Without prejudice to section 2(3), a bankruptcy order, whether or not the bankrupt's estate is known to include land, may be registered by the lodgment in the registry of deeds of 2 copies of the order one of which copies shall be certified by the High Court and 2 copies of a prescribed document, stating such matters as may be prescribed, one of which copies shall be certified by the official receiver.
- (2) The certified copy of the bankruptcy order and the certified copy of the document referred to in subsection (1) shall, for the purposes of the Registration of Deeds Acts, be treated as the document to be registered and the other copy of the bankruptcy order and the document referred to in subsection (1) shall, subject to section 12 and to any regulations made thereunder, be treated for those purposes as the memorial of the document to be registered.
- (3) Subsections (4) and (6) of section 3 apply for the purposes of the registration of a bankruptcy order under this section as they apply to the registration of a pending action relating to land.
- (4) No fee shall be charged for the registration of a bankruptcy order if the application is made by the official receiver.
- (5) Subject to paragraph (6), the title of a trustee in bankruptcy shall be void as against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the bankruptcy order claiming under a conveyance registered before the expiration of 21 days from the date on which the bankruptcy order is registered under this section.
- (6) Where a bankruptcy petition has been registered under section 3A the title of the trustee in bankruptcy shall be void against a purchaser of any unregistered land who has acted in good faith without actual knowledge of the petition claiming under a conveyance registered on or after the expiration of 21 days from the date of registration of the petition, unless at the date of the registration of the conveyance either—
  - (a) the registration of the petition is in force; or
  - (b) a bankruptcy order is registered under this section and 21 days have expired from the date on which the order is registered.]

<b>F5</b> <a href="#">1989 NI 19</a>
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### **4 Effect of registration.**

- (1) Subject to subsection (3) and<sup>[F6]</sup> sections 3A(5), 3B(5) and 5], every document which is registered shall be deemed and taken as good and effectual both in law and equity according to the priority of time of registering it and the priority of time of registering a document registered after the 30th April 1968 shall be determined by the serial number allocated thereto pursuant to section 8 and not by the actual time of registering the document.
- (2) Subject to subsection (3) and section 5, a deed or conveyance affecting any land in Northern Ireland which is not registered shall be void against a registered document affecting those lands and against a registered order charging those lands made under <sup>[F7]</sup> the Judgments Enforcement (Northern Ireland) Order 1981 ].

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(3) Where a person or the agent of that person has actual knowledge of a prior document, which has not been registered, affecting any unregistered land, registration of a subsequent document which transfers, or confers an estate in, the land to or on that person shall not operate so as to confer priority on, or make the prior document void in relation to, that subsequent document.

(4) In subsection (3), “agent” means a person who is generally authorised to act for his principal in respect of dealings in land or who is specially authorised by his principal to deal in the land the subject matter of the prior document and who in either case obtains knowledge of the prior document in the course of the same transaction with respect to which the question of knowledge arises.

[<sup>F8</sup>(4A) Subsection (3) and (4) shall not apply to any document relating to a [<sup>F9</sup> matrimonial or civil partnership charge ([<sup>F10</sup> within the meaning of the Family Homes and Domestic Violence (Northern Ireland) Order 1998].]

**F6** 1989 NI 19  
**F7** 1981 NI 6  
**F8** 1984 NI 14  
**F9** 2004 c.33  
**F10** 1998 NI 6

## 5 Application of sections 1 and 4.

Sections 1 and 4 shall—

- (a) not apply to any deed or conveyance executed before 26th March 1708;
- (b) in relation to documents affecting land registered or deemed to be registered under the Land Registration Act (Northern Ireland) 1970 , be subject to the provisions of sections 72 and 73 of that Act;
- (c) not apply to any lease for years not exceeding twenty-one years where the actual possession goes with the lease.

### [<sup>F11</sup>6 Certified copies admissible in evidence.

In any proceedings before any court—

- (a) a copy of a memorial filed in the registry of deeds; or
- (b) a copy of a copy of a registered document filed in that registry; or
- (c) a copy in legible form of a record kept in non-legible form by or on behalf of the registrar of deeds,

shall, if purporting to be certified by or on behalf of the registrar, be admissible in evidence in like manner as the original memorial, copy document or record.]

**F11** 1992 NI 7

## *The Registry of Deeds and Proceedings Therein*

## 7 The registry of deeds

*Subs.(1) rep. by 1992 NI 7*