

**2007 No. 5**

**FAMILY LAW**

**REGISTRATION OF DEEDS**

**The Registration of Deeds (Amendment) Regulations  
(Northern Ireland) 2007**

*Made* - - - - - *9th January 2007*

*Coming into operation* *1st April 2007*

The Department of Finance and Personnel in exercise of the powers conferred(a) by section 19(1) of the Registration of Deeds Act (Northern Ireland) 1970(b) and by Articles 6(7) and 7(4) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(c) makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Registration of Deeds (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st April 2007.

**Interpretation**

**2.** In these Regulations—

“the 1984 Order” means the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(d);

“the Registration of Deeds Regulations” means the Registration of Deeds Regulations (Northern Ireland) 1997(e);

“the 1998 Order” means the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

**3.** A reference to a regulation or a form is a reference to a regulation or a form in the Registration of Deeds Regulations.

**Amendment of the Registration of Deeds Regulations**

**4.** The Registration of Deeds Regulations are amended in accordance with the Schedule.

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(a) By the Departments (Northern Ireland) Order 1982 S.I. 1982/338 (N.I. 6) Art. 5 and Part II of Sch. 1 and the Departments (Transfer and Assignment of Functions) Order 1999 S.R. 1999 No. 481, Art. 6 and Part II of Sch. 4  
(b) 1970 c. 25 (N.I.) Section 19(1) was amended by Article 49 of S.I. 1992/811 (N.I. 7)  
(c) S.I. 1998/1071 (N.I. 6) and the Departments (Transfer and Assignment of Functions) Order 1999 S.R. 1999 No. 481, Art. 6 and Part II of Sch. 4  
(d) S.I. 1984/1984 (N.I. 14)  
(e) S.R. 1997 No. 28

Sealed with the Official Seal of the Department of Finance and Personnel on 9th January 2007.

(L.S.)

A senior officer of the Department of Finance and Personnel

## SCHEDULE

### AMENDMENT OF THE REGISTRATION OF DEEDS REGULATIONS

1. In Regulation 2(1) (Interpretation)—
  - (1) Delete the definition of “the Matrimonial Charges Index”.
  - (2) Delete the definition of the Family Law (Miscellaneous Provisions) Northern Ireland Order 1984.
  - (3) After the definition of the Insolvency (Northern Ireland) Order 1989 insert “the 1998 Order” means the Family Homes and Domestic Violence (Northern Ireland) Order 1998.
  - (4) After the definition of the Registration of Deeds Act (Northern Ireland) 1970 insert “the Registry of Deeds Index” has the meaning assigned to it by Regulation 9(1).
2. In Regulation 13 (Registration, etc of matrimonial charges)—
  - (1) In the heading and in paragraph (1) after the word “matrimonial” insert “or civil partnership”.
  - (2) In paragraph (1) for the words “the 1984 Order” substitute “the 1998 Order”.
  - (3) In paragraph (2)(b) delete the words (“the Matrimonial Charge Index”) and insert (“the Registry of Deeds Index”).
3. In Regulation 14 (Cancellation and vacation of registration on foot of subsequent registration)—
  - (1) In paragraphs (1) and (2) after the word “matrimonial” insert “or civil partnership”.
  - (2) In paragraph (1) after the word “spouse” insert “or civil partner”.
  - (3) In each place where the words “the 1984 Order” occur, substitute “the 1998 Order”.
  - (4) In paragraph (2) for the words “the Matrimonial Charges Index” substitute “the Registry of Deeds Index”.
4. In the Schedule to the Registration of Deeds Regulations—
  - (1) For Form 6 substitute—

FORM 6

**Notice of a matrimonial or civil partnership charge (regulation 13(1))**

THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998  
 (“the 1998 Order”)

To the Registrar of Deeds for Northern Ireland

<b>Particulars of matrimonial or civil partnership charge to be registered—</b>	
Names(s), address(es) and occupation(s) or description(s) of the person(s) against whom the matrimonial or civil partnership charge is to be registered:	<i>(see Note 1)</i>
Name and address of the person entitled to the benefit of the matrimonial or civil partnership charge in whose favour it is to be registered:	<i>(see Note 2)</i>
Identification of the dwelling house affected by the charge:	<i>(see Note 3)</i>
<i>(omit if not applicable)</i> Particulars of court order made by Virtue of Article 5(7) of the 1998 Order:	By an order of the Family Division of the High Court of Justice in Northern Ireland or the <i>(insert name of)</i> Recorder’s Court or the County Court for the Division of <i>(insert name)</i> dated <i>(insert date)</i> and made by virtue of Article 5(7) of the 1998 Order it was directed that <i>(give particulars of any direction extending the rights of occupation of person entitled to the benefit of the charge in respect of the above-mentioned dwelling house beyond the termination of the marriage or civil partnership of that person by death or otherwise)</i> .

*(omit if not applicable)*

Particulars of subsisting registration of matrimonial or civil partnership charge which is to be cancelled or vacated by virtue of Article 7 of the 1998 Order

Particulars of any subsisting registration of a matrimonial or civil partnership charge in favour of the person entitled to the benefit of the matrimonial or civil partnership charge identified in the particulars above:

*(if registered in the Land Registry  
In accordance with Article 6(1)(a) of  
the 1998 Order, give the following  
particulars—*

Charge registered in the Land Registry in—

Folio:                      County:

Registered Owner:

*(if registered in the Registry of Deeds  
In accordance with Article 6(1)(b) of the 1998  
Order, give the following particulars as set out  
in the document(s) which effected its  
registration—*

Charge registered in the Registry of Deeds—

Name(s) of the person(s) against whom the charge is registered:

Identification of the dwelling house affected by the charge:

Date and serial number of registration of the charge:

Date and serial number of any renewal of registration in pursuance of Article 9(3) of the 1998 Order:

By virtue of Article 7(2) of the 1998 Order the above registration ceases to have effect on the registration of the matrimonial or civil partnership charge to which this notice relates and is to be cancelled or vacated accordingly.

Dated *(insert date)*

Signed by the said *(insert name)*  
in the presence of—

*(see Note 4)*

Name and address of person or  
firm lodging document for  
registration:

*Note 1 By virtue of Article 6(1) of the 1998 Order a matrimonial or civil partnership charge may be registered when it is a charge on a **legal** estate, defined in Article 2(2) to include an equity of redemption arising on the conveyance or assignment of the legal estate by way of mortgage. Where the person against whose legal estate it is proposed to register the charge has granted a mortgage in respect of the dwelling house and the mortgage is registered in the Registry of Deeds, the name of that person (forenames and surname) should be furnished in accordance with the name of the mortgagor (grantor) on the registered mortgage deed; otherwise the **full** name (e.g. in accordance with a birth certificate) should be furnished.*

*Note 2 The full name should be furnished.*

*Note 3 All available particulars of the geographical description should be furnished, e.g. the name and number of the dwelling house, the street, town, townland and county as appropriate. Reference might be made to the identification of the dwelling house as given in an earlier registered deed (such as a mortgage). Refer to any release as respects part of the dwelling house and to any order of the court under Article 4 of the 1998 Order in relation to the rights of occupation constituting the charge.*

*Note 4 To be signed by the person entitled to the benefit of the matrimonial or civil partnership charge whose signature must be attested by at least one witness whose name and address must be furnished.*

(2) For Form 7 substitute—

FORM 7

**Renewal of the registration of a matrimonial or civil partnership charge (regulation 13(1))**

THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998  
(“The 1998 Order”)

To the Registrar of Deeds for Northern Ireland

<b>Particulars of the matrimonial or civil partnership charge of which registration is to be renewed—</b>	
Name(s) and address(es) of the person(s) against whom the matrimonial or civil partnership charge is registered:	(see Note 2 in Form 6)
Name and address of the person entitled to the benefit of the matrimonial or civil partnership charge in whose favour it is registered:	(see Note 2 in Form 6)
Identification of the dwelling house affected by the charge:	(see Note 3 in Form 6)
Date and serial number of registration:	
Particulars of court order made by Virtue of Article 5(7) of the 1998 Order:	(as in Form 6)
Dated ( <i>insert date</i> ) Signed by the said ( <i>insert name</i> ) in the presence of—	
(see Note 4 in Form 6)	
Name and address of person or firm lodging document for registration:	

(3) For Form 8 substitute—

FORM 8

**Vacation or variation of the registration of a matrimonial or civil partnership charge or the postponement of its priority (regulation 13(1))**

THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998  
(“the 1998 Order”)

To the Registrar of Deeds for Northern Ireland

I.A.B. of (insert address) make oath and say as follows—

1. I am (state the capacity in which this affidavit is made) and I refer to the matrimonial or civil partnership charge particulars of which are as follows—

**Particulars of the matrimonial or civil partnership charge of which registration is to be vacated, released or varied or whose priority is to be recorded as postponed—**

Name(s) of the person(s) against whom the charge is registered:

Name of the person in whose favour the charge is registered:

Identification of the dwelling house affected by the charge:

Date and serial number of registration of the charge:

Date and serial number of any renewal of registration in pursuance of Article 9(3)(a) of the 1998 Order:

2. I refer to and exhibit as the Schedule hereto (*continue as appropriate, e.g.*).

- A release dated (*insert date*) whereby (*insert name*), the person in whose favour the said matrimonial or civil partnership charge is registered, has released (*insert in part if applicable*) the rights of occupation constituting the said matrimonial or civil partnership charge.
- A copy of an order of (*insert name of court*) dated (*insert date*), certified as a true copy of the said order by the proper officer of the said court. The said order made under Article 4 of the 1998 Order (*briefly state the effect of the order*).
- A copy of the decree absolute of divorce or certificate of the dissolution of civil partnership in respect of (*insert names of parties*) pronounced on (*insert date*) by (*insert name of court*) certified as a true copy of the said decree by the proper officer of the said Court. The said decree or certificate terminated the marriage or civil partnership under which the rights of occupation constituting the said matrimonial or civil partnership charge arose. The registration of the said matrimonial or civil partnership charge was not effected under Article 9(3) of the 1998 Order on the basis of an order made by virtue of Article 5(7) of the 1998 Order extending the rights of occupation beyond the termination of the marriage or civil partnership nor was the registration so renewed.
- A copy of a decree absolute of nullity of marriage or nullity order of civil partnership in respect of (*insert names of parties*) pronounced on (*insert date*) by (*insert name of court*) certified as a true copy of the said decree by the proper officer of the said court. The said decree declared void (or annulled) the marriage or civil partnership under which the rights of occupation constituting the said matrimonial or civil partnership charge arose.
- A copy of a declaration of marital or civil partnership status in respect of (*insert names of parties*) made on (*insert date*) by (*insert name of court*) certified as a true copy of the said

declaration by the proper officer of the said court. The said declaration declared that a divorce (or annulment) or dissolution of the civil partnership obtained in a country outside Northern Ireland in respect of the marriage or civil partnership under which the rights of occupation constituting the said matrimonial or civil partnership charge arose is entitled to recognition in Northern Ireland. [The registration of the said matrimonial or civil partnership charge was not effected under Article 9(3) of the 1998 Order on the basis of an order made by virtue of Article 5(7) of the 1998 Order extending the rights of occupation beyond the termination of the marriage or civil partnership nor was the registration so renewed.]

- A death certificate in respect of (*insert name*) (*add, if appropriate*, the spouse or civil partner of) the person in whose favour the charge is registered. [The registration of the said matrimonial or civil partnership charge was not effected under Article 9(3) of the 1998 Order on the basis of an order made by virtue of Article 5(7) of the 1998 Order extending the rights of occupation constituting the said matrimonial or civil partnership charge beyond the death of the spouse or civil partner of the person in whose favour the said matrimonial or civil partnership charge is registered, nor was the registration so renewed.]
- A postponement of the priority of the said matrimonial or civil partnership charge dated (*insert date*) by (*insert name*), the person in whose favour the said matrimonial or civil partnership charge is registered.

3. The registration of the said matrimonial or civil partnership charge has ceased to have effect by virtue of the events referred to in paragraph 2 hereof and set out in the Schedule hereto and is vacated (or has effect subject to the events referred to in paragraph 2 hereof and set out in the Schedule hereto and is varied accordingly).

(*or, if applicable*)

4. The priority of the said matrimonial or civil partnership charge is postponed by virtue of the postponement referred to in paragraph 2 hereof and set out in the Schedule hereto.

(*Deponent's signature*)

Sworn this      day of      2007      .  
at      in the County of  
before me a Commissioner  
for Oaths (*or* Notary Public or Justice  
of the Peace *or* Solicitor having the  
powers conferred on a Commissioner  
for Oaths).

(*Signature*)

Name and address of person or firm  
lodging document for registration:

#### SCHEDULE

(*Where a document is to be exhibited as the Schedule, the document must be marked with the word "Schedule". The exhibit and a copy made in accordance with regulations 4 and 13(2) must be lodged when applying for registration.*)

*\*continue as appropriate to the circumstances relied on*

(4) For Form 9 substitute—

FORM 9

**Certificate of Registrar (regulation 14(1))**

REGISTRY OF DEEDS (or LAND REGISTRY)

To the Registrar of Deeds for Northern Ireland (or Registrar of Titles)

**Certificate of Registrar of Deeds (or Registrar of Titles) where the registration of a matrimonial or civil partnership charge has ceased to have effect by virtue of Article 7(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (“the 1998 Order”)**

1. I hereby certify that the matrimonial or civil partnership charge, particulars of which are set out in the Schedule hereto, was registered in pursuance of Article 6(1)(b) of the 1998 Order as a burden in the Registry of Deeds (in pursuance of Article (6)(1)(a) of the 1998 Order in the Land Registry) on (*insert date*).

2. I further certify that I was notified in pursuance of Article 7(3) of the 1998 Order of a registered matrimonial or civil partnership charge, then subsisting as such, particulars of which are as follows—

**Particulars of the matrimonial or civil partnership charge of which the Registrar of Deeds (or the Registrar of Titles) was notified in pursuance of Article 7(3) of the 1998 Order and whose registration has ceased to have effect by virtue of Article 7(2) thereof upon the registration of the charge referred to in the Schedule hereto—**

Charge registered in the Registry of Deeds—

Name(s) of the person(s) against whom the charge is registered:

Name of the person in whose favour the charge is registered:

Identification of the dwelling house affected by the charge:

Date and serial number of registration of the charge:

Date and serial number of any renewal of registration in pursuance of Article 9(3)(a) of the 1998 Order:

(*or, where appropriate*)

Charge registered in the Land Registry in—

Folio:

County:

Registered Owner:

3. By virtue of Article 7(2) of the 1998 Order the registration of the matrimonial or civil partnership charge referred to in paragraph 2 above ceased to have effect upon the registration of the matrimonial or civil partnership charge referred to in the Schedule hereto.

Dated (*insert date*)

Signed

#### SCHEDULE

#### **Particulars of matrimonial or civil partnership charge registered in the Registry of Deeds (*or* Land Registry)**

Charge registered in the Registry of Deeds—

Name(s) of the person(s) against whom the charge is registered:

Name of the person in whose favour the charge is registered:

Date and serial number of registration of the charge:

*(or, where appropriate)*

Charge registered in the Land Registry in—

Folio:

County:

Registered Owner:

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Regulations make amendments to the Registration of Deeds Regulations (Northern Ireland) 1997 consequential upon the Family Homes and Domestic Violence (NI) Order 1998 and relevant provisions of the Civil Partnership Act 2004 which came into force in Northern Ireland on 5th December 2005.

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