



Land &
Property
Services®

SOLICITORS' GUIDE TO COMPULSORY FIRST REGISTRATION

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SOLICITORS' GUIDE TO COMPULSORY FIRST REGISTRATION

WHEN IS REGISTRATION COMPULSORY?

When there is a sale of property, within a Compulsory First Registration area (whether by conveyance, assignment or lease) the title must be registered in the Land Registry.

TRANSACTIONS NOT SUBJECT TO COMPULSORY FIRST REGISTRATION

- Transactions where no money consideration is paid (eg gifts, Assents, etc.);
- Mortgages and Charging Orders;
- Leases for a term not exceeding 21 years;
- Exchanges or partitions of land, provided there is no monetary consideration;
- Surrenders of Leases.

WHO SHOULD APPLY FOR REGISTRATION?

The solicitor for the purchaser (after completion of the unregistered conveyancing transaction).

WHAT HAPPENS ON COMPLETION OF PURCHASE?

The transaction should be completed in the same manner as any normal unregistered conveyancing transaction; vacates, etc. should be registered in the Registry of Deeds and up-to-date searches obtained. **It is not compulsory to register your client's Deeds in the Registry of Deeds prior to registration of the title in the Land Registry, but it is regarded as good practice to do so.**

WHAT HAS TO BE LODGED IN THE LAND REGISTRY?

- (1) Form 1 duly completed and signed (*if you feel unable to certify the title you may apply for a Qualified Title in Form 2 – see Section 9 below*);
- (2) An up-to-date Ordnance Survey map on the largest published scale – ideally an ACE (Address Centred Extract) map – with the boundaries outlined accurately in red (*see Section 8 below*);
- (3) The root of title (i.e. the original Fee Farm Grant, Lease or Conveyance);
- (4) The Conveyance or Assignment to the purchaser;
- (5) The purchaser's mortgage (if any) with duplicate or certified copy if you require a Certificate of Charge ;
- (6) Any other deed which created an encumbrance to which you have referred in Form 1;
- (7) Form 100 plus a fee of £110 (if you require a Land Certificate) (*ie £100 for registration and £10 for issue of Land Certificate*). A Mortgage lodged with the application does not attract a separate fee.

Note: **You should not lodge any documents other than those referred to above. Since these documents will be retained by the Land Registry you may wish to make copies for future reference**

HOW SHOULD FORM 1 BE COMPLETED?

(See Schedules A,B,C and D for completed examples)

*Panel 1
(Description)*

Insert a description of the land (eg The land shown outlined in red on the attached map being land known as 1 Bangor Road, Newtownards, BT23 1 AA, County Down) and attach an up-to-date OS map (see Section 7 below). The address should refer to the Town and/or Townland and the postcode.

*Panel 2
(The Applicant)*

Insert full names and addresses of the applicant (eg John Black and Mary White both of 1 Bangor Road, Newtownards, BT23 1AA, County Down).

*Panel 3
(Limited Ownership)*

This panel should only be completed if the applicant is a limited owner under a settlement.

Panel 4
(Co-Owners)

Where the applicants are joint tenants (the normal situation for married couples and for trustees), tick the first box. Where the applicants are tenants in common (the normal situation for business partners), tick the second box and specify the shares of each applicant.

Panel 5
(Class of Title)

- (a) **Where the property is held under a Lease:**
Tick the first box and insert the date of the Lease.
- (b) **Where the property is held under a Fee Farm Grant:**
Tick the second box and insert the date of the Fee Farm Grant.
- (c) **Where the property is held under a Conveyance, made for valuable consideration, at least 15 years ago** – tick the third box and insert the date of the Conveyance.
- (d) **Qualified titles** – this option may be used where you consider that the title should be qualified. Details of the qualification should be set out. (*See also Section 9 below*)

Panel 6
(Acquisition)

Insert details of the applicant's purchase of the land (*eg the applicant acquired the land on 1 December 1999 by virtue of a deed of Assignment from Michael Green and Patricia Green*).

Panel 7
(Appurtenant Rights)

Panel 7 does not need to be completed unless you wish to claim that the Applicant is entitled to an appurtenant right (*see Section 10(ii) below*).

Panel 8

Sign and date the certificate after you have completed the Schedule.

Schedule

- (a) List any encumbrances in order of priority and identify the document which created the Encumbrance – *eg*
 - 1. *The yearly rent and grantees covenants contained in the said Fee Farm Grant;*
 - 2. *Mortgage dated 1 December 1999 in favour Nationwide Building Society.*

- (b) Where there is an indemnity, a burden lease or an Encumbrance affecting only part of the land please refer to the guidance notes relating to this Schedule on page 3 of Form 1.
- (c) Easements affect land without registration and should not be listed. *(See Section 9 below).*

WHEN SHOULD THE APPLICATION BE MADE?

The application for first registration must be lodged in the Land Registry within 3 months of the date of the purchase deed, otherwise the transaction becomes void.

However, an application for extension of time may be made, by letter, under Schedule 2 Part II of the Land Registration Act (NI) 1970, if the application could not have been made within the prescribed period without incurring unreasonable expense, or if the application could not be made by reason of some accident or other sufficient cause.

Note : It is important to note that solicitors often forget to register and the error is often only discovered when the property is about to be sold. This can cause enormous difficulties both at contract stage and to the Registry which is expected to expedite these cases.

MAPS

- (a) The application map should show the boundaries of the entire property (not just the outline of the house).

There have been many examples of solicitors neglecting to show the full extent of properties. Land Registry will map what you define. When the error is discovered, it can only be remedied by lodging a further Form 1 plus fee to deal with the area omitted from the original application.

- (b) You should not include a “half road” on the map unless this is specifically referred to in the deeds.
- (c) An up-to-date Ordnance Survey ACE map must be provided, even if there is a recent map on the title deeds.
- (d) Where the property forms part of a building or where there is complex ordnance survey detail, the location map may be accompanied by a larger scale plan. This should be referred to in Panel 1 (eg *The land shown outlined in red on Map A and more particularly delineated on Map B being land known as*).
- (e) Where any boundary does not follow OS detail, it should be shown as precisely as possible.

- (f) The map should be securely attached to the Form 1.

QUALIFIED TITLES

If you do not wish to certify the title in Form 1, you may instead apply for registration with a Qualified Title in Form 2 (in accordance with Rule 12 of the 1994 Rules). The documents required are:

- (1) an affidavit in Form 2;
- (2) an up-to-date Ordnance Survey ACE map with the boundaries outlined accurately in red;
- (3) a verified Abstract of Title setting out details of the date, parties and the effect of all relevant documents;
- (4) the original title deeds (but excluding property certificates, NHBC papers, survey reports, etc.) plus a schedule in duplicate;
- (5) certified copies of the root of title, the purchase deed and any mortgage or other encumbrance which is to be registered;
- (6) up-to-date Registry of Deeds searches;
- (7) up-to-date Bankruptcy Searches;
- (8) up-to-date Enforcement of Judgements search;
- (9) Form 100 and a fee of £160 (*£150 for registration and £10 for Land Certificate*).

EASEMENTS

Schedule 5 of the Land Registration Act (NI) 1970 provides that Easements which were created prior to First Registration affect the land without registration. Accordingly, even if an application for First Registration discloses easements affecting the land (“burden easements”) or easements benefiting the land (“appurtenant rights”) the Land Registry does not register such rights. **There is therefore no need for you to refer to easements, when preparing an application for First Registration.** However, the legislation does allow registration of a Note of Schedule 5 Burden or a Note of Claimed Appurtenant Rights, and if you wish to have such a note entered on the new folio you should take the action set out below. Please note that, since such a note does not constitute a substantive registration, details of the right will not appear on the Land Registry map.

Burden Easements

- (a) In **Form 100A**, in panel 4 on the front page, underneath your application for first registration insert “*Note of burden easement – [Fee] - £25*”;
- (b) In **Form 1**, in the Schedule on Page 4, after setting out any other burdens insert “*Note of Schedule 5 burden*” and then give particulars of the easement, for example “*the land is subject to a right of way referred to in the conveyance dated over the portion shown coloured blue on the attached map, being a right of way in favour of the owners for the time being of*”
- (c) Lodge the original deed, referred to in paragraph (b), along with your application. (This deed will be retained by Land Registry, so you may wish to keep a copy.)

Appurtenant Rights

- (a) In **Form 100A**, in panel 4 on the front page, underneath your application for the first registration, insert “*Claimed appurtenant right – [Fee] - £50*”;
- (b) In **Form 1**, in panel 1 on the first page, following the description, add “*together with the right referred to in Panel 7.*”;
- (c) In **Form 1**, in panel 7, set out details of the right, for example “*the applicant claims, under Rule 147, that the land has the benefit of the appurtenant right comprised in the conveyance datedand made between.....being a right of way on foot only over the passage way shown coloured orange on the attached map.*”
- (d) Lodge the original deed, referred to in paragraph (c), along with your application. (This deed will be retained by the Land Registry, so you may wish to keep a copy.)

NB: *The Registrar may require you to give notice of this claim to the owner of the land which is alleged to be subject to the right.*

SCHEDULE A, LAND REGISTRY: FORM1

(May 2000 edition)

Application for first registration with a good leasehold title (rule 11(1))

<ul style="list-style-type: none"> ◆ Use a separate form for each title to be registered ◆ Complete Panels in typescript or capital letters. ◆ Form 3 must be used where the application is based on adverse possession. 	<p>FOR OFFICIAL USE ONLY DOCUMENT NO.</p> <p>MAPPING REF.</p>
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1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

"The land" The land shown outlined in red

on the attached map being land known as 1, Bangor Road, Newtownards, BT23 1AA

County Down

2. Applicants *Enter the full name & address in the United Kingdom (including postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

"The Applicant"

John Black and Mary White both of 1, Bangor Road, Newtownards, BT23 1AA, County Down.

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in _____ and the Applicant is/are limited owner(s) having the powers of a tenant for life under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5.**

The Trustees for the purposes of the Settled Land Acts are

4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If this panel is not completed co-owners will be assumed to be joint tenants.)*

The Applicants are:

joint tenants

tenants in common in the following shares:

5. Applicant's estate and class of title sought - Tick appropriate box & complete as necessary.

Good Fee Farm Grant by virtue of a Fee Farm Grant dated

Good Leasehold estate by virtue of a Lease dated 7th September 1979

Fee Simple absolute. The root of title (being a Conveyance for value made at least 15 years ago) is a Conveyance dated

Qualified title commencing with a Conveyance dated
The title is qualified because (tick and complete the appropriate box and set out details of the reasons for the qualification).

The Conveyance comprising the root of title is less than 15 years old.

The root of title is a voluntary conveyance.

The Applicant's predecessors in title acquired the land by way of adverse possession and there is no root of title other than the deed mentioned in Panel 6.

6. Acquisition - Give particulars of the deed by which the Applicant acquired the land.

The Applicant acquired the land on . 8th January 2003
by virtue of a deed of Assignment from John Smith

7. Appurtenant Rights – Only complete this panel if an appurtenant right is being claimed. NB: An additional fee is payable for registration of a note of a claimed appurtenant right.

The Applicant claims, under Rule 147, that the land has the benefit of an appurtenant right comprised in a Deed of dated and made between
being a right

<p>8. Certificate of Title</p> <p>I hereby certify as follows:</p> <p>(a) I act for the Applicant in relation to the land and I have investigated the title fully.</p> <p>(b) All necessary searches and enquiries have been made.</p> <p>(c) I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 7.</p> <p>(d) None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.</p> <p>(e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any manner whatsoever under the Insolvency (Northern Ireland) Order 1989.</p> <p>(f) The person or persons (<i>if any</i>) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership.</p> <p>(g) All material information has been supplied and I enclose the documents mentioned in Panels 5 & 6, any mortgage or charge to be registered and any other document mentioned in Panel 7 or in the Schedule hereto.</p> <p>(h) The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.</p> <p>Signature of partner or authorised Solicitor:A. Bishop..... Date: 14/01/2003</p> <p>Name of firm: Bishop & Company</p>

<p>9. Check List</p> <p><input type="checkbox"/> Have you completed the Schedule of Burdens overleaf?</p> <p><input type="checkbox"/> Have you enclosed</p> <p>the root of title</p> <p>the assurance to the Applicant,</p> <p>any mortgage or other document referred to in this form?</p> <p><input type="checkbox"/> Have you marked the boundaries on the map?</p> <p><input type="checkbox"/> Have you attached the map to this application form?</p>

Important: Please read these instructions carefully before completing the Schedule

- (1) List burdens **in order of priority** (e.g. 1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5, 2. Mortgage dated between).
- (2) Since **easements** affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should **not** be listed as burdens.
- (3) Where the land is subject to a **mortgage or charge** give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (4) If only **part of the land** is affected by a burden, state this and identify that part by reference to the map.
- (5) **Covenants** and conditions may be referred to in general terms (e.g. the covenants contained in the said Fee Farm Grant).
- (6) If the land is **indemnified** against a rent, give full details of the rent and the indemnity and identify any relevant documents.
- (7) Where the Applicant holds the land **subject to but with the benefit of a lease** which requires to be registered as a burden state the date, parties and term.

SCHEDULE - BURDENS

<i>ITEM NO</i>	<i>PARTICULARS OF BURDENS</i>
1.	Yearly rent of £25.00 created by Lease dated 7 th September 1979.
2.	Mortgage dated 8 th January 2003 (Black & White to Oldshires Building Society.

SCHEDULE B, LAND REGISTRY: FORM 1

(May 2000 edition)

Application for first registration with a good fee farm grant title (rule 11(1))

<ul style="list-style-type: none"> ◆ Use a separate form for each title to be registered ◆ Complete Panels in typescript or capital letters. ◆ Form 3 must be used where the application is based on adverse possession. 	<p style="text-align: center;">FOR OFFICIAL USE ONLY DOCUMENT NO.</p> <p style="text-align: center;">MAPPING REF.</p>
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1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

"The land" The land shown outlined in red

on the attached map being land situate at/known as 1 Bangor Road, Newtownards, BT23 1AA

County Down

2. Applicants *Enter the full name & address in the United Kingdom (including postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

"The Applicant"

John Black and Mary White both of 1 Bangor Road, Newtownards, BT23 1AA

County Down

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in _____ and the Applicant is/are limited owner(s) having the powers of a tenant for life under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5.**

The Trustees for the purposes of the Settled Land Acts are

4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If this panel is not completed co-owners will be assumed to be joint tenants.)*

The Applicants are:

- joint tenants
- tenants in common in the following shares:

5. Applicant's estate and class of title sought - Tick appropriate box & complete as necessary.

Good Fee Farm Grant by virtue of a Fee Farm Grant dated 1st January 1980

Good Leasehold estate by virtue of a Lease dated

Fee Simple absolute. The root of title (being a Conveyance for value made at least 15 years ago) is a Conveyance dated

Qualified title commencing with a Conveyance dated
 The title is qualified because *(tick and complete the appropriate box and set out details of the reasons for the qualification)*.

The Conveyance comprising the root of title is less than 15 years old.

The root of title is a voluntary conveyance.

The Applicant's predecessors in title acquired the land by way of adverse possession and there is no root of title other than the deed mentioned in Panel 6.

6. Acquisition - Give particulars of the deed by which the Applicant acquired the land.

The Applicant acquired the land on 8th January 2003
 by virtue of a deed of **Conveyance** from **Albert Gregg**

7. Appurtenant Rights – Only complete this panel if an appurtenant right is being claimed. NB: An additional fee is payable for registration of a note of a claimed appurtenant right.

The Applicant claims, under Rule 147, that the land has the benefit of an appurtenant right comprised in a Deed of dated and made between

being a right

8. Certificate of Title**I hereby certify as follows:**

- (a) I act for the Applicant in relation to the land and I have investigated the title fully.
- (b) All necessary searches and enquiries have been made.
- (c) I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 7.
- (d) None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.
- (e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any manner whatsoever under the Insolvency (Northern Ireland) Order 1989.
- (f) The person or persons (*if any*) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership.
- (g) All material information has been supplied and I enclose the documents mentioned in Panels 5 & 6, any mortgage or charge to be registered and any other document mentioned in Panel 7 or in the Schedule hereto.
- (h) The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.

Signature of partner or authorised Solicitor: A. Bishop Date: 14.01.2003

Name of firm: [Bishop & Company](#)**9. Check List**

- Have you completed the Schedule of Burdens overleaf?
- Have you enclosed
 - the root of title
 - the assurance to the Applicant,
 - any mortgage or other document referred to in this form?
- Have you marked the boundaries on the map?
- Have you attached the map to this application form?

Important: Please read these instructions carefully before completing the Schedule

- (1) List burdens in order of priority (e.g. 1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5, 2. Mortgage dated between).
- (2) Since easements affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should not be listed as burdens.
- (3) Where the land is subject to a mortgage or charge give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (4) If only part of the land is affected by a burden, state this and identify that part by reference to the map.
- (5) Covenants and conditions may be referred to in general terms (e.g. the covenants contained in the said Fee Farm Grant).
- (6) If the land is indemnified against a rent, give full details of the rent and the indemnity and identify any relevant documents.
- (7) Where the Applicant holds the land subject to but with the benefit of a lease which requires to be registered as a burden state the date, parties and term.

SCHEDULE - BURDENS

<i>ITEM NO</i>	<i>PARTICULARS OF BURDENS</i>
1.	Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5.
2.	Mortgage dated 8 th January 2003 (Black & White to Oldshires Building Society).

SCHEDULE C, LAND REGISTRY: FORM 1

(May 2000 edition)

Application for first registration with an absolute title (rule 11(1))

<ul style="list-style-type: none"> ◆ Use a separate form for each title to be registered ◆ Complete Panels in typescript or capital letters. ◆ Form 3 must be used where the application is based on adverse possession. 	<p style="text-align: center;">FOR OFFICIAL USE ONLY DOCUMENT NO.</p> <p style="text-align: center;">MAPPING REF.</p>
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1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

"The land" The land shown outlined in red

on the attached map being land situate at/known as 1 Bangor Road, Newtownards, BT23 1AA

County Down

2. Applicants *Enter the full name & address in the United Kingdom (including postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

"The Applicant"
John Black and Mary White both of 1 Bangor Road, Newtownards, BT23 1AA, County Down.

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in _____ and the Applicant is/are limited owner(s) having the powers of a tenant for life under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5.**

The Trustees for the purposes of the Settled Land Acts are

4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If this panel is not completed co-owners will be assumed to be joint tenants.)*

The Applicants are:

joint tenants

tenants in common in the following shares:

5. Applicant's estate and class of title sought - Tick appropriate box & complete as necessary.

Good Fee Farm Grant by virtue of a Fee Farm Grant dated

Good Leasehold estate by virtue of a Lease dated

Fee Simple absolute. The root of title (being a Conveyance for value made at least 15 years ago) is a Conveyance dated 18th August 1953.

Qualified title commencing with a Conveyance dated
The title is qualified because *(tick and complete the appropriate box and set out details of the reasons for the qualification)*.

The Conveyance comprising the root of title is less than 15 years old.

The root of title is a voluntary conveyance.

The Applicant's predecessors in title acquired the land by way of adverse possession and there is no root of title other than the deed mentioned in Panel 6.

6. Acquisition - Give particulars of the deed by which the Applicant acquired the land.

The Applicant acquired the land on 8th January 2003
by virtue of a deed of [Conveyance](#) from [Alan Adams](#)

7. Appurtenant Rights – Only complete this panel if an appurtenant right is being claimed. NB: An additional fee is payable for registration of a note of a claimed appurtenant right.

The Applicant claims, under Rule 147, that the land has the benefit of an appurtenant right comprised in a Deed of Conveyance dated 18th August 1953 and made between [J. Smith and U. Watson](#) being a right of way over portion of adjoining property delineated on Map 2 attached and shown thereon coloured blue.

8. Certificate of Title		
I hereby certify as follows:		
(a)	I act for the Applicant in relation to the land and I have investigated the title fully.	
(b)	All necessary searches and enquiries have been made.	
(c)	I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 7.	
(d)	None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.	
(e)	I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any manner whatsoever under the Insolvency (Northern Ireland) Order 1989.	
(f)	The person or persons (<i>if any</i>) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership.	
(g)	All material information has been supplied and I enclose the documents mentioned in Panels 5 & 6, any mortgage or charge to be registered and any other document mentioned in Panel 7 or in the Schedule hereto.	
(h)	The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.	
Signature of partner or authorised Solicitor:		A. Bishop Date: 8.01.03
Name of firm:		Bishop & Company

9. Check List	
<input type="checkbox"/>	Have you completed the Schedule of Burdens overleaf?
<input type="checkbox"/>	Have you enclosed the root of title the assurance to the Applicant, any mortgage or other document referred to in this form?
<input type="checkbox"/>	Have you marked the boundaries on the map?
<input type="checkbox"/>	Have you attached the map to this application form?

Important: Please read these instructions carefully before completing the Schedule

- (1) List burdens **in order of priority** (e.g. 1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5, 2. Mortgage dated between).
- (2) Since **easements** affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should **not** be listed as burdens.
- (3) Where the land is subject to a **mortgage or charge** give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (4) If only **part of the land** is affected by a burden, state this and identify that part by reference to the map.
- (5) **Covenants** and conditions may be referred to in general terms (e.g. the covenants contained in the said Fee Farm Grant).
- (6) If the land is **indemnified** against a rent, give full details of the rent and the indemnity and identify any relevant documents.
- (7) Where the Applicant holds the land **subject to but with the benefit of a lease** which requires to be registered as a burden state the date, parties and term.

SCHEDULE - BURDENS

<i>ITEM NO</i>	<i>PARTICULARS OF BURDENS</i>

SCHEDULE D, LAND REGISTRY: FORM 1

(May 2000 edition)

Application for first registration with a qualified title (rule 11(1))

<ul style="list-style-type: none"> ◆ Use a separate form for each title to be registered ◆ Complete Panels in typescript or capital letters. ◆ Form 3 must be used where the application is based on adverse possession. 	<p style="text-align: center;">FOR OFFICIAL USE ONLY DOCUMENT NO.</p> <p style="text-align: center;">MAPPING REF.</p>
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1. Description of the land *Indicate how the land is shown on the map. The map must be based on the latest available Ordnance Survey Address Centred Extract (ACE) map. In cases of a very small plot or of an area of complex ordnance survey detail the location map may be supplemented by a larger scale plan. This is particularly desirable where the Application relates only to a part of a building.*

"The land" The land shown outlined in red

on the attached map being land situate at/known as 1 Bangor Road, Newtownards, BT23 1AA

County Down

2. Applicants *Enter the full name & address in the United Kingdom (including postcode) of each applicant. If any applicant is a personal representative state this and include the name and former address of the deceased.*

"The Applicant"
John Black and Mary White both of 1, Bangor Road, Newtownards, BT23 1AA, County Down.

3. Limited Ownership *Only complete this panel where there is a settlement.*

The land is held under a settlement which is contained in _____ and the Applicant is/are limited owner(s) having the powers of a tenant for life under the Settled Land Acts 1882-90 in respect of the estate specified in **Panel 5.**

The Trustees for the purposes of the Settled Land Acts are

4. Co-owners *Where there is more than one Applicant, tick appropriate box and complete as necessary. (If this panel is not completed co-owners will be assumed to be joint tenants.)*

The Applicants are:

- joint tenants
- tenants in common in the following shares:

5. Applicant's estate and class of title sought - Tick appropriate box & complete as necessary.

Good Fee Farm Grant by virtue of a Fee Farm Grant dated

Good Leasehold estate by virtue of a Lease dated

Fee Simple absolute. The root of title (being a Conveyance for value made at least 15 years ago) is a Conveyance dated

Qualified title commencing with a Conveyance dated **8th January 2003**
 The title is qualified because *(tick and complete the appropriate box and set out details of the reasons for the qualification)*.

The Conveyance comprising the root of title is less than 15 years old.

The root of title is a voluntary conveyance.

The Applicant's predecessors in title acquired the land by way of adverse possession and there is no root of title other than the deed mentioned in Panel 6.

6. Acquisition - Give particulars of the deed by which the Applicant acquired the land.

The Applicant acquired the land on 8th January 2003
 by virtue of a deed of Conveyance from

7. Appurtenant Rights – Only complete this panel if an appurtenant right is being claimed. NB: An additional fee is payable for registration of a note of a claimed appurtenant right.

The Applicant claims, under Rule 147, that the land has the benefit of an appurtenant right comprised in a Deed of dated and made between

being a right

8. Certificate of Title**I hereby certify as follows:**

- (a) I act for the Applicant in relation to the land and I have investigated the title fully.
- (b) All necessary searches and enquiries have been made.
- (c) I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 7.
- (d) None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.
- (e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any manner whatsoever under the Insolvency (Northern Ireland) Order 1989.
- (f) The person or persons (*if any*) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership.
- (g) All material information has been supplied and I enclose the documents mentioned in Panels 5 & 6, any mortgage or charge to be registered and any other document mentioned in Panel 7 or in the Schedule hereto.
- (h) The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.

Signature of partner or authorised Solicitor: A Bishop

Date: 8.01.03

Name of firm: Bishop & Company

9. Check List

- Have you completed the Schedule of Burdens overleaf?
- Have you enclosed
 - the root of title
 - the assurance to the Applicant,
 - any mortgage or other document referred to in this form?
- Have you marked the boundaries on the map?
- Have you attached the map to this application form?

Important: Please read these instructions carefully before completing the Schedule

- (1) List burdens **in order of priority** (e.g. 1. Fee Farm Rent and Grantees covenants referred to in the Fee Farm Grant mentioned in Panel 5, 2. Mortgage dated between).
- (2) Since **easements** affect land without registration (see Schedule 5 of the Land Registration (NI) Act 1970), they should **not** be listed as burdens.
- (3) Where the land is subject to a **mortgage or charge** give details of the date and parties and state the name and address of the person now entitled to the mortgage or charge. In the case of a floating charge, state whether it has crystallised.
- (4) If only **part of the land** is affected by a burden, state this and identify that part by reference to the map.
- (5) **Covenants** and conditions may be referred to in general terms (e.g. the covenants contained in the said Fee Farm Grant).
- (6) If the land is **indemnified** against a rent, give full details of the rent and the indemnity and identify any relevant documents.
- (7) Where the Applicant holds the land **subject to but with the benefit of a lease** which requires to be registered as a burden state the date, parties and term.

SCHEDULE - BURDENS

<i>ITEM NO</i>	<i>PARTICULARS OF BURDENS</i>

SCHEDULE E, LAND REGISTRY: COMMON QUERIES IN RELATION TO CFR APPLICATIONS

- Q1. Ordinarily for unregistered land only one Mortgage Deed is executed by the Borrower and registered in the Registry of Deeds. However if only one Mortgage Deed is lodged in the Land Registry the Land Registry keep it and will not return a separate Certificate of Charge unless a specific application is made for this. Even then a copy of the Mortgage Deed is not returned. Hence advice should be given that either two Mortgage Deeds are registered in the Registry of Deeds or alternatively confirmation that if an original Mortgage Deed and a certified copy thereof are lodged in the Land Registry at CFR, then one of these documents will be returned to the Solicitors. Clarification should also be given whether a certified copy Mortgage Deed is adequate to have the Charge cancelled at a later stage.
- A. It is usual Land Registry practice to require a Deed of Charge to be submitted in duplicate if a Certificate of Charge is to be issued endorsed on the original Deed since Land Registry must retain a copy of the original deed for its records. Unlike Registry of Deeds, Land Registry is bound to retain Documents of Title as it is the Register which represents the title not the title deeds. The reason the original Deed of Charge is returned is because the Certificate of Charge is endorsed on it. Otherwise all original documents relating to the title must be retained in Land Registry. When the building society charge is being cancelled the Certificate of Charge endorsed on the original deed will be required for cancellation and it is therefore only appropriate that the vacate on the original deed be used to cancel the charge.
- Q2. In unregistered land transactions of new houses ordinarily only two engrossed Transfers are furnished at completion. After having these registered in the Registry of Deeds it would be normal at that stage to return a registered Transfer to the Landlord's Solicitors. However that only leaves one Transfer available for CFR and again a certified copy at that stage would need to be lodged in the Land Registry which presumably the Land Registry would keep and return the original Transfer with a new Land Certificate. Advice should probably be given to the profession that in relation to unregistered land it is preferable to have three forms of Transfer - one for the Transferor, and two for CFR purposes.
- A. As previously pointed out all original documents of title should be retained by Land Registry. It is up to solicitors if they require to have copies of the deeds retained for reference purposes.
- Q3. If a property is made up of leasehold land and freehold land regularly one Deed to the Purchaser would be prepared and invariably one map attached thereto. However when it comes to CFR advice/confirmation should be given that two separate applications are

required and two separate maps. Again in such a situation it would appear that at least four engrossments of the one Deed would be necessary - two for the leasehold title and two for the freehold title. Clarification should be given that two application fees of £50 are required.

- A. As two separate titles are involved and two separate folios will be opened there must be clear identification on the ACE map provided of the leasehold and freehold properties. A composite application in Form 1 with a fee of £50 will be accepted.
- Q4. Advice should be given in relation to titles where part of the land being sold has no title deeds and the Purchaser is accepting a Deed of Conveyance on foot of two grounding Statutory Declarations of ownership. In such a situation even when the Deed of Conveyance is initially registered in the Registry of Deeds, the Land Registry now insist on £150 Land Registry fees when the Deed is lodged for CFR on the grounds that it is a possessory title. This is actually the fee for a first registration when no title deeds have been produced even a Deed of Conveyance to the Purchaser. Certainly in reading the Land Registry Guide it would appear that as a Deed has been first registered in the Registry of Deeds, only £60 would be due at the CFR stage.
- A. If the good root of title is provided together with the last assurance to the applicant and the title is certified by a solicitor, Land Registry will accept this as it does not investigate the title. Where no title deeds are available apart from the conveyance to the purchaser less than 15 years old the applicant's solicitor can apply for a qualified title under Form 1 and pay £50. The title will be qualified to the deed of conveyance. If there is no good root of title and no conveyance of less than 15 years the applicant must apply for a possessory title only in Form 3 and pay £150. The title is then investigated by Land Registry. It is the solicitor's choice whether to apply for a possessory or qualified title if a conveyance of less than 15 years is the only evidence of title. The matter is covered by Rule 3 of the Land Registration (Amendment) Rules (NI) 2000.
- Q5. In many new estates up to date ACE maps are simply not available for many months after completion. Advice should be given in relation to when the application should be lodged for CFR purposes. Should the Purchaser's Solicitors wait until an ACE map is ready? However if they lodge the application in the Land Registry there should be some system which exists that the Land Registry can proceed with the registration as soon as it receives the first ACE map for the new development. Surely they can "plot" the ACE map by comparison to the Transfer map already lodged? Situations can arise where many months after the initial application an ACE map becomes available and this is furnished to another Purchaser's Solicitors who lodges the CFR with the ACE map in the Land Registry. However the Solicitor who acted for earlier Purchasers might not have been aware that the ACE map was now available.
- A. The application should not be submitted until the ACE map becomes available. Where it has not been possible to lodge the application within the three period an extension of this time period should be sought under Schedule 2 Part II of the Land Registration Act (NI) 1970 citing the non availability of the ACE map as the reason for the delay in submission.

The difficulty with plotting information from the transfer map onto the digital information contained in an ACE map is that experience has shown that the transfer map boundaries will in many instances be at variance with ground position of boundaries as shown on the ACE map. In these circumstances LRNI are obliged to raise a query with the person making the application, failure to do so increases the potential to have problems with the registration of adjoining sites.

- Q6. The Land Registry or Law Society should furnish guidelines in relation to who should actually colour in the ACE map when it is received. Regularly Deed maps are different scales to ACE maps. Some architects are charging £75 plus VAT approximately for simply scaling down the Deed map on to an ACE map for CFR purposes.
- A. The map attached to the Solicitors Certificate in Form 1 is part of the certification of title to the Land Registry by solicitors. The requirements are referred to in Para. 8 of the Solicitors Guide.
- Q7. Better guidelines should be given in relation to the situation where Deeds are missing. You can regularly have a number of conveyances all referring to an old Fee Farm Grant and covenants held under the Fee Farm Grant yet no copy of the Fee Farm Grant is available. It is very difficult to complete the Schedule-Burdens on the CFR application for a Good Fee Farm Grant title when you have no idea what the covenants are in the old Fee Farm Grant. This could result in Solicitors applying for a Good Fee Simple absolute title and simply referring to one of the Conveyances made more than 15 years ago and ignoring the Schedule of Burdens. Whereas the Land Registry may register this it is hardly acceptable.
- A. This is a matter for the solicitors certifying the title as Land Registry does not investigate the title. The fee farm grant and its covenants and rent should be referred to in the Burdens Schedule with a note that the Fee Farm Grant is unobtainable. Registration will show these burdens exist and if further information is required, it will be up to the interested party to track down the missing Fee Farm Grant.

SCHEDULE F, LAND REGISTRY

NATURE OF APPLICANT'S TITLE	APPROPRIATE CLASS OF TITLE
<p>LEASEHOLD</p> <p>(a) Lease for 21 years or less – no registration required</p> <p>(a) Lease for more than 21 years</p> <p>(b) As in (b), where the lessor's title is an <u>unencumbered</u> fee simple (not held under a fee farm grant) having a good root of title more than 15 years old.</p>	<p>(a) Not applicable</p> <p>(b) Good Leasehold</p> <p>(c) Absolute</p>
<p>FREEHOLD UNDER A FEE FARM GRANT</p> <p>(a) Fee Farm Grant less than 15 years old</p> <p>(b) Fee Farm Grant more than 15 years old</p> <p>(c) As in (a) and (b), and the grantor's title is an <u>unencumbered</u> fee simple (not held under a superior grant) having a good root of title more than 15 years old.</p>	<p>(a) Qualified</p> <p>(b) Good Fee Farm Grant</p> <p>(c) Absolute</p>
<p>FEE SIMPLE (not held under a Fee Farm Grant)</p> <p>(a) Having a good root of title more than 15 years old</p> <p>(b) Acquired under a Vesting Order</p> <p>(c) Otherwise</p>	<p>(a) Absolute</p> <p>(b) Absolute</p> <p>(c) Qualified or Possessory</p>
<p>ADVERSE POSSESSION</p> <p>Where the title of the Applicant, or his predecessors in title was acquired by adverse possession</p>	<p>Possessory</p>