EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The registration of title to land in Northern Ireland is a matter relating to the Supreme Court and as such is by the Government of Ireland Act, 1920, reserved. In other words, it is a matter in respect of which the Parliament of Northern Ireland has no power to make laws. Section 9 of the Northern Ireland Act, 1947, provides that from a date to be appointed by Order in Council the registration of title to land shall no longer be a reserved matter and contains incidental provisions thereon.

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(2) ADAPTATION OF ENACTMENTS

The Northern Ireland (Land Registry) (Adaptation of Enactments) Order, 1948

1948 No. 485

Made - - - -	*11th March,* 1948
Laid before Parliament	*12th March,* 1948
Coming into Operation	*1st April,* 1948

At the Court at Buckingham Palace, the 11th day of March, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas section nine of the Northern Ireland Act, 1947(a), which by virtue of the Northern Ireland (Land Registry) (Appointed Day) Order, 1948(b), will come into operation on the first day of April, 1948, provides that the reservation, by section forty-seven of the Government of Ireland Act, 1920(c), of matters relating to the Supreme Court of Northern Ireland shall cease to be treated as extending to the registration of title to land in Northern Ireland, and that the public services in connection with the administration of the registration of title to such land shall be transferred to the Government of Northern Ireland:

And Whereas the said section nine extends section sixty-nine of the said Government of Ireland Act, 1920, so as to empower His Majesty by Order in Council to make regulations for giving full effect to the said section nine and to the said transfer of services effected thereby and, in particular, to make adaptations of enactments for that purpose:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Northern Ireland (Land Registry) (Adaptation of Enactments) Order, 1948, and shall come into operation on the first day of April, 1948.

(a) 10 & 11 Geo. 6. c. 37. (b) S.I. 1948 No. 345, p. 3159 above.
(c) 10 & 11 Geo. 5. c. 67.

(2) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Act of 1891 " means the Local Registration of Title (Ireland) Act, 1891(a);

" Chancery Judge " means the Judge of the High Court to whom the business and matters arising in the Chancery jurisdiction of that Court are for the time being assigned;

" High Court " means His Majesty's High Court of Justice in Northern Ireland;

" Lord Chief Justice " means the Lord Chief Justice of Northern Ireland;

" Ministry " means the Ministry of Finance for Northern Ireland.

(3) Any reference in this Order to any provision of the Act of 1891 or of any other enactment or of any order or rule shall be construed as a reference to that provision as in force in Northern Ireland immediately before the coming into operation of this Order.

(4) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

2.—(1) Any reference in the Act of 1891 to an Act of Parliament or to a provisional order confirmed by Parliament shall be construed as including a reference to an Act of the Parliament of Northern Ireland or to a provisional order confirmed by that Parliament respectively, and any other reference therein to Parliament shall be construed as a reference to the Parliament of Northern Ireland.

(2) Any reference in the Act of 1891 to the Treasury shall be construed as a reference to the Ministry.

3. Section four of the Act of 1891 (which provides for the establishment of registers of owners of land in Ireland) shall have effect as if—

(*a*) in subsection (5) thereof the words from " but if such person " to the end of the subsection were omitted therefrom; and

(*b*) subsection (6) thereof provided that if the local office for any county were not in the office kept by the Clerk of the Crown and Peace for the county it should (subject as regards the local office for the county of Antrim to the provisions of the Government of Ireland (County Antrim Registration of Title) Order, 1924(c)) be in such other place as the Ministry, after consultation with the Chancery Judge, may from time to time determine.

4. Section five of the Act of 1891 (which prescribes the officers who are to be attached to the central office for the purposes of the registers) shall have effect as if in subsection (2) thereof for the words " or such officer being a barrister or solicitor having been attached to the office of the Land Judge for a period of at least eight years, as the Land Judge shall from time to time appoint " there were substituted the words " or such officer being a barrister or solicitor having been attached to the central office for a period

(a) 54 & 55 Vict. c. 66. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1924 (No. 1221) p 620.

of at least eight years, as the Ministry, after consultation with the Lord Chief Justice and the Chancery Judge, may from time to time appoint."

5. Section six of the Act of 1891 (which provides for the appointment and remuneration of officers attached to the central and local offices for the purpose of the registers) shall have effect as if for subsections (1), (2) and (3) thereof the following subsections were substituted:—

"(1) There shall be attached to the central office such officers and clerks as the Ministry, after consultation with the Lord Chief Justice and the Chancery Judge, may from time to time direct.

(2) The Chancery Judge may require the registrar of titles to act as registrar of the Court of the Chancery Judge in any Land Registry matter coming before that Court.

(3) Such salaries and remuneration of officers and clerks and such expenses of carrying this Act into effect as shall be sanctioned by the Ministry shall be paid out of moneys provided by the Parliament of Northern Ireland."

6. Section eight of the Act of 1891 (which contains provisions with respect to fees) shall have effect as if in subsection (1) thereof—

(*a*) for the words from the beginning of the subsection to the words "fix the fees" there were substituted the words "The Ministry, after consultation with the Lord Chief Justice and the Chancery Judge, may fix the fees"; and

(*b*) the words "whenever the Land Judge shall think it expedient" were omitted therefrom.

7. Any power under subsection (1) of section eleven of the Act of 1891 (which contains provisions with respect to the nomination of officers to exercise certain powers under the Act) to nominate officers shall be exercised by the Ministry.

8. Section ninety-two of the Act of 1891 (which relates to the establishment of an insurance fund) shall have effect as if in subsection (3) thereof for the references to the Consolidated Fund of the United Kingdom there were substituted references to the Consolidated Fund of Northern Ireland.

9. Section ninety-four of the Act of 1891 (which relates to the making of rules for the purposes of the Act) shall have effect as if—

(*a*) in subsection (1) thereof for the words from the beginning of the subsection to the words "by order make general rules" there were substituted the words "The Ministry, with the concurrence of the Lord Chief Justice and the Chancery Judge, may by order make general rules";

(*b*) subsection (2) were omitted therefrom; and

(*c*) for the reference in subsection (4) thereof to forty days there were substituted a reference to ten days.

10. Section ninety-five of the Act of 1891 (which relates to the construction of terms in the Act) shall have effect as if subsection (1) thereof defined the expressions "Chancery Judge", "High Court", "Lord Chief Justice" and "Ministry" as having the meanings respectively assigned to them by paragraph (2) of Article 1 of this Order.

11.—(1) The Orders and Rules dated July 18, 1936(**a**), and expressed to be made by the Chancery Judge with the approval of the Lord Chief Justice under the Act of 1891, the Small Dwellings Acquisition Acts (Northern Ireland), 1899 to 1923, the Northern Ireland Land Act, 1925(**b**), and the Northern Ireland Land Purchase (Winding Up) Act, 1935(**c**), shall, subject to the adaptations and modifications thereof specified in the next succeeding paragraph, continue in force in like manner and subject to the like powers of revocation and alteration as if they had been made under the said enactments as adapted and modified by the foregoing provisions of this Order.

(2) The said Orders and Rules shall have effect as if—

(*a*) in paragraph (2) of Rule 4 of Order I, for the words " as the Chancery Judge may nominate in accordance with section 11 of the Act of 1891 " there were substituted the words " as the Ministry may nominate ";

(*b*) in Rule 5 of Order I the words " unless set aside by an order of the Chancery Judge " were omitted;

(*c*) the references in Rule 13 of Order III to any officer attached to the Court of the Chancery Judge qualified to take affidavits were construed as including a reference to the registrar of titles and to an assistant registrar of titles;

(*d*) the references in Rule 2 of Order XIII to the Treasury were construed as references to the Ministry;

(*e*) the references in Form No. 2 of the Schedule of Forms to the Chancery Judge were construed as references to the Ministry; and

(*f*) the references in the said Schedule of Forms, other than the references in Forms Nos. 27 and 28, to the Chancery Division of the High Court were omitted therefrom.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The registration of title to land in Northern Ireland is a matter relating to the Supreme Court and as such is by the Government of Ireland Act, 1920, reserved. In other words, it is a matter in respect of which the Parliament of Northern Ireland has no power to make laws. Section 9 of the Northern Ireland Act, 1947, provides that from a date to be appointed by Order in Council the registration of title to land shall no longer be a reserved matter and contains incidental provisions thereon; and by the Northern Ireland (Land Registry) (Appointed Day) Order, 1948, the appointed day is the 1st April, 1948. The present Order makes such adaptations of enactments as are necessary to give effect to the transfer.

(**a**) S.R. & O. 1936 (No. 561) I, p. 1540. (**b**) 15 & 16 Geo. 5. c. 34.
(**c**) 25 & 26 Geo. 5. c. 21.