



Land &
Property
Services
Seirbhísí
Talún &
Maoiné

PRACTICE DIRECTION 2/2017

ARTICLE 50 PROPERTY (NORTHERN IRELAND) ORDER 1997

BACKGROUND

Article 50 of the Property (Northern Ireland) Order 1997 provides, that in the case of a joint tenancy, the creation of an Order Charging Land against one (but not all) of the joint tenants operates and has always operated to sever that tenancy.

Severance in these circumstances takes place automatically. To date, it has not been Land Registry practice to formally note severance of the joint tenancy when registering an Order Charging Land against one co-owner.

NEW ARRANGEMENTS

From 1st July 2017 the Registry will formally record the severance of joint tenancies upon receipt of an Order Charging Land. Registered owners will be served an untimed notice to advise that the severance has taken place.

The new policy of formally noting severance under Article 50 will not be applied retrospectively. If Solicitors wish to record a severance on a folio which has already taken place by virtue of Article 50, they should lodge a Form 100 and a letter requesting the folio to be amended to note the severance. There is no facility in the Landweb E-Registration System to make such an application and it will be acceptable to lodge a paper application or to make manuscript additions to the Form 100. No fee will be payable if the application is noted on the Form 100 as "Severance of Joint Tenancy - Historic".

Solicitors should continue to check folios thoroughly to note any historical Order Charging Land. The release or discharge of an Order Charging Land made against one co-owner does not of course reinstate the joint tenancy.

CHRISTINE FARRELL
Registrar of Titles
22nd June 2017