

SCHEDULES

SCHEDULE 1

Section 5.

THE REDEMPTION MONEY

The redemption money -general provisions

1. The redemption money appropriate to a ground rent is the sum produced by multiplying the yearly amount of the ground rent by the figure fixed under paragraph 2 as the number of years purchase applicable to that ground rent.
2. The Department of Finance and Personnel may by order made subject to negative resolution fix a figure as being the number of years purchase applicable to ground rents or to ground rents of a particular class or description.

Ground rent under building lease, etc.

- 3.—(1) This paragraph applies for the purpose of determining, for the purposes of paragraph 1, the yearly amount of a ground rent—
 - (a) to which land held under a building lease or under a fee farm grant for purposes corresponding to those of a building lease is subject; and
 - (b) in relation to which there is an agreement providing for one or more than one increase (whether periodic or dependent on a contingency) in the amount of the ground rent related to periods or events in the progress of building or related activities.
- (2) Subject to sub-paragraph (3), the yearly amount of the ground rent is to be taken to be the greatest annual amount that can become payable in accordance with the agreement (assuming, where an increase is dependent on a contingency, that the contingency will happen).
- (3) The amount arrived at under sub-paragraph (2) is subject to such abatement as is appropriate to take account of the period or periods during which ground rent would be payable, or likely to be payable, at a reduced rate in accordance with the agreement if the ground rent were not redeemed.
- (4) In this paragraph “contingency” does not include a breach of covenant such as is mentioned in section 28(4).

Ground rent subject to future increase

4.—(1) This paragraph applies for the purpose of determining, for the purposes of paragraph 1, the yearly amount of a ground rent which is subject to a provision for its increase, on a date or dates falling after the application date, by—

- (a) a fixed amount; or
- (b) an amount which is ascertained by a formula.

(2) Where the date for any such increase falls after the expiration of the relevant period, the provision for that increase is to be ignored.

(3) Where the date for any such increase falls within the relevant period, the yearly amount of the ground rent shall be determined in such manner as may be specified in an order under paragraph 2.

(4) In this paragraph “the relevant period”, in relation to a ground rent, means the period commencing on the application date and consisting of the number of years fixed by order under paragraph 2 as the number of years purchase applicable to ground rents (or, as the case may be, applicable to ground rents of the same class or description as that ground rent).

Ground rent subject to periodic review

5.—(1) This paragraph applies for the purpose of determining, for the purposes of paragraph 1, the yearly amount of a ground rent which is subject to periodic review having regard to circumstances current at the time of the review.

(2) If the application date is within one year after the date of—

- (a) the creation of the ground rent; or
- (b) a review of the ground rent,

the yearly amount of the ground rent is to be taken to be its amount as created or, as the case may be, its amount immediately following the implementation of the review.

(3) If the application date is more than one year after the date of the creation of the ground rent or its review (or most recent review), the yearly amount of the ground rent is to be taken to be that which it would have been if the ground rent had been reviewed on the anniversary of the date of its creation last preceding the application date in accordance with all the provisions for review except any provision about the dates of, or the length of periods between, reviews.

(4) For the purposes of this paragraph, a single review the occasion for which has not yet arisen or arrived is a periodic review.

SCHEDULE 2

Section 31(1).

AMENDMENTS

The Land Registration Act (Northern Ireland) 1970 (c. 18)

1. In Schedule 5, in Part I, after entry 15 insert—

“16. Any covenant (within the meaning of the Property (Northern Ireland) Order 1997) which continues to burden land by virtue of—

- (a) Article 35(8) or 35A(7) of that Order; or
- (b) section 16(2) of the Ground Rents Act (Northern Ireland) 2001.”.

The Property (Northern Ireland) Order 1997 (NI 8)

2.—(1) In Article 2(2) in the definition of “covenant” for the words in brackets substitute “(except in Article 34)”.

(2) In Article 2(2) in the definition of “prescribed” for the words in brackets substitute “(except in Article 46(1))”.

(3) In Article 30(6) for “Article 7(7)” substitute “section 3(7) of the Ground Rents Act (Northern Ireland) 2001”.

(4) In Article 34(2)(e) for “Article 25” substitute “section 16 of the Ground Rents Act (Northern Ireland) 2001”.

(5) In Article 35—

- (a) in paragraph (1)(b) after “no” insert “or nominal”;
- (b) in paragraph (7) for the words from “no superior rent” to “no money value)” substitute “no or nominal superior rent”, for “Article 18(1)” substitute “section 11(1) of the Ground Rents Act (Northern Ireland) 2001” and for “Article 5” substitute “section 1 of that Act”;
- (c) in paragraph (8) for “Article 20(7) to (10) and Articles 23 to 26” substitute “section 13(7), (8) and (10) and sections 14 to 17 of the Ground Rents Act (Northern Ireland) 2001”, for “Part II” substitute “that Act” and for “Articles” substitute “sections”;

(d) at the end add—

“(11) In this Article “nominal rent” means—

- (a) a rent of a yearly amount of less than £1; or
- (b) a peppercorn or other rent having no money value.”.

(6) After Article 35 insert—

“Redemption of nominal ground rent

35A.—(1) Subject to paragraph (2), this Article applies where the rent payable under a fee farm grant is a nominal rent.

(2) This Article does not apply at a time when—

- (a) the land is used wholly for business purposes; or
- (b) the rent-payer is prohibited by any term of his title from using the land otherwise than wholly for business purposes;

but land is not prevented from being used wholly for business purposes by reason only of the fact that part of it is occupied as a dwelling by a person who is required or permitted to reside there in consequence of his employment or of holding an office.

(3) The rent-payer may by deed (“the deed of declaration”) declare to the effect that the ground rent is discharged and may, in accordance with rules, make application to the Registrar for the purpose mentioned in paragraph (4) (a) or (b).

(4) On an application under paragraph (3)—

- (a) if the land is registered land, the deed of declaration is sufficient authority for the Registrar (subject to compliance with rules)—
 - (i) to discharge any burden as is mentioned in paragraph 2 of Part I of Schedule 6 to the Land Registration Act; and
 - (ii) to make such alteration in the class of title with which the land is registered as appears to him to be appropriate;
- (b) if the land is not registered, the Registrar may register the rent-payer’s title with such class of title as appears to him to be appropriate (and until the rent-payer’s title to the land is so registered, the deed of declaration has no effect);
- (c) in either case, the deed of declaration is sufficient authority (notwithstanding any caution or inhibition) for the Registrar to make in the register such consequential entries, changes, cancellations or notes as appear to him to be appropriate;

(5) Except where the Registrar is satisfied that the land was subject to no or nominal superior rent on the date of execution of the deed of declaration, the Registrar shall enter on the register a note to the effect that the fee simple estate is subject to a rentcharge of so much (if any) of any superior rent as would have been redeemed by virtue of section 11(1) of the Ground Rents Act (Northern Ireland) 2001 if a ground rent to which the land was subject had been redeemed under section 1 of that Act on that date; and such a note may be discharged in accordance with rules, and it is sufficient to satisfy the Registrar as to the matter mentioned at the beginning of this paragraph that he is furnished by a solicitor with a certificate to that effect.

Status: This is the original version (as it was originally enacted).

(6) Subject to paragraphs (4), (5) and (7), the deed of declaration operates by virtue of this paragraph to discharge the estate of the rent payer from all estates in the land of the rent-owner and any superior owners to the extent that those estates carry entitlement to ground rent or a superior rent or relate to matters connected with the rent and to that extent those estates are extinguished.

(7) Where a ground rent is discharged under this Article, section 13(8) (read with subsection (10)) and sections 15(2), 16 and 17 of the Ground Rents Act (Northern Ireland) 2001 apply in relation to the land as if the ground rent had been redeemed under that Act; and, accordingly, for the purposes of this Article those sections shall be read with the necessary modifications.

(8) For the purposes of paragraph (6) matters are connected with rent if they are concerned with the amount of the rent or its payment or recovery or are otherwise concerned (directly or indirectly) with the rent.

(9) In this Article “nominal rent” has the same meaning as in Article 35.”

(7) In Article 46(1) and (2) for “Parts II and III” substitute “Part III”.

SCHEDULE 3

Section 31(2).

REPEALS

Short Title	Extent of repeal
The Chief Rents Redemption (Ireland) Act 1864 (c. 38).	The whole Act.
The Property (Northern Ireland) Order 1997 (NI 8)	<p>In Article 2(2) the definitions of “certificate of redemption”, “counter-notice”, “instalments”, “redemption”, “the redemption date”, “redemption money” and “redemption notice” and in the definitions of “rent-owner” and “rent-payer” the words “, without prejudice to Article 32,”.</p> <p>In Article 2(3) the words from the beginning to “Article 12(3),”.</p> <p>Article 2(4).</p> <p>Article 3(2)(a).</p> <p>Articles 5 to 27.</p> <p>Articles 32 and 33.</p>

Short Title	Extent of repeal
	In Article 42(4), sub-paragraphs (a) to (g).
	In Article 42(4)(j) the words “Part II or”.
	Article 42(5) and (6).
	In Article 43(1) the words “II or”.
	In Article 44 the words “II or” and “redemption money or other”.
	In Article 45(1) the words “Article 25(2) or”.
	In Article 46(2) the words from “and in paragraphs (c)” to the end.
	Article 46(5).
	In Article 46(6) the words “II or”.
	Schedule 1.
	In Schedule 4, paragraph 2.
	In Schedule 5, the entry relating to the Chief Rents Redemption (Ireland) Act 1864.