

Dematerialisation – the end is nigh for Land Certificates

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On 3 October 2011, dematerialisation legislation came into force, which means that property transactions can now be lodged for registration at the Land Registry of Northern Ireland without the applicant having to produce the original Land Certificate or Certificate of Charge.

It was a long established requirement that Land Certificates had to be lodged with the Land Registry for almost every transaction. This has been slowly changing and Rule 128 of the Land Registration Rules (NI) 1994 allowed the following transactions (amongst others) to be registered on a Folio without the production of the Land Certificate:

- matrimonial charges;
- cautions;
- inhibitions;
- orders charging land and notices of order charging land;
- pending actions;
- orders made under the Criminal Justice (Confiscation) (NI) Order 1990;
- some insolvency and bankruptcy matters;
- court orders; and
- vesting orders.

Rule 128 has been amended further so that now it is not necessary to produce a Land Certificate with applications for registration except in the case of a Notice of Deposit of Land Certificates. Rules 121 and 122 have also been amended to allow electronic certificates to be issued. The theory is that physical certificates will eventually become obsolete.

For further information, please contact the property team at CFR.

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.