

Report on	Release of Burden on Non-Council owned Land
Date of Meeting	4 th July 2019
Reporting Officer	Claire McNally, Council Solicitor
Contact Officer	Claire McNally, Council Solicitor

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek Members approval to release a burden registered against non-Council owned lands situated at 5 Sixtowns Road, Draperstown and registered in Land Registry under Folio 16991, County Londonderry ("the Lands").
2.0	Background
2.1	Prior to the establishment of NIHE, local government was responsible for housing in Northern Ireland. After public re-organisation in or around 1973, these functions and powers were transferred to the Housing Executive.
2.2	The subject Lands contain a burden registered against the related Land Registry Folio on 29 th January 1952, by the former Council of the Magherafelt Rural District. See location map of the Lands at Appendix A of this report.
2.3	A request has been received from the registered owners' legal representatives requesting a release of the registered burden by the Council against the Lands, as successor in title of former Council of the Magherafelt Rural District, to enable the progression of the sale of this property.
2.4	By way of a basic definition, a burden is an obligation affecting the land which normally requires the owner to do something or to refrain from doing something for the benefit of another property and not be in contravention of public policy. A burden may be released by the person or entity entitled to the burden upon the execution of a simple deed of release.
3.0	Main Report
3.1	<p>For the purposes of information, the burden in question is detailed below:-</p> <p><i>A power vested in the Magherafelt Rural District Council in the event of any breach or contravention of any of the following covenants hereinafter mentioned on the part of the registered owner, to Charge the said Lands with the sum of Two</i></p>

	<p><i>hundred and fifty pounds together with costs in connection with the exercise of this said power.</i></p> <p><i>The registered owner covenants with the said Council that until the expiration of five years next after the 1st December 1950:-</i></p> <ul style="list-style-type: none"> <i>(i) The lands herein are not to be sold or transferred for a consideration which exceeds in value One thousand four hundred and fifty pounds;</i> <i>(ii) The house in respect of which such grant is made is not to be amalgamated with any other house or houses so that such house together form a singly house;</i> <i>(iii) The said house is not to be enlarged altered or structurally modified in such a manner that it ceases to conform to the requirements as to type or dimensions for the time being in force under Part III of the Housing (No.2) Act (Northern Ireland) 1946 for the purpose of a grant under that part of that Act.</i>
3.2	The above burden registered against these Lands, states how long the burden is to last. You will note that the duration of this burden has long since expired.
3.3	We'd also advise the requester to liaise with any relevant third parties, such as NIHE, in relation to the release of the burden.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A.
	Human: Officer time in progressing this matter.
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members approve that the Council agrees to release the burden registered against the lands registered in Land Registry under Folio 16991, County Londonderry and that the Council enters in to any agreement or deed as appropriate to effect said release.

6.0	Documents Attached & References
6.1	Appendix A –Land Registry Folio Map – Folio 16991 County Londonderry, denoting the lands in question.