7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeals.
12 & 13 Geo. 5. c. 16—*cont.*	- - - -	The Sixth Schedule except paragraphs one and three and sub-paragraphs (1), (3) and the first paragraph of sub-paragraph (4) of paragraph four and sub-paragraphs (2) and (3) of paragraph five. The Eighth Schedule. In the Ninth Schedule, forms Nos. 5, 6, 7 and 9, and No. 8, except so far as it relates to settled land. The Eleventh Schedule. In the Fifteenth Schedule, sub-paragraph (3) of paragraph seven.
15 Geo. 5. c. 5.	The Law of Property (Amendment) Act, 1924.	Section three and the Third Schedule.

CHAPTER 21.

An Act to consolidate the Land Transfer Acts and the statute law relating to registered land.

[9th April 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Registers to be continued.

1. There shall continue to be kept at His Majesty's Land Registry, a register of title to freehold land and leasehold land.

What estates may be registered.

2.—(1) After the commencement of this Act, estates capable of subsisting as legal estates shall be the only interests in land in respect of which a proprietor can be registered and all other interests in registered land (except overriding interests and interests entered on the register

at or before such commencement) shall take effect in equity as minor interests, but all interests (except undivided shares in land) entered on the register at such commencement which are not legal estates shall be capable of being dealt with under this Act:

Provided that, on the occasion of the first dealing with any such interest, the register shall be rectified in such manner as may be provided by rules made to secure that the entries therein shall be similar to those which would have been made if the title to the land had been registered after the commencement of this Act.

(2) Subject as aforesaid, and save as otherwise expressly provided by this Act, this Act applies to land registered under any enactment replaced by this Act in like manner as it applies to land registered under this Act.

Interpretation.

3. In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

(i) "Charge by way of legal mortgage" means a mortgage created by charge under which, by virtue of the Law of Property Act, 1925, the mortgagee is to be treated as an estate owner in like manner as if a mortgage term by demise or subdemise were vested in him, and "legal mortgage" has the same meaning as in that Act;

15 Geo. 5. c. 20.

(ii) "the Court" means the High Court of Justice, and also the Court of Chancery of the County Palatine of Lancaster or Durham, or the county court, where those courts respectively have jurisdiction;

(iii) "Death duty" means estate duty, succession duty, legacy duty, and every other duty leviable or payable on any death;

(iv) "Estate owner" means the owner of a legal estate, but an infant is not capable of being an estate owner;

(v) "Gazette" means the London Gazette;

(vi) "Income" includes rents and profits;

(vii) "Instrument" does not include a statute, unless the statute creates a settlement;

(viii) "Land" includes land of any tenure (including land, subject or not to manorial incidents, enfranchised under Part V. of the

Law of Property Act, 1922), and mines and minerals, whether or not held with the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments; also a manor, an advowson, and a rent and other incorporeal hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land; but not an undivided share in land; and "hereditaments" mean real property which on an intestacy might, before the commencement of this Act, have devolved on an heir; 12 & 13 Geo. 5. c. 16.

(ix) "Land charge" and "Local land charge" have the same meanings as in the Land Charges Act, 1925; 15 Geo. 5. c. 22.

(x) "Lease" includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy;

(xi) "Legal estates" mean the estates interests and charges in or over land subsisting or created at law which are by the Law of Property Act, 1925, authorised to subsist or to be created at law; and "Equitable interests" mean all the other interests and charges in or over land or in the proceeds of sale thereof; an equitable interest "capable of subsisting at law" means such as could validly subsist at law if clothed with the legal estate;

(xii) "Limitation Acts" mean the Real Property Limitation Acts, 1833, 1837 and 1874, and any Acts amending those Acts; 3 & 4 Will. 4. c. 27. 7 Will. 4. and 1 Vict. c. 28.

(xiii) "Manorial incidents" have the same meaning as in Part V. of the Law of Property Act, 1922; 37 & 38 Vict. c. 57.

(xiv) "Mines and minerals" include any strata or seam of minerals or substances in or under any land, and powers of working and getting the same, but not an undivided share thereof;

(xv) "Minor interests" mean the interests not capable of being disposed of or created by registered dispositions and capable of being overridden (whether or not a purchaser has notice thereof) by the proprietors unless

protected as provided by this Act, and all rights and interests which are not registered or protected on the register and are not overriding interests, and include—

(*a*) in the case of land held on trust for sale, all interests and powers which are under the Law of Property Act, 1925, capable of being overridden by the trustees for sale, whether or not such interests and powers are so protected; and

15 Geo. 5. c. 18.

(*b*) in the case of settled land, all interests and powers which are under the Settled Land Act, 1925, and the Law of Property Act, 1925, or either of them, capable of being overridden by the tenant for life or statutory owner, whether or not such interests and powers are so protected as aforesaid;

(xvi) "Overriding interests" mean all the incumbrances, interests, rights, and powers not entered on the register but subject to which registered dispositions are by this Act to take effect, and in regard to land registered at the commencement of this Act include the matters which are by any enactment repealed by this Act declared not to be incumbrances;

(xvii) "Personal representative" means the executor, original or by representation, or administrator for the time being of a deceased person, and as regards any liability for the payment of death duties includes any person who takes possession of or intermeddles with the property of a deceased person without the authority of the personal representatives or the court; and where there are special personal representatives for the purposes of any settled land, it means, in relation to that land, those representatives;

(xviii) "Possession" includes receipt of rents and profits or the right to receive the same, if any;

(xix) "Prescribed" means prescribed by general rules made in pursuance of this Act;

(xx) "Proprietor" means the registered proprietor for the time being of an estate in land or of a charge;

(xxi) "Purchaser" means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee, or other person who for valuable consideration acquires any interest in land or in any charge on land;

(xxii) "Registered dispositions" mean dispositions which take effect under the powers conferred on the proprietor by way of transfer, charge, lease or otherwise and to which (when required to be registered) special effect or priority is given by this Act on registration;

(xxiii) "Registered estate," in reference to land, means the legal estate, or other registered interest, if any, as respects which a person is for the time being registered as proprietor, but does not include a registered charge and a "registered charge" includes a mortgage or incumbrance registered as a charge under this Act;

(xxiv) "Registered land" means land or any estate or interest in land the title to which is registered under this Act or any enactment replaced by this Act, and includes any easement, right, privilege, or benefit which is appurtenant or appendant thereto, and any mines and minerals within or under the same and held therewith;

(xxv) "Rent" includes a rent service or a rent-charge, or other rent, toll, duty, royalty, or annual or periodical payment, in money or money's worth, issuing out of or charged upon land, but does not include mortgage interest;

(xxvi) "Settled land" "settlement" "tenant for life" "statutory owner" "trustees of the settlement" "capital money" "committee" "lunatic" "defective" "trust corporation" "trust instrument" "vesting deed" "vesting order" "vesting assent" and "vesting instrument" have the same meanings as in the Settled Land Act, 1925;

(xxvii) A "term of years absolute" means a term of years, whether at a rent or not, taking effect

either in possession or in reversion, with or without impeachment for waste, subject or not to another legal estate and either certain or liable to determination by notice, re-entry, operation of law, or by a provision for cesser on redemption, or in any other event (other than the dropping of a life, or the determination of a determinable life interest), but does not include any term of years determinable with life or lives or with the cesser of a determinable life interest, nor, if created after the commencement of this Act, a term of years which is not expressed to take effect in possession within twenty-one years after the creation thereof where required by the Law of Property Act, 1925, to take effect within that period; and in this definition the expression "term of years" includes a term for less than a year, or for a year or years and a fraction of a year or from year to year;

(xxviii) "Trust for sale," in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale;

(xxix) "Trustees for sale" mean the persons (including a personal representative) holding land on trust for sale;

(xxx) "United Kingdom" means Great Britain and Northern Ireland;

(xxxi) "Valuable consideration" includes marriage, but does not include a nominal consideration in money;

(xxxii) "Will" includes codicil.

PART II.

REGISTRATION OF LAND.

Freehold Land.

Application for registration of freehold land.

4. Where the title to be registered is a title to a freehold estate in land—

(*a*) any estate owner holding an estate in fee simple (including a tenant for life, statutory owner,

personal representative, or trustee for sale) whether subject or not to incumbrances; or

(*b*) any other person (not being a mortgagee where there is a subsisting right of redemption or a person who has merely contracted to buy land) who is entitled to require a legal estate in fee simple whether subject or not to incumbrances, to be vested in him;

may apply to the registrar to be registered in respect of such estate, or, in the case of a person not in a fiduciary position, to have registered in his stead any nominee, as proprietor with an absolute title or with a possessory title:

Provided that—

(i) Where an absolute title is required the applicant or his nominee shall not be registered as proprietor until and unless the title is approved by the registrar;

(ii) Where a possessory title is required the applicant or his nominee may be registered as proprietor on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed;

(iii) If, on an application for registration with possessory title, the registrar is satisfied as to the title to the freehold estate, he may register it as absolute, whether the applicant consents to such registration or not, but in that case no higher fee shall be charged than would have been charged for registration with possessory title.

Effect of first registration with absolute title.

5. Where the registered land is a freehold estate, the registration of any person as first proprietor thereof with an absolute title shall vest in the person so registered an estate in fee simple in possession in the land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject to the following rights and interests, that is to say,—

(*a*) Subject to the incumbrances, and other entries, if any, appearing on the register; and

(*b*) Unless the contrary is expressed on the register, subject to such overriding interests, if any, as affect the registered land; and

(*c*) Where the first proprietor is not entitled for his own benefit to the registered land subject, as between himself and the persons entitled to minor interests, to any minor interests of such persons of which he has notice,

but free from all other estates and interests whatsoever, including estates and interests of His Majesty.

Effect of first registration with possessory title.

6. Where the registered land is a freehold estate, the registration of any person as first proprietor thereof with a possessory title only shall not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the title of the first proprietor, and subsisting or capable of arising at the time of registration of that proprietor; but save as aforesaid, shall have the same effect as registration of a person with an absolute title.

Qualified title.

7.—(1) Where an absolute title is required, and on the examination of the title it appears to the registrar that the title can be established only for a limited period, or only subject to certain reservations, the registrar may, on the application of the party applying to be registered, by an entry made in the register, except from the effect of registration any estate, right, or interest—

(*a*) arising before a specified date, or

(*b*) arising under a specified instrument or otherwise particularly described in the register,

and a title registered subject to such excepted estate, right, or interest shall be called a qualified title.

(2) Where the registered land is a freehold estate, the registration of a person as first proprietor thereof with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted.

Leasehold Land.

Application for registration of leasehold land.

8.—(1) Where the title to be registered is a title to a leasehold interest in land—

(*a*) any estate owner (including a tenant for life, statutory owner, personal representative, or

trustee for sale, but not including a mortgagee where there is a subsisting right of redemption), holding under a lease for a term of years absolute of which more than twenty-one are unexpired, whether subject or not to incumbrances, or

(*b*) any other person (not being a mortgagee as aforesaid and not being a person who has merely contracted to buy the leasehold interest) who is entitled to require a legal leasehold estate held under such a lease as aforesaid (whether subject or not to incumbrances) to be vested in him,

may apply to the registrar to be registered in respect of such estate, or in the case of a person not being in a fiduciary position to have registered in his stead any nominee, as proprietor with an absolute title, with a good leasehold title or with a possessory title:

Provided that—

(i) Where an absolute title is required, the applicant or his nominee shall not be registered as proprietor until and unless the title both to the leasehold and to the freehold, and to any intermediate leasehold that may exist, is approved by the registrar;

(ii) Where a good leasehold title is required, the applicant or his nominee shall not be registered as proprietor until and unless the title to the leasehold interest is approved by the registrar;

(iii) Where a possessory title is required, the applicant or his nominee may be registered as proprietor on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed;

(iv) If on an application for registration with a possessory title the registrar is satisfied as to the title to the leasehold interest, he may register it as good leasehold, whether the applicant consents to such registration or not, but in that case no higher fee shall be charged than would have been charged for registration with possessory title.

(2) Leasehold land held under a lease containing an absolute prohibition against all dealings therewith inter vivos shall not be registered in pursuance of this Act; and leasehold land held under a lease containing a restriction on any such dealings, shall not be registered under this Act unless and until provision is made in the prescribed manner for preventing any dealing therewith in contravention of the restriction by an entry on the register to that effect, or otherwise.

(3) Where on an application to register a mortgage term, wherein no right of redemption is subsisting, it appears that the applicant is entitled in equity to the superior term, if any, out of which it was created, the registrar shall register him as proprietor of the superior term without any entry to the effect that the legal interest in that term is outstanding, and on such registration the superior term shall vest in the proprietor and the mortgage term shall merge therein:

Provided that this subsection shall not apply where the mortgage term does not comprise the whole of the land included in the superior term, unless in that case the rent, if any, payable in respect of the superior term has been apportioned, or the rent is of no money value or no rent is reserved, and unless the covenants, if any, entered into for the benefit of the reversion have been apportioned (either expressly or by implication) as respects the land comprised in the mortgage term.

Effect of first registration with absolute title.

9. Where the registered land is a leasehold interest, the registration under this Act of any person as first proprietor thereof with an absolute title shall be deemed to vest in such person the possession of the leasehold interest described, with all implied or expressed rights, privileges, and appurtenances attached to such interest, subject to the following obligations, rights, and interests, that is to say,—

(*a*) Subject to all implied and express covenants, obligations, and liabilities incident to the registered land; and

(*b*) Subject to the incumbrances and other entries (if any) appearing on the register; and

(*c*) Unless the contrary is expressed on the register, subject to such overriding interests, if any, as affect the registered land; and

(*d*) Where such first proprietor is not entitled for his own benefit to the registered land subject, as between himself and the persons entitled to minor interests, to any minor interests of such persons of which he has notice;

but free from all other estates and interests whatsoever, including estates and interests of His Majesty.

Effect of first registration with good leasehold title.

10. Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a good leasehold title shall not affect or prejudice the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease, but, save as aforesaid, shall have the same effect as registration with an absolute title.

Effect of first registration with possessory title.

11. Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a possessory title shall not affect or prejudice the enforcement of any estate, right, or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of such first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall have the same effect as registration with an absolute title.

Qualified title.

12.—(1) Where on examination it appears to the registrar that the title, either of the lessor to the reversion or of the lessee to the leasehold interest, can be established only for a limited period, or subject to certain reservations, the registrar may, upon the request in writing of the person applying to be registered, by an entry made in the register, except from the effect of registration any estate, right or interest—

(*a*) arising before a specified date, or

(*b*) arising under a specified instrument, or otherwise particularly described in the register,

and a title registered subject to any such exception shall be called a qualified title.

(2) Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a qualified title shall not affect or prejudice the

enforcement of any estate, right, or interest appearing by the register to be excepted, but, save as aforesaid, shall have the same effect as registration with a good leasehold title or an absolute title, as the case may be.

Preliminaries to Registration.

Regulations as to examination of title by registrar.

13. The examination by the registrar of any title under this Act shall be conducted in the prescribed manner:

Provided that—

(*a*) Due notice shall be given, where the giving of such notice is prescribed, and sufficient opportunity shall be afforded to any persons desirous of objecting to come in and state their objections to the registrar; and

(*b*) The registrar shall have jurisdiction to hear and determine any such objections, subject to an appeal to the court in the prescribed manner and on the prescribed conditions; and

(*c*) If the registrar, upon the examination of any title, is of opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the court, upon a statement signed by the registrar, for its sanction to the registration.

Evidence required before registration.

14.—(1) Before the completion of the registration of any estate in land in respect of which an examination of title is required, the applicant for registration and his solicitor, shall each, if required by the registrar, make an affidavit or declaration that to the best of his knowledge and belief all deeds, wills, and instruments of title, and all charges and incumbrances affecting the title which is the subject of the application, and all facts material to such title, have been disclosed in the course of the investigation of title made by the registrar.

(2) The registrar may require any person making an affidavit or declaration in pursuance of this section to state in his affidavit or declaration what means he

has had of becoming acquainted with the several matters referred to in this section; and if the registrar is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration until such further or other evidence is produced.

(3) Before the registration of any person who has not previously acquired the estate intended to be registered, the registrar shall be satisfied that all ad valorem stamp duty, if any, which, if the estate had been acquired by him, would have been payable in respect of the instrument vesting that estate in him, has been discharged.

Production of deeds.

15.—(1) When an application has been made to the registrar for the registration of any title to land, then if any person has in his possession or custody any deeds, instruments, or evidences of title relating to or affecting such title, to the production of which the applicant or any trustee for him is entitled, the registrar may require such person to show cause, within a time limited, why he should not produce such deeds, instruments, or evidences of title to the registrar, or otherwise, as the registrar may deem fit; and, unless cause is shown to the satisfaction of the registrar within the time limited, such deeds, instruments, and evidences of title may be ordered by the registrar to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms, as the registrar thinks fit.

(2) Any person aggrieved by an order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar with or without modification.

(3) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

Deeds to be marked with notice of registration.

16. A person shall not be registered as proprietor until, if required by the registrar, he has produced to him such documents of title, if any, as will, in the opinion of the registrar, when stamped or otherwise marked, give notice to any purchaser or other person

dealing with the land of the fact of the registration, and the registrar shall stamp or otherwise mark the same accordingly, unless the registrar is satisfied that without such stamping or marking the fact of such registration cannot be concealed from a purchaser or other person dealing with the land:

Provided that, in the case of registration with a possessory title, the registrar may act on such reasonable evidence as may be prescribed as to the sufficiency of the documents produced, and as to dispensing with their production in special circumstances.

Costs of application for registration.

17.—(1) All costs, charges, and expenses that are incurred by any parties in or about any proceedings for registration shall, unless the parties otherwise agree, be taxed by the taxing officer of the court as between solicitor and client, but the persons by whom and the proportions in which such costs, charges, and expenses are to be paid shall be in the discretion of the registrar, and shall be determined according to orders of the registrar, regard being had to the following provision, namely, that any applicant under this Act is liable primâ facie to pay all costs, charges, and expenses incurred by or in consequence of his application, except—

(*a*) in a case where parties object whose rights are sufficiently secured without their appearance; and

(*b*) where any costs, charges, or expenses are incurred unnecessarily or improperly:

Provided that any party aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar, with or without modification.

(2) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

PART III.

REGISTERED DEALINGS WITH REGISTERED LAND.

Dispositions of Freehold Land.

Powers of disposition of registered freeholds.

18.—(1) Where the registered land is a freehold estate the proprietor may, in the prescribed manner, transfer the registered estate in the land or any part thereof, and, subject to any entry in the register to the contrary, may in the prescribed manner—

(*a*) transfer the fee simple in possession of all or any mines or minerals apart from the surface; or of the surface without all or any of the mines and minerals;

(*b*) grant an annuity or a rentcharge in possession (either perpetual or for a term of years absolute) in any form which sufficiently refers in the prescribed manner to the registered land charged;

(*c*) grant in fee simple in possession any easement, right, or privilege in, over, or derived from the registered land or any part thereof, in any form which sufficiently refers, in the prescribed manner, to the registered servient tenement and to the dominant tenement, whether being registered land or not;

(*d*) transfer the fee simple in possession of the registered land or any part thereof, subject to the creation thereout, by way of reservation, in favour of any person of an annuity or a rentcharge in possession (either perpetual or for a term of years absolute), or of any easement, right, or privilege in possession (either in fee simple or for a term of years absolute);

(*e*) grant (subject or not to the reservation of an easement, right, or privilege) a lease of the registered land or any part thereof, or of all or any mines and minerals apart from the surface, or of the surface without all or any of the mines and minerals, or of an easement, right or privilege in or over the land, or any part thereof, for any term of years absolute for any purpose (but where by way of mortgage subject to the provisions of this Act and the

Law of Property Act, 1925, relating thereto), and in any form which sufficiently refers, in the prescribed manner, to the registered land.

(2) A perpetual annuity or rentcharge in possession may be granted or reserved to any person with or without a power of re-entry, exercisable at any time, on default of payment thereof, or on breach of covenant, and shall have incidental thereto all the powers and remedies (as varied if at all by the disposition creating the rentcharge) for recovery thereof conferred by the Law of Property Act, 1925; and where an easement, right, or privilege is reserved in a registered disposition for a legal estate, the reservation shall operate to create the same for the benefit of the land for the benefit of which the right is reserved.

(3) A lease for a term, not exceeding twenty-one years, to take effect in possession or within one year from the date thereof at a rent without taking a fine may be granted and shall take effect under this section notwithstanding that a caution, notice of deposit of a certificate, restriction, or inhibition (other than a bankruptcy inhibition) may be subsisting, but subject to the interests intended to be protected by any such caution, notice, restriction, or inhibition.

(4) The foregoing powers of disposition shall (subject to the express provisions of this Act and of the Law of Property Act, 1925, relating to mortgages) apply to dispositions by the registered proprietor by way of charge or mortgage; but no estate, other than a legal estate, shall be capable of being disposed of, or created under this section.

(5) In this Act "transfer" or "disposition" when referring to registered freehold land includes any disposition authorised as aforesaid; and "transferee" has a corresponding meaning.

Registration of disposition of freeholds.

19.—(1) The transfer of the registered estate in the land or part thereof shall be completed by the registrar entering on the register the transferee as the proprietor of the estate transferred, but until such entry is made the transferor shall be deemed to remain proprietor of the registered estate; and, where part only of the land is transferred, notice thereof shall also be noted on the register.

(2) All interests transferred or created by dispositions by the proprietor, other than a transfer of the registered estate in the land, or part thereof, shall, subject to the provisions relating to mortgages, be completed by registration in the same manner and with the same effect as provided by this Act with respect to transfers of registered estates and notice thereof shall also be noted on the register:

Provided that nothing in this subsection—

(*a*) shall authorise the registration of a lease granted for a term not exceeding twenty-one years, or require the entry of a notice of such a lease if it is granted at a rent without taking a fine; or

(*b*) shall authorise the registration of a mortgage term where there is a subsisting right of redemption; or

(*c*) shall render necessary the registration of any easement, right, or privilege except as appurtenant to registered land, or the entry of notice thereof except as against the registered title of the servient land.

Every such disposition shall, when registered, take effect as a registered disposition, and a lease made by the registered proprietor under the last foregoing section which is not required to be registered or noted on the register shall nevertheless take effect as if it were a registered disposition immediately on being granted.

(3) The general words implied in conveyances under the Law of Property Act, 1925, shall apply, so far as applicable thereto, to dispositions of a registered estate.

Effect of registration of dispositions of freeholds.

20.—(1) In the case of a freehold estate registered with an absolute title, a disposition of the registered land or of a legal estate therein, including a lease thereof, for valuable consideration shall, when registered, confer on the transferee or grantee an estate in fee simple or the term of years absolute or other legal estate expressed to be created in the land dealt with, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, including (subject to any entry to the contrary in the register) the appropriate rights and interests which would, under the Law of Property Act, 1925, have been

transferred if the land had not been registered, subject—

(*a*) to the incumbrances and other entries, if any, appearing on the register; and

(*b*) unless the contrary is expressed on the register, to the overriding interests, if any, affecting the estate transferred or created,

but free from all other estates and interests whatsoever, including estates and interests of His Majesty, and the disposition shall operate in like manner as if the registered transferor or grantor were (subject to any entry to the contrary in the register) entitled to the registered land in fee simple in possession for his own benefit.

(2) In the case of a freehold estate registered with a qualified title a disposition of the registered land or of a legal estate therein, including a lease thereof, for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such disposition shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

(3) In the case of a freehold estate registered with a possessory title, a disposition of the registered land or of a legal estate therein, including a lease thereof, for valuable consideration shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall when registered have the same effect as it would have had if the land had been registered with an absolute title.

(4) Where any such disposition is made without valuable consideration, it shall, so far as the transferee or grantee is concerned, be subject to any minor interests subject to which the transferor or grantor held the same, but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee or grantee, have the same effect as if the disposition had been made for valuable consideration.

Dispositions of Leasehold Land.

Powers of disposition

21.—(1) Where the registered land is a leasehold interest the proprietor may, in the prescribed manner,

transfer the registered estate in the land or any part thereof, and, subject to any entry in the register to the contrary may in the prescribed manner— of registered leaseholds.

(*a*) transfer all or any of the leasehold mines and minerals apart from the surface; or the surface without all or any of the leasehold mines and minerals;

(*b*) grant (to the extent of the registered estate) any annuity or rentcharge in possession, easement, right or privilege in, over, or derived from the registered land or any part thereof, in any form which sufficiently refers, in the prescribed manner, to the registered lease, and to the dominant tenement, whether being registered land or not;

(*c*) transfer the registered land or any part thereof subject to a reservation to any person of any such annuity, rentcharge, easement, right, or privilege;

(*d*) grant (subject or not to the reservation of an easement, right or privilege) an underlease of the registered land, or any part thereof, or of all or any mines and minerals apart from the surface, or of the surface without all or any of the mines and minerals, or of an easement, right or privilege, in or over the registered land or any part thereof, for any term of years absolute of less duration than the registered estate and for any purpose (but where by way of mortgage, subject to the provisions of this Act and of the Law of Property Act, 1925, relating thereto), and in any form which sufficiently refers in the prescribed manner to the registered land, and in the case of an easement, right, or privilege, to the dominant tenement, whether being registered land or not.

(2) A disposition of registered leasehold land may be made subject to a rent legally apportioned in the prescribed manner, or to a rent not so apportioned.

(3) An underlease for a term, not exceeding twenty-one years, to take effect in possession or within one year from the date thereof, at a rent without taking a fine, may be granted and shall take effect under this section,

notwithstanding that a caution, notice of deposit of a certificate, restriction, or inhibition (other than a bankruptcy inhibition) may be subsisting, but subject to the interests intended to be protected by any such caution, notice, restriction or inhibition.

(4) The foregoing powers of disposition shall (subject to the express provisions of this Act and of the Law of Property Act, 1925, relating to mortgages) apply to dispositions by the registered proprietor by way of charge or mortgage, but no estate, other than a legal estate, shall be capable of being disposed of or created under this section.

(5) In this Act "transfer" or "disposition" when referring to registered leasehold land includes any disposition authorised as aforesaid, and "transferee" has a corresponding meaning.

Registration of dispositions of leaseholds.

22.—(1) A transfer of the registered estate in the land or part thereof shall be completed by the registrar entering on the register the transferee as proprietor of the estate transferred, but until such entry is made the transferor shall be deemed to remain the proprietor of the registered estate; and where part only of the land is transferred, notice thereof shall also be noted on the register.

(2) All interests transferred or created by dispositions by the registered proprietor other than the transfer of his registered estate in the land or in part thereof shall (subject to the provisions relating to mortgages) be completed by registration in the same manner and with the same effect as provided by this Act with respect to transfers of the registered estate, and notice thereof shall also be noted on the register in accordance with this Act:

Provided that nothing in this subsection—

(*a*) shall authorise the registration of an underlease originally granted for a term not exceeding twenty-one years, or require the entry of a notice of such an underlease if it is granted at a rent without taking a fine; or

(*b*) shall authorise the registration of a mortgage term where there is a subsisting right of redemption, or

(*c*) shall render necessary the registration of any easement, right, or privilege except as appur-

tenant to registered land, or the entry of notice thereof except as against the registered title of the servient land.

Every such disposition shall, when registered, take effect as a registered disposition, and an underlease made by the registered proprietor which is not required to be registered or noted on the register shall nevertheless take effect as if it were a registered disposition immediately on being granted.

(3) The general words implied in conveyances under the Law of Property Act, 1925, shall apply, so far as applicable thereto, to transfers of a registered leasehold estate.

Effect of registration of dispositions of leaseholds.

23.—(1) In the case of a leasehold estate registered with an absolute title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, be deemed to vest in the transferee or underlessee the estate transferred or created to the extent of the registered estate, or for the term created by the subdemise, as the case may require, with all implied or expressed rights, privileges, and appurtenances attached to the estate transferred or created, including (subject to any entry to the contrary on the register) the appropriate rights and interests which would under the Law of Property Act, 1925, have been transferred if the land had not been registered, but subject as follows:—

(*a*) To all implied and express covenants, obligations, and liabilities incident to the estate transferred or created; and

(*b*) To the incumbrances and other entries (if any) appearing on the register; and

(*c*) Unless the contrary is expressed on the register, to the overriding interests, if any, affecting the estate transferred or created,

but free from all other estates and interests whatsoever, including estates and interests of His Majesty; and the transfer or subdemise shall operate in like manner as if the registered transferor or sublessor were (subject to any entry to the contrary on the register) absolutely entitled to the registered lease for his own benefit.

(2) In the case of a leasehold estate registered with a good leasehold title, a disposition (including a subdemise thereof) for valuable consideration shall, when

registered, have the same effect as it would have had if the land had been registered with an absolute title, save that it shall not affect or prejudice the enforcement of any right or interest affecting or in derogation of the title of the lessor to grant the lease.

(3) In the case of a leasehold estate registered with a qualified title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such disposition shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) appearing by the register to be excepted.

(4) In the case of a leasehold estate registered with a possessory title, a disposition (including a subdemise thereof) for valuable consideration shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor, but save as aforesaid shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title.

(5) Where any such disposition is made without valuable consideration it shall, so far as the transferee or underlessee is concerned, be subject to any minor interests subject to which the transferor or sublessor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee or underlessee, have the same effect as if the disposition had been made for valuable consideration.

Implied covenants on transfers of leaseholds.

24.—(1) On the transfer, otherwise than by way of underlease, of any leasehold interest in land under this Act, unless there be an entry on the register negativing such implication, there shall be implied—

(*a*) on the part of the transferor, a covenant with the transferee that, notwithstanding anything by such transferor done, omitted, or knowingly suffered, the rent, covenants, and conditions reserved and contained by and in the registered

lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(*b*) on the part of the transferee, a covenant with the transferor, that during the residue of the term the transferee and the persons deriving title under him will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor and the persons deriving title under him indemnified against all actions, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them.

(2) On a transfer of part of the land held under a lease, the covenant implied on the part of the transferee by this section shall be limited to the payment of the apportioned rent, if any, and the performance and observance of the covenants by the lessee and conditions in the registered lease so far only as they affect the part transferred. Where the transferor remains owner of part of the land comprised in the lease, there shall also be implied on his part, as respects the part retained, a covenant with the transferee similar to that implied on the part of the transferee under this subsection.

Charges on Freehold and Leasehold Land.

Proprietor's power to create charges.

25.—(1) The proprietor of any registered land may by deed—

(*a*) charge the registered land with the payment at an appointed time of any principal sum of money either with or without interest;

(*b*) charge the registered land in favour of a building society under the Building Societies Acts, 1874 to 1894, in accordance with the rules of that society.

(2) A charge may be in any form provided that—

(*a*) the registered land comprised in the charge is described by reference to the register or in

any other manner sufficient to enable the registrar to identify the same without reference to any other document;

(*b*) the charge does not refer to any other interest or charge affecting the land which—

(i) would have priority over the same and is not registered or protected on the register, or

(ii) is not an overriding interest.

(3) Any provision contained in a charge which purports to—

(i) take away from the proprietor thereof the power of transferring it by registered disposition or of requiring the cessation thereof to be noted on the register; or

(ii) affect any registered land or charge other than that in respect of which the charge is to be expressly registered,

shall be void.

Registration of charges.

26.—(1) The charge shall be completed by the registrar entering on the register the person in whose favour the charge is made as the proprietor of such charge, and the particulars of the charge.

(2) A charge may be registered notwithstanding that it contains any trust, power to appoint new trustees, or other provisions for giving effect to the security.

(3) Where the land, in respect of which a charge is registered, is registered with a good leasehold, qualified or possessory title, the charge shall take effect subject to the provisions of this Act with respect to land registered with such a title.

Terms of years implied in or granted by charges.

27.—(1) A registered charge shall, unless made or taking effect by demise or sub-demise, and subject to any provision to the contrary contained in the charge, take effect as a charge by way of legal mortgage.

(2) Subject to the provisions of the Law of Property Act, 1925, a registered charge may contain in the case of freehold land, an express demise, and in the case of leasehold land an express subdemise of the land to the creditor

for a term of years absolute, subject to a proviso for cesser on redemption.

(3) Any such demise or subdemise or charge by way of legal mortgage shall take effect from the date of the delivery of the deed containing the same, but subject to the estate or interest of any person (other than the proprietor of the land) whose estate or interest (whenever created) is registered or noted on the register before the date of registration of the charge.

(4) Any charge registered before the commencement of this Act shall take effect as a demise or subdemise of the land in accordance with the provisions of the Law of Property Act, 1925, and the registered estate shall (without prejudice to any registered charge or any term or subterm created by a charge or by this Act) vest in the person appearing by the register to be entitled to the ultimate equity of redemption.

Implied covenants in charges.

28.—(1) Where a registered charge is created on any land there shall be implied on the part of the person being proprietor of such land at the time of the creation of the charge, unless there be an entry on the register negativing such implication—

(*a*) a covenant with the proprietor for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate; and

(*b*) a covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate as well after as before any judgment is obtained in respect of the charge on so much of the principal sum as for the time being remains unpaid.

(2) Where a registered charge is created on any leasehold land there shall (in addition to the covenants aforesaid) be implied on the part of the person being proprietor of such land at the time of the creation of the charge, unless there be an entry on the register negativing such implication, a covenant with the proprietor for the time being of the charge, that the person being proprietor of such land at the time of the creation of the charge, or the persons deriving title under him, will pay, perform, and observe the rent, covenants, and conditions, by and in the registered lease reserved and contained, and on

the part of the lessee to be paid, performed, and observed, and will keep the proprietor of the charge, and the persons deriving title under him, indemnified against all proceedings, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

Priorities of registered charges.

29. Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created.

Protection of charges for securing further advances.

30.—(1) When a registered charge is made for securing further advances, the registrar shall, before making any entry on the register which would prejudicially affect the priority of any further advance thereunder, give to the proprietor of the charge at his registered address, notice by registered post of the intended entry, and the proprietor of the charge shall not, in respect of any further advance, be affected by such entry, unless the advance is made after the date when the notice ought to have been received in due course of post.

(2) If, by reason of any failure on the part of the registrar or the post office in reference to the notice, the proprietor of the charge suffers loss in relation to a further advance, he shall be entitled to be indemnified under this Act in like manner as if a mistake had occurred in the register; but if the loss arises by reason of an omission to register or amend the address for service, no indemnity shall be payable under this Act.

Alteration of charges.

31.—(1) The proprietor of a charge may by deed, in the prescribed manner, alter the terms of the charge, with the consent of the proprietor of the registered land and of the proprietors of all registered charges (if any) of equal or inferior priority, affected by the alteration.

(2) A deed of alteration of a charge may contain an express demise or subdemise in like manner as an original deed of charge, and the provisions of this Act relating to a demise or subdemise contained in a deed of charge shall apply accordingly.

(3) The alteration shall be completed by the registrar entering it on the register.

Provisions when charge registered in names of several proprietors.

32. Where a charge is registered in the names of two or more proprietors (whether jointly or in undivided shares) the mortgage term implied or comprised in the charge shall (but without prejudice to the beneficial interests in the mortgage money) vest in them as joint tenants, and the proprietors or the survivors or survivor of them or the personal representatives of the last survivor, shall have power to give valid receipts, notwithstanding that the mortgage money may be held in undivided shares, in like manner as if the money had been held on a joint account.

Transfer of charges.

33.—(1) The proprietor of any registered charge may, in the prescribed manner, transfer the charge to another person as proprietor.

(2) The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the charge transferred, but the transferor shall be deemed to remain proprietor of the charge until the name of the transferee is entered on the register in respect thereof.

(3) A registered transferee for valuable consideration of a charge and his successors in title shall not be affected by any irregularity or invalidity in the original charge itself of which the transferee did not have notice when it was transferred to him.

(4) On registration of any transfer of a charge, the term or subterm (if any) granted expressly or by implication by the charge or any deed of alteration shall, without any conveyance or assignment and notwithstanding anything to the contrary in the transfer or any other instrument, vest in the proprietor for the time being of the charge.

(5) Subject to any entry to the contrary on the register, the vesting of any term or subterm in accordance with this section in the proprietor of a charge shall, subject to the right of redemption, have the same effect as if such proprietor had been registered as the transferee for valuable consideration of the term or subterm.

Powers of proprietor of charge.

34.—(1) Subject to any entry on the register to the contrary, the proprietor of a charge shall have and may exercise all the powers conferred by law on the owner of a legal mortgage.

(2) Subject to any entry to the contrary on the register and subject to the right of any persons appearing on the register to be prior incumbrancers, the proprietor of a charge may, after entry into possession and after having acquired a title under the Limitation Acts, execute a declaration, in the prescribed form, that the right of redemption is barred, and thereupon he shall be entitled, subject to furnishing any evidence which may be prescribed in support thereof, to be registered as proprietor of the land, with the same consequences as if he had been a purchaser for valuable consideration of the land under the power of sale.

(3) An order for foreclosure shall be completed by the registration of the proprietor of the charge (or such other person as may be named in the foreclosure order absolute for that purpose) as the proprietor of the land, and by the cancellation of the charge and of all incumbrances and entries inferior thereto; and such registration shall operate in like manner and with the same consequences as if the proprietor of the charge or other person aforesaid had been a purchaser for valuable consideration of the land under a subsisting power of sale.

(4) A sale by the court or under the power of sale shall operate and be completed by registration in the same manner, as nearly as may be (but subject to any alterations on the register affecting the priority of the charge), as a transfer for valuable consideration by the proprietor of the land at the time of the registration of the charge would have operated or been completed, and, as respects the land transferred, the charge and all incumbrances and entries inferior thereto shall be cancelled.

(5) Notwithstanding the creation of a term or subterm, expressly or by implication, under this Act, such transfer shall (subject to any prior incumbrances or other entries on the register) operate to transfer the registered estate, and the mortgage term or subterm shall become merged, and any purported disposition of or dealing with the mortgage term or subterm apart from the charge, and any process or act purporting to keep alive that term or subterm after the cessation of the charge shall be void.

(6) For the purposes of this section an incumbrance or entry on the register shall not be deemed to be inferior

to the charge in right of which title is made if the incumbrance or other interest is given the requisite priority by statute or otherwise.

Discharge of charges.

35.—(1) The registrar shall, on the requisition of the proprietor of any charge, or on due proof of the satisfaction (whole or partial) thereof, notify on the register in the prescribed manner, by cancelling or varying the original entry or otherwise, the cessation (whole or partial) of the charge, and thereupon the charge shall be deemed to have ceased (in whole or in part) accordingly.

(2) On the notification on the register of the entire cessation of a registered charge, whether as to the whole or part only of the land affected thereby, the term or sub-term implied in or granted by the charge or by any deed of alteration, so far as it affects the land to which the discharge extends, shall merge and be extinguished in the registered estate in reversion without any surrender.

Rules as to subcharges.

36. Rules shall be made for applying the provisions of the Law of Property Act, 1925, and of this Act to the case of charges by way of submortgage, whether registered before or after the commencement of this Act.

As to Dealings generally.

Powers of persons entitled to be registered.

37.—(1) Where a person on whom the right to be registered as proprietor of registered land or of a registered charge has devolved by reason of the death of the proprietor, or has been conferred by a disposition or charge, in accordance with this Act, desires to dispose of or charge the land or to deal with the charge before he is himself registered as proprietor, he may do so in the prescribed manner, and subject to the prescribed conditions.

(2) Subject to the provisions of this Act with regard to registered dealings for valuable consideration, a disposition or charge so made shall have the same effect as if the person making it were registered as proprietor.

(3) Rules may be made for extending the provisions of this section to the case of any person entitled to be registered as first proprietor, and to any other case for which it may be deemed expedient to prescribe.

Certain provisions of the Law

38.—(1) The provisions as to execution of a conveyance on sale, contained in the Law of Property Act,

of Property Act to apply.

1925, shall apply, so far as applicable thereto, to transfers on sale of registered land.

(2) Rules may be made for prescribing the effect of covenants implied by virtue of the Law of Property Act, 1925, in dispositions of registered land.

Deeds off register, how far to be void.

39.—(1) Where any transaction relating exclusively to registered land or to a registered charge is capable of being effected and is effected by a registered disposition, then, subject to any prescribed exceptions, any deed or instrument, other than the registered disposition, which is executed by the proprietor for the purpose of giving effect to the transaction shall be void, but only so far as the transaction is carried out by the registered disposition.

(2) Rules may be made for providing for cases in which any additional deed or instrument may be properly executed and for enabling the registrar to certify that in any special cases an additional deed or instrument will be proper and valid.

Creation and discharge of restrictive covenants.

40.—(1) Subject to any entry to the contrary on the register, and without prejudice to the rights of persons entitled to overriding interests (if any) and to any incumbrances entered on the register, who may not concur therein, the proprietor may in any registered disposition or other instrument by covenant, condition, or otherwise, impose or make binding, so far as the law permits, any obligation or reservation with respect to the building on or other user of the registered land or any part thereof, or with respect to mines and minerals (whether registered separately or as part of the registered land), or with respect to any other thing in like manner as if the proprietor were entitled to the registered land for his own benefit.

(2) The proprietor may (subject as aforesaid) release or waive any rights arising or which may arise by reason of any covenant or condition, or release any obligation or reservation the benefit of which is annexed or belongs to the registered land, to the same extent and in the same manner as if the rights in respect of the breach or the benefit of the covenant, condition, obligation, or reservation had been vested in him absolutely for his own benefit.

This subsection shall authorise the proprietor in reference to the registered land to give any licence, consent or approval which a tenant for life is by the Settled Land Act, 1925, authorised to give in reference to settled land.

(3) Entries shall be made on the register in the prescribed manner of all obligations and reservations imposed by the proprietor, of the release or waiver of any obligation or reservation, and of all obligations and reservations acquired by him for the benefit of the registered estate.

Transmissions of Land and Charges on Death and Bankruptcy.

Transmissions of land and charges on death of proprietor.

41.—(1) On the death of the sole proprietor, or of the survivor of two or more joint proprietors, of any registered land or charge, the personal representative of such sole deceased proprietor, or of the survivor of such joint proprietors, shall be entitled to be registered as proprietor in his place:

Provided that, where a special or additional personal representative is appointed by the court in reference to a registered estate, then on production of the order he shall be registered as proprietor either solely or jointly with any of the other personal representatives, as the case may require, and a copy of the order shall be filed at the registry.

(2) Pending an application for the appointment of a special or additional personal representative, a caution against dealings may be lodged under this Act by any person intending to apply to the court for the appointment.

(3) Subject as aforesaid, provision shall be made by rules for the manner in which effect is to be given on the register to transmissions on death.

(4) An assent by a personal representative shall, in the case of registered land, be in the prescribed form and the production of the assent in that form shall authorise the registrar to register the person named in the assent as the proprietor of the registered land.

Transmissions on bankruptcy

42.—(1) Upon the bankruptcy of the proprietor of any registered land or charge his trustee shall (on production of the prescribed evidence to be furnished

of proprietor.

by the official receiver or trustee in bankruptcy that the land or charge is part of the property of the bankrupt divisible amongst his creditors) be entitled to be registered as proprietor in his place.

The official receiver shall be entitled to be registered pending the appointment of a trustee.

4 & 5 Geo. 5. c. 59.

(2) Where a trustee in bankruptcy disclaims a registered lease under section fifty-four of the Bankruptcy Act, 1914, and an order is made by the court vesting the lease in any person, the order shall direct the alteration of the register in favour of the person in whom the lease is so vested, and in such case the registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to indemnity under this Act shall arise by reason of such alteration.

Effect of transmissions.

43. Any person registered in the place of a deceased or bankrupt proprietor shall hold the land or charge in respect of which he is registered upon the trusts and for the purposes upon and subject to which the same is applicable by law, and subject to any minor interests subject to which the deceased or bankrupt proprietor held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for valuable consideration.

Vesting of term or subterm on transmission of charge.

44.—(1) On the registration of any transmission of a charge the term or subterm granted (expressly or by implication) by the charge or any deed of alteration shall without any conveyance or assignment vest in the proprietor for the time being of the charge.

(2) Subject to any entry to the contrary on the register, the vesting of a term or subterm in accordance with this section in the proprietor of a charge, shall, subject to the right of redemption, have the same effect as if such proprietor had been registered as the transferee for valuable consideration of the term or subterm.

Proof of transmission of registered proprietorship.

45. The fact of any person having become entitled to any registered land or charge in consequence of the death or bankruptcy of any proprietor shall be proved in the prescribed manner.

Subsidiary Provisions.

Determination or variation of leases, incumbrances, &c.

46. The registrar shall, on proof to his satisfaction of—

(*a*) the determination of any lease, rentcharge, or other estate or interest the title to which is registered under this Act; or

(*b*) the discharge or determination (whole or partial) or variation of any lease, incumbrance, rentcharge, easement, right or other interest in land which is noted on the register as an incumbrance,

notify in the prescribed manner on the register the determination (whole or partial) or variation of such lease or other interest.

Vesting instruments and dispositions in name of proprietor.

15 Geo. 5. c. 19.

47.—(1) The registrar shall give effect on the register to any vesting order or vesting declaration (express or implied) made on the appointment or discharge of a trustee or otherwise, and to dispositions made in the name and on behalf of a proprietor by a person authorised to make the disposition; and the provisions of the Trustee Act, 1925, relating to the appointment and discharge of trustees and the vesting of trust property, shall apply to registered land subject to the proper entry being made on the register.

(2) The registrar shall also give effect on the register in the prescribed manner to any vesting instrument which may be made pursuant to any statutory power.

PART IV.

NOTICES, CAUTIONS, INHIBITIONS AND RESTRICTIONS.

Notices.

Registration of notice of lease.

48.—(1) Any lessee or other person entitled to or interested in a lease of registered land, where the term granted is not an overriding interest, may apply to the registrar to register notice of such lease in the prescribed manner, and when so registered, every proprietor and the persons deriving title under him shall be deemed to be affected with notice of such lease, as being an incumbrance on the registered land in respect of which the notice is entered:

Provided that a proprietor of a charge or incumbrance registered or protected on the register prior to the registration of such notice shall not be deemed to be so affected

by the notice unless such proprietor is, by reason of the lease having been made under a statutory or other power or by reason of his concurrence or otherwise, bound by the terms of the lease.

(2) In order to register notice of a lease, if the proprietor of the registered land affected does not concur in the registration thereof, the applicant shall obtain an order of the court authorising the registration of notice of the lease, and shall deliver the order to the registrar, accompanied with the original lease or a copy thereof, and thereupon the registrar shall make a note in the register identifying the lease or copy so deposited, and the lease or copy so deposited shall be deemed to be the instrument of which notice is given; but if the proprietor concurs in the notice being registered, notice may be entered in such manner as may be agreed upon:

Provided that, where the lease is binding on the proprietor of the land, neither the concurrence of such proprietor nor an order of the court shall be required.

Rules to provide for notices of other rights, interests and claims.

49.—(1) The provisions of the last foregoing section shall be extended by the rules so as to apply to the registration of notices of or of claims in respect of—

(*a*) The grant or reservation of any annuity or rentcharge in possession, either perpetual or for a term of years absolute:

(*b*) The severance of any mines or minerals from the surface, except where the mines and minerals severed are expressly included in the registration:

(*c*) Land charges until the land charge is registered as a registered charge:

(*d*) The right of any person interested in the proceeds of sale of land held on trust for sale or in land subject to a settlement to require that (unless a trust corporation is acting as trustee) there shall be at least two trustees of the disposition on trust for sale or of the settlement:

53 & 54 Vict. c. 29.

(*e*) The rights of any widow in respect of dower or under the Intestates' Estates Act, 1890, and any right to free bench or other like right saved by any statute coming into force concurrently with this Act (which rights shall take effect in equity as minor interests):

(*f*) Creditors' notices and any other right, interest, or claim which it may be deemed expedient to protect by notice instead of by caution, inhibition, or restriction.

(2) A notice shall not be registered in respect of any estate, right, or interest which (independently of this Act) is capable of being overridden by the proprietor under a trust for sale or the powers of the Settled Land Act, 1925, or any other statute, or of a settlement, and of being protected by a restriction in the prescribed manner:

Provided that notice of such an estate right or interest may be lodged pending the appointment of trustees of a disposition on trust for sale or a settlement, and if so lodged, shall be cancelled if and when the appointment is made and the proper restriction (if any) is entered.

(3) A notice when registered in respect of a right, interest, or claim shall not affect prejudicially—

(*a*) The powers of disposition of the personal representative of the deceased under whose will or by the operation of whose intestacy the right, interest, or claim arose; or

(*b*) The powers of disposition (independently of this Act) of a proprietor holding the registered land on trust for sale.

Notices of restrictive covenants.

50.—(1) Any person entitled to the benefit of a restrictive covenant or agreement (not being a covenant or agreement made between a lessor and lessee) with respect to the building on or other user of registered land may apply to the registrar to enter notice thereof on the register, and where practicable the notice shall be by reference to the instrument, if any, which contains the covenant or agreement, and a copy or abstract of such instrument shall be filed at the registry; and where any such covenant or agreement appears to exist at the time of first registration, notice thereof shall be entered on the register. In the case of registered land the notice aforesaid shall take the place of registration as a land charge.

(2) When such a notice is entered the proprietor of the land and the persons deriving title under him (except incumbrancers or other persons who at the time when the notice is entered may not be bound by the covenant or

agreement) shall be deemed to be affected with notice of the covenant or agreement as being an incumbrance on the land.

(3) Where the covenant or agreement is discharged or modified by an order under the Law of Property Act, 1925, or otherwise, or the court refuses to grant an injunction for enforcing the same, the entry shall either be cancelled or reference made to the order or other instrument and a copy of the order, judgment, or instrument shall be filed at the registry.

(4) The notice shall, when practicable, refer to the land, whether registered or not, for the benefit of which the restriction was made.

Notice of manorial incidents.

51. Where land is affected by manorial incidents, the registrar may enter a note of that fact on the register, and may cancel such note when extinguishment of the manorial incidents has been proved to his satisfaction.

Effect of notices.

52.—(1) A disposition by the proprietor shall take effect subject to all estates, rights, and claims which are protected by way of notice on the register at the date of the registration or entry of notice of the disposition, but only if and so far as such estates, rights, and claims may be valid and are not (independently of this Act) overridden by the disposition.

(2) Where notice of a claim is entered on the register, such entry shall operate by way of notice only, and shall not operate to render the claim valid whether made adversely to or for the benefit of the registered land or charge.

Cautions.

Cautions against first registration.

53.—(1) Any person having or claiming such an interest in land not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a caution with the registrar to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of an interest in the land affecting the right of the cautioner.

(2) The caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of

the interest of the cautioner, the land and estate therein to be affected by such caution, and such other matters as may be prescribed.

(3) After a caution has been lodged in respect of any estate, which has not already been registered, registration shall not be made of such estate until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, whichever may first happen.

Cautions against dealings.

54.—(1) Any person interested under any unregistered instrument, or interested as a judgment creditor, or otherwise howsoever, in any land or charge registered in the name of any other person, may lodge a caution with the registrar to the effect that no dealing with such land or charge on the part of the proprietor is to be registered until notice has been served upon the cautioner:

Provided that a person whose estate, right, interest, or claim has been registered or protected by a notice or restriction shall not be entitled (except with the consent of the registrar) to lodge a caution in respect of such estate, right, interest, or claim, but this provision shall not operate to prevent an incumbrancer or assignee of a life interest, remainder, reversion or executory interest, from lodging a priority caution in a specially prescribed form.

(2) A caution lodged under this section shall be supported by such evidence as may be prescribed.

Effect of cautions against dealings.

55.—(1) After any such caution against dealings has been lodged in respect of any registered land or charge, the registrar shall not, without the consent of the cautioner, register any dealing or make any entry on the register for protecting the rights acquired under a deposit of a land or charge certificate or other dealing by the proprietor with such land or charge until he has served notice on the cautioner, warning him that his caution will cease to have any effect after the expiration of the prescribed number of days next following the date at which such notice is served; and after the expiration of such time as aforesaid the caution shall cease unless an order to the contrary is made by the registrar, and

upon the caution so ceasing the registered land or charge may be dealt with in the same manner as if no caution had been lodged.

(2) If before the expiration of the said period the cautioner, or some person on his behalf, appears before the registrar, and where so required by the registrar gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the registered land or charge, or the making of any such entry as aforesaid, being delayed, the registrar may thereupon, if he thinks fit to do so, delay registering any dealing with the land or charge or making any such entry for such period as he thinks just.

General provisions as to cautions.

56.—(1) Any person aggrieved by any act done by the registrar in relation to a caution under this Act may appeal to the court in the prescribed manner.

(2) A caution lodged in pursuance of this Act shall not prejudice the claim or title of any person and shall have no effect whatever except as in this Act mentioned.

(3) If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of the caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the caution.

(4) The personal representative of a deceased cautioner may consent or object to registration or a dealing in the same manner as the cautioner.

Inhibitions.

Power for court or registrar to inhibit registered dealings.

57.—(1) The court, or, subject to an appeal to the court, the registrar, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or registrar thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, the registration or entry of any dealing with any registered land or registered charge.

(2) The court or registrar may make or refuse to make any such order or entry, and annex thereto any terms or conditions the court or registrar may think fit, and discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

(3) Any person aggrieved by any act done by the registrar in pursuance of this section may appeal to the court in the prescribed manner.

(4) The court or the registrar may, in lieu of an inhibition, order a notice or restriction to be placed on the register.

Restrictions.

Power to place restrictions on register.

58.—(1) Where the proprietor of any registered land or charge desires to place restrictions on transferring or charging the land or on disposing of or dealing with the land or charge in any manner in which he is by this Act authorised to dispose of or deal with it, or on the deposit by way of security of any certificate, the proprietor may apply to the registrar to make an entry in the register that no transaction to which the application relates shall be effected, unless the following things, or such of them as the proprietor may determine, are done—

(*a*) unless notice of any application for the transaction is transmitted by post to such address as he may specify to the registrar;

(*b*) unless the consent of some person or persons, to be named by the proprietor, is given to the transaction;

(*c*) unless some such other matter or thing is done as may be required by the applicant and approved by the registrar:

Provided that no restriction under this section shall extend or apply to dispositions of or dealings with minor interests.

(2) The registrar shall thereupon, if satisfied of the right of the applicant to give the directions, enter the requisite restriction on the register, and no transaction to which the restriction relates shall be effected except in conformity therewith; but it shall not be the duty

of the registrar to enter any such restriction, except upon such terms as to payment of fees and otherwise as may be prescribed, or to enter any restriction that the registrar may deem unreasonable or calculated to cause inconvenience.

(3) In the case of joint proprietors the restriction may be to the effect that when the number of proprietors is reduced below a certain specified number no disposition shall be registered except under an order of the court, or of the registrar after inquiry into title, subject to appeal to the court, and, subject to general rules, such an entry under this subsection as may be prescribed shall be obligatory unless it is shown to the registrar's satisfaction that the joint proprietors are entitled for their own benefit, or can give valid receipts for capital money, or that one of them is a trust corporation.

(4) Any such restrictions, except such as are in this section declared to be obligatory, may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested in such directions, and shall also be liable to be set aside by an order of the court.

(5) Rules may be made to enable applications to be made for the entry of restrictions by persons other than the proprietor.

Protection of various Interests.

Writs, orders, deeds of arrangement, pending actions, &c.

59.—(1) A writ, order, deed of arrangement, pending action, or other interest which in the case of unregistered land may be protected by registration under the Land Charges Act, 1925, shall, where the land affected or the charge securing the debt affected is registered, be protected only by lodging a creditor's notice, a bankruptcy inhibition or a caution against dealings with the land or the charge.

(2) Registration of a land charge (other than a local land charge) shall, where the land affected is registered, be effected only by registering under this Act a notice caution or other prescribed entry:

Provided that before a land charge including a local land charge affecting registered land (being a charge to secure money) is realised, it shall be registered and take effect as a registered charge under this Act in

the prescribed manner, without prejudice to the priority conferred by the land charge.

(3) A person interested under a writ or order for enforcing a judgment against registered land or a registered charge, may inspect and make copies of and extracts from the register and documents referred to therein which are in the custody of the registrar, so far as the same relate to the registered land or charge, and may, in accordance with this Act, lodge a caution against dealings therewith.

(4) When a land charge protected by notice has been discharged as to all or any part of the land comprised therein, the notices relating thereto and to all devolutions of and dealings therewith shall be vacated as to the registered land affected by the discharge.

(5) The foregoing provisions of this section shall apply only to writs and orders, deeds of arrangement, pending actions and land charges which if the land were unregistered would for purposes of protection be required to be registered or re-registered after the commencement of this Act under the Land Charges Act, 1925; and for the purposes of this section a land charge does not include a puisne mortgage or an Inland Revenue charge.

(6) Subject to the provisions of this Act relating to fraud and to the title of a trustee in bankruptcy, a purchaser acquiring title under a registered disposition, shall not be concerned with any pending action, writ, order, deed of arrangement, or other document, matter, or claim (not being an overriding interest) which is not protected by a caution or other entry on the register, whether he has or has not notice thereof, express, implied, or constructive.

(7) In this section references to registration under the Land Charges Act, 1925, apply to any registration made under any other statute which, in the case of unregistered land, is by the Land Charges Act, 1925, to have effect as if the registration had been made under that Act.

Notice of incumbrances registered under the Companies Act.

60.—(1) Where a company, registered under the Companies (Consolidation) Act, 1908, is registered as proprietor of any estate or charge already registered, the registrar shall not be concerned with any mortgage, charge, debenture, debenture stock, trust deed for securing the same, or other incumbrance created or issued by the company, whether or not registered under

that Act, unless the same is registered or protected by caution or otherwise under this Act.

8 Edw. 7. c. 69.

(2) No indemnity shall be payable under this Act by reason of a purchaser acquiring any interest under a registered disposition from the company free from any such incumbrance.

Protection of creditors prior to registration of trustee in bankruptcy.

61.—(1) The registrar shall as soon as practicable after registration of a petition in bankruptcy as a pending action under the Land Charges Act, 1925, register a notice (in this Act called a creditors' notice) against the title of any proprietor of any registered land or charge which appears to be affected, and such notice shall protect the rights of all creditors, and unless cancelled by the registrar in the prescribed manner such notice shall remain in force until a bankruptcy inhibition is registered or the trustee in bankruptcy is registered as proprietor.

No fee shall be charged for the registration of the notice.

(2) Until a creditors' notice is registered, a petition in bankruptcy filed after the commencement of this Act shall not, as respects any registered disposition for money or money's worth of any registered land or charge, be notice or evidence of any act of bankruptcy therein alleged.

(3) The registrar shall, as soon as practicable after registration of a receiving order in bankruptcy under the Land Charges Act, 1925, enter an inhibition (in this Act called a bankruptcy inhibition) against the title of any proprietor of any registered land or charge which appears to be affected.

No fee shall be charged for the registration of the inhibition.

(4) From and after the entry of a bankruptcy inhibition (but without prejudice to dealings with or in right of interests or charges having priority over the estate or charge of the bankrupt proprietor), no dealing affecting the registered land or charge of the proprietor, other than the registration of the trustee in bankruptcy, shall be entered on the register until the inhibition is vacated as to the whole or part of the land or charge dealt with.

(5) If and when a proprietor of any registered land or charge is adjudged bankrupt, his registered estate or interest, if belonging to him beneficially, and whether

acquired before or after the date of adjudication, shall vest in the trustee in bankruptcy in accordance with the statutory provisions relating to bankruptcy for the time being in force.

(6) Where under a disposition to a purchaser in good faith for money or money's worth such purchaser is registered as proprietor of an estate or a charge, then, notwithstanding that an available act of bankruptcy has been committed by the person making the disposition, the title of his trustee in bankruptcy acquired after the commencement of this Act shall, as from the date of such disposition, be void as against such purchaser unless at the date of such disposition, either a creditors' notice or a bankruptcy inhibition has been registered, but a purchaser who, at the date of the execution of the registered disposition, has notice of an available act of bankruptcy, or of the receiving order, or adjudication, shall not be deemed to take in good faith.

Nothing in this section shall impose on a purchaser a liability to make any search under the Land Charges Act, 1925.

(7) Where the estate or assets of a bankrupt proprietor suffer loss by reason of the omission of the registrar to register a creditors' notice or bankruptcy inhibition, as required by this section, or on account of the execution or registration of a disposition after a petition is registered as a pending action or after a receiving order is registered and before the registration of a creditors' notice or bankruptcy inhibition, the trustee in bankruptcy shall be entitled to indemnity as a person suffering loss by reason of an error or omission in the register.

(8) If neither a creditors' notice nor a bankruptcy inhibition is registered against a bankrupt proprietor, nothing in this section shall prejudicially affect a registered disposition of any registered land or charge acquired by the bankrupt after adjudication which would have been valid by virtue of section forty-seven of the Bankruptcy Act, 1914, if the land or charge had not been registered. 4 & 5 Geo. 5. c. 59.

(9) If and when a bankruptcy inhibition is wholly or partially vacated, for any cause other than by reason of the registration of the trustee in bankruptcy, any registered estate or interest vested in the trustee in bankruptcy shall, as respects the registered land or charge to which the vacation extends, be divested and the same

shall vest in the proprietor in whom it would have been vested if there had been no adjudication in bankruptcy.

(10) The official receiver or trustee in bankruptcy may inspect the register so far as it relates to any proprietor against whom a receiving order has been made, and any creditor, on behalf of himself and all other creditors, or the official receiver or trustee in bankruptcy, may lodge a caution against any such proprietor in respect of any minor interest affecting the registered land.

Rules to be made as to certain details.

62. Rules shall be made under this Act—

(*a*) For postponing the registration of a creditors' notice or bankruptcy inhibition, where the name, address and description of the debtor appearing in the application for the registration of the pending action or receiving order are not identical with those stated in the register, until the registrar is satisfied as to the identity of the debtor;

(*b*) For requiring the official receiver to notify to the registrar any mistake occurring in the receiving order or any other fact relevant to any proposed amendment in the register; and for enabling the registrar to make any consequential amendment;

(*c*) For providing for the whole or partial vacation (subject to notice to the official receiver or trustee in bankruptcy and to his right to appeal to the court) of a bankruptcy inhibition, where the receiving order is rescinded or the bankruptcy is annulled, or the registrar is satisfied that the bankruptcy proceedings do not affect or have ceased to affect the statutory powers of the bankrupt to deal with the registered land or charge.

PART V.

LAND AND CHARGE CERTIFICATES.

Issue of land and charge certificates.

63.—(1) On the first registration of a freehold or leasehold interest in land, and on the registration of a charge, a land certificate, or charge certificate, as the case may be, shall be prepared in the prescribed form: it shall state whether the title is absolute, good leasehold, qualified or possessory, and it shall be either delivered to the

proprietor or deposited in the registry as the proprietor may prefer.

(2) If so deposited in the registry it shall be officially endorsed from time to time, as in this Act provided, with notes of all subsequent entries in the register affecting the registered land or charge to which it relates.

(3) The proprietor may at any time apply for the delivery of the certificate to himself or to such person as he may direct, and may at any time again deposit it in the land registry.

(4) The preparation, issue, endorsement, and deposit in the registry of the certificate shall be effected without cost to the proprietor.

Certificates to be produced and noted on dealings.

64.—(1) So long as a land certificate or charge certificate is outstanding, it shall be produced to the registrar—

(*a*) on every entry in the register of a disposition by the proprietor of the registered land or charge to which it relates; and

(*b*) on every registered transmission; and

(*c*) in every case (except as hereinafter mentioned) where under this Act or otherwise notice of any estate right or claim or a restriction is entered or placed on the register, adversely affecting the title of the proprietor of the registered land or charge, but not in the case of the lodgment of a caution or of an inhibition or of a creditors' notice, or of the entry of a notice of a lease at a rent without taking a fine.

(2) A note of every such entry or transmission shall be officially entered on the certificate and the registrar shall have the same powers of compelling the production of certificates as are conferred on him by this Act as to the production of maps, surveys, books, and other documents.

(3) On the completion of the registration of a transferee or grantee of any registered land or charge the registrar shall deliver to him a land certificate or charge certificate, and where part only of the land is dealt with shall also deliver to the transferor or grantor a land certificate containing a description of the land retained by him.

(4) Where a transfer of land is made by the proprietor of a registered charge in exercise of any power vested in him, it may be registered, and a new land certificate may be issued to the purchaser, without production of the former land certificate (when not deposited at the registry), but the charge certificate, if any, must be produced or accounted for in accordance with this section.

The provisions of this subsection shall be extended in the prescribed manner to the cases of—

(*a*) an order for foreclosure absolute;

(*b*) a proprietor of a charge or a mortgagee obtaining a title to the land under the Limitation Acts;

(*c*) title being acquired under a title paramount to the registered estate, including a title acquired pursuant to a vesting or other order of the court or other competent authority.

Deposit at registry of certificate of mortgaged land.

65. Where a charge or mortgage (otherwise than by deposit) is registered, or is protected by a caution in a specially prescribed form, the land certificate shall be deposited at the registry until the charge or mortgage is cancelled.

Creation of liens by deposit of certificates.

66. The proprietor of any registered land or charge may, subject to the overriding interests, if any, to any entry to the contrary on the register, and to any estates, interests, charges, or rights registered or protected on the register at the date of the deposit, create a lien on the registered land or charge by deposit of the land certificate or charge certificate; and such lien shall, subject as aforesaid, be equivalent to a lien created in the case of unregistered land by the deposit of documents of title or of the mortgage deed by an owner entitled for his own benefit to the registered estate, or a mortgagee beneficially entitled to the mortgage, as the case may be.

Issue of new certificates.

67.—(1) The registrar may when a land certificate or charge certificate is produced to him grant a new land certificate or charge certificate in the place of the one produced.

(2) A new land certificate or charge certificate may be issued in place of one lost or destroyed, or in the possession of a person out of the jurisdiction of the

High Court, on such terms as to advertisement notice or delay as may be prescribed.

Certificates to be evidence.

68. Any land certificate or charge certificate shall be admissible as evidence of the several matters therein contained.

PART VI.

GENERAL PROVISIONS AS TO REGISTRATION AND THE EFFECT THEREOF.

Effect of registration on the legal estate.

69.—(1) The proprietor of land (whether he was registered before or after the commencement of this Act) shall be deemed to have vested in him without any conveyance, where the registered land is freehold, the legal estate in fee simple in possession, and where the registered land is leasehold the legal term created by the registered lease, but subject to the overriding interests, if any, including any mortgage term or charge by way of legal mortgage created by or under the Law of Property Act, 1925, or this Act or otherwise which has priority to the registered estate.

(2) Where any legal estate or term left outstanding at the date of first registration (whether before or after the commencement of this Act), or disposed of or created under section forty-nine of the Land Transfer Act, 1875, before the commencement of this Act, becomes satisfied, or the proprietor of the land becomes entitled to require the same to be vested in or surrendered to him, and the entry, if any, for protecting the same on the register has been cancelled, the same shall thereupon, without any conveyance, vest in the proprietor of the land, as if the same had been conveyed or surrendered to him as the case may be.

38 & 39 Vict. c. 87.

(3) If and when any person is registered as first proprietor of land in a compulsory area after the commencement of this Act, the provisions of the Law of Property Act, 1925, for getting in legal estates shall apply to any legal estate in the land which was expressed to be conveyed or created in favour of a purchaser or lessee before the commencement of this Act but which failed to pass or to be created by reason of the omission of such purchaser or lessee to be registered as proprietor of the land under the Land Transfer Acts, 1875 and 1897, and shall operate to vest that legal estate in the person

so registered as proprietor on his registration, but subject to any mortgage term or charge by way of legal mortgage having priority thereto.

(4) The estate for the time being vested in the proprietor shall only be capable of being disposed of or dealt with by him in manner authorised by this Act.

(5) Nothing in this section operates to render valid a lease registered with possessory or good leasehold title.

Liability of registered land to overriding interests.

70.—(1) All registered land shall, unless under the provisions of this Act the contrary is expressed on the register, be deemed to be subject to such of the following overriding interests as may be for the time being subsisting in reference thereto, and such interests shall not be treated as incumbrances within the meaning of this Act, (that is to say) :—

(*a*) Rights of common, drainage rights, customary rights (until extinguished), public rights, profits à prendre, rights of sheepwalk, rights of way, watercourses, rights of water, and other easements not being equitable easements required to be protected by notice on the register;

(*b*) Liability to repair highways by reason of tenure, quit-rents, crown rents, heriots, and other rents and charges (until extinguished) having their origin in tenure;

(*c*) Liability to repair the chancel of any church;

(*d*) Liability in respect of embankments, and sea and river walls;

(*e*) Land tax, tithe rentcharge, payments in lieu of tithe, and charges or annuities payable for the redemption of tithe rentcharges;

(*f*) Subject to the provisions of this Act, rights acquired or in course of being acquired under the Limitation Acts;

(*g*) The rights of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where enquiry is made of such person and the rights are not disclosed;

(*h*) In the case of a possessory, qualified, or good leasehold title, all estates, rights, interests, and powers excepted from the effect of registration;

(*i*) Rights under local land charges unless and until registered or protected on the register in the prescribed manner;

(*j*) Rights of fishing and sporting, seignorial and manorial rights of all descriptions (until extinguished), and franchises;

(*k*) Leases for any term or interest not exceeding twenty-one years, granted at a rent without taking a fine;

(*l*) In respect of land registered before the commencement of this Act, rights to mines and minerals, and rights of entry, search, and user, and other rights and reservations incidental to or required for the purpose of giving full effect to the enjoyment of rights to mines and minerals or of property in mines or minerals, being rights which, where the title was first registered before the first day of January, eighteen hundred and ninety-eight, were created before that date, and where the title was first registered after the thirty-first day of December, eighteen hundred and ninety-seven, were created before the date of first registration:

Provided that, where it is proved to the satisfaction of the registrar that any land registered or about to be registered is exempt from land tax, or tithe rentcharge or payments in lieu of tithe, or from charges or annuities payable for the redemption of tithe rentcharge, the registrar may notify the fact on the register in the prescribed manner.

(2) Where at the time of first registration any easement, right, privilege, or benefit created by an instrument and appearing on the title adversely affects the land, the registrar shall enter a note thereof on the register.

(3) Where the existence of any overriding interest mentioned in this section is proved to the satisfaction of the registrar or admitted, he may (subject to any prescribed exceptions) enter notice of the same or of a claim thereto on the register, but no claim to an easement, right, or privilege not created by an instrument shall be noted against the title to the servient land if the proprietor of such land (after the prescribed notice is given to him) shows sufficient cause to the contrary.

Dispositions by virtue of overriding interests.

71. Where by virtue of any interest or power which is an overriding interest a mortgagee or other person disposes of any estate, charge, or right in or upon a registered estate, and the disposition is capable of being registered, the registrar shall, if so required, give effect to the disposition on the register.

Appurtenances.

72. If before the registration of any freehold or leasehold interest in land with an absolute or good leasehold title any easement, right, or privilege has been acquired for the benefit thereof, then, on such registration, the easement, right, or privilege shall, subject to any entry to the contrary on the register, become appurtenant to the registered land in like manner as if it had been granted to the proprietor who is registered as aforesaid.

Provisions as to death duties.

73.—(1) A registered disposition in favour of a purchaser shall operate to vest in him the estate or interest transferred or created by the disposition free from all claims of His Majesty for death duties, notwithstanding that notice of a claim for duties may be noted on the register under this section.

(2) A disposition to any person, other than a purchaser, shall take effect subject to any charge for payment of death duties and the interest thereon, whether notice of a claim for the duties is entered on the register or not.

(3) A personal representative, in whom the registered estate vests on a death, shall be accountable for all death duties which may become leviable or payable on the death of the deceased in respect of the registered land or any interest therein.

(4) In every other case the proprietor of a registered estate (other than a purchaser who acquires a registered estate free from the charge for duties) shall be accountable for all the death duties which become leviable or payable in respect of that estate or of any minor interest capable of being overridden by a registered disposition made by him.

(5) A personal representative or other proprietor who disposes of any interest in registered land to a purchaser by a disposition which is registered or protected on the register, and the proceeds of sale, funds and other property, if any, derived from the disposition and the

income thereof, shall (subject as hereinafter provided) be and remain liable in respect of and stand charged with the payment of the duties the charge for which is overridden by the disposition, together with any interest payable in respect of the same.

(6) Notwithstanding that any duties may be payable by instalments, on a disposition of a registered estate by way of sale, exchange, or charge, all death duties payable in respect of the estate dealt with remaining unpaid, the charge for which is overridden by such disposition, shall immediately become payable and carry interest at the rate of four pounds per centum per annum from the date of the disposition:

Provided that, where by reason of this subsection an amount is paid or becomes payable for duties in excess of the amount which would have been payable if the duties had continued to be paid by instalments, such excess shall be repaid or allowed as a deduction by the Commissioners of Inland Revenue.

(7) Where on the death of a proprietor it appears to the registrar that a charge for death duties has arisen, the registrar shall enter notice of the charge on the register in the prescribed manner.

(8) When any such notice is entered, the registrar shall, before registering or entering notice of any disposition which would operate to override the charge for duties, give notice of the intended registration or entry to the said Commissioners, and cancel the notice of the claim for duties so far as it relates to the land or interest therein comprised in the disposition.

(9) When all claims for duties have been satisfied, or no such claims arise, or the said Commissioners are satisfied that the duties will be paid or commuted, they shall notify the fact to the registrar, who shall thereupon cancel the notice, if any, of the claim.

(10) For the purpose of raising the duty and the costs of raising the same, the personal representative or other proprietor accountable as aforesaid shall have all the powers which are by any statute conferred on any person for raising the duty.

(11) Notwithstanding that any duties are by this section made payable by the personal representative or proprietor of the land, nothing herein contained shall

affect the liability of the persons beneficially interested or of their minor interests in respect of any duty, and such persons shall accordingly account for or repay the same, and any interest and costs attributable thereto, to the said Commissioners or to the personal representative or other proprietor made accountable, and nothing in this section shall affect the remedies of the said Commissioners against any person other than a purchaser.

(12) Capital money liable to be laid out in the purchase of land to be settled in the same manner as the land in respect of which the duty became payable, and personal estate held on the same trusts as the proceeds of sale of land (in respect of which the duty became payable) held on trust for sale, may, by the direction of the person accountable, and although the duty is only payable in respect of a minor interest which is or is capable of being overridden by a disposition to a purchaser, be applied in discharging all or any of the duties and costs aforesaid.

(13) Where the duties would not, except by virtue of the last subsection, be payable out of capital money, the amount so paid shall be repaid by the person liable for the duty to the trustees of the settlement or trustees for sale, by the like instalments and at the like rate of interest by and at which the unpaid duty and the interest thereon might have been paid if the land had not been disposed of, and the minor or other interests of the persons liable and remaining subject to the settlement of the land or of the proceeds of the sale, shall stand charged with the repayment of the instalments and interest aforesaid; and the trustees of the settlement or the trustees for sale shall be entitled to recover and receive any excess of duty which may become repayable by the said Commissioners.

(14) Nothing in this section shall impose on a personal representative, trustee, or other person in a fiduciary position, as such, any liability for payment of duty in excess of the assets (including real estate) vested in him or in the trustees of the settlement which may for the time being be available in his or their hands for the payment of the duty, or which would have been so available but for his or their own neglect or default, or impose on the proprietor of a registered charge any liability to discharge death duties unless the claim was paramount to his charge.

(15) In this section "purchaser" includes only a purchaser for money or money's worth.

(16) This section only applies to death duties which become payable or leviable after the commencement of this Act.

With respect to death duties which become payable or leviable before that date section thirteen of the Land Transfer Act, 1897, and all the other provisions of the Land Transfer Acts, 1875 and 1897, relating to death duties shall, notwithstanding any repeal, continue to apply. 60 & 61 Vict. c. 65.

74. Subject to the provisions of this Act as to settled land, neither the registrar nor any person dealing with a registered estate or charge shall be affected with notice of a trust express implied or constructive, and references to trusts shall, so far as possible, be excluded from the register. Notice of trust not to affect registered dealing.

75.—(1) The Limitation Acts shall apply to registered land in the same manner and to the same extent as those Acts apply to land not registered, except that where, if the land were not registered, the estate of the person registered as proprietor would be extinguished, such estate shall not be extinguished but shall be deemed to be held by the proprietor for the time being in trust for the person who, by virtue of the said Acts, has acquired title against any proprietor, but without prejudice to the estates and interests of any other person interested in the land whose estate or interest is not extinguished by those Acts. Acquisition of title by possession.

(2) Any person claiming to have acquired a title under the Limitation Acts to a registered estate in the land may apply to be registered as proprietor thereof.

(3) The registrar shall, on being satisfied as to the applicant's title, enter the applicant as proprietor either with absolute, good leasehold, qualified, or possessory title, as the case may require, but without prejudice to any estate or interest protected by any entry on the register which may not have been extinguished under the Limitation Acts, and such registration shall, subject as aforesaid, have the same effect as the registration of a first proprietor; but the proprietor or the applicant or any other person interested may apply to the court for the determination of any question arising under this section.

(4) If, in the opinion of the registrar, any purchaser or person deriving title under him whose title, being registered or protected on the register, is prejudicially affected by any entry under this section, ought, in the special circumstances of the case, to be compensated, the registrar may award to him indemnity of such amount as he may consider just, in like manner as if such purchaser or person had suffered loss by the rectification of the register:

Provided that no sum shall be payable for indemnity under this section, unless that sum can be paid out of the indemnity fund without recourse to the Consolidated Fund.

(5) Rules may be made for applying (subject to any necessary modifications) the provisions of this section to cases where an easement, right or privilege has been acquired by prescription.

Description of registered land.

76. Registered land may be described—

(*a*) by means of a verbal description and a filed plan or general map, based on the ordnance map; or

(*b*) by reference to a deed or other document, a copy or extract whereof is filed at the registry, containing a sufficient description, and a plan or map thereof; or

(*c*) otherwise as the applicant for registration may desire, and the registrar, or, if the applicant prefers, the court, may approve,

regard being had to ready identification of parcels, correct descriptions of boundaries, and, so far as may be, uniformity of practice; but the boundaries of all freehold land and all requisite details in relation to the same, shall whenever practicable, be entered on the register or filed plan, or general map, and the filed plan, if any, or general map shall be used for assisting the identification of the land.

Conversion of possessory into absolute or good leasehold title.

77.—(1) Where land has been registered with a possessory title before the commencement of this Act, and the registrar is satisfied as to the title, he may register it at any time as absolute or good leasehold, whether the proprietor consents to such registration or not, but, unless the registration is made at the request of the proprietor, without charging any fee therefor.

(2) Where the registrar is satisfied as to the title he may, on a transfer for valuable consideration of land registered with a qualified, good leasehold or possessory title, enter the title of a transferee or grantee as absolute or good leasehold, as the case may require or admit, whether the transferee or grantee consents or not, but in that case no additional fee shall be charged.

(3) The following provisions shall apply with respect to land registered with a qualified or possessory title:—

(*a*) Where the title registered is possessory, the application for the registration of a transfer for valuable consideration shall, subject to any provisions to the contrary which may be prescribed, be accompanied by all the documents of or relating to the title (including contracts, abstracts, counsel's opinions, requisitions and replies, and other like documents), in the applicant's possession or under his control; and where the title registered is qualified, such application shall be accompanied by such documents, if any, as may relate to the matters excepted from the effect of registration;

(*b*) Where the land has been registered, if freehold land, for fifteen years, or if leasehold land, for ten years, with a possessory title, the registrar shall, if satisfied that the proprietor is in possession, and after giving such notices, if any, as may be prescribed, enter the title of the proprietor of the freehold land as absolute, and the title of the proprietor of the leasehold land as good leasehold, save that if the date of first registration occurred before the first day of January, nineteen hundred and nine, the registrar shall have power to postpone the registration of an absolute or good leasehold title until, after investigation, he is satisfied in regard to the title.

(4) Where the land has been registered with a good leasehold title for at least ten years, the registrar may, subject to the payment of any additional insurance fee and to any advertisements or inquiries which may be prescribed, and if he is satisfied that the proprietor or successive proprietors has or have been in possession

during the said period, at the request of the proprietor enter his title as absolute.

(5) If any claim adverse to the title of the proprietor has been made, an entry shall not be made on the register under this section unless and until the claim has been disposed of.

(6) Any person, other than the proprietor, who suffers loss by reason of any entry on the register made by virtue of this section shall be entitled to be indemnified under this Act as if a mistake had been made in the register.

Provisions as to undivided shares in land.

78.—(1) Where in the case of land belonging to persons in undivided shares the entirety of the land is registered at the commencement of this Act, and the persons entitled to the several undivided shares are registered as proprietors, the registrar shall, on the occasion of the first dealing affecting the title after the commencement of this Act, rectify the register by entering as the proprietors of the entirety of the land the persons in whom the legal estate therein has become vested by virtue of the Law of Property Act, 1925, and it shall be the duty of the persons registered as the proprietors of the undivided shares in the land to furnish to the registrar such evidence as he may require to enable him to ascertain the persons in whom such legal estate has become so vested as aforesaid.

(2) Where at the commencement of this Act the title to an undivided share in land is registered but the entirety of the land is not registered, the registrar may, at any time, after giving notice to the proprietor and to the other persons, if any, who appear by the register to be interested therein, remove from the register the title to the undivided share, and such removal shall have the like effect as if it had been effected by the proprietor with the assent of such other persons as aforesaid in pursuance of the power in that behalf contained in this Act:

Provided that, if within one year from the commencement of this Act or such extended time as the registrar may allow, and before the removal of the undivided share from the register in manner aforesaid, the persons in whom the legal estate of the entirety of the land is vested by virtue of the Law of Property Act, 1925, or any persons interested in more than an

undivided half of the land or the income thereof, make an application in the prescribed manner for the purpose and furnish the prescribed evidence, the registrar shall, without charging any fee, register the persons in whom such legal estate is so vested as proprietors of that estate, subject to any incumbrance capable of registration affecting the entirety of the land, but free from any charge or incumbrance (whether formerly registered or not) affecting an undivided share, and when the title to the entirety of the land is so registered, the title to the undivided share shall be closed.

(3) If the person in whom the legal estate in the entirety of the land is so vested is the Public Trustee, he shall not be registered as proprietor pursuant to this section unless and until he has been duly requested to act in accordance with the Law of Property Act, 1925, and has accepted the trust.

(4) After the commencement of this Act, no entry other than a caution against dealings with the entirety shall be made in the register as respects the title to an undivided share in land.

Addresses for service and notices.

79.—(1) Every person whose name is entered on the register as proprietor of any registered land or charge, or as cautioner, or as entitled to receive any notice, or in any other character shall furnish to the registrar a place of address in the United Kingdom.

(2) Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked outside "His Majesty's Land Registry," and directed to such person at the address furnished to the registrar, and, unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days, exclusive of the day of posting, as may be prescribed.

(3) The Postmaster-General shall give directions for the immediate return to the registrar of all letters marked as aforesaid, and addressed to any person who cannot be found, and on the return of any letter containing any notice, the registrar shall act in the matter requiring such notice to be given in such manner as may be prescribed.

(4) A purchaser shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof.

Bona vacantia and forfeiture.

80. Subject to the express provisions of this Act relating to the effect of first registration of title and the effect of registration of a disposition for valuable consideration, nothing in this Act affects any right of His Majesty to any bona vacantia or forfeiture.

Power to remove land from the register.

81.—(1) The proprietor of registered land not situated in an area where the registration of title is compulsory, and, in every case where the entirety of the land is not registered, the proprietor of an undivided share in land, may, with the consent of the other persons (if any) for the time being appearing by the register to be interested therein, and on delivering up the land certificate and, if the land is subject to any registered charges, the charge certificates, remove the land (including an undivided share) from the register.

(2) After land is removed from the register no further entries shall be made respecting it, and inspection of the register may be made and office copies of the entries therein may be issued, subject to such regulations as may be prescribed.

(3) If the land so removed from the register is situated within the jurisdiction of the Middlesex or Yorkshire registries, it shall again be subject to such jurisdiction as from the date of the removal.

PART VII.

RECTIFICATION OF REGISTER AND INDEMNITY.

Rectification of the register.

82.—(1) The register may be rectified pursuant to an order of the court or by the registrar, subject to an appeal to the court, in any of the following cases, but subject to the provisions of this section :—

(*a*) Subject to any express provisions of this Act to the contrary, where a court of competent jurisdiction has decided that any person is entitled to any estate right or interest in or to any registered land or charge, and as a consequence of such decision such court is of opinion that a rectification of the register is required, and makes an order to that effect ;

(*b*) Subject to any express provision of this Act to the contrary, where the court, on the application in the prescribed manner of any person who is

aggrieved by any entry made in, or by the omission of any entry from, the register, or by any default being made, or unnecessary delay taking place, in the making of any entry in the register, makes an order for the rectification of the register;

(*c*) In any case and at any time with the consent of all persons interested;

(*d*) Where the court or the registrar is satisfied that any entry in the register has been obtained by fraud;

(*e*) Where two or more persons are, by mistake, registered as proprietors of the same registered estate or of the same charge;

(*f*) Where a mortgagee has been registered as proprietor of the land instead of as proprietor of a charge and a right of redemption is subsisting;

(*g*) Where a legal estate has been registered in the name of a person who if the land had not been registered would not have been the estate owner; and

(*h*) In any other case where, by reason of any error or omission in the register, or by reason of any entry made under a mistake, it may be deemed just to rectify the register.

(2) The register may be rectified under this section, notwithstanding that the rectification may affect any estates, rights, charges, or interests acquired or protected by registration, or by any entry on the register, or otherwise.

(3) The register shall not be rectified, except for the purpose of giving effect to an overriding interest, so as to affect the title of the proprietor who is in possession—

(*a*) unless such proprietor is a party or privy or has caused or substantially contributed, by his act, neglect or default, to the fraud, mistake or omission in consequence of which such rectification is sought; or

(*b*) unless the immediate disposition to him was void, or the disposition to any person through

whom he claims otherwise than for valuable consideration was void; or

(*c*) unless for any other reason, in any particular case, it is considered that it would be unjust not to rectify the register against him.

(4) Where a person is in possession of registered land in right of a minor interest, he shall, for the purposes of this section, be deemed to be in possession as agent for the proprietor.

(5) The registrar shall obey the order of any competent court in relation to any registered land on being served with the order or an official copy thereof.

(6) On every rectification of the register the land certificate and any charge certificate which may be affected shall be produced to the registrar unless an order to the contrary is made by him.

Right to indemnity in certain cases.

83.—(1) Subject to the provisions of this Act to the contrary, any person suffering loss by reason of any rectification of the register under this Act shall be entitled to be indemnified.

(2) Where an error or omission has occurred in the register, but the register is not rectified, any person suffering loss by reason of such error or omission, shall, subject to the provisions of this Act, be entitled to be indemnified.

(3) Where any person suffers loss by reason of the loss or destruction of any document lodged at the registry for inspection or safe custody or by reason of an error in any official search, he shall be entitled to be indemnified under this Act.

(4) Subject as hereinafter provided, a proprietor of any registered land or charge claiming in good faith under a forged disposition shall, where the register is rectified, be deemed to have suffered loss by reason of such rectification and shall be entitled to be indemnified under this Act.

(5) No indemnity shall be payable under this Act in any of the following cases:—

(*a*) Where the applicant has himself caused or substantially contributed to the loss by his fraud, or derives title (otherwise than under a disposition for valuable consideration which is

registered or protected on the register) from a person so committing fraud;

(*b*) On account of any mines or minerals or of the existence of any rights to work or get mines or minerals, unless a note is entered on the register that the mines or minerals are included in the registered title;

(*c*) On account of costs incurred in taking or defending any legal proceedings without the consent of the registrar.

(6) Where an indemnity is paid in respect of the loss of an estate or interest in or charge on land the amount so paid shall not exceed—

(*a*) Where the register is not rectified, the value of the estate, interest or charge at the time when the error or omission which caused the loss was made;

(*b*) Where the register is rectified, the value (if there had been no rectification) of the estate, interest or charge, immediately before the time of rectification.

(7) The registrar may, if the applicant desires it, and subject to an appeal to the court, determine whether a right to indemnity has arisen under this section, and, if so, award indemnity. In the event of an appeal to the court the applicant shall not be required to pay any costs except his own, even if unsuccessful, unless the court considers that the appeal is unreasonable.

(8) In granting any indemnity the registrar may have regard to any costs and expenses properly incurred in relation to the matter, and may add the same to the amount of the indemnity money which would otherwise be payable.

(9) Where indemnity is paid for a loss, the registrar, on behalf of the Crown, shall be entitled to recover the amount paid from any person who has caused or substantially contributed to the loss by his fraud.

(10) The registrar shall be entitled to enforce, on behalf of the Crown, any express or implied covenant or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which indemnity has been paid.

(11) A liability to pay indemnity under this Act shall be deemed a simple contract debt; and for the purposes of the Limitation Act, 1623, the cause of action shall be deemed to arise at the time when the claimant knows, or but for his own default might have known, of the existence of his claim:

21 Jac. I. c. 16.

Provided that, when a claim to indemnity arises in consequence of the registration of an estate in land with an absolute or good leasehold title, the claim shall be enforceable only if made within six years from the date of such registration, except in the following cases:—

(*a*) Where at the date of registration the person interested is an infant, the claim by him may be made within six years from the time he attains full age;

(*b*) In the case of settled land, or land held on trust for sale, a claim by a person interested in remainder or reversion, may be made within six years from the time when his interest falls into possession;

(*c*) Where a claim arises in respect of a restrictive covenant or agreement affecting freehold land which by reason of notice or the registration of a land charge or otherwise was binding on the first proprietor at the time of first registration, the claim shall only be enforceable within six years from the breach of the covenant or agreement;

(*d*) Where any person interested is entitled as a proprietor of a charge or as a mortgagee protected by a caution in the specially prescribed form, the claim by him may be made within six years from the last payment in respect of principal or interest.

(12) This section applies to the Crown in like manner as it applies to a private person.

Application of indemnity in case of settled land.

84. Where any indemnity is paid in respect of settled land, and not in respect of any particular estate, remainder, or reversion therein, the money shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the Settled Land Act, 1925, arising from the settled land.

Insurance fund for providing indemnity.

85.—(1) Any indemnity payable by reason of the rectification or non-rectification of the register shall be paid out of the insurance fund established under the Land Transfer Act, 1897.

(2) There shall be set aside and paid into the said fund at the end of each financial year such portion of the receipts from fees taken in the land registry under this Act as the Lord Chancellor and the Treasury may by order determine.

(3) The insurance fund shall be invested in such names and manner as the Treasury from time to time direct.

(4) If the insurance fund is at any time insufficient to pay indemnity for any loss chargeable thereon, the deficiency shall (except where otherwise expressly provided by this Act) be charged on and paid out of the Consolidated Fund, or the growing produce thereof, but any sum so paid out of the Consolidated Fund, or the growing produce thereof, shall be repaid out of the money subsequently standing to the credit of the insurance fund.

(5) Accounts of the fund shall be kept and be audited as public accounts, in accordance with such regulations as the Treasury from time to time make.

PART VIII.

APPLICATION TO PARTICULAR CLASSES OF LAND.

Registration of settled land.

86.—(1) Settled land shall be registered in the name of the tenant for life or statutory owner.

(2) The successive or other interests created by or arising under a settlement shall (save as regards any legal estate which cannot be overridden under the powers of the Settled Land Act, 1925, or any other statute) take effect as minor interests and not otherwise; and effect shall be given thereto by the proprietor of the settled land as provided by statute with respect to the estate owner, with such adaptations, if any, as may be prescribed in the case of registered land by rules made under this Act.

(3) There shall also be entered on the register such restrictions as may be prescribed, or may be expedient, for the protection of the rights of the persons beneficially

interested in the land, and such restrictions shall (subject to the provisions of this Act relating to releases by the trustees of a settlement and to transfers by a tenant for life whose estate has ceased in his lifetime) be binding on the proprietor during his life, but shall not restrain or otherwise affect a disposition by his personal representative.

(4) Where land already registered is acquired with capital money, the same shall be transferred by a transfer in a specially prescribed form to the tenant for life or statutory owner, and such transfer shall state the names of the persons who are trustees of the settlement for the purposes of the Settled Land Act, 1925, and contain an application to register the prescribed restrictions applicable to the case; a transfer made in the specially prescribed form shall be deemed to comply with the requirements of that Act, respecting vesting deeds; and where no capital money is paid but land already registered is to be made subject to a settlement, it shall not be necessary for the trustees of the settlement to concur in the transfer.

(5) References in this Act to the "tenant for life" shall, where the context admits, be read as referring to the tenant for life, statutory owner, or personal representative who is entitled to be registered.

Changes of ownership of settled land.

87.—(1) On the death of a proprietor, or of the survivor of two or more joint proprietors of settled land (whether the land is settled by his will or by an instrument taking effect on or previously to his death), his personal representative shall hold the settled land subject to payment or to making provision for payment of all death duties and other liabilities affecting the land, and having priority to the settlement, upon trust to transfer the same by an assent in the prescribed manner to the tenant for life or statutory owner, and in the meantime upon trust to give effect to the minor interests under the settlement; but a transfer shall not be made to an infant.

(2) Rules may be made—

(*a*) for enabling a personal representative or proprietor in proper cases to create legal estates by registered dispositions for giving effect to or creating interests in priority to the settlements;

(*b*) to provide for the cases in which application shall be made by the personal representative or proprietor for the registration of restrictions or notices; and

(*c*) for discharging a personal representative or former proprietor who has complied with the requirements of this Act and rules from all liability in respect of minor interests under a settlement.

(3) Where a tenant for life or statutory owner who, if the land were not registered, would be entitled to have the settled land vested in him, is not the proprietor, the proprietor shall (notwithstanding any stipulation or provision to the contrary) be bound at the cost of the trust estate to execute such transfers as may be required for giving effect on the register to the rights of such tenant for life or statutory owner.

(4) Where the trustees of a settlement have in the prescribed manner released the land from the minor interests under such settlement, the registrar shall be entitled to assume that the settlement has determined, and the restrictions for protecting the minor interests thereunder shall be cancelled.

(5) Where an order is made under the Settled Land Act, 1925, authorising the trustees of the settlement to exercise the powers on behalf of a tenant for life who is registered as proprietor, they may in his name and on his behalf do all such acts and things under this Act as may be requisite for giving effect on the register to the powers authorised to be exercised in like manner as if they were registered as proprietors of the land, but a copy of the order shall be filed at the registry before any such powers are exercised.

(6) Where a proprietor ceases in his lifetime to be a tenant for life, he shall transfer the land to his successor in title, or, if such successor is an infant, to the statutory owner, and on the registration of such successor in title or statutory owner it shall be the duty of the trustees of the settlement, if the same be still subsisting, to apply for such alteration, if any, in the restrictions as may be required for the protection of the minor interests under the settlement.

Settlement may be filed in registry.

88.—(1) The settlement, or an abstract or copy thereof, may be filed in the registry for reference in the prescribed manner, but such filing shall not affect a purchaser from the proprietor with notice of its provisions, or entitle him to call for production of the settlement, or for any information or evidence as to its contents.

(2) In this section "settlement" includes any deed stating who are the trustees of the settlement, and the vesting instrument, and any transfer or assent in the prescribed form taking the place, in the case of registered land, of a vesting instrument, as well as the trust instrument and any other instruments creating the settlement.

Registrar's certificate authorising proposed dealing with settled land.

89. The registrar may, notwithstanding any restriction entered on the register, grant a certificate that an intended registered disposition is authorised by a settlement or otherwise, and will be registered, and a purchaser who obtains such a certificate shall not be concerned to see that the disposition is authorised, but where capital money is paid to the persons to whom the same is required to be paid by a restriction or into court no such certificate shall be required.

Charges for money actually raised.

90. The proprietor of settled land which is registered and all other necessary parties, if any, shall, on the request, and at the expense of any person entitled to an estate, interest, or charge conveyed or created for securing money actually raised at the date of such request, charge the land in the prescribed manner with the payment of the money so raised, but so long as the estate, interest or charge is capable of being overridden under the Settled Land Act, 1925, or the Law of Property Act, 1925, no charge shall be created or registered under this section.

Minorities.

91. The following provisions shall have effect as respects settled land (being registered land) during a minority:—

(1) The personal representatives under the will or intestacy under which the settlement is created or arises shall, during the minority, be registered as proprietors, and in reference to the settled land shall have all the powers conferred by the Settled Land Act, 1925, on a tenant for life and on the trustees of the settlement; but if

and when the personal representatives would, if the infant had been of full age, have been bound to transfer the registered land to him, the personal representatives shall (unless themselves the statutory owners) thenceforth during the minority give effect on the register to the directions of the statutory owner, and shall apply for the registration of any restriction which may be prescribed, but shall not be concerned with the propriety of any registered disposition so directed to be made if the same appears to be a proper disposition under the powers of the statutory owner and the capital money, if any, arising under the disposition is paid to the trustees of the settlement or into court; but a purchaser dealing with the personal representatives, who complies with the restrictions, if any, which may be entered on the register, shall not be concerned to see or inquire whether any such directions have been given:

(2) If an infant becomes entitled in possession (or will become entitled in possession on attaining full age) to registered land otherwise than on a death, the statutory owners during the minority shall be entitled to require the settled land to be transferred to them and shall be registered as proprietors accordingly:

(3) If and when the registered land would (if not registered) have become vested in the trustees of the settlement pursuant to the Law of Property Act, 1925, such trustees shall (unless they are already registered) be entitled to be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

Rights of tenants for life and statutory owners to be registered as proprietors.

92. The foregoing provisions of this Part of this Act relating to settled land apply in every case where pursuant to the Settled Land Act, 1925, settled land is to be vested in a tenant for life or statutory owner whether the estate was registered before or after the commencement of this Act, and the proprietor of settled land (not being the tenant for life or

statutory owner entitled to the same) shall be bound to make such dispositions as may be required for giving effect to the rights of the tenant for life or statutory owner:

Provided that, where the registered land is not, at the commencement of this Act, registered in the name of a tenant for life or statutory owner, or personal representative who, if the land were not registered, would by virtue of the Settled Land Act, 1925, or of the Law of Property Act, 1925, be entitled to have the settled land vested in him, any such person shall (without any transfer) be entitled to be registered as proprietor thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

As to persons in a fiduciary position.

93. A person in a fiduciary position may apply for, or concur in, or assent to, any registration authorised by the provisions of this Act, and, if he is a proprietor, may execute a charge or other disposition in favour of any person whose registration is so authorised.

Land held on trust for sale.

94.—(1) Where registered land is subject to a trust for sale, express or implied, whether or not there is power to postpone the sale, the land shall be registered in the names of the trustees for sale.

(2) Where an order, obtained under section seven of the Settled Land Act, 1884, is in force at the commencement of this Act, the person authorised by the order to exercise any of the powers conferred by the Settled Land Act, 1925, may, in the names and on behalf of the proprietors, do all such acts and things under this Act as may be requisite for giving effect on the register to the powers authorised to be exercised in like manner as if such person were registered as proprietor of the land, and a copy of the order shall be filed at the registry.

(3) Where, by virtue of any statute, registered land is made subject to a trust for sale, the trustees for sale (unless already registered) shall be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration of the register, but this subsection has effect subject to the provisions of this Act

relating to the registration of the Public Trustee and the removal of an undivided share from the register before the title to the entirety of the land is registered.

Restriction on number of trustees.

95. The statutory restrictions affecting the number of persons entitled to hold land on trust for sale and the number of trustees of a settlement apply to registered land.

Crown and Duchy land.

96.—(1) With respect to land or any estate, right, or interest in land vested in His Majesty, either in right of the Crown or of the Duchy of Lancaster, or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof, if any, or, if none, then such person as His Majesty may by writing under his sign manual appoint, may represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land, or of any estate, right, or interest therein, as the case may be, is entitled to receive, make, enter, or do under this Act.

(2) With respect to land or any estate, right, or interest in land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall for the time being, or as the person for the time being entitled to the revenues and possessions of the Duchy of Cornwall, may in writing appoint, may act as and represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to receive such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land or of any estate, right, or interest in land (as the case may be) is entitled to make, enter, or do under this Act.

Foreshore.

97.—(1) If it appears to the registrar that any land, application for registration whereof is made to him, comprises foreshore, he shall not register an estate in the land unless and until he is satisfied that at least one month's notice in writing of the application has been given to the Board of Trade, and—

(*a*) in case of land in the county palatine of Lancaster, also to the proper officer of the Duchy of Lancaster; and

(*b*) in case of land in the counties of Cornwall or Devon, also to the proper officer of the Duke of Cornwall; and

(*c*) in the case of land within the jurisdiction of the Port of London Authority, also to that authority; and

(*d*) in all other cases, also to the Commissioners of Woods.

(2) This section does not apply to the registration of an estate with a possessory title or with a good leasehold title.

Land subject to charitable trusts.

98. Where an application is made to register a legal estate in land subject to charitable trusts and that estate is vested in the official trustee of charity lands, he shall, notwithstanding that the powers of disposition are vested in the managing trustees or committee, be registered as proprietor thereof.

Land belonging to benefices.

99.—(1) Where the incumbent of a benefice and his successors are the registered proprietors of land—

(i) No disposition thereof shall be registered unless a certificate in the prescribed form has been obtained—

1 & 2 Vict. c. 23. 2 & 3 Vict. c. 49.

(*a*) in case of sales under the Parsonages Act, 1838, or the Church Building Act, 1839, or any Acts amending or extending the same respectively, from Queen Anne's Bounty; or

51 & 52 Vict. c. 20.

(*b*) in case of sales under the Glebe Lands Act, 1888, or any Acts amending or extending the same, from the Minister of Agriculture and Fisheries; or

(*c*) in any other case from the Ecclesiastical Commissioners;

(ii) No lien shall be created by deposit of the land certificate, and an inhibition shall be placed on the register and on the land certificate accordingly.

The production of a certificate from any of the above-mentioned bodies shall be a sufficient authority to the registrar to register the disposition in question, and it shall be the duty of the proper body to grant such certificate in all cases in which the facts admit thereof.

(2) On the registration of the incumbent of a benefice and his successors as the proprietors of a legal

estate in land, if it is certified by Queen Anne's Bounty, or otherwise appears, that the land was originally purchased by Queen Anne's Bounty or was otherwise appropriated or annexed by or with the consent or the concurrence of Queen Anne's Bounty to the benefice for the augmentation thereof, the registrar shall enter a note to that effect on the register.

(3) Where the incumbent of a benefice is entitled to indemnity under the provisions of this Act, the money shall be paid to Queen Anne's Bounty and appropriated by them to the benefice.

(4) "Benefice" in this section includes all rectories with cure of souls, vicarages, perpetual curacies, donatives, endowed public chapels and parochial chapelries, and chapelries or districts belonging, or reputed to belong, or annexed, or reputed to be annexed, to any church or chapel.

Small holdings. 8 Edw. 7. c. 36.

100.—(1) Where a county council apply in pursuance of the Small Holdings and Allotments Act, 1908, for registration as proprietors, they may be registered as proprietors with any such title as is authorised by this Act.

(2) Where a county council, after having been so registered, dispose of any interest in the land for the purposes of a small holding to a purchaser or lessee, he shall be registered as proprietor of the interest transferred or created (being an interest capable of registration) with an absolute title, subject only to such incumbrances as may be created under the Small Holdings and Allotments Act, 1908, but freed from all other liabilities not being overriding interests, and in any such case the remedy of any person claiming by title paramount to the county council in respect either of title or incumbrances shall be in damages only, and such damages shall be recoverable against the county council.

(3) Where under the powers conferred by subsection (4) of section twelve of the said Act, a county council by notice require registered land to be sold to themselves, the council shall, after such date as may be specified by the notice mentioned in that subsection and on production to the registrar of evidence—

(*a*) of service of such notice; and

(*b*) of the payment of the sum agreed or determined in manner provided by that subsection or of the tender of such payment

be registered as the proprietors of the land in place of the proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under this Act.

(4) Rules under this Act may—

(*a*) adapt this Act to the registration of small holdings with such modifications as appear to be required; and

(*b*) on the application and at the expense of a county council provide by the appointment of local agents or otherwise for the carrying into effect of the objects of this section; and

(*c*) enable the registrar to obtain production of the land certificate.

(5) For the purposes of this section "county council" includes "county borough council."

PART IX.

UNREGISTERED DEALINGS WITH REGISTERED LAND.

Powers of dealing with Registered Land off the Register.

Dispositions off register creating "minor interests."

101.—(1) Any person, whether being the proprietor or not, having a sufficient interest or power in or over registered land, may dispose of or deal with the same, and create any interests or rights therein which are permissible in like manner and by the like modes of assurance in all respects as if the land were not registered, but subject as provided by this section.

(2) All interests and rights disposed of or created under subsection (1) of this section (whether by the proprietor or any other person) shall, subject to the provisions of this section, take effect as minor interests, and be capable of being overridden by registered dispositions for valuable consideration.

(3) Minor interests shall, subject to the express exceptions contained in this section, take effect only in equity, but may be protected by entry on the register of such notices, cautions, inhibitions and restrictions as are provided for by this Act or rules.

(4) A minor interest in registered land subsisting or capable of taking effect at the commencement of this Act, shall not fail or become invalid by reason of the same

being converted into an equitable interest; but after such commencement a minor interest in registered land shall only be capable of being validly created in any case in which an equivalent equitable interest could have been validly created if the land had not been registered.

(5) Where after the commencement of this Act, the proprietor of the registered estate which is settled, disposes of or deals with his beneficial interest in possession in favour of a purchaser, and accordingly the minor interest disposed of or created would, but for the restrictions imposed by the Law of Property Act, 1925, and this section, on the creation of legal estates, have been a legal estate, the purchaser (subject as provided by the next following section in regard to priorities) may exercise all such rights and remedies as he might have exercised had the minor interest been a legal estate, and the reversion (if any) on any leases or tenancies derived out of the registered estate had been vested in him.

(6) A minor interest created under this section does not operate to prevent a registered estate passing to the personal representative of a deceased proprietor, or to the survivor or survivors of two or more joint proprietors, nor does this section affect the right of any person entitled to an overriding interest, or having any power to dispose of or create an overriding interest, to dispose of or create the same.

Priorities as between minor interests.

102.—(1) If a minor interest subsisting or capable of taking effect at the commencement of this Act, would, if the Law of Property Acts, 1922 and 1925, and this Act had not been passed have taken effect as a legal estate, then (subject and without prejudice to the estate and powers of the proprietor whose estate is affected) the conversion thereof into an equitable interest shall not affect its priority over other minor interests.

(2) Priorities as regards dealings effected after the commencement of this Act between assignees and incumbrancers of life interests, remainders, reversions and executory interests shall be regulated by the order of the priority cautions or inhibitions lodged (in a specially prescribed form) against the proprietor of the registered estate affected, but, save as aforesaid, priorities as

between persons interested in minor interests shall not be affected by the lodgment of cautions or inhibitions.

(3) The lodgment of a priority caution or inhibition shall not affect the powers of the proprietor whose estate is affected by the minor interest.

Obligation to give effect on the register to certain minor interests.

103.—(1) Where by the operation of any statute or statutory or other power, or by virtue of any vesting order of any court or other competent authority, or an order appointing a person to convey, or of a vesting declaration (express or implied) or of an appointment or other assurance, a minor interest in the registered land is disposed of or created which would, if registered, be capable of taking effect as a legal estate or charge by way of legal mortgage, then—

(i) if the estate owner would, had the land not been registered, have been bound to give effect thereto by conveying or creating a legal estate or charge by way of legal mortgage, the proprietor shall, subject to proper provision being made for payment of costs, be bound to give legal effect to the transaction by a registered disposition :

(ii) if the proprietor is unable or refuses to make the requisite disposition or cannot be found, or if for any other reason a disposition by him cannot be obtained within a reasonable time, or if, had the land not been registered, no conveyance by the estate owner would have been required to give legal effect to the transaction, the registrar shall give effect thereto in the prescribed manner in like manner and with the like consequences as if the transaction had been carried out by a registered disposition :

Provided that—

(*a*) So long as the proprietor has power under the Settled Land Act, 1925, or any other statute conferring special powers on a tenant for life or statutory owner, or under the settlement, to override the minor interest so disposed of or created, no estate or charge shall be registered which would prejudicially affect any such powers :

(*b*) So long as the proprietor holds the land on trust for sale, no estate or charge shall be registered in respect of an interest which, under the Law of Property Act, 1925, or otherwise, ought to remain liable to be overridden on the execution of the trust for sale:

(*c*) Nothing in this subsection shall impose on a proprietor an obligation to make a disposition unless the person requiring the disposition to be made has a right in equity to call for the same:

(*d*) Nothing in this subsection shall prejudicially affect the rights of a personal representative in relation to the administration of the estate of the deceased.

(2) On every alteration in the register made pursuant to this section the land certificate and any charge certificate which may be affected shall be produced to the registrar unless an order to the contrary is made by him.

Protection of leases granted under statutory powers by persons other than registered proprietor and restriction on power.

104. All leases at a rent for a term of years absolute authorised by the powers conferred by the Law of Property Act, 1925, or the Settled Land Act, 1925, or any other statute (whether or not as extended by any instrument) may be granted in the name and on behalf of the proprietor by any other person empowered to grant the same, and shall be valid at law or in equity (as the case may require) and shall be protected by notice on the register and registered in the same cases, in like manner and with the same effect as if the lease had been granted by the proprietor of the land, and without prejudice to any priority acquired by the exercise of the power; but nothing in this section shall authorise any person granting any lease in the name of the proprietor to impose (save in regard to the usual qualified covenant for quiet enjoyment) any personal liability on such proprietor.

As to minor interests in mortgage debts.

105. Rules may be made for applying the provisions of this Part of this Act as to minor interests to the case of minor interests in a debt secured by a registered charge.

Mortgages protected on the register.

106.—(1) The proprietor of any registered land may, subject to any entry to the contrary on the register, mortgage, by deed or otherwise, the land or any part thereof in any manner which would have been permissible if the land had not been registered and with the like effect: Provided that the registered land comprised in the mortgage is described (whether by reference to the register or in any other manner) in such a way as is sufficient to enable the registrar to identify the same without reference to any other document.

(2) A mortgage made under this section may, if by deed, be protected by a caution in a specially prescribed form and in no other way, and if not by deed, by a caution.

(3) The entry of a caution in a specially prescribed form under this section shall be deemed a dealing capable of being restrained by caution.

(4) Until the mortgage is protected on the register under this section, it shall be capable of taking effect only in equity and of being overridden as a minor interest.

(5) Where a mortgage by deed has been protected by a caution in the specially prescribed form, the mortgagee, or the persons deriving title under him, may, subject to furnishing sufficient evidence of title, and notwithstanding that any interest or charge affecting the land not registered or protected on the register which has priority to the mortgage is disclosed, require the mortgage to be registered as a charge with the same priority as the caution.

Neither the registrar or any person interested under a registered disposition shall be affected with notice of any such interest or charge so disclosed.

(6) Where a mortgage by deed has been so registered, the proprietor thereof shall, subject to any entry to the contrary on the register, have all the powers which are by this Act conferred on the proprietor of a registered charge; but so long as the mortgage is protected only by a caution, the mortgagee shall not be capable of dealing with the registered land by a registered disposition.

(7) Any mortgage to which this section applies shall devolve and may be transferred, discharged, surrendered, or otherwise dealt with by the same instruments and in the same manner as if the land had not been registered :

Provided that—

(*a*) Where the mortgage has been registered as a charge, the devolutions, dealings and notification of cessation shall be registered in the same manner and with the same consequences as in the case of a registered charge :

(*b*) Where the mortgage has been protected only by a caution in a specially prescribed form, then such devolutions and dealings shall be protected in like manner and in no other way :

(*c*) Subject to any entry to the contrary on the register, the priorities arising in respect of devolutions and dealings shall be regulated by the order of application for registration or for the entry of a caution in the specially prescribed form.

(8) An ad valorem fee may be charged for a caution in a specially prescribed form, but, if and when a mortgage protected by such a caution is registered as a charge, any ad valorem fee paid in respect of the caution shall be taken in or towards satisfaction of the fees payable on such registration.

(9) Rules shall be made for giving effect to the provisions of this section, and in particular for providing in what case documents, or copies thereof, shall be left at the registry, for providing for the marking of documents not retained at the registry, and for extending and adapting the provisions of this section to the case of submortgages :

Provided that where—

(*a*) The mortgage relates also to property other than registered land; or

(*b*) The mortgage is only protected by a caution whether in a specially prescribed form or not; or

(*c*) The nature of the security is such that it is not expedient or practicable that the mortgage should be retained at the registry;

neither the mortgage nor any instruments dealing therewith nor discharges affecting other property besides the registered land shall be required to be permanently retained at the registry.

Power for proprietors to bind successors and to enforce contracts.

107.—(1) Subject to any entry to the contrary on the register, the proprietor of any registered land or charge may enter into any contract in reference thereto in like manner as if the land or charge had not been registered, and, subject to any disposition for valuable consideration which may be registered or protected on the register before the contract is completed or protected on the register, the contract may be enforced as a minor interest against any succeeding proprietor in like manner and to the same extent as if the land or charge had not been registered.

(2) A contract entered into for the benefit of any registered land or charge may (if the same would have been enforceable by the owner for the time being of the land or charge, if not registered, or by a person deriving title under the party contracting for the benefit) be enforced by the proprietor for the time being of the land or charge.

Acquisition of easements and other benefits.

108. The proprietor of registered land may accept for the benefit thereof the grant of any easement, right, or privilege or the benefit of any restrictive covenant or provision (affecting other land, whether registered or not) in like manner and to the same extent as if he were legally and beneficially entitled to the fee simple in possession, or to the term created by the registered lease, for his own benefit free from incumbrances.

Restriction on exercise of powers off the register.

109. Subject to the express provisions relating to leases and mortgages, nothing in this Part of this Act shall be construed as authorising any disposition of any estate, interest, or right or other dealing with land to be effected under this Part of this Act if the disposition or dealing is one which could be effected under another Part of this Act, and any such disposition or dealing shall be effected under and in the manner required by such other Part of this Act, and when so required shall be registered or protected as provided by this Act or the rules.

PART X.

MISCELLANEOUS PROVISIONS.

Provisions as between vendor and purchaser.

110. On a sale or other disposition of registered land to a purchaser other than a lessee or chargee—

(1) The vendor shall, notwithstanding any stipulation to the contrary, at his own expense furnish the purchaser with an authority to inspect the register, and, if required, with a copy of the subsisting entries in the register and of any filed plans and copies or abstracts of any documents or any part thereof noted on the register so far as they respectively affect the land to be dealt with (except charges or incumbrances registered or protected on the register which are to be discharged or overridden at or prior to completion):

Provided that—

(*a*) unless the purchase money exceeds one thousand pounds the costs of the copies and abstracts of the said entries plans and documents shall, in the absence of any stipulation to the contrary, be borne by the purchaser requiring the same;

(*b*) nothing in this section shall give a purchaser a right to a copy or abstract of a settlement filed at the registry:

(2) The vendor shall, subject to any stipulation to the contrary, at his own expense furnish the purchaser with such copies, abstracts and evidence (if any) in respect of any subsisting rights and interests appurtenant to the registered land as to which the register is not conclusive, and of any matters excepted from the effect of registration as the purchaser would have been entitled to if the land had not been registered:

(3) Except as aforesaid, and notwithstanding any stipulation to the contrary, it shall not be necessary for the vendor to furnish the purchaser with any abstract or other written

evidence of title, or any copy or abstract of the land certificate, or of any charge certificate:

(4) Where the register refers to a filed abstract or copy of or extract from a deed or other document such abstract or extract shall as between vendor and purchaser be assumed to be correct, and to contain all material portions of the original, and no person dealing with any registered land or charge shall have a right to require production of the original, or be affected in any way by any provisions of the said document other than those appearing in such abstract, copy or extract, and any person suffering loss by reason of any error or omission in such abstract, copy or extract shall be entitled to be indemnified under this Act:

(5) Where the vendor is not himself registered as proprietor of the land or the charge giving a power of sale over the land, he shall, at the request of the purchaser and at his own expense, and notwithstanding any stipulation to the contrary, either procure the registration of himself as proprietor of the land or of the charge, as the case may be, or procure a disposition from the proprietor to the purchaser:

(6) Unless the certificate is deposited at the registry the vendor shall deliver the land certificate, or the charge certificate, as the case may be, to the purchaser on completion of the purchase, or, if only a part of the land comprised in the certificate is dealt with, or only a derivative estate is created, he shall, at his own expense, produce, or procure the production of, the certificate in accordance with this Act for the completion of the purchaser's registration. Where the certificate has been lost or destroyed, the vendor shall, notwithstanding any stipulation to the contrary, pay the costs of the proceedings required to enable the registrar to proceed without it:

(7) The purchaser shall not, by reason of the registration, be affected with notice of any pending action, writ, order, deed of arrangement or land charge (other than a local land charge) to which this subsection applies, which can be protected under this Act by lodging or registering a creditors' notice, restriction, inhibition, caution or other notice, or be concerned to make any search therefor if and so far as they affect registered land.

This subsection applies only to pending actions, writs, orders, deeds of arrangement and land charges (not including local land charges) required to be registered or re-registered after the commencement of this Act, either under the Land Charges Act, 1925, or any other statute registration whereunder has effect as if made under that Act.

Infants, defectives and lunatics.

111.—(1) A purported disposition of any registered land or charge to an infant made after the commencement of this Act, or by the will of a proprietor dying after such commencement, shall not entitle the infant to be registered as proprietor of the registered land or charge until he attains full age, but in the meantime shall operate only as a declaration binding on the proprietor or personal representative that the registered land or charge is to be held on trust to give effect to minor interests in favour of the infant corresponding, as nearly as may be, with the interests which the disposition purports to transfer or create; and the disposition or a copy thereof or extract therefrom shall be deposited at the registry, and shall, unless and until the tenants for life, statutory owners, personal representatives or trustees for sale are registered as proprietors, be protected by means of a restriction or otherwise on the register:

Provided that—

(*a*) If the disposition is made to the infant jointly with another person of full age, that person shall, during the minority, be entitled to be registered as proprietor, and the infant shall not be registered until he attains full age;

(*b*) Where the registered land or charge is subject to any trusts or rights of redemption in favour

of any person other than the infant, nothing in this section shall affect such trusts or rights of redemption;

(c) Where by reason of the minority or otherwise the land is settled land, the provisions of this Act relating to settled land shall apply thereto.

(2) Where an infant becomes entitled under a will or on an intestacy to any registered land or charge, the same shall not be transferred by the personal representative to the infant until he attains full age.

(3) Where an infant becomes entitled to the benefit of a registered charge, the charge shall during the minority be registered in the names of the personal representatives, trustees, or other persons who if the charge had affected unregistered land would have been able to dispose of the same, and they shall for the purposes of this Act have the same powers in reference thereto as the infant would have had if of full age.

(4) A caution may be lodged in the name or on behalf of an infant by his parent, trustee or guardian.

(5) Where a proprietor of any registered land or charge is a lunatic or a defective, the committee of his estate or his receiver shall, under an order in lunacy, or of the court, or under any statutory power, have and may exercise in the name and behalf of the lunatic or defective all the powers which under this Act the lunatic or defective could have exercised if free from disability, and a copy of every such order shall be filed with the registrar and may be referred to on the register.

(6) All the provisions of the Trustee Act, 1925, and of the Lunacy Act, 1890, and of any Act amending the same, shall apply to estates and charges registered under this Act, subject to the express provisions of this Act and to the rules made thereunder.

Inspection of register and other documents at land registry.

112. Subject to the provisions of this Act as to furnishing information to Government departments and local authorities and to such regulations and exceptions and to the payment of such sums as may be made or fixed by general rules, any person registered as proprietor of any land or charge, and any person authorised by any such proprietor, or by an order of the court, or by general rule,

but no other person, may inspect and make copies of and extracts from any register or document in the custody of the registrar relating to such land or charge.

Office copies to be evidence.

113. Office copies of and extracts from the register and of and from documents and plans filed in the registry shall be admissible in evidence in all actions and matters, and between all persons or parties, to the same extent as the originals would be admissible, but any person suffering loss by reason of the inaccuracy of any such copy or extract shall be entitled to be indemnified under this Act, and no solicitor, trustee, personal representative, or other person in a fiduciary position shall be answerable in respect of any loss occasioned by relying on any such copy or extract.

Fraudulent dispositions how far to be void.

114. Subject to the provisions in this Act contained with respect to indemnity and to registered dispositions for valuable consideration, any disposition of land or of a charge, which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

Penalty for suppression of deeds and evidence.

115. If in the course of any proceedings before the registrar or the court in pursuance of this Act any person concerned in such proceedings as principal or agent, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of, any document or fact, the person so suppressing, attempting to suppress, or privy to suppression, shall be guilty of a misdemeanor.

Penalty for certain fraudulent acts.

116.—(1) If any person fraudulently procures, attempts fraudulently to procure, or is privy to the fraudulent procurement of, any entry on, erasure from or alteration of the register, or any land or charge. certificate, he shall be guilty of a misdemeanor.

(2) Any entry, erasure, or alteration so made by fraud, shall be void as between all persons who are parties or privy to the fraud.

Punishment of misdemeanors.

117. A person guilty of a misdemeanor under this Act shall—

(*a*) on conviction on indictment, be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred pounds;

(*b*) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Penalty for unqualified persons drawing instruments.

118. Every person who not being a barrister or a duly certificated solicitor, notary public, or conveyancer, either directly or indirectly, for or in expectation of any fee, gain, or reward, draws or prepares any instrument of transfer or charge, or makes any application or lodges any document for registration at the registry, shall on summary conviction be liable to a fine not exceeding fifty pounds:

Provided that this section shall not extend to—

(*a*) any public officer drawing or preparing instruments and applications in the course of his duty; or

(*b*) any person employed merely to engross any instrument or application.

Civil remedies and discovery.

119.—(1) No proceeding or conviction for any act declared by this Act to be a misdemeanor affects any remedy to which any person aggrieved by such act may be entitled, either at law or in equity.

(2) Nothing in this Act entitles any person to refuse to make a complete discovery by answer in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, in any court of law; but no answer to any such question or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act.

PART XI.

COMPULSORY REGISTRATION.

Power to make orders rendering registration compulsory in certain areas.

120.—(1) His Majesty may, by Order in Council, declare, as respects any county or part of a county mentioned or defined in the Order, that, on and after a day specified in the Order, registration of title to land is to be compulsory on sale:

Provided that nothing in this Act or in any such Order shall render compulsory the registration of the title to an incorporeal hereditament or to mines and minerals apart from the surface, or to corporeal hereditaments parcel of a manor and included in the sale of a manor as such.

(2) Any such Order may be made—

(*a*) at any time at the instance of the county council concerned; and

(*b*) at any time after the expiration of ten years from the commencement of this Act otherwise than at the instance of a county council;

subject in either case to compliance with the provisions hereinafter contained relating to such Orders respectively:

Provided that any proceedings preliminary to the making of the first Order to be made otherwise than at the instance of a county council may be taken before the expiration of the said period.

(3) Any Order made under this section shall be made with due regard to the utilisation, if practicable, of any land registry existing in the county to which the order relates or conveniently near thereto.

(4) In the event of any portion of a county as regards which an Order has been made under this Part of this Act or under any corresponding provision in any enactment replaced by this Act being included in another county as regards which no Order has been so made, such Order shall cease to be in force within such included portion of the county.

(5) In the event of any portion of a county as regards which no Order has been made being included in another county as regards which an Order has been so made, such Order shall apply to such included portion of the county.

(6) Any Order made under this Part of this Act or under any corresponding provision in any enactment replaced by this Act may be revoked or varied by a subsequent Order.

(7) For the purposes of this Part of this Act, "county" means the administrative county, and includes, a county borough, and "county council" includes, the council of such a borough.

Provisions as to Orders made at the instance of a county council.

121.—(1) If at a meeting of a county council, at which at least two-thirds of the members of the council are present, a resolution is passed signifying the desire of the county council that registration of title should be compulsorily applied to the county over which the council has jurisdiction, or any part thereof, such an Order in Council as aforesaid may be made as respects that county or any part to which the resolution extends, and is in this Part of the Act referred to as an Order made at the instance of a county council.

(2) Every such Order shall within thirty days from the date thereof, if Parliament be then sitting, or within twenty days from the commencement of the next session if Parliament be not sitting, be laid on the table of both Houses of Parliament, and if within forty days of any Order being being so laid an Address in either House disapproving of the Order be carried, the Order shall be void and of no effect.

Provisions as to Orders made otherwise than at the instance of a county council.

122. The making of an Order otherwise than at the instance of a county council shall be subject to the following provisions:—

(i) Notice of every Order proposed to be made shall, not less than six months before the Order is made and not more than eighteen months before the date on which it is to take effect, be given to the council of the county to which such Order is proposed to be applied. A draft of the proposed Order, together with the name of at least one place within or conveniently near to the county where a district registry office is proposed to be established, shall accompany the notice, and shall also be published in the Gazette:

(ii) The county council within ten days of the receipt of such notice shall furnish a copy thereof to any law society whose district will be affected by the proposed Order:

(iii) The county council and any such law society or either of them, may, within six months after receipt of notice by the county council of any proposed Order, pass a resolution that a public inquiry shall be held in the county

proposed to be affected, as to the desirability of extending compulsory registration of title on sale to the county or part of the county intended to be affected:

(iv) A copy of the resolution shall be sent to the Lord Chancellor:

(v) After the receipt of a copy of the resolution the Lord Chancellor shall, after consultation with the Law Society, appoint a person, being a practising member of the legal profession to hold and conduct the inquiry and shall fix the date and place on and in which the inquiry is to be held:

(vi) The Lord Chancellor may make rules as to the conduct of such inquiries, the manner in which the expenses thereof are to be borne, and any other matters relating to the inquiries:

(vii) At any such inquiry the county council and such other persons as may be admitted by the person holding the inquiry, or may be nominated by or on behalf of any such law society as aforesaid and all other persons willing to give evidence, shall be entitled to submit reasons, whether local or general, for or against the extension of compulsory registration of title on sale to the county or part of the county intended to be affected:

(viii) The person holding the inquiry shall, after the completion thereof, forthwith report in writing to the Lord Chancellor the result, stating the facts and reasons upon which the result is arrived at, and the Lord Chancellor shall cause the report to be published in the Gazette or in such other manner as he may direct:

(ix) If, after the publication of the report, or after the period within which a resolution that an inquiry be held may be passed has expired without any such resolution being passed, the Lord Chancellor decides to proceed with the draft Order, with or without amendment, he shall cause such draft to be laid upon the table of each House of Parliament:

(x) The Order shall not be made unless both Houses by resolution approve the draft, either without modification or with modifications to which both Houses agree; but, upon such approval being given, the Order may be made in the form in which the draft has been approved:

(xi) Not more than one such Order shall be made within the period of eleven years from the commencement of this Act:

(xii) The first Order shall not affect more than one county with any county borough surrounded by or contiguous to such county.

Effect of Act in areas where registration is compulsory.

123.—(1) In any area in which an Order in Council declaring that registration of title to land within that area is to be compulsory on sale is for the time being in force, every conveyance on sale of freehold land and every grant of a term of years absolute not being less than forty years from the date of the delivery of the grant, and every assignment on sale of leasehold land held for a term of years absolute having not less than forty years to run from the date of delivery of the assignment, shall (save as hereinafter provided), on the expiration of two months from the date thereof or of any authorised extension of that period, become void so far as regards the grant or conveyance of the legal estate in the freehold or leasehold land comprised in the conveyance, grant, or assignment, or so much of such land as is situated within the area affected, unless the grantee (that is to say, the person who is entitled to be registered as proprietor of the freehold or leasehold land) or his successor in title or assign has in the meantime applied to be registered as proprietor of such land:

Provided that the registrar, or the court on appeal from the registrar, may, on the application of any persons interested in any particular case in which the registrar or the court is satisfied that the application for first registration cannot be made within the said period, or can only be made within that period by incurring unreasonable expense, or that the application has not been made within the said period by reason of some accident or other sufficient cause, make an order extending the said period; and if such order be made, then, upon the registration of the grantee or his successor or assign, a

note of the order shall be endorsed on the conveyance, grant or assignment:

In the case of land in an area where, at the date of the commencement of this Act, registration of title is already compulsory on sale, this subsection shall apply to every such conveyance, grant, or assignment, executed on or after that date.

(2) Rules under this Act may provide for applying the provisions thereof to dealings with the land which may take place between the date of such conveyance, grant, or assignment and the date of application to register as if such dealings had taken place after the date of first registration, and for registration to be effected as of the date of the application to register.

(3) In this section the expressions "conveyance on sale" and "assignment on sale" mean an instrument made on sale by virtue whereof there is conferred or completed a title under which an application for registration as first proprietor of land may be made under this Act, and include a conveyance or assignment by way of exchange where money is paid for equality of exchange, but do not include an enfranchisement or extinguishment of manorial incidents, whether under the Law of Property Act, 1922, or otherwise, or an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion.

Compulsory provisions bind the Crown.

124. This Part of this Act, as respects transactions completed after the commencement of this Act, binds the Crown.

Special provisions as to orders affecting Ridings of Yorkshire.

125. Where an order is made under this Part of this Act which applies to any of the Ridings of Yorkshire the order may provide for the transfer to the Land Registry of the business of the local deed registry established for the Riding, or for the local deed registry being constituted a district registry under this Act and for such district registry being administered by the county council, or, with the consent of the county council, may contain such other provisions as appear expedient with respect to the local deed registry; and the order may contain such supplemental, incidental, and conse-

quential provisions (including provisions for the modification of the enactments relating to the constitution and administration of the local deed registry, and for the payment of compensation to the county council of the Riding in respect of future loss of fees or otherwise, and to the officers of the registry) as appear necessary or expedient for the purposes of the order.

PART XII.

ADMINISTRATIVE AND JUDICIAL PROVISIONS.

His Majesty's Land Registry.

His Majesty's Land Registry.

126.—(1) There shall continue to be an office in London to be called His Majesty's Land Registry, the business of which shall be conducted by a registrar to be appointed by the Lord Chancellor and known as the Chief Land Registrar, with such officers (namely, registrars, assistant registrars, clerks, messengers, and servants), as the Lord Chancellor, with the concurrence of the Treasury as to number, may appoint.

(2) A person shall not be qualified to be appointed Chief Land Registrar unless he is a barrister of not less than ten years' standing, and a person shall not be qualified to be appointed a registrar or an assistant registrar unless he is either a barrister or solicitor of not less than five years' standing.

(3) The Chief Land Registrar, registrars, assistant registrars, clerks, messengers, and servants shall receive such salaries or remuneration as the Treasury may from time to time direct.

(4) The salaries of the Chief Land Registrar, registrars, assistant registrars, clerks, messengers, and servants, and such incidental expenses of carrying this Act into effect as may be sanctioned by the Treasury, shall continue to be paid out of money provided by Parliament.

(5) The Lord Chancellor may make regulations for the land registry, and for assigning the duties to the respective officers, and determining the acts of the registrar which may be done by a registrar or assistant registrar, and for altering or adding to the official styles of the Chief Land Registrar and other officers of the land

registry. Subject to such regulations, anything authorised or required by this Act to be done to or by the registrar shall be done to or by the Chief Land Registrar. All such regulations for the time being in force shall have effect as if they were enacted in this Act.

(6) The Lord Chancellor may also make regulations as to the conduct of business at the land registry during any vacancy in the office of Chief Land Registrar, and for distributing the duties amongst the respective officers, and for assigning to a registrar or assistant registrar all or any of the functions and authorities by this Act or any other Act assigned to or conferred on the registrar, and all acts done by a registrar or assistant registrar under any such regulations shall have the same effect in all respects as if they had been done by the Chief Land Registrar.

(7) There shall continue to be a seal of the land registry and any document purporting to be sealed with that seal shall be admissible in evidence.

Conduct of business by registrar.

127. Subject to the provisions of this Act, the Chief Land Registrar shall conduct the whole business of registration under this Act, and shall frame and cause to be printed and circulated or otherwise promulgated such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

Power for registrar to summon witnesses.

128.—(1) The Chief Land Registrar, or any officer of the land registry authorised by him in writing, may administer an oath or take a statutory declaration in pursuance of this Act in that behalf for any of the purposes of this Act, and the Chief Land Registrar may, by summons under the seal of the land registry, require the attendance of all such persons as he may think fit in relation to the registration of any title; he may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection; he may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance:

Provided that no person shall be required to attend in obedience to any summons or to produce such documents as aforesaid unless the reasonable charges of his

attendance and of the production of such documents be paid or tendered to him.

(2) Any charges allowed by the registrar in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration and may be dealt with accordingly.

(3) If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, and payment or tender of his reasonable charges for attendance, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under the provisions of this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the registrar under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Interchange of information between Land Registry and other Departments.

129. The Commissioners of Inland Revenue and other Government Departments, and local authorities, may furnish to the registrar on his request such particulars and information in regard to land and charges, and the registrar may in like manner furnish to the Commissioners of Inland Revenue, other Government Departments, and local authorities on their request such particulars and information as they are respectively by law entitled to require owners of property to furnish to them direct.

Statutory acknowledgments on return of documents.

130. When any document is delivered or returned by the registrar to any person he may, at the cost of the registry, require such person to give a statutory acknowledgment of the right of the registrar and his successors in office to production of such document and to delivery of copies thereof, and may endorse notice of such right on the document, and the acknowledgment shall not be liable to stamp duty.

Indemnity to officers of registry.

131. The Chief Land Registrar shall not, nor shall a registrar or assistant registrar nor any person acting under the authority of the Chief Land Registrar or a registrar or assistant registrar, or under any order or general rule made in pursuance of this Act, be liable to any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the

exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

District Registries.

Power to form district registries by general orders.

132.—(1) The Lord Chancellor, with the concurrence of the Treasury, shall have power by general orders from time to time to do all or any of the following things :—

(*a*) To create district registries for the purposes of registration of titles to land within the defined districts respectively, and to alter any districts which may have been so created :

(*b*) To fix, by notice to be published in the Gazette, the time for the commencement of registration at a district registry so created of titles to land within a district so defined :

(*c*) To direct registration of land to be commenced in any one or more district or districts pursuant to any such notice :

(*d*) To appoint district registrars, assistant district registrars, clerks, messengers, and servants to perform the business of registration in any district which may from time to time be created a district for registration under this Act :

(*e*) To provide for the mode in which district registrars are to be remunerated :

(*f*) To modify the provisions of this Act with respect to the formation and constitution of district registries, except the provision relating to the qualifications of district registrars, and assistant district registrars.

(2) A person shall not be qualified to be appointed district registrar under this Act unless he is a barrister or solicitor or certificated conveyancer of not less than ten years' standing, and a person shall not be qualified to be appointed an assistant district registrar under this Act unless he is either a barrister or solicitor or certificated conveyancer of not less than five years' standing.

(3) A district registrar or assistant district registrar may, with the assent of the Lord Chancellor, follow another calling,

(4) A seal shall be prepared for each district registry and any instrument purporting to be sealed with such seal shall be admissible in evidence.

Powers of district registrar, and appeals from him.

133. Subject to general rules each district registrar, and assistant district registrar shall, as regards the land within his jurisdiction, have the same powers and indemnity as are herein given to the registrars and assistant registrars in the land registry, and there shall be the same right to appeal as in the case of the registrar; an order of a district registrar may be enforced and any breach thereof punished in like manner as if the order had been made by the Chief Land Registrar:

Provided that the Lord Chancellor may, by general rules, make provision—

(*a*) for the duties of a district registrar as regards all or any of the proceedings preliminary to first registration, or as regards any matters which the district registrar has to determine, or any other matters being performed by the Chief Land Registrar or a registrar or assistant registrar in the land registry; and

(*b*) for any district registrar obtaining directions from or acting with the sanction of the Chief Land Registrar or a registrar or assistant registrar.

Application of general orders, &c. to districts.

134. The general orders, rules, forms, directions, and fees for the time being applying to and payable in the land registry shall also apply to and be payable in all the district registries, subject to any alteration or addition for the time being made for any district by the Lord Chancellor with the advice and assistance of the Rule Committee, and, so far as they relate to fees, with the concurrence of the Treasury.

Local Registries of Deeds.

Exemption of land registered under Act from registry of deeds.

135.—(1) Any land situated within the jurisdiction of any of the following local deed registries (that is to say):—

(*a*) The registry for the county of Middlesex; or

(*b*) The registry for the West Riding of Yorkshire; or

(*c*) The registry for the North Riding of Yorkshire; or

(*d*) The registry for the East Riding of Yorkshire and the town and county of the town of Kingston-upon-Hull;

an estate wherein is registered under this Act, shall from and after the date of the registration thereof, be exempt, as respects the estate so registered, from such jurisdiction; and no document relating to any such registered estate executed, and no testamentary instrument relating to any such registered estate coming into operation, subsequently to such date as last aforesaid, shall be required to be registered in any of the said local deed registries.

(2) This section does not apply to estates and interests excepted from the effect of registration under a possessory or qualified title, or to an unregistered reversion on a registered leasehold title, or to dealings with incumbrances created prior to the registration of the title to the land.

Power to transfer Yorkshire registries to land registry.

136.—(1) Subject to the provisions of this Act relating to compulsory registration, the Lord Chancellor may enter into an agreement with the county council of any of the three ridings of Yorkshire for the transfer of the business of the local deed registry established in that riding to the land registry.

(2) The agreement shall be drawn up in accordance with the principles of sections one, three, and four of the Land Registry (Middlesex Deeds) Act, 1891, which provided for the transfer of the Middlesex registry of deeds to the land registry, and shall, after approval by the Treasury, take effect accordingly.

54 & 55 Vict. c. 64.

(3) The whole of the property, assets, and liabilities of the county council, in relation to the local deed registry, shall be included in the transfer, and shall be taken over by the State at a price to be specified in or ascertained under the terms of the agreement.

(4) Unless and until an agreement as aforesaid is concluded the county council may from time to time, at intervals of five years, in the event of their suffering loss owing to the business of the local deed registry being diminished by reason of this Act, apply to the Treasury for compensation, and the Treasury shall award such compensation accordingly.

(5) The compensation shall be made by the payment of a capital sum to the county fund to be determined in case of dispute by arbitration on the basis of the receipts and expenditure in respect of the local deed registry during the three years previous to the claim being made, and that the county fund shall not be placed in a worse financial position by the operation of this Act.

(6) All payments under this section shall be made out of money to be provided by Parliament.

Provisions as to the Land Registry Act, 1862.

Provisions as to the Land Registry Act, 1862.

137.—(1) No application for the registration of an estate under the Land Registry Act of 1862 shall be entertained.

25 & 26 Vict. c. 53.

(2) The Lord Chancellor may, by order, provide for the registration under this Act, without cost to the parties interested, of all titles registered under the Land Registry Act, 1862, and care shall be taken in such order to protect any rights acquired in pursuance of registration under such last-mentioned Act, and any order so made by the Lord Chancellor shall have the same effect as if it were enacted in this Act; and until such estate is registered under this Act, the Act of 1862 shall apply thereto in the same manner as if this Act had not been passed.

27 & 28 Vict. c. 114. 28 & 29 Vict. c. 78.

(3) The officers of the land registry shall for all the purposes of the Land Registry Act, 1862, so far as it remains in operation, and for all the purposes of the Improvement of Land Act, 1864, and of the Mortgage Debenture Act, 1865, be deemed to be officers acting under the Land Registry Act, 1862, and having to discharge the duties belonging to officers acting under those Acts as occasion may require.

Description and Powers of the Court.

Jurisdiction of High Court and county courts.

138.—(1) For the purposes of this Act, "the court" means the High Court and also the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham or the county court, where those courts respectively have jurisdiction, according as the one or other

of such courts may be prescribed by the general rules made for carrying this Act into effect.

(2) All matters within the jurisdiction of the High Court under this Act shall, subject to the enactments for the time being in force, relating to the Supreme Court of Judicature, be assigned to the Chancery Division of the court; and every application to the court under this Act shall, except where it is otherwise expressed and subject to any rules of court to the contrary, be by summons at chambers.

(3) The county court shall, in cases where it has jurisdiction under this Act, have, for all the purposes of such jurisdiction, all the powers of the High Court.

(4) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges and expenses of all or any of the parties to any application.

(5) The Lord Chancellor may from time to time assign the duties vested in the High Court in relation to all or any matters under this Act, including appeals from the county court, to any particular judge or judges of that court.

Powers of court in action for specific performance.

139.—(1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of the action may, by summons, or by such other mode as it deems expedient, cause all or any parties who have registered interests or rights in the registered land or charge, or have entered up notices, cautions, restrictions, or inhibitions against the same to appear in such action, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in the action shall be binding on such parties or any of them.

(2) All costs incurred by any parties so appearing in an action to enforce against a vendor specific performance of his contract to sell any registered land or charge shall be taxed as between solicitor and client, and, unless the court otherwise orders, be paid by the vendor.

Power of registrar to state case

140.—(1) Whenever, upon the examination of the title to any interest in land, the registrar entertains a doubt as to any matter of law or fact arising upon such

for the court.

title, he may (whether or not the matter has been referred to a conveyancing counsel in the prescribed manner), upon the application of any party interested in such land—

(*a*) refer a case for the opinion of the High Court and the court may direct an issue to be tried before a jury for the purpose of determining any fact;

(*b*) name the parties to such case;

(*c*) give directions as to the manner in which proceedings in relation thereto are to be brought before the court.

(2) The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to the case, unless the court permits an appeal.

Intervention of court in case of persons under disability.

141. Where a person under disability, or person outside the jurisdiction of the High Court, or person yet unborn, is interested in the land in respect of the title to which any question arises as aforesaid, any other person interested in such land may apply to the court for a direction that the opinion of the court shall be conclusively binding on the person under disability, person outside the jurisdiction, or unborn person.

Power for court to bind interests of persons under disability.

142.—(1) The court shall hear the allegations of all parties appearing.

(2) The court may disapprove altogether or may approve, either with or without modification, of the directions of the registrar respecting any case referred to the court.

(3) The court may, if necessary, appoint a guardian, next friend or other person to appear on behalf of any person under disability, person outside the jurisdiction, or unborn person.

(4) If the court is satisfied that the interest of any person under disability, outside the jurisdiction, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions, if any, as aforesaid, shall be conclusively

bound by any decision of the court in which any such person is concerned.

Appeals.

143.—(1) Any person aggrieved by any order of a judge of a county court may, within the prescribed time and in the prescribed manner, appeal to the High Court.

(2) The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, the order so altered or modified shall be of the like effect as if it were the order of the county court.

The High Court may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.

(3) Any person aggrieved by an order made under this Act by the High Court otherwise than on appeal from a county court, or by the Court of Chancery of Lancaster or Durham, may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the High Court or such Court of Chancery respectively in cases within the ordinary jurisdiction of such court may be appealed from.

PART XIII.

RULES, FEE ORDERS, REGULATIONS, SHORT TITLE, COMMENCEMENT AND EXTENT.

Power to make general rules.

144.—(1) Subject to the provisions of this Act, the Lord Chancellor may, with the advice and assistance of a judge of the Chancery Division of the High Court to be chosen by the judges of that division, the Chief Land Registrar, and three other persons, one to be chosen by the General Council of the Bar, one by the Minister of Agriculture and Fisheries, and one by the Council of the Law Society (which body of persons are in this Act referred to as the Rule Committee), make general rules for all or any or the following purposes :—

(i) For regulating the mode in which the register is to be made and kept;

(ii) For prescribing the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings before the registrar or in connexion with registration, and in particular with respect to the reference to a conveyancing counsel of any title to land proposed to be registered with an absolute title;

(iii) For regulating the procedure on application for first registration, provided that the applicant or his solicitor shall not be bound to make any declaration where a documentary title is shown which would operate as a guarantee in regard to matters not disclosed by the abstract;

(iv) For enabling registration with a possessory title to be provisionally effected pending the investigation of the title;

(v) For regulating the custody of any documents from time to time coming into the hands of the registrar, with power to direct the destruction of any such documents where they have become altogether superseded by entries in the register, or have ceased to have any effect;

(vi) For the taxation of costs charged by solicitors or certificated conveyancers in or incidental to or consequential on the registration of an estate in land or any other matter required to be done for the purpose of carrying this Act into execution, and for determining the persons by whom such costs are to be paid;

(vii) For carrying out the provisions of this Act with respect to compulsory registration;

(viii) For adapting to sub-mortgages and to incumbrances prior to registration the provisions of this Act with regard to charges;

(ix) For the conduct of official searches against cautions, inhibitions, and such matters of a like nature as may be prescribed, and for enabling the proprietor or any person authorised by him to apply for such searches by telegraph or telephone, and for the replies being returned in

like manner to him or to such other person as he may direct;

(x) For enabling cautions to be entered against the registration of possessory and qualified titles as qualified, good leasehold, or absolute and against the registration of good leasehold title as absolute;

(xi) For enabling a mortgagee by deposit to give notice to the registrar by registered letter or otherwise of the deposit or intended deposit with him of the land certificate, or charge certificate: Provided that the fee for the entry of any such notice shall not exceed one shilling;

(xii) For allowing the insertion in the register, and in land certificates, of the price paid or value declared on first registrations, transfers, and transmissions of land;

(xiii) For making such adaptations as changes in the general law (including changes effected by the Law of Property Act, 1922, or any Acts of the present session of Parliament amending or re-enacting any provisions of that Act) may render expedient, with a view to the practice under this Act being from time to time adapted, so far as expedient, to the practice in force in regard to unregistered land;

(xiv) For enabling the registrar, without further investigation, to accept a title as absolute or good leasehold, in proper cases, on the faith of certificates given by counsel or solicitors or both;

(xv) For clearing the registered title on suitable occasions, and for enabling the registrar to permit any person interested to inspect entries on the register which have been cancelled, whether or not the title has been closed;

(xvi) For giving notice on land certificates of the general effect of registration;

(xvii) For the registration, by way of notice, on the first registration of the land, of any easement, right, or privilege, created by an instrument and operating at law which appears to affect adversely the land, and so far as practicable by reference to the instrument creating the same;

(xviii) For enabling any person who acquires any such easement, right, or privilege, after the date of first registration of the land, to require (subject to notice being given to the owner of the servient land) entry to be made in the register of notice of the same, and so far as practicable by reference to the instrument creating the right;

(xix) For enabling the first or any subsequent proprietor to require that notice of his title to any such right or interest, whether acquired under an instrument or by prescription or otherwise, being appurtenant or appendant to the registered land, be entered on the register, and, so far as practicable, by reference to the instrument (if any) creating the right or interest, and for prescribing the effect of any such entry;

(xx) For providing for the registration of the title to an annuity or a rentcharge in possession (either perpetual or for a term of years absolute), or to mines and minerals when held separately from the surface, and as to notices to be entered of any exception of mines and minerals; and for preventing the registration of the benefit of any easement, right, privilege, or restrictive covenant, otherwise than as belonging to registered land;

(xxi) For regulating the issue and forms of certificates, and, if deemed desirable, for prescribing any special notification on the certificate to be given by way of warning when incumbrances, notices, and other adverse entries appear on the register;

(xxii) For providing for the cases in which the registrar may grant a certificate that an intended disposition is authorised and will be registered if presented;

(xxiii) For prescribing the effect of priority notices and of priority cautions and inhibitions;

(xxiv) For enabling a proprietor of any registered land or charge to register not more than three addresses (including, if he thinks fit, the address of his solicitor or firm of solicitors, to which notices are to be sent;

(xxv) For providing any special precautions to be taken against forgery when the land certificate is not in the possession of the proprietor of the registered land;

(xxvi) For prescribing any matter by this Act directed or authorised to be prescribed and for effecting anything with respect to which rules are by this Act authorised or required to be made;

(xxvii) For adapting the provisions of this Act relating to transfers of registered land to other dispositions authorised to be made by a proprietor;

(xxviii) For prescribing—

(*a*) the procedure to be adopted when land is or becomes subject to any charitable, ecclesiastical or public trusts,

(*b*) any consents to be given before a title to such land is registered,

(*c*) the duties, if any, to be performed by the managing trustees or committee, and

(*d*) the restrictions, if any, to be entered on the register in regard to such land;

(xxix) For enabling entries to be made in the register on the surrender, extinguishment or discharge of any subsisting interest without previously registering the title to the interest which is merged or extinguished;

(xxx) For enabling such alterations to be made in the register as may be consequential on the conversion of perpetually renewable leases into long terms by the Law of Property Act, 1922, as amended;

(xxxi) For regulating any matter to be prescribed or in respect of which rules are to or may be made under this Act and any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

(2) Any rules made in pursuance of this section shall be of the same force as if enacted in this Act.

(3) Any rules made in pursuance of this section shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament be then sitting,

and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Power to make Fee Orders and principles on which fees determined.

145.—(1) The Lord Chancellor may, with the advice and assistance of the Rule Committee and with the concurrence of the Treasury, make orders with respect to the amount of fees payable under this Act, regard being had to the following matters :—

(*a*) In the case of the registration of an estate in land or of any transfer of an estate in land on the occasion of a sale, to the value of the estate as determined by the amount of purchase money; and

(*b*) In the case of the registration of an estate in land, or of any transfer of an estate in land not upon a sale, to the value of the estate, to be ascertained in such manner as may be prescribed; and

(*c*) In the case of registration of a charge or of any transfer of a charge, to the amount of such charge.

(2) Where the personal representatives of a deceased person are registered as proprietors of the registered land on his death, a fee shall not be chargeable for registering any disposition of the land by them unless the disposition is for valuable consideration.

(3) Specially reduced fees may be authorised to be charged on the registration of title to land wholly acquired for the purpose of being used as a street, or for street widening or improvements, or when acquired by a Government Department, a local authority, or other statutory body for permanent objects not involving a resale or other disposition.

(4) The fee orders relating and incidental to registration of title shall be arranged from time to time so as to produce an annual amount sufficient to discharge the salaries and other expenses (including the annual contribution to the insurance fund) incidental to the working of this Act, and no more.

(5) The Lord Chancellor may, with the consent of the Treasury, by order, from time to time provide for the manner in which the money advanced for the acquisition of the site and the erection of new offices at the registry (so far as not already provided for by the existing sinking

fund) shall be repaid, secured, or otherwise provided for; and also for the manner in which accounts of receipts and expenditure as between the several departments of the land registry are to be kept.

Orders as to remuneration of solicitors.

146.—(1) The remuneration of solicitors in conveyancing and other non-contentious business under this Act shall from time to time be prescribed and regulated by general orders made by the Committee in England constituted under section two of the Solicitors Remuneration Act, 1881; provided that the Chief Land Registrar shall, for the purposes aforesaid, be an additional member of that committee.

44 & 45 Vict. c. 44.

(2) The provisions of the last-mentioned Act apply to any general order made under this section.

Repeals, savings and construction.

147.—(1) The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889:—

52 & 53 Vict. c. 63.

(*a*) Nothing in this repeal shall, save as otherwise expressly provided in this Act, affect any transfer of any interest in land or entry in the register made before the commencement of this Act, or any title or right acquired or appointment made before the commencement of this Act:

(*b*) Nothing in this repeal shall affect any rules, regulations, orders, or other instruments made under any enactment so repealed, but all such rules, regulations, orders, and instruments shall, until superseded, continue in force as if made under the corresponding provision of this Act:

(*c*) Nothing in this repeal shall affect the tenure of office or salary or right to pension or superannuation allowance of any officer appointed before the commencement of this Act:

(*d*) References in any document to any enactment repealed by this Act shall be construed as references to the corresponding provisions of this Act.

(2) References to registration under the Land Charges Act, 1925, apply to any registration made under any other statute which is by the Land Charges Act, 1925,

to have effect as if the registration had been made under that Act.

Short title, commencement and extent.

148.—(1) This Act may be cited as the Land Registration Act, 1925.

(2) This Act shall come into operation on the first day of January nineteen hundred and twenty-six, but shall be deemed to come into operation immediately after the Law of Property Act, 1925, the Settled Land Act, 1925, the Land Charges Act, 1925, the Trustee Act, 1925, and the Administration of Estates Act, 1925, come into operation.

(3) This Act extends to England and Wales only.

Section 147.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 87.	The Land Transfer Act, 1875 -	The whole Act.
49 & 50 Vict. c. 1.	The Land Registry Act, 1886 -	The whole Act.
60 & 61 Vict. c. 65.	The Land Transfer Act, 1897 -	The whole Act except Part I. thereof.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	Subsection (4) of section twelve, from "and thereupon" to "Land Transfer Acts, 1875 to 1897," and section thirteen.
12&13 Geo. 5. c. 16.	The Law of Property Act, 1922	Subsections (8) and (10) of section one hundred and fifty-eight; subsection (8) of section one hundred and sixty; Part X.; section seven of Part I. of the First Schedule, and the Sixteenth Schedule.
15 Geo. 5. c. 5.	The Law of Property (Amendment) Act, 1924.	Section eight and the Eighth Schedule.