CHAPTER 64.

An Act to transfer the Middlesex Registry of Deeds to the Land Registry, and provide for the conduct of the business thereof. [5th August 1891.]

BE it enacted by the Queen'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:

Transfer of Middlesex Registry to Land Registry.

1. The Middlesex Registry shall be transferred to the Land Registry established under the Land Transfer Act, 1875, and shall form part of that office and be conducted by the Registrar of that office accordingly, and all powers and indemnities subsisting and all penalties imposed for the purposes of the Land Transfer Act, 1875, shall be available for the purposes of the Middlesex Registry Act, 1708, and the Middlesex Registry Act, 1891.

38 & 39 Vict. c. 87.
7 Anne, c. 20.
54 & 55 Vict. c. 10.

Rules.

2.—(1.) Subject to any rules made under this section, the regulations in the First Schedule to this Act shall be observed in the Middlesex Registry.

(2.) The provisions as to making rules contained in sections one hundred and eleven and one hundred and twelve of the Land Transfer Act, 1875 (except so much of those provisions as requires regard to be had to the value of any land or charge in fixing fees), shall extend to the making of rules for the purposes of the Middlesex Registry Act, 1708: Provided that the charges of solicitors which are regulated under the Solicitors Remuneration Act, 1881, shall not be altered by any rule made under this section.

7 Anne, c. 20.

(3.) The Middlesex Registry Act, 1708, shall be construed as if the directions contained in any such rules and regulations were embodied in that Act.

Transfer of buildings, effects, and moneys of Middlesex Registry.

3.—(1.) All land, registers, books, papers, and effects held or used at the commencement of this Act for the purposes of the Middlesex Registry shall as from that date vest in Her Majesty for the public service, for all the estate and interest for which the same are then held or used, subject to the liabilities affecting the same.

(2.) All such land shall be under the management of the Commissioners of Works, and the Acts relating to the Commissioners of Works shall apply as if the land had been acquired by the Commissioners in pursuance of those Acts.

(3.) All moneys received on account of the Middlesex Registry shall be payable into the Exchequer.

Existing officers of Middlesex Registry.

4.—(1.) Such of the persons employed in and about the Middlesex Registry as the Lord Chancellor, with the consent of the Treasury, may declare by order to be necessary for the permanent organisation of the Registry, shall be transferred to the Land Registry, and shall perform such duties in relation to the business of the Land Registry as may be directed by the Lord Chancellor, and shall have the same relative rank, and shall receive out of moneys provided by Parliament at least the same remuneration, as

if this Act had not passed, and shall be in the permanent Civil Service of the State, and for the purpose of superannuation or other allowances may reckon service before the commencement of this Act in the Middlesex Registry as service in the said permanent Civil Service.

(2.) Every pension or compassionate allowance heretofore paid out of the surplus income of the Middlesex Registry shall continue, if and so far as the Treasury shall so determine, to be paid, and shall be paid out of moneys provided by Parliament; and there may be paid, out of moneys provided by Parliament, to any person who is permanently or otherwise employed in the Middlesex Registry and is not transferred as aforesaid, or whose employment is otherwise determined by the operation of this Act, such pension or gratuity as the Treasury, with the concurrence of the Lord Chancellor, may think fit.

Discharges of mortgages.

5. Except on the application of the mortgagee named in the mortgage, his executors or administrators, it shall not be necessary for the Registrar to note on the register the discharge of a mortgage in any other manner than by registering a memorial of the instrument of discharge.

Memorials as to judgments, &c., not to be registered.

6. It shall not be necessary for the validity of any judgment, statute, or recognizance, that a memorial thereof be registered under the Middlesex Registry Act, 1708.

Repeal.

7. The Acts mentioned in the Second Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of the said schedule mentioned.

Short title and commencement.

8. This Act may be cited as the Land Registry (Middlesex Deeds) Act, 1891, and shall come into operation on the first day of April one thousand eight hundred and ninety-two.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

(1.) Every memorial to be registered shall be put into writing on paper of a size and quality to be prescribed by the registrar and brought to the registry.

(2.) In case of deeds and conveyances, the memorial shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors, or administrators, guardians, or trustees, attested by one witness, such witness where practicable to be a witness to the execution of such deed or conveyance; which witness shall upon his oath prove the signing and sealing of such memorial, and, where such witness is a witness to the deed or conveyance, the execution of the deed or conveyance mentioned in such memorial.

(3.) In case of wills the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors, or administrators, guardians, or trustees, attested by one witness who shall upon his oath prove the signing and sealing of such memorial.

(4.) A certificate of such oath shall be endorsed on the memorial and shall be signed by the person before whom the oath has been taken.

(5.) Every memorial of any deed, conveyance, or will shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor or testatrix of such will, and of all the witnesses

to such deed, conveyance, or will, and where practicable the places of their abode, and shall express or mention the lands and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes within the county where any such lands or hereditaments are lying and being that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed or mentioned in such deed, conveyance, or will, or to the same effect.

(6.) Every such deed, conveyance, and will, or probate of the same, of which such memorial is so to be registered as aforesaid, shall be produced to an officer of the registry at the time of registering such memorial.

(7.) A certificate shall be endorsed by an officer of the registry on every such deed, conveyance, and will, or probate thereof, and shall mention the day on which such memorial is so registered, and shall also express in what book and under what number the same is registered, and the said certificate shall be signed by an officer of the registry, which certificate shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever.

(8.) Every memorial shall be numbered, and the day of the month and the year when every memorial is registered shall be entered in the margin thereof, and the registrar shall duly file every such memorial, in order of time, as the same shall be brought to the registry, and register the said memorials in the same order that they shall respectively come to his hands.

(9.) Where there are more writings than one for making and perfecting any conveyance or security which name, mention, or anyways affect or concern the same lands or hereditaments, it shall be a sufficient memorial and register thereof if all the said lands and hereditaments, and the parishes wherein the same lie, be only once named or mentioned in the memorial or register of any one of the deeds or writings made for the perfecting of such conveyance or security, and that the dates of the rest of the said deeds or writings relating to the said conveyance or security, with the names and additions of the parties and witnesses, and the places of their abodes, be only set down in the memorials and registers of the same, with a reference to the deed or writing whereof the memorial is so registered that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

(10.) The filing of a memorial shall be the registration thereof required by the Middlesex Registry Act, 1708, and the registers shall consist of the filed memorials arranged or bound in volumes conveniently for reference.

(11.) Any person may search any register or index kept in the Land Registry in pursuance of this Act. The registrar as often as required, shall make searches concerning all memorials in the registry, and give certificates concerning the same if required.

(12.) Indexes shall be kept in such manner, and shall contain such particulars as to grantors, land affected, and otherwise, as the Registrar may direct.

(13.) The Registrar may form a consolidated index from the Lexicographical Index to cover such period as he may think advisable, and such index, when made, shall be in substitution for the indexes subsisting at the commencement of this Act for the period covered by such consolidated index.

(14.) Any person deriving title under an instrument (capable of registration under the Acts relating to the Middlesex Registry) which confers on him the right to apply for registration with a possessory title, of the land comprised in it under the Land Transfer Act, 1875, may, at his option, either register a memorial of an instrument under the Acts relating to the Middlesex Registry, or apply for registration with possessory title under the Land Transfer Act, 1875. Such registration shall, when completed,

bear the same date as the application, and render unnecessary the registration of the instrument under the Acts relating to the Middlesex Registry.

No fee shall be paid on such application other than the fee for the registration under the Land Transfer Act, 1875, and, if the application is made by a purchaser, no declaration as to possession shall be required.

In the event of an absolute title being afterwards applied for and obtained, allowance shall be made for the fees payable on the registration with possessory title.

(15.) The exercise by the Registrar of his powers under this schedule shall be subject to the approval of the Lord Chancellor.

Section 7.

SECOND SCHEDULE.

REPEALS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Anne, c. 20. -	The Middlesex Registry Act, 1708.	Section two, from "in manner following" to the end of the section. Sections three to seven, eleven to fourteen, sixteen, nineteen, twenty, and twenty-two.
25 Geo. 2. c. 4. -	An Act for appointing the deputy or secondary of the chief clerk to inrol pleas in the King's Bench called the master of the King's Bench Office one of the registrars or masters for the enrolment of deeds, wills, and other conveyances in the county of Middlesex, in the place and stead of such chief clerk.	The whole Act.
7 Will. 4. & 1 Vict. c. 30.	An Act to abolish certain offices in the Superior Courts of Common Law, and to make provision for a more effective and uniform establishment of officers in those courts.	Section twenty-eight.
5 & 6 Vict. c. 103. -	An Act for abolishing certain offices of the High Court of Chancery in England.	Section thirty-four.
22 & 23 Vict. c. 21. -	An Act to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the revenue side of the Court of Exchequer.	Section seven.