



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 7

#### SPECIAL CASES

##### *The Crown*

#### **79 Voluntary registration of demesne land**

- (1) Her Majesty may grant an estate in fee simple absolute in possession out of demesne land to Herself.
- (2) The grant of an estate under subsection (1) is to be regarded as not having been made unless an application under section 3 is made in respect of the estate before the end of the period for registration.
- (3) The period for registration is two months beginning with the date of the grant, or such longer period as the registrar may provide under subsection (4).
- (4) If on the application of Her Majesty the registrar is satisfied that there is a good reason for doing so, he may by order provide that the period for registration ends on such later date as he may specify in the order.
- (5) If an order under subsection (4) is made in a case where subsection (2) has already applied, that application of the subsection is to be treated as not having occurred.

#### **80 Compulsory registration of grants out of demesne land**

- (1) Section 4(1) shall apply as if the following were included among the events listed—
  - (a) the grant by Her Majesty out of demesne land of an estate in fee simple absolute in possession, otherwise than under section 79;
  - (b) the grant by Her Majesty out of demesne land of an estate in land—
    - (i) for a term of years absolute of more than seven years from the date of the grant, and

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- (ii) for valuable or other consideration, by way of gift or in pursuance of an order of any court.
- (2) In subsection (1)(b)(ii), the reference to grant by way of gift includes grant for the purpose of constituting a trust under which Her Majesty does not retain the whole of the beneficial interest.
- (3) Subsection (1) does not apply to the grant of an estate in mines and minerals held apart from the surface.
- (4) The Lord Chancellor may by order—
  - (a) amend this section so as to add to the events in subsection (1) such events relating to demesne land as he may specify in the order, and
  - (b) make such consequential amendments of any provision of, or having effect under, any Act as he thinks appropriate.
- (5) In its application by virtue of subsection (1), section 7 has effect with the substitution for subsection (2) of—
  - “(2) On the application of subsection (1), the grant has effect as a contract made for valuable consideration to grant the legal estate concerned”.

## **81 Demesne land: cautions against first registration**

- (1) Section 15 shall apply as if demesne land were held by Her Majesty for an unregistered estate in fee simple absolute in possession.
- (2) The provisions of this Act relating to cautions against first registration shall, in relation to cautions lodged by virtue of subsection (1), have effect subject to such modifications as rules may provide.

## **82 Escheat etc**

- (1) Rules may make provision about—
  - (a) the determination of a registered freehold estate in land, and
  - (b) the registration of an unregistered freehold legal estate in land in respect of land to which a former registered freehold estate in land related.
- (2) Rules under this section may, in particular—
  - (a) make provision for determination to be dependent on the meeting of such registration requirements as the rules may specify;
  - (b) make provision for entries relating to a freehold estate in land to continue in the register, notwithstanding determination, for such time as the rules may provide;
  - (c) make provision for the making in the register in relation to a former freehold estate in land of such entries as the rules may provide;
  - (d) make provision imposing requirements to be met in connection with an application for the registration of such an unregistered estate as is mentioned in subsection (1)(b).

## **83 Crown and Duchy land: representation**

- (1) With respect to a Crown or Duchy interest, the appropriate authority—

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- (a) may represent the owner of the interest for all purposes of this Act,
- (b) is entitled to receive such notice as that person is entitled to receive under this Act, and
- (c) may make such applications and do such other acts as that person is entitled to make or do under this Act.

(2) In this section—

“the appropriate authority” means—

- (a) in relation to an interest belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in relation to any other interest belonging to Her Majesty in right of the Crown, the government department having the management of the interest or, if there is no such department, such person as Her Majesty may appoint in writing under the Royal Sign Manual;
- (c) in relation to an interest belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (d) in relation to an interest belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (e) in relation to an interest belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, that department;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department;

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;

“interest” means any estate, interest or charge in or over land and any right or claim in relation to land.

## **84 Disapplication of requirements relating to Duchy land**

Nothing in any enactment relating to the Duchy of Lancaster or the Duchy of Cornwall shall have effect to impose any requirement with respect to formalities or enrolment in relation to a disposition by a registered proprietor.

## **85 Bona vacantia**

Rules may make provision about how the passing of a registered estate or charge as bona vacantia is to be dealt with for the purposes of this Act.

*Pending actions etc.*

## **86 Bankruptcy**

- (1) In this Act, references to an interest affecting an estate or charge do not include a petition in bankruptcy or bankruptcy order.
- (2) As soon as practicable after registration of a petition in bankruptcy as a pending action under the Land Charges Act 1972 (c. 61), the registrar must enter in the register in

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relation to any registered estate or charge which appears to him to be affected a notice in respect of the pending action.

- (3) Unless cancelled by the registrar in such manner as rules may provide, a notice entered under subsection (2) continues in force until—
  - (a) a restriction is entered in the register under subsection (4), or
  - (b) the trustee in bankruptcy is registered as proprietor.
- (4) As soon as practicable after registration of a bankruptcy order under the Land Charges Act 1972, the registrar must, in relation to any registered estate or charge which appears to him to be affected by the order, enter in the register a restriction reflecting the effect of the Insolvency Act 1986 (c. 45).
- (5) Where the proprietor of a registered estate or charge is adjudged bankrupt, the title of his trustee in bankruptcy is void as against a person to whom a registrable disposition of the estate or charge is made if—
  - (a) the disposition is made for valuable consideration,
  - (b) the person to whom the disposition is made acts in good faith, and
  - (c) at the time of the disposition—
    - (i) no notice or restriction is entered under this section in relation to the registered estate or charge, and
    - (ii) the person to whom the disposition is made has no notice of the bankruptcy petition or the adjudication.
- (6) Subsection (5) only applies if the relevant registration requirements are met in relation to the disposition, but, when they are met, has effect as from the date of the disposition.
- (7) Nothing in this section requires a person to whom a registrable disposition is made to make any search under the Land Charges Act 1972.

## **87 Pending land actions, writs, orders and deeds of arrangement**

- (1) Subject to the following provisions, references in this Act to an interest affecting an estate or charge include—
  - (a) a pending land action within the meaning of the Land Charges Act 1972,
  - (b) a writ or order of the kind mentioned in section 6(1)(a) of that Act (writ or order affecting land issued or made by any court for the purposes of enforcing a judgment or recognisance),
  - (c) an order appointing a receiver or sequestrator, and
  - (d) a deed of arrangement.
- (2) No notice may be entered in the register in respect of—
  - (a) an order appointing a receiver or sequestrator, or
  - (b) a deed of arrangement.
- (3) None of the matters mentioned in subsection (1) shall be capable of falling within paragraph 2 of Schedule 1 or 3.
- (4) In its application to any of the matters mentioned in subsection (1), this Act shall have effect subject to such modifications as rules may provide.
- (5) In this section, “deed of arrangement” has the same meaning as in the Deeds of Arrangement Act 1914 (c. 47).

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### *Miscellaneous*

#### **88 Incorporeal hereditaments**

In its application to—

- (a) rentcharges,
- (b) franchises,
- (c) profits a prendre in gross, or
- (d) manors,

this Act shall have effect subject to such modification as rules may provide.

#### **89 Settlements**

- (1) Rules may make provision for the purposes of this Act in relation to the application to registered land of the enactments relating to settlements under the Settled Land Act 1925 (c. 18).
- (2) Rules under this section may include provision modifying any of those enactments in its application to registered land.
- (3) In this section, “registered land” means an interest the title to which is, or is required to be, registered.

#### **90 PPP leases relating to transport in London**

- (1) No application for registration under section 3 may be made in respect of a leasehold estate in land under a PPP lease.
- (2) The requirement of registration does not apply on the grant or transfer of a leasehold estate in land under a PPP lease.
- (3) For the purposes of section 27, the following are not dispositions requiring to be completed by registration—
  - (a) the grant of a term of years absolute under a PPP lease;
  - (b) the express grant of an interest falling within section 1(2) of the Law of Property Act 1925 (c. 20), where the interest is created for the benefit of a leasehold estate in land under a PPP lease.
- (4) No notice may be entered in the register in respect of an interest under a PPP lease.
- (5) Schedules 1 and 3 have effect as if they included a paragraph referring to a PPP lease.
- (6) In this section, “PPP lease” has the meaning given by section 218 of the Greater London Authority Act 1999 (c. 29) (which makes provision about leases created for public-private partnerships relating to transport in London).

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