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# Land Registration and Land Charges Act 1971

## 1971 CHAPTER 54

### PART I

#### AMENDMENT OF LAND REGISTRATION ACTS 1925 TO 1966

#### 1 Payment of indemnity.

- (1) Any indemnity payable after the commencement of this section under any provision of the <sup>M1</sup>Land Registration Act 1925, including so much of any indemnity which has become so payable at any time before then as has not then been paid, shall, instead of being paid out of the insurance fund, be paid by the registrar out of moneys provided by Parliament; and no other person shall thereafter be under any liability to pay any such indemnity.
- (2) Any money which at the commencement of this section stands to the credit of the insurance fund shall be paid into the Consolidated Fund, and any other assets then comprised in the insurance fund shall be realised forthwith, and the proceeds thereof shall be paid into the Consolidated Fund; and as soon as its assets have been so dealt with, the insurance fund shall cease to exist.
- (3) In this section “the insurance fund” means the insurance fund established under the <sup>M2</sup>Land Transfer Act 1897.

#### Marginal Citations

M1 1925 c. 21.

M2 1897 c. 65.

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## 2 Determination of questions as to right to or amount of indemnity.

- (1) If any question arises as to whether a person is entitled to an indemnity under any provision of the Land Registration Act 1925 or as to the amount of any such indemnity, he may apply to the court to have that question determined.
- (2) Section 83(5)(c) of the Land Registration Act 1925 (by virtue of which no indemnity is payable under that Act on account of costs incurred in taking or defending any legal proceedings without the consent of the registrar) shall not apply to the costs of an application to the court under subsection (1) above or of any legal proceedings arising out of such an application; and as regards any such application or proceedings section 131 of that Act (which provides that the registrar, among others, shall not be liable to any action or proceeding for or in respect of anything done or omitted as there mentioned) shall not apply to the registrar.
- (3) On an application under subsection (1) above the court shall not order the applicant, even if unsuccessful, to pay any costs except his own unless it considers that the application was unreasonable.
- (4) Section 83(7) of the Land Registration Act 1925 (registrar's power to determine certain questions falling within subsection (1) above) shall cease to have effect, and for section 83(8) of that Act (which, as amended by section 1(3) of the Land Registration Act 1966, empowers the registrar to grant an indemnity on account of costs and expenses properly incurred in relation to a matter in respect of which indemnity is claimed, whether or not any other indemnity money is payable in respect of that matter) there shall be substituted the following subsection—
  - “(8) Subject to subsection (5)(c) of this section, as amended by section 2(2) of the Land Registration and Land Charges Act 1971—
    - (a) an indemnity under any provision of this Act shall include such amount, if any, as may be reasonable in respect of any costs or expenses properly incurred by the applicant in relation to the matter; and
    - (b) an applicant for an indemnity under any such provision shall be entitled to an indemnity thereunder of such amount, if any, as may be reasonable in respect of any such costs or expenses, notwithstanding that no other indemnity money is payable thereunder.”
- (5) Nothing in this section shall be taken to preclude the registrar from settling by agreement claims for indemnity under the <sup>M3</sup>Land Registration Act 1925.
- (6) Where any such question as is mentioned in subsection (1) above has arisen (whether before or after the passing of this Act) before the time of the commencement of this section and has not before that time been referred to the court in pursuance of rules under the Land Registration Act 1925, that subsection shall apply to it notwithstanding that it arose before that time; but where any such question has been so referred before that time, it shall be determined as if this section and, so far as it relates to the repeal of section 83(7) of the Land Registration Act 1925 and section 1(3) of the <sup>M4</sup>Land Registration Act 1966, section 14(2)(b) of this Act had not come into force.

### Modifications etc. (not altering text)

- C1** The text of s. 2(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### **Marginal Citations**

**M3** 1925 c. 21.

**M4** 1966 c. 39.

### **3 Right to indemnity not to be excluded by reason of act etc. not amounting to fraud or lack of proper care.**

(1) In section 83(5) of the Land Registration Act 1925 (which provides that no indemnity shall be payable under that Act in certain cases), for paragraph (a) (which, as amended by section 1(4) of the Land Registration Act 1966, specifies the case where the applicant himself or, in certain circumstances, a person from whom he derives title has caused or substantially contributed to the loss by his fraud or any act, neglect or default of his) there shall be substituted the following paragraph—

“(a) Where the applicant or a person from whom he derives title otherwise than under a disposition for valuable consideration which is registered or protected on the register) has caused or substantially contributed to the loss by fraud or lack of proper care;” and the said section 1(4) shall cease to have effect.

(2) Subsection (1) above shall have effect in relation to any claim for indemnity made before the time of the commencement of this section and not settled by agreement or finally determined before that time, as well as to all such claims made after that time.

#### **Modifications etc. (not altering text)**

**C2** The text of s. 3(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **4 Souvenir land.**

(1) The Lord Chancellor may by rules made with the advice and assistance of the Rule Committee make provision—

- (a) for enabling the registrar, in such circumstances and subject to such conditions as may be specified in the rules, to declare any area of land to be subject to a souvenir land scheme if the registrar is satisfied that the land comprised in that area consists wholly or mainly of land which has been or is proposed to be disposed of (by way of sale or otherwise) in souvenir plots or of which part has been, and the remainder is proposed to be, so disposed of;
- (b) with respect to the cancellation of declarations and the extension or reduction of the area to which any declaration relates;
- (c) for authorising or requiring the registrar not to accept applications under the Land Registration Act 1925 relating to souvenir land or cautions or other documents relating to such land;
- (d) for excepting souvenir land from the operation of section 123 of that Act (effect of that Act in areas where registration is compulsory);
- (e) for securing that transactions relating to souvenir land which is registered land take effect as if the souvenir land in question were not registered land; and
- (f) generally for modifying or excluding in relation to souvenir land the operation of any provision contained in the Land Registration Acts 1925 to 1966 or any general rules thereunder.

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- (2) Rules under this section may include such supplemental, consequential or incidental provision as may appear to the Lord Chancellor to be necessary or expedient for the purposes of the rules, and may make different provision for souvenir land in general and souvenir land so far as it consists or does not consist of souvenir plots, and for other different circumstances.
- (3) The power to make rules under this section shall be exercisable by statutory instrument, and a statutory instrument containing any such rules shall be laid before Parliament after being made.
- (4) Section 131 of the <sup>M5</sup>Land Registration Act 1925 (indemnity to officers of registry) shall apply in relation to rules made under this section as it applies in relation to general rules made in pursuance of that Act.
- (5) For the purposes of this section—
  - “declaration” means a declaration by the registrar, made in pursuance of rules under this section made by virtue of subsection (1)(a) above, that an area of land is subject to a souvenir land scheme;
  - “souvenir land” means land situated within an area in respect of which a declaration is for the time being in force;
  - “souvenir plot” means any piece of land which, being of inconsiderable size and little or no practical utility, is unlikely to be wanted in isolation except for the sake of pure ownership or for sentimental reasons or commemorative purposes.

#### Marginal Citations

M5 1925 c. 21.

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