

SCHEDULES

SCHEDULE 1

Section 11.

PART VII OF THE LAND CHARGES ACT 1925, AS IT WILL HAVE EFFECT, SUBJECT TO THE EXCLUSIONS IN RELATION TO LOCAL LAND CHARGES AND AGRICULTURAL CHARGES CONTAINED IN SECTION 10 OF THIS ACT, WHEN ALL REPEALS AND AMENDMENTS MADE IN IT BY THIS ACT OPERATE

“PART VII

SEARCHES AND OFFICIAL SEARCHES

16 Searches.

- (1) Any person may search in any register kept in pursuance of this Act on paying the prescribed fee.
- (2) Without prejudice to subsection (1) above, the registrar may provide facilities for enabling persons entitled to search in any such register to see photographic or other images or copies of any portion of the register which they may wish to examine.

17 Official searches.

- (1) Where any person requires search to be made at the registry for entries of any matters or documents, whereof entries are required or allowed to be made in the registry by this Act, he may make a requisition in that behalf to the registrar, which may be either—
 - (a) a written requisition delivered at or sent by post to the registry; or
 - (b) a requisition communicated by teleprinter, telephone or other means in such manner as may be prescribed in relation to the means in question, in which case it shall be treated as made to the registrar if, but only if, he accepts it;and the registrar shall not accept a requisition made in accordance with paragraph (b) above unless it is made by a person maintaining a credit account at the registry, and may at his discretion refuse to accept it notwithstanding that it is made by such a person.
- (2) The prescribed fee shall be payable in respect of every requisition made under this section ; and that fee—
 - (a) in the case of a requisition made in accordance with sub section (1)(a) above, shall be paid in such manner as may be prescribed for the purposes of this paragraph unless the requisition is made by a person maintaining a credit account at the registry and the fee is debited to that account;
 - (b) in the case of a requisition made in accordance with subsection (1)(b) above, shall be debited to the credit account of the person by whom the requisition is made.

- (2A) Where a requisition is made under subsection (1) above and the fee payable in respect thereof is paid or debited in accordance with subsection (2) above, the registrar shall thereupon make the search required and—
 - (a) shall issue a certificate setting out the result of the search; and
 - (b) without prejudice to paragraph (a) above, may take such other steps as he considers appropriate to communicate that result to the person by whom the requisition was made.

- (3) In favour of a purchaser or an intending purchaser, as against persons interested under or in respect of matters or documents whereof entries are required or allowed as aforesaid, the certificate, according to the tenor thereof, shall be conclusive, affirmatively or negatively, as the case may be.

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- (5) If any officer, clerk or person employed in the registry commits, or is party or privy to, any act of fraud or collusion, or is wilfully negligent, in the making of or otherwise in relation to any certificate under this section, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

- (5A) Without prejudice to subsection (5) above, no officer, clerk or person employed in the registry shall, in the absence of fraud on his part, be liable for any loss which may be suffered—
 - (a) by reason of any discrepancy between—
 - (i) the particulars which are shown in a certificate under this section as being the particulars in respect of which the search for entries was made, and
 - (ii) the particulars in respect of which a search for entries was required by the person who made the requisition; or
 - (b) by reason of any communication of the result of a search under this section made otherwise than by issuing a certificate thereunder.

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- (7) Where a solicitor obtains a certificate of result of search under this section, he shall not be answerable in respect of any loss that may arise from error in the certificate.

- (8) Where the solicitor is acting for trustees, executors, agents or other persons in a fiduciary position, those persons also shall not be so answerable.

- (9) Where such persons obtain such a certificate without a solicitor, they shall also be protected in like manner.”