



Administration of Justice Act 1977

1977 CHAPTER 38

PART II

ENGLAND AND WALES

Land Registration

24 Rectification of the register

In section 82(3) of the Land Registration Act 1925—

- (a) after the word "interest" there shall be inserted the words " or an order of the court ";
- (b) the following paragraph shall be substituted for paragraph (a)—
 - “(a) unless the proprietor has caused or substantially contributed to the error or omission by fraud or lack of proper care ; or”;
 - and
- (c) paragraph (b) shall cease to have effect.

25 Inspection and copying of registers and documents in custody of Land Registry in connection with criminal proceedings etc.

- (1) The following section shall be inserted after section 112 of the Land Registration Act 1925:—

“112A Inspection in connection with criminal proceedings etc.

(1) If—

- (a) the Director of Public Prosecutions, a chief officer of police or an official receiver applies to the registrar for permission to make an inspection under this section in relation to a person specified in the application or to property so specified, and
- (b) gives the registrar an appropriate certificate,

the registrar shall permit him to inspect and make copies of and extracts from any register or document kept in the custody of the registrar so far as it relates to the person or property so specified.

- (2) In subsection (1) above " appropriate certificate " means a certificate—
- (a) that—
 - (i) a criminal offence specified in the certificate has been or is reasonably suspected to have been committed, and
 - (ii) there is reason to believe that the register may contain information relevant to the investigation of the offence or to the institution of proceedings for it, or
 - (b) that—
 - (i) a person specified in the certificate has been convicted of a criminal offence so specified, and
 - (ii) there is reason to believe that the register may contain information relevant to the institution of proceedings for making available for distribution or otherwise for recovering the proceeds of the commission of that offence or any other offence taken into consideration by the court dealing with him for it.
- (3) The powers conferred on a chief officer of police by this section may be exercised on behalf of a chief officer of police by any police officer not below the rank of superintendent.
- (4) In this section " official receiver " means an official receiver appointed under section 70 of the Bankruptcy Act 1914 or section 233 of the Companies Act 1948.”.
- (2) Accordingly, in section 112 of that Act (general provision as to inspection of register and other documents at Land Registry) after the word " Subject" there shall be inserted the words " to section 112A below and ".

26 Alteration of methods of protecting mortgages of registered land

- (1) The following section shall be substituted for section 106 of the Land Registration Act 1925 (which among other things provides that a mortgage by deed of registered land may be protected by means of a caution in a specially prescribed form and in no other way):—

“106 Creation and protection of mortgages of registered land.

- (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 of it in any manner which would have been permissible if the land had not been registered and, subject to this section, with the like effect.
- (2) Unless and until the mortgage becomes a registered charge,—
 - (a) it shall take effect only in equity, and
 - (b) it shall be capable of being overridden as a minor interest unless it is protected as provided by subsection (3) below.

- (3) A mortgage which is not a registered charge may be protected on the register by—
 - (a) a notice under section 49 of this Act,
 - (b) any such other notice as may be prescribed, or
 - (c) a caution under section 54 of this Act.
- (4) A mortgage which is not a registered charge 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.”.
- (2) The Chief Land Registrar may arrange for the conversion into a registered charge, in such circumstances and subject to such conditions as he may direct, of any mortgage protected by a caution in a specially prescribed form entered on the register before the coming into force of this section.