

Changes to legislation: There are currently no known outstanding effects for the Diplomatic and Consular Premises Act 1987, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 4.

PROVISIONS SUPPLEMENTARY TO SECTIONS 2 AND 3

PART I

ENGLAND AND WALES

Interpretation

- 1 In this Part of this Schedule—
- [^{F1}“registered land” has the same meaning as in the Land Registration Act 2002;]
 - “the registrar” means the Chief Land Registrar;
 - “the registry” means Her Majesty’s Land Registry;
 - “the searches rules” means the ^{M1}Land Registration (Official Searches) Rules 1986 and any rules amending or replacing them;
- ^{F2} ...

Textual Amendments

- F1** Words in Sch. 1 para. 1 inserted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 21(3)(a) (with s. 129); S.I. 2003/1725, art. 2(1)
- F2** Words in Sch. 1 para. 1 repealed (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 21(3)(b), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Marginal Citations

- M1** S.I.1986 No.1536

General

- [^{F3}2 (1) If the Secretary of State gives notice to the registrar that he has reason to believe that any register or document in the custody of the registrar may contain information relating to any person or property specified in the notice which would be of assistance to him in connection with the exercise of the power conferred on him by section 2 above, the registrar shall permit him to inspect and make copies of and extracts from any such register or document so far as it relates to any such person or property.
- (2) The following paragraph shall be inserted after subsection (1)(a) of section 112 of the Land Registration Act 1925 (inspection of register and other documents at Land Registry)—
- “(aa) to paragraph 2(1) of Schedule 1 to the Diplomatic and Consular Premises Act 1987 (power of Secretary of State to inspect register

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in connection with exercise of power to vest in himself former diplomatic or consular premises);”.]

Textual Amendments

F3 Sch. 1 para. 2 repealed (E.W.) by [Land Registration Act 1988 \(c.3, SIF 98:2\)](#). ss. 1(g), 2, Sch.

3 A deed poll under section 2 above shall have effect to vest in the Secretary of State the benefit of any covenant touching and concerning the land to which the deed relates but not annexed to it if, immediately before the vesting of the estate to which the deed relates, the covenant was enforceable by the person divested of that estate.

4 Where—

(a) a term of years has vested in the Secretary of State under section 2 above; and

(b) assignment of the term is absolutely prohibited,

the prohibition shall be treated, in relation to an assignment on sale under section 3 above, as if it were a provision to the effect that the term may not be assigned without the consent of the landlord and that such consent shall not be unreasonably withheld.

Registered land

5 (1) If an estate which the Secretary of State proposes to vest in himself is registered land—

(a) he shall be treated for the purposes of the searches rules as a purchaser within the meaning of those rules; and

(b) the deed vesting the registered land in him shall be treated for the purposes of those rules as the instrument effecting the purchase.

(2) If after vesting registered land in himself the Secretary of State lodges the vesting deed at the registry the registrar shall register him as the proprietor of the land.

Unregistered land

6 A conveyance by the Secretary of State under this Act shall have effect if the estate conveyed is not registered land—

(a) to vest the estate conveyed in the purchaser free from any mortgage to which the sale is not made subject; and

(b) to extinguish any other person’s title to the estate conveyed.

7 (1) Where by virtue of paragraph 6 above land is discharged from a mortgage, the mortgagee shall be entitled, subject to the following provisions of this paragraph and to the claims of any prior mortgagee, to have the proceeds of sale applied in payment of the sums secured by the mortgage.

(2) The Secretary of State may by publishing such notice or notices as he thinks appropriate require any person who claims to be entitled to a payment under subparagraph (1) above to send particulars of his claim to the Secretary of State within the time, not being less than two months, fixed in the notice or, where more than one is published, in the last of them.

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- (3) At the end of the time fixed by the notice or, where more than one is published, the last of them, the Secretary of State shall not be liable to any person of whose claim he has not then received particulars.
- 8 Where, after land has become vested in the Secretary of State under section 2 above, a person retains possession of any document relating to the title to the land, he shall be deemed to have given the Secretary of State an acknowledgment in writing of the Secretary of State's right to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee of trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 64 of the ^{M2}Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

Marginal Citations

M2 1925 c. 20.

PART II

SCOTLAND

- 9 In this Part of this Schedule "order" means an order under section 2(5) above.
- 10 An order shall contain a particular description of the lands affected or a description by reference of those lands in the manner provided by section 61 of the ^{M3}Conveyancing (Scotland) Act 1874.

Marginal Citations

M3 1874 c. 94.

- 11 On the date on which an order is made, the land specified in the order, together with the right to enter upon and take possession of it, shall vest in the Secretary of State.
- 12 (1) Where the Secretary of State has effected a sale of the premises or any part thereof and grants to the purchaser or his nominee a disposition of the subjects sold, which bears to be in implement of the sale and which does not bear to be subject to a prior security, then, on that disposition being duly recorded or (as the case may be) registered, those subjects shall be discharged of any heritable security or diligence affecting the subjects.
- (2) Where on a sale as aforesaid the premises remain subject to a prior security, the recording of a disposition under sub-paragraph (1) above shall not affect the rights of the creditor in that security, but the Secretary of State shall have the like right as the debtor to redeem the security.
- 13 Where a lease has vested in the Secretary of State by virtue of an order and that lease prohibits assignation absolutely, that prohibition shall be treated as if it were a prohibition to the extent only that the lease shall not be assigned without the consent of the landlord, such consent not to be unreasonably nor unfairly withheld nor delayed.

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- 14 Where, after land has become vested in the Secretary of State under section 2 above, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the Secretary of State an acknowledgment in writing of the right of the Secretary of State to production of that document and to delivery of copies thereof and (except where he retains possession of the document as heritable creditor or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof.
- 15 After an order has been made it may be recorded in the General Register of Sasines or (as the case may be) in the Land Register of Scotland.

PART III

NORTHERN IRELAND

Interpretation

- 16 In this Part of this Schedule—
- “estate” includes interest;
 - “registered land” means land the title to which is registered under the ^{M4}Land Registration Act (Northern Ireland) 1970;
 - “unregistered land” means land the title to which is not registered under the Land Registration Act (Northern Ireland) 1970.

Marginal Citations

M4 1970 c. 18. (N.I.).

General

- 17 (1) Where—
- (a) a tenancy has vested in the Secretary of State under section 2 above; and
 - (b) assignment of the tenancy is absolutely prohibited,
- the prohibition shall be treated, in relation to an assignment on sale under section 3 above, as if it were a provision to the effect that the tenancy may not be assigned without the consent of the landlord and that such consent shall not be unreasonably withheld.
- (2) In this paragraph “tenancy” includes a fee farm grant.
- 18 A deed poll under section 2 above shall have effect to vest in the Secretary of State the benefit of any covenant touching and concerning the land to which the deed relates but not annexed to it if, immediately before the vesting of the estate to which the deed relates, the covenant was enforceable by the person divested of that estate.

Registered land

- 19 (1) If an estate which the Secretary of State proposes to vest in himself under section 2 above is registered land—

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- (a) he shall have a right, in accordance with the prescribed procedure, to inspect and make copies of the whole or any part of any register or document in the custody of the registrar relating to that estate; and
 - (b) he shall be treated for the purposes of the priority search provisions as if he were a person who has entered into a contract to purchase that estate, and any reference in those provisions to purchase shall be construed accordingly.
- (2) If after vesting registered land in himself the Secretary of State lodges the vesting deed at the registry, the registrar—
- (a) shall register him as the owner of the estate specified in the deed poll; and
 - (b) shall issue him a certificate showing the title to the estate.
- (3) The registrar may, if he thinks fit, register the title of the Secretary of State to an estate under sub-paragraph (2) above notwithstanding that the Secretary of State has not produced to him the land certificate relating to the land in which the estate subsists and, where the registrar does so, he shall enter a note to that effect in the register.
- (4) In this paragraph—
- “the priority search provisions” means section 81(3) and (4) of the ^{M5}Land Registration Act (Northern Ireland) 1970 and the provisions of the ^{M6}Land Registration (Northern Ireland) Rules 1977 relating to priority searches and any rules amending or replacing those provisions;
 - “the registrar” means the Registrar of Titles in Northern Ireland;
 - “the registry” means the Land Registry in Northern Ireland;
- and expressions defined in section 94 of the Land Registration Act (Northern Ireland) 1970 have the meanings assigned to them by that section.

Marginal Citations

M5 1970 c. 18. (N.I.).

M6 S.R. (N.I.) 1977 No. 154.

Unregistered land

- 20 A conveyance by the Secretary of State under this Act of unregistered land shall have effect—
- (a) to vest the estate conveyed in the purchaser free from any mortgage to which the sale is not made subject; and
 - (b) to extinguish any other person’s title to the estate conveyed.
- 21 Where, after land has become vested in the Secretary of State under section 2 above, a person retains possession of any document relating to the title of the land, he shall be deemed to have given the Secretary of State an acknowledgement in writing of the Secretary of State’s right to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 19 of the ^{M7}Conveyancing Act 1881 shall have effect accordingly, and on the basis that the acknowledgement and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

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Marginal Citations

M7 [1881 c. 41.](#)

- 22 (1) Where by virtue of paragraph 20 above land is discharged from a mortgage, the mortgagee shall be entitled, subject to the following provisions of this paragraph and to the claims of any prior mortgagee, to have the proceeds of sale applied in payment of the sums secured by the mortgage.
- (2) The Secretary of State may, by publishing such notice or notices as he thinks appropriate, require any person who claims to be entitled to a payment under subparagraph (1) above to send particulars of his claim to the Secretary of State within the time, not being less than two months, fixed in the notice or, where more than one notice is published, in the last of them.
- (3) At the end of the time fixed by the notice or, where more than one is published, the last of them, the Secretary of State shall not be liable to any person of whose claim he has not then received particulars.
- (4) If after executing a deed poll under section 2 above with respect to unregistered land, the Secretary of State lodges it at the registry of deeds, the registrar shall register it.

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