

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The Land Registration Act 1925 (c. 21)

- 1 (1) Any interest in land consisting in an interest in any coal or coal mine, the rights attached to any such interest and the rights of any person under section 38, 49 or 51 of this Act shall, unless registered or otherwise entered on the register, be overriding interests for the purposes of the Land Registration Act 1925; but the registrar shall not be required by virtue of section 70(2) or (3) of that Act to enter any note or notice of any such interest or right, or of any claim to any such interest or right, in the register.
- (2) Accordingly, in section 70 of that Act (overriding interests)—
- (a) in subsection (1), after paragraph (l) there shall be inserted the following paragraph—
- “(m) any interest or right which is an overriding interest by virtue of paragraph 1(1) of Schedule 9 to the Coal Industry Act 1994.”; and
- (b) after subsection (3) there shall be inserted the following subsection—
- “(4) Neither subsection (2) nor subsection (3) of this section shall apply in the case of any such interest or right as is mentioned in subsection (1)(m) of this section.”
- (3) Nothing in section 48 or 54 of the Land Registration Act 1925 (notices and cautions) or in any rules made by virtue of section 49(1)(b) of that Act (notices in respect of the severance of mines or minerals) shall confer any entitlement on any person to register or lodge, in relation to any land, any notice or caution relating to an interest which—
- (a) is or, but for being registered or otherwise entered on the register, would be an overriding interest by virtue of sub-paragraph (1) above; and
- (b) is an interest in, or a right conferred by reference to, any coal or coal mine the freehold interest in which does not belong to a registered proprietor of the freehold estate in that land.