



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 2

#### FIRST REGISTRATION OF TITLE

### CHAPTER 2

#### CAUTIONS AGAINST FIRST REGISTRATION

#### **15 Right to lodge**

- (1) Subject to subsection (3), a person may lodge a caution against the registration of title to an unregistered legal estate if he claims to be—
  - (a) the owner of a qualifying estate, or
  - (b) entitled to an interest affecting a qualifying estate.
- (2) For the purposes of subsection (1), a qualifying estate is a legal estate which—
  - (a) relates to land to which the caution relates, and
  - (b) is an interest of any of the following kinds—
    - (i) an estate in land,
    - (ii) a rentcharge,
    - (iii) a franchise, and
    - (iv) a profit a prendre in gross.
- (3) No caution may be lodged under subsection (1)—
  - (a) in the case of paragraph (a), by virtue of ownership of—
    - (i) a freehold estate in land, or
    - (ii) a leasehold estate in land granted for a term of which more than seven years are unexpired;
  - (b) in the case of paragraph (b), by virtue of entitlement to such a leasehold estate as is mentioned in paragraph (a)(ii) of this subsection.

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*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Chapter 2. (See end of Document for details)*

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(4) The right under subsection (1) is exercisable by application to the registrar.

## 16 Effect

- (1) Where an application for registration under this Part relates to a legal estate which is the subject of a caution against first registration, the registrar must give the cautioner notice of the application and of his right to object to it.
- (2) The registrar may not determine an application to which subsection (1) applies before the end of such period as rules may provide, unless the cautioner has exercised his right to object to the application or given the registrar notice that he does not intend to do so.
- (3) Except as provided by this section, a caution against first registration has no effect and, in particular, has no effect on the validity or priority of any interest of the cautioner in the legal estate to which the caution relates.
- (4) For the purposes of subsection (1), notice given by a person acting on behalf of an applicant for registration under this Part is to be treated as given by the registrar if—
  - (a) the person is of a description provided by rules, and
  - (b) notice is given in such circumstances as rules may provide.

## 17 Withdrawal

The cautioner may withdraw a caution against first registration by application to the registrar.

## 18 Cancellation

- (1) A person may apply to the registrar for cancellation of a caution against first registration if he is—
  - (a) the owner of the legal estate to which the caution relates, or
  - (b) a person of such other description as rules may provide.
- (2) Subject to rules, no application under subsection (1)(a) may be made by a person who—
  - (a) consented in such manner as rules may provide to the lodging of the caution, or
  - (b) derives title to the legal estate by operation of law from a person who did so.
- (3) Where an application is made under subsection (1), the registrar must give the cautioner notice of the application and of the effect of subsection (4).
- (4) If the cautioner does not exercise his right to object to the application before the end of such period as rules may provide, the registrar must cancel the caution.

## 19 Cautions register

- (1) The registrar must keep a register of cautions against first registration.
- (2) Rules may make provision about how the cautions register is to be kept and may, in particular, make provision about—
  - (a) the information to be included in the register,
  - (b) the form in which information included in the register is to be kept, and

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- (c) the arrangement of that information.

## **20 Alteration of register by court**

- (1) The court may make an order for alteration of the cautions register for the purpose of—
  - (a) correcting a mistake, or
  - (b) bringing the register up to date.
- (2) An order under subsection (1) has effect when served on the registrar to impose a duty on him to give effect to it.
- (3) Rules may make provision about—
  - (a) the circumstances in which there is a duty to exercise the power under subsection (1),
  - (b) the form of an order under that subsection, and
  - (c) service of such an order.

## **21 Alteration of register by registrar**

- (1) The registrar may alter the cautions register for the purpose of—
  - (a) correcting a mistake, or
  - (b) bringing the register up to date.
- (2) Rules may make provision about—
  - (a) the circumstances in which there is a duty to exercise the power under subsection (1),
  - (b) how the cautions register is to be altered in exercise of that power,
  - (c) applications for the exercise of that power, and
  - (d) procedure in relation to the exercise of that power, whether on application or otherwise.
- (3) Where an alteration is made under this section, the registrar may pay such amount as he thinks fit in respect of any costs reasonably incurred by a person in connection with the alteration.

## **22 Supplementary**

In this Chapter, “the cautioner”, in relation to a caution against first registration, means the person who lodged the caution, or such other person as rules may provide.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Registration Act 2002, Chapter 2.