



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 4

#### NOTICES AND RESTRICTIONS

##### *Notices*

#### **32 Nature and effect**

- (1) A notice is an entry in the register in respect of the burden of an interest affecting a registered estate or charge.
- (2) The entry of a notice is to be made in relation to the registered estate or charge affected by the interest concerned.
- (3) The fact that an interest is the subject of a notice does not necessarily mean that the interest is valid, but does mean that the priority of the interest, if valid, is protected for the purposes of sections 29 and 30.

#### **33 Excluded interests**

No notice may be entered in the register in respect of any of the following—

- (a) an interest under—
  - (i) a trust of land, or
  - (ii) a settlement under the Settled Land Act 1925 (c. 18),
- (b) a leasehold estate in land which—
  - (i) is granted for a term of years of three years or less from the date of the grant, and
  - (ii) is not required to be registered,
- (c) a restrictive covenant made between a lessor and lessee, so far as relating to the demised premises,
- (d) an interest which is capable of being registered under the Commons Registration Act 1965 (c. 64), and

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*Status: This is the original version (as it was originally enacted).*

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- (e) 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 the Coal Industry Act 1994 (c. 21).

### **34 Entry on application**

- (1) A person who claims to be entitled to the benefit of an interest affecting a registered estate or charge may, if the interest is not excluded by section 33, apply to the registrar for the entry in the register of a notice in respect of the interest.
- (2) Subject to rules, an application under this section may be for—
  - (a) an agreed notice, or
  - (b) a unilateral notice.
- (3) The registrar may only approve an application for an agreed notice if—
  - (a) the applicant is the relevant registered proprietor, or a person entitled to be registered as such proprietor,
  - (b) the relevant registered proprietor, or a person entitled to be registered as such proprietor, consents to the entry of the notice, or
  - (c) the registrar is satisfied as to the validity of the applicant’s claim.
- (4) In subsection (3), references to the relevant registered proprietor are to the proprietor of the registered estate or charge affected by the interest to which the application relates.

### **35 Unilateral notices**

- (1) If the registrar enters a notice in the register in pursuance of an application under section 34(2)(b) (“a unilateral notice”), he must give notice of the entry to—
  - (a) the proprietor of the registered estate or charge to which it relates, and
  - (b) such other persons as rules may provide.
- (2) A unilateral notice must—
  - (a) indicate that it is such a notice, and
  - (b) identify who is the beneficiary of the notice.
- (3) The person shown in the register as the beneficiary of a unilateral notice, or such other person as rules may provide, may apply to the registrar for the removal of the notice from the register.

### **36 Cancellation of unilateral notices**

- (1) A person may apply to the registrar for the cancellation of a unilateral notice if he is—
  - (a) the registered proprietor of the estate or charge to which the notice relates, or
  - (b) a person entitled to be registered as the proprietor of that estate or charge.
- (2) Where an application is made under subsection (1), the registrar must give the beneficiary of the notice notice of the application and of the effect of subsection (3).
- (3) If the beneficiary of the notice 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 notice.
- (4) In this section—

“beneficiary”, in relation to a unilateral notice, means the person shown in the register as the beneficiary of the notice, or such other person as rules may provide;

“unilateral notice” means a notice entered in the register in pursuance of an application under section 34(2)(b).

### **37 Unregistered interests**

- (1) If it appears to the registrar that a registered estate is subject to an unregistered interest which—
  - (a) falls within any of the paragraphs of Schedule 1, and
  - (b) is not excluded by section 33,he may enter a notice in the register in respect of the interest.
- (2) The registrar must give notice of an entry under this section to such persons as rules may provide.

### **38 Registrable dispositions**

Where a person is entered in the register as the proprietor of an interest under a disposition falling within section 27(2)(b) to (e), the registrar must also enter a notice in the register in respect of that interest.

### **39 Supplementary**

Rules may make provision about the form and content of notices in the register.