



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 6

#### REGISTRATION: GENERAL

##### *Quality of title*

#### **62 Power to upgrade title**

- (1) Where the title to a freehold estate is entered in the register as possessory or qualified, the registrar may enter it as absolute if he is satisfied as to the title to the estate.
- (2) Where the title to a leasehold estate is entered in the register as good leasehold, the registrar may enter it as absolute if he is satisfied as to the superior title.
- (3) Where the title to a leasehold estate is entered in the register as possessory or qualified the registrar may—
  - (a) enter it as good leasehold if he is satisfied as to the title to the estate, and
  - (b) enter it as absolute if he is satisfied both as to the title to the estate and as to the superior title.
- (4) Where the title to a freehold estate in land has been entered in the register as possessory for at least twelve years, the registrar may enter it as absolute if he is satisfied that the proprietor is in possession of the land.
- (5) Where the title to a leasehold estate in land has been entered in the register as possessory for at least twelve years, the registrar may enter it as good leasehold if he is satisfied that the proprietor is in possession of the land.
- (6) None of the powers under subsections (1) to (5) is exercisable if there is outstanding any claim adverse to the title of the registered proprietor which is made by virtue of an estate, right or interest whose enforceability is preserved by virtue of the existing entry about the class of title.

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*Status: Point in time view as at 13/10/2003.*

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

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- (7) The only persons who may apply to the registrar for the exercise of any of the powers under subsections (1) to (5) are—
- (a) the proprietor of the estate to which the application relates,
  - (b) a person entitled to be registered as the proprietor of that estate,
  - (c) the proprietor of a registered charge affecting that estate, and
  - (d) a person interested in a registered estate which derives from that estate.
- (8) In determining for the purposes of this section whether he is satisfied as to any title, the registrar is to apply the same standards as those which apply under section 9 or 10 to first registration of title.
- (9) The Lord Chancellor may by order amend subsection (4) or (5) by substituting for the number of years for the time being specified in that subsection such number of years as the order may provide.

### **63 Effect of upgrading title**

- (1) On the title to a registered freehold or leasehold estate being entered under section 62 as absolute, the proprietor ceases to hold the estate subject to any estate, right or interest whose enforceability was preserved by virtue of the previous entry about the class of title.
- (2) Subsection (1) also applies on the title to a registered leasehold estate being entered under section 62 as good leasehold, except that the entry does not affect or prejudice the enforcement of any estate, right or interest affecting, or in derogation of, the title of the lessor to grant the lease.

### **64 Use of register to record defects in title**

- (1) If it appears to the registrar that a right to determine a registered estate in land is exercisable, he may enter the fact in the register.
- (2) Rules may make provision about entries under subsection (1) and may, in particular, make provision about—
- (a) the circumstances in which there is a duty to exercise the power conferred by that subsection,
  - (b) how entries under that subsection are to be made, and
  - (c) the removal of such entries.

**Status:**

Point in time view as at 13/10/2003.

**Changes to legislation:**

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