



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 7

#### SPECIAL CASES

##### *The Crown*

#### **79 Voluntary registration of demesne land**

- (1) Her Majesty may grant an estate in fee simple absolute in possession out of demesne land to Herself.
- (2) The grant of an estate under subsection (1) is to be regarded as not having been made unless an application under section 3 is made in respect of the estate before the end of the period for registration.
- (3) The period for registration is two months beginning with the date of the grant, or such longer period as the registrar may provide under subsection (4).
- (4) If on the application of Her Majesty the registrar is satisfied that there is a good reason for doing so, he may by order provide that the period for registration ends on such later date as he may specify in the order.
- (5) If an order under subsection (4) is made in a case where subsection (2) has already applied, that application of the subsection is to be treated as not having occurred.

#### **80 Compulsory registration of grants out of demesne land**

- (1) Section 4(1) shall apply as if the following were included among the events listed—
  - (a) the grant by Her Majesty out of demesne land of an estate in fee simple absolute in possession, otherwise than under section 79;
  - (b) the grant by Her Majesty out of demesne land of an estate in land—
    - (i) for a term of years absolute of more than seven years from the date of the grant, and

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- (ii) for valuable or other consideration, by way of gift or in pursuance of an order of any court.
- (2) In subsection (1)(b)(ii), the reference to grant by way of gift includes grant for the purpose of constituting a trust under which Her Majesty does not retain the whole of the beneficial interest.
- (3) Subsection (1) does not apply to the grant of an estate in mines and minerals held apart from the surface.
- (4) The Lord Chancellor may by order—
  - (a) amend this section so as to add to the events in subsection (1) such events relating to demesne land as he may specify in the order, and
  - (b) make such consequential amendments of any provision of, or having effect under, any Act as he thinks appropriate.
- (5) In its application by virtue of subsection (1), section 7 has effect with the substitution for subsection (2) of—
  - “(2) On the application of subsection (1), the grant has effect as a contract made for valuable consideration to grant the legal estate concerned”.

## **81 Demesne land: cautions against first registration**

- (1) Section 15 shall apply as if demesne land were held by Her Majesty for an unregistered estate in fee simple absolute in possession.
- (2) The provisions of this Act relating to cautions against first registration shall, in relation to cautions lodged by virtue of subsection (1), have effect subject to such modifications as rules may provide.

## **82 Escheat etc**

- (1) Rules may make provision about—
  - (a) the determination of a registered freehold estate in land, and
  - (b) the registration of an unregistered freehold legal estate in land in respect of land to which a former registered freehold estate in land related.
- (2) Rules under this section may, in particular—
  - (a) make provision for determination to be dependent on the meeting of such registration requirements as the rules may specify;
  - (b) make provision for entries relating to a freehold estate in land to continue in the register, notwithstanding determination, for such time as the rules may provide;
  - (c) make provision for the making in the register in relation to a former freehold estate in land of such entries as the rules may provide;
  - (d) make provision imposing requirements to be met in connection with an application for the registration of such an unregistered estate as is mentioned in subsection (1)(b).

## **83 Crown and Duchy land: representation**

- (1) With respect to a Crown or Duchy interest, the appropriate authority—

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- (a) may represent the owner of the interest for all purposes of this Act,
- (b) is entitled to receive such notice as that person is entitled to receive under this Act, and
- (c) may make such applications and do such other acts as that person is entitled to make or do under this Act.

(2) In this section—

“the appropriate authority” means—

- (a) in relation to an interest belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in relation to any other interest belonging to Her Majesty in right of the Crown, the government department having the management of the interest or, if there is no such department, such person as Her Majesty may appoint in writing under the Royal Sign Manual;
- (c) in relation to an interest belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (d) in relation to an interest belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (e) in relation to an interest belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, that department;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department;

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;

“interest” means any estate, interest or charge in or over land and any right or claim in relation to land.

#### **84 Disapplication of requirements relating to Duchy land**

Nothing in any enactment relating to the Duchy of Lancaster or the Duchy of Cornwall shall have effect to impose any requirement with respect to formalities or enrolment in relation to a disposition by a registered proprietor.

#### **85 Bona vacantia**

Rules may make provision about how the passing of a registered estate or charge as bona vacantia is to be dealt with for the purposes of this Act.

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