SCHEDULES

SCHEDULE 11 E+W

Section 133

MINOR AND CONSEQUENTIAL AMENDMENTS

Settled Land Act 1925 (c. 18)

1 Section 119(3) of the Settled Land Act 1925 ceases to have effect.

Law of Property Act 1925 (c. 20)

2 (1) The Law of Property Act 1925 is amended as follows.

(2) In section 44, after subsection (4) there is inserted—

"(4A) Subsections (2) and (4) of this section do not apply to a contract to grant a term of years if the grant will be an event within section 4(1) of the Land Registration Act 2002 (events which trigger compulsory first registration of title)."

(3) In that section, in subsection (5), for "the last three preceding subsections" there is substituted " subsections (2) to (4) of this section ".

(4) In that section, at the end there is inserted—

"(12) Nothing in this section applies in relation to registered land or to a term of years to be derived out of registered land."

(5) In section 84(8), the words from ", but" to the end are omitted.

(6) In section 85(3), for the words from the beginning to the second "or" there is substituted " Subsection (2) does not apply to registered land, but, subject to that, this section applies whether or not the land is registered land and whether or not ".

(7) In section 86(3), for the words from the beginning to the second "or" there is substituted " Subsection (2) does not apply to registered land, but, subject to that, this section applies whether or not the land is registered land and whether or not ".

(8) In section 87, at the end there is inserted—

"(4) Subsection (1) of this section shall not be taken to be affected by section 23(1)(a) of the Land Registration Act 2002 (under which owner's powers in relation to a registered estate do not include power to mortgage by demise or sub-demise)."

(9) In section 94(4), for the words from "registered" to the end there is substituted " on registered land ".

(10) In section 97, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11. (See end of Document for details)*

(11) In section 115(10), for the words from "charge" to the end there is substituted " registered charge (within the meaning of the Land Registration Act 2002) ".

(12) In section 125(2), for the words from "(not being" to "1925)" there is substituted " (not being registered land) ".

(13) In section 205(1)(xxii)—

(a) for "Land Registration Act 1925" there is substituted " Land Registration Act 2002; ", and

(b) the words from ", and" to the end are omitted.

Administration of Estates Act 1925 (c. 23)

3 In section 43(2) of the Administration of Estates Act 1925, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Requisitioned Land and War Works Act 1945 (c. 43)

4 (1) Section 37 of the Requisitioned Land and War Works Act 1945 is amended as follows.

(2) In subsection (2), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(3) Subsection (3) ceases to have effect.

Law of Property (Joint Tenants) Act 1964 (c. 63)

5 In section 3 of the Law of Property (Joint Tenants) Act 1964, for the words from "any land" to the end there is substituted " registered land ".

Gas Act 1965 (c. 36)

6 (1) The Gas Act 1965 is amended as follows.

(2) In section 12(3), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(3) In sections 12(4) and 13(6), for the words from "be deemed" to the end there is substituted—

"(a) for the purposes of the Land Charges Act 1925, be deemed to be a charge affecting land falling within Class D(iii), and

(b) for the purposes of the Land Registration Act 2002, be deemed to be an equitable easement."

Commons Registration Act 1965 (c. 64)

7 (1) The Commons Registration Act 1965 is amended as follows.

(2) In sections 1(1), (2) and (3), 4(3) and 8(1), for "under the Land Registration Acts 1925 and 1936" there is substituted " in the register of title ".

(3) In section 9, for "the Land Registration Acts 1925 and 1936" there is substituted " in the register of title ".

(4) In section 12 (in both places), for "under the Land Registration Acts 1925 and 1936" there is substituted " in the register of title ".

(5) In section 22, in subsection (1), there is inserted at the appropriate place—

> ""register of title" means the register kept under section 1 of the Land Registration Act 2002;".

(6) In that section, in subsection (2), for "under the Land Registration Acts 1925 and 1936" there is substituted " in the register of title ".

Leasehold Reform Act 1967 (c. 88)

8 (1) The Leasehold Reform Act 1967 is amended as follows.

(2) In section 5(5)—

(a) for "an overriding interest within the meaning of the Land Registration Act 1925" there is substituted " regarded for the purposes of the Land Registration Act 2002 as an interest falling within any of the paragraphs of Schedule 1 or 3 to that Act ", and

(b) for "or caution under the Land Registration Act 1925" there is substituted " under the Land Registration Act 2002 ".

(3) In Schedule 4, in paragraph 1(3)—

(a) for paragraph (a) there is substituted—

> "(a) the covenant may be the subject of a notice in the register of title kept under the Land Registration Act 2002, if apart from this subsection it would not be capable of being the subject of such a notice; and",

and

(b) in paragraph (b), for "notice of the covenant has been so registered, the covenant" there is substituted " a notice in respect of the covenant has been entered in that register, it ".

Law of Property Act 1969 (c. 59)

9 In section 24(1) of the Law of Property Act 1969, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Land Charges Act 1972 (c. 61)

10 (1) The Land Charges Act 1972 is amended as follows.

(2) In section 14(1), for the words from "Land Registration" to the end there is substituted " Land Registration Act 2002 ".

(3) In section 14(3)—

(a) for the words from "section 123A" to "register)" there is substituted " section 7 of the Land Registration Act 2002 (effect of failure to comply with requirement of registration) ", and

(b) for "that section" there is substituted " section 6 of that Act ".

Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11. (See end of Document for details)*

(4) In section 17(1), in the definition of "registered land", for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Consumer Credit Act 1974 (c. 39)

11 In section 177(1) and (6) of the Consumer Credit Act 1974, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Solicitors Act 1974 (c. 47)

12 (1) The Solicitors Act 1974 is amended as follows.

(2) In sections 22(1) and 56(1)(f), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(3) Section 75(b) ceases to have effect.

Local Land Charges Act 1975 (c. 76)

13 In section 10(3)(b)(ii) of the Local Land Charges Act 1975, for "under the Land Registration Act 1925" there is substituted " in the register of title kept under the Land Registration Act 2002 ".

Rent Act 1977 (c. 42)

14 In section 136(b) of the Rent Act 1977, for the words from "charge" to the end there is substituted " registered charge (within the meaning of the Land Registration Act 2002) ".

Charging Orders Act 1979 (c. 53)

15 In section 3(2) and (6) of the Charging Orders Act 1979, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Highways Act 1980 (c. 66)

16 Section 251(5) of the Highways Act 1980 ceases to have effect.

Inheritance Tax Act 1984 (c. 51)

17 In section 238(3) of the Inheritance Tax Act 1984, for paragraph (a) there is substituted—

"(a) in relation to registered land—

(i) if the disposition is required to be completed by registration, the time of registration, and

(ii) otherwise, the time of completion,".

Housing Act 1985 (c. 68)

18 (1) The Housing Act 1985 is amended as follows.

(2) In section 37(5), for the words from "and" to the end there is substituted—

"(5A) Where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) the disponee's title under a disposition of unregistered land,

and the instrument effecting the disposition contains a covenant of the kind mentioned in subsection (1), he must enter in the register a restriction reflecting the limitation imposed by the covenant".

(3) In section 154(5), for "Land Registration Acts 1925 to 1971" there is substituted " Land Registration Act 2002 ".

(4) In section 157(7), for the words from "the appropriate" to the end there is substituted " a restriction in the register of title reflecting the limitation ".

(5) In section 165(6), for "section 83 of the Land Registration Act 1925" there is substituted " Schedule 8 to the Land Registration Act 2002 ".

(6) In Schedule 9A, in paragraph 2(2), for the words from the beginning to "the disponor" there is substituted " Where on a qualifying disposal the disponor's title to the dwelling-house is not registered, the disponor ".

(7) In that Schedule, for paragraph 4 there is substituted—

"4 (1) This paragraph applies where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) the disponee's title under a disposition of unregistered land,

and the instrument effecting the disposition contains the statement required by paragraph 1.

(2) The Chief Land Registrar must enter in the register—

(a) a notice in respect of the rights of qualifying persons under this Part in relation to dwelling-houses comprised in the disposal, and

(b) a restriction reflecting the limitation under section 171D(2) on subsequent disposal."

(8) In that Schedule, for paragraph 5(2) there is substituted—

"(2) If the landlord's title is registered, the landlord shall apply for the entry in the register of—

(a) a notice in respect of the rights of the qualifying person or persons under the provisions of this Part, and

(b) a restriction reflecting the limitation under section 171D(2) on subsequent disposal."

(9) In that Schedule, paragraph 5(3) ceases to have effect.

(10) In that Schedule, in paragraph 6, for sub-paragraph (1) there is substituted—

"(1) The rights of a qualifying person under this Part in relation to the qualifying dwelling house shall not be regarded as falling within Schedule 3 to the Land Registration Act 2002 (and so are liable to be postponed under section 29 of that Act, unless protected by means of a notice in the register)."

Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11. (See end of Document for details)*

(11) In that Schedule, in paragraph 9(2), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ".

(12) In Schedule 17, in paragraph 2(2), for "Land Registration Acts 1925 to 1971" there is substituted " Land Registration Act 2002 ".

(13) In Schedule 20, in paragraph 17(2), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ".

Building Societies Act 1986 (c. 53)

19 (1) In Schedule 2A to the Building Societies Act 1986, paragraph 1 is amended as follows.

(2) In sub-paragraph (2), for "charge or incumbrance registered under the Land Registration Act 1925" there is substituted " registered charge (within the meaning of the Land Registration Act 2002) ".

(3) Sub-paragraph (4) ceases to have effect.

(4) In sub-paragraph (5), the definition of "registered land" and the preceding "and" cease to have effect.

Landlord and Tenant Act 1987 (c. 31)

20 In sections 24(8) and (9), 28(5), 30(6) and 34(9) of the Landlord and Tenant Act 1987, for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Diplomatic and Consular Premises Act 1987 (c. 46)

21 (1) The Diplomatic and Consular Premises Act 1987 is amended as follows.

(2) In section 5, after the definition of the expression "diplomatic premises" there is inserted—

> ""land" includes buildings and other structures, land covered with water and any estate, interest, easement, servitude or right in or over land,".

(3) In Schedule 1, in paragraph 1—

(a) before the definition of the expression "the registrar" there is inserted—

> ""registered land" has the same meaning as in the Land Registration Act 2002;",

and

(b) the words from "and expressions" to the end are omitted.

Criminal Justice Act 1988 (c. 33)

[F1 22 (1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 77(12)—

(a) for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ", and

(b) in paragraph (a), at the end there is inserted " , except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders ".

(3) In section 79(1) and (4), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".**]**

Textual Amendments

F1 Sch. 11 para. 22 repealed (prosp.) by 2002 c. 29, ss. 457, 458(1), **Sch. 12**

Housing Act 1988 (c. 50)

23 (1) The Housing Act 1988 is amended as follows.

(2) In section 81, in subsection (9)(c), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ".

(3) In that section, for subsection (10) there is substituted—

"(10) Where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) the approved person's title under a disposition of unregistered land,

and the instrument effecting the disposition contains the statement required by subsection (1) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal."

(4) In section 90(4), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(5) In section 133, in subsection (8)—

(a) for the words "conveyance, grant or assignment" there is substituted " transfer or grant ",

(b) for the words "section 123 of the Land Registration Act 1925" there is substituted " section 4 of the Land Registration Act 2002 ", and

(c) in paragraph (c), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ".

(6) In that section, for subsection (9) there is substituted—

"(9) Where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) a person's title under a disposition of unregistered land,

and the instrument effecting the original disposal contains the statement required by subsection (3)(d) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal."

Local Government and Housing Act 1989 (c. 42)

24 (1) Section 173 of the Local Government and Housing Act 1989 is amended as follows.

(2) In subsection (8)—

Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11. (See end of Document for details)*

(a) for the words "conveyance, grant or assignment" there is substituted " transfer or grant ",

(b) for the words "section 123 of the Land Registration Act 1925" there is substituted " section 4 of the Land Registration Act 2002 ", and

(c) in paragraph (c), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ".

(3) For subsection (9) there is substituted—

"(9) Where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) a person's title under a disposition of unregistered land,

and the instrument effecting the initial transfer contains the statement required by subsection (3) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal."

Water Resources Act 1991 (c. 57)

25 (1) Section 158 of the Water Resources Act 1991 is amended as follows.

(2) In subsection (5)—

(a) for paragraphs (a) and (b) there is substituted—

"(a) the agreement may be the subject of a notice in the register of title under the Land Registration Act 2002 as if it were an interest affecting the registered land;

(b) the provisions of sections 28 to 30 of that Act (effect of dispositions of registered land on priority of adverse interests) shall apply as if the agreement were such an interest;",

and

(b) in paragraph (c), for "where notice of the agreement has been so registered," there is substituted " subject to the provisions of those sections, ".

(3) In subsection (6), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Access to Neighbouring Land Act 1992 (c. 23)

26 (1) The Access to Neighbouring Land Act 1992 is amended as follows.

(2) In section 4(1), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(3) In section 5, in subsection (4)—

(a) in paragraph (b), for "notice or caution under the Land Registration Act 1925" there is substituted " notice under the Land Registration Act 2002 ", and

(b) for "entry, notice or caution" there is substituted " entry or notice ".

(4) In that section, for subsection (5) there is substituted—

"(5) The rights conferred on a person by or under an access order shall not be capable of falling within paragraph 2 of Schedule 1 or 3 to the Land

Registration Act 2002 (overriding status of interest of person in actual occupation)."

(5) In that section, in subsection (6), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Further and Higher Education Act 1992 (c. 13)

27 In Schedule 5 to the Further and Higher Education Act 1992, in paragraph 6(1)—

(a) for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ", and

(b) for "those Acts" there is substituted " that Act ".

Judicial Pensions and Retirement Act 1993 (c. 8)

28 In Schedule 5 to the Judicial Pensions and Retirement Act 1993, there is inserted at the end— "Adjudicator to Her Majesty's Land Registry"

Charities Act 1993 (c. 10)

[F2]29 . . . . . .

Textual Amendments

F2 Sch. 11 para. 29 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

30 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.

(2) In sections 34(10) and 57(11), for the words from "rules" to the end there is substituted " land registration rules under the Land Registration Act 2002 ".

(3) In section 97, in subsection (1)—

(a) for "an overriding interest within the meaning of the Land Registration Act 1925" there is substituted " capable of falling within paragraph 2 of Schedule 1 or 3 to the Land Registration Act 2002 ", and

(b) for "or caution under the Land Registration Act 1925" there is substituted " under the Land Registration Act 2002 ".

(4) In that section, in subsection (2), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

Law of Property (Miscellaneous Provisions) Act 1994 (c. 36)

31 (1) The Law of Property (Miscellaneous Provisions) Act 1994 is amended as follows.

(2) In section 6 (cases in which there is no liability under covenants implied by virtue of Part 1 of that Act), at the end there is inserted—

"(4) Moreover, where the disposition is of an interest the title to which is registered under the Land Registration Act 2002, that person is not liable

under any of those covenants for anything (not falling within subsection (1) or (2)) which at the time of the disposition was entered in relation to that interest in the register of title under that Act."

(3) In section 17(3)—

(a) in paragraph (c), for the words from "any" to the end there is substituted " the Adjudicator to Her Majesty's Land Registry ", and

(b) for "section 144 of the Land Registration Act 1925" there is substituted " the Land Registration Act 2002 ".

Drug Trafficking Act 1994 (c. 37)

[[F3]32 (1) The Drug Trafficking Act 1994 is amended as follows.

(2) In section 26(12)—

(a) for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ", and

(b) in paragraph (a), at the end there is inserted " , except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders ".

(3) In section 28(1) and (4), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".**]**

Textual Amendments

F3 Sch. 11 para. 32 repealed (prosp.) by 2002 c. 29, ss. 457, 458(1), **Sch. 12**

Landlord and Tenant (Covenants) Act 1995 (c. 30)

33 (1) The Landlord and Tenant (Covenants) Act 1995 is amended as follows.

(2) In sections 3(6) and 15(5)(b), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

(3) In section 20, in subsection (2), for the words from "rules" to the end there is substituted " land registration rules under the Land Registration Act 2002 ".

(4) In that section, in subsection (6)—

(a) for "an overriding interest within the meaning of the Land Registration Act 1925" there is substituted " capable of falling within paragraph 2 of Schedule 1 or 3 to the Land Registration Act 2002 ", and

(b) for "or caution under the Land Registration Act 1925" there is substituted " under the Land Registration Act 2002 ".

Family Law Act 1996 (c. 27)

34 (1) The Family Law Act 1996 is amended as follows.

(2) In section 31(10)—

(a) for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ", and

(b) for paragraph (b) there is substituted—

"(b) a spouse's matrimonial home rights are not to be capable of falling within paragraph 2 of Schedule 1 or 3 to that Act."

(3) In Schedule 4, in paragraph 4(6), for "section 144 of the Land Registration Act 1925" there is substituted " by land registration rules under the Land Registration Act 2002 ".

Housing Act 1996 (c. 52)

35 In section 13(5) of the Housing Act 1996, for the words from "if" to the end there is substituted " if the first disposal involves registration under the Land Registration Act 2002, the Chief Land Registrar shall enter in the register of title a restriction reflecting the limitation ".

Education Act 1996 (c. 56)

36 In Schedule 7 to the Education Act 1996, in paragraph 11—

(a) in sub-paragraph (a), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ", and

(b) in sub-paragraphs (b) and (c), for "those Acts" there is substituted " that Act ".

School Standards and Framework Act 1998 (c. 31)

37 In Schedule 22 to the School Standards and Framework Act 1998, in paragraph 9(1)—

(a) in paragraph (a), for "Land Registration Acts 1925 to 1986" there is substituted " Land Registration Act 2002 ", and

(b) in paragraphs (b) and (c), for "those Acts" there is substituted " that Act ".

Terrorism Act 2000 (c. 11)

38 In Schedule 4 to the Terrorism Act 2000, in paragraph 8(1)—

(a) for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ", and

(b) in paragraph (a), at the end there is inserted " , except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders ".

Finance Act 2000 (c. 17)

39 In section 128 of the Finance Act 2000—

(a) in subsection (2), for the words from "rule" to the end there is substituted " land registration rules under the Land Registration Act 2002 ", and

(b) in subsection (8)(a), for "Land Registration Act 1925" there is substituted " Land Registration Act 2002 ".

International Criminal Court Act 2001 (c. 17)

40 In Schedule 6 to the International Criminal Court Act 2001, in paragraph 7(1)—

Changes to legislation: *There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11. (See end of Document for details)*

(a) for “Land Registration Act 1925” there is substituted “ Land Registration Act 2002 ”, and

(b) in paragraph (a), at the end there is inserted “ , except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders ”.

Changes to legislation:
There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 11.