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## SCHEDULES

### SCHEDULE 1

Sections 11 and 12

#### UNREGISTERED INTERESTS WHICH OVERRIDE FIRST REGISTRATION

##### *Leasehold estates in land*

- 1 A leasehold estate in land granted for a term not exceeding seven years from the date of the grant, except for a lease the grant of which falls within section 4(1) (d), (e) or (f).

##### *Interests of persons in actual occupation*

- 2 An interest belonging to a person in actual occupation, so far as relating to land of which he is in actual occupation, except for an interest under a settlement under the Settled Land Act 1925 (c. 18).

##### *Easements and profits a prendre*

- 3 A legal easement or profit a prendre.

##### *Customary and public rights*

- 4 A customary right.
- 5 A public right.

##### *Local land charges*

- 6 A local land charge.

##### *Mines and minerals*

- 7 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).
- 8 In the case of land to which title was registered before 1898, rights to mines and minerals (and incidental rights) created before 1898.
- 9 In the case of land to which title was registered between 1898 and 1925 inclusive, rights to mines and minerals (and incidental rights) created before the date of registration of the title.

##### *Miscellaneous*

- [<sup>F1</sup>10] A franchise.

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**Textual Amendments**

- F1** Sch. 1 paras. 10-14 shall cease to have effect (coming into force in accordance with s. 117(1) of 2002 c. 9) by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[  
<sup>F2</sup>11 A manorial right.]

**Textual Amendments**

- F1** Sch. 1 paras. 10-14 shall cease to have effect (coming into force in accordance with s. 117(1) of 2002 c. 9) by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F2** Sch. 1 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[  
<sup>F3</sup>12 A right to rent which was reserved to the Crown on the granting of any freehold estate (whether or not the right is still vested in the Crown).]

**Textual Amendments**

- F1** Sch. 1 paras. 10-14 shall cease to have effect (coming into force in accordance with s. 117(1) of 2002 c. 9) by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F3** Sch. 1 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[  
<sup>F4</sup>13 A non-statutory right in respect of an embankment or sea or river wall.]

**Textual Amendments**

- F1** Sch. 1 paras. 10-14 shall cease to have effect (coming into force in accordance with s. 117(1) of 2002 c. 9) by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F4** Sch. 1 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[  
<sup>F5</sup>14 A right to payment in lieu of tithe.]

**Textual Amendments**

- F1** Sch. 1 paras. 10-14 shall cease to have effect (coming into force in accordance with s. 117(1) of 2002 c. 9) by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F5** Sch. 1 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[  
<sup>F6</sup>16 A right in respect of the repair of a church chancel.]]]

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### Textual Amendments

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- F5** Sch. 1 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F6** Sch. 1 para. 16 inserted (temp. from 13.10.2003 - 13.10.2013) by The Land Registration Act 2002 (Transitional Provisions) (No 2) Order 2003 (S.I. 2003/2431), art. 2(1)

## SCHEDULE 2

Section 27

### REGISTRABLE DISPOSITIONS: REGISTRATION REQUIREMENTS

#### PART 1

#### REGISTERED ESTATES

##### *Introductory*

- 1 This Part deals with the registration requirements relating to those dispositions of registered estates which are required to be completed by registration.

##### *Transfer*

- 2 (1) In the case of a transfer of whole or part, the transferee, or his successor in title, must be entered in the register as the proprietor.
- (2) In the case of a transfer of part, such details of the transfer as rules may provide must be entered in the register in relation to the registered estate out of which the transfer is made.

##### *Lease of estate in land*

- 3 (1) This paragraph applies to a disposition consisting of the grant out of an estate in land of a term of years absolute.
- (2) In the case of a disposition to which this paragraph applies—
- (a) the grantee, or his successor in title, must be entered in the register as the proprietor of the lease, and
  - (b) a notice in respect of the lease must be entered in the register.

##### *Lease of franchise or manor*

- 4 (1) This paragraph applies to a disposition consisting of the grant out of a franchise or manor of a lease for a term of more than seven years from the date of the grant.
- (2) In the case of a disposition to which this paragraph applies—
- (a) the grantee, or his successor in title, must be entered in the register as the proprietor of the lease, and

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- (b) a notice in respect of the lease must be entered in the register.
- 5 (1) This paragraph applies to a disposition consisting of the grant out of a franchise or manor of a lease for a term not exceeding seven years from the date of the grant.
- (2) In the case of a disposition to which this paragraph applies, a notice in respect of the lease must be entered in the register.

*Creation of independently registrable legal interest*

- 6 (1) This paragraph applies to a disposition consisting of the creation of a legal rentcharge or profit a prendre in gross, other than one created for, or for an interest equivalent to, a term of years absolute not exceeding seven years from the date of creation.
- (2) In the case of a disposition to which this paragraph applies—
- (a) the grantee, or his successor in title, must be entered in the register as the proprietor of the interest created, and
- (b) a notice in respect of the interest created must be entered in the register.
- (3) In sub-paragraph (1), the reference to a legal rentcharge or profit a prendre in gross is to one falling within section 1(2) of the Law of Property Act 1925 (c. 20).

*Creation of other legal interest*

- 7 (1) This paragraph applies to a disposition which—
- (a) consists of the creation of an interest of a kind falling within section 1(2)(a), (b) or (e) of the Law of Property Act 1925, and
- (b) is not a disposition to which paragraph 4, 5 or 6 applies.
- (2) In the case of a disposition to which this paragraph applies—
- (a) a notice in respect of the interest created must be entered in the register, and
- (b) if the interest is created for the benefit of a registered estate, the proprietor of the registered estate must be entered in the register as its proprietor.
- (3) Rules may provide for sub-paragraph (2) to have effect with modifications in relation to a right of entry over or in respect of a term of years absolute.

*Creation of legal charge*

- 8 In the case of the creation of a charge, the chargee, or his successor in title, must be entered in the register as the proprietor of the charge.

**PART 2**

REGISTERED CHARGES

*Introductory*

- 9 This Part deals with the registration requirements relating to those dispositions of registered charges which are required to be completed by registration.

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### *Transfer*

- 10 In the case of a transfer, the transferee, or his successor in title, must be entered in the register as the proprietor.

### *Creation of sub-charge*

- 11 In the case of the creation of a sub-charge, the sub-chargee, or his successor in title, must be entered in the register as the proprietor of the sub-charge.

## SCHEDULE 3

Sections 29 and 30

### UNREGISTERED INTERESTS WHICH OVERRIDE REGISTERED DISPOSITIONS

#### **Modifications etc. (not altering text)**

- C1** Sch. 3 excluded (24.2.2003.) by 1985 c. 68, Sch. 9A para. 6(1) (as substituted by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(10) (with s. 129); S.I. 2003/120, art. 2 (subject to transitional provisions and savings)

### *Leasehold estates in land*

- 1 A leasehold estate in land granted for a term not exceeding seven years from the date of the grant, except for—
- (a) a lease the grant of which falls within section 4(1)(d), (e) or (f);
  - (b) a lease the grant of which constitutes a registrable disposition.

### *Interests of persons in actual occupation*

- 2 An interest belonging at the time of the disposition to a person in actual occupation, so far as relating to land of which he is in actual occupation, except for—
- (a) an interest under a settlement under the Settled Land Act 1925 (c. 18);
  - (b) an interest of a person of whom inquiry was made before the disposition and who failed to disclose the right when he could reasonably have been expected to do so;
  - (c) an interest—
    - (i) which belongs to a person whose occupation would not have been obvious on a reasonably careful inspection of the land at the time of the disposition, and
    - (ii) of which the person to whom the disposition is made does not have actual knowledge at that time;
  - (d) a leasehold estate in land granted to take effect in possession after the end of the period of three months beginning with the date of the grant and which has not taken effect in possession at the time of the disposition.

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### *Easements and profits a prendre*

- 3 (1) A legal easement or profit a prendre, except for an easement, or a profit a prendre which is not registered under [<sup>F7</sup>Part 1 of the Commons Act 2006], which at the time of the disposition—
- (a) is not within the actual knowledge of the person to whom the disposition is made, and
  - (b) would not have been obvious on a reasonably careful inspection of the land over which the easement or profit is exercisable.
- (2) The exception in sub-paragraph (1) does not apply if the person entitled to the easement or profit proves that it has been exercised in the period of one year ending with the day of the disposition.

#### **Textual Amendments**

- F7** Words in [Sch. 3 para. 3\(1\)](#) substituted (31.10.2011 for E. in relation to the pilot areas) by [Commons Act 2006 \(c. 26\), s. 56, Sch. 5 para. 8\(4\)](#) (with s. 60); [S.I. 2011/2460, art. 2\(b\)](#)

### *Customary and public rights*

- 4 A customary right.
- 5 A public right.

### *Local land charges*

- 6 A local land charge.

### *Mines and minerals*

- 7 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).
- 8 In the case of land to which title was registered before 1898, rights to mines and minerals (and incidental rights) created before 1898.
- 9 In the case of land to which title was registered between 1898 and 1925 inclusive, rights to mines and minerals (and incidental rights) created before the date of registration of the title.

### *Miscellaneous*

- [<sup>F8</sup>10 A franchise.

#### **Textual Amendments**

- F8** [Sch. 3 paras. 10-14](#) shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

- [<sup>F9</sup>11 A manorial right.]

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#### Textual Amendments

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- F9** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[<sup>F10</sup><sub>12</sub> A right to rent which was reserved to the Crown on the granting of any freehold estate (whether or not the right is still vested in the Crown).]

#### Textual Amendments

- F8** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F10** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[<sup>F11</sup><sub>13</sub> A non-statutory right in respect of an embankment or sea or river wall.]

#### Textual Amendments

- F8** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F11** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)

[<sup>F12</sup><sub>14</sub> A right to payment in lieu of tithe.

#### Textual Amendments

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[<sup>F13</sup><sub>16</sub> A right in respect of the repair of a church chancel.]]]

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- F12** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of 2002 c. 9, ss. 117(1), 136(2) (with ss. 117(2), 129)
- F13** Sch. 3 para. 16 inserted (temp. from 13.10.2003 - 13.10.2013) by The Land Registration Act 2002 (Transitional Provisions) (No 2) Order 2003 (S.I. 2003/2431), art. 2(2)

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## SCHEDULE 4

Section 65

### ALTERATION OF THE REGISTER

**Modifications etc. (not altering text)**

**C2** Sch. 4 excluded (27.9.2004) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), ss. 6(2), 181(1); S.I. 2004/1832, art. 2

*Introductory*

- 1 In this Schedule, references to rectification, in relation to alteration of the register, are to alteration which—
- (a) involves the correction of a mistake, and
  - (b) prejudicially affects the title of a registered proprietor.

*Alteration pursuant to a court order*

- 2 (1) The court may make an order for alteration of the register for the purpose of—
- (a) correcting a mistake,
  - (b) bringing the register up to date, or
  - (c) giving effect to any estate, right or interest excepted from the effect of registration.
- (2) An order under this paragraph has effect when served on the registrar to impose a duty on him to give effect to it.
- 3 (1) This paragraph applies to the power under paragraph 2, so far as relating to rectification.
- (2) If alteration affects the title of the proprietor of a registered estate in land, no order may be made under paragraph 2 without the proprietor's consent in relation to land in his possession unless—
- (a) he has by fraud or lack of proper care caused or substantially contributed to the mistake, or
  - (b) it would for any other reason be unjust for the alteration not to be made.
- (3) If in any proceedings the court has power to make an order under paragraph 2, it must do so, unless there are exceptional circumstances which justify its not doing so.
- (4) In sub-paragraph (2), the reference to the title of the proprietor of a registered estate in land includes his title to any registered estate which subsists for the benefit of the estate in land.
- 4 Rules may—
- (a) make provision about the circumstances in which there is a duty to exercise the power under paragraph 2, so far as not relating to rectification;
  - (b) make provision about the form of an order under paragraph 2;
  - (c) make provision about service of such an order.

*Alteration otherwise than pursuant to a court order*

- 5 The registrar may alter the register for the purpose of—

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- (a) correcting a mistake,
  - (b) bringing the register up to date,
  - (c) giving effect to any estate, right or interest excepted from the effect of registration, or
  - (d) removing a superfluous entry.
- 6 (1) This paragraph applies to the power under paragraph 5, so far as relating to rectification.
- (2) No alteration affecting the title of the proprietor of a registered estate in land may be made under paragraph 5 without the proprietor's consent in relation to land in his possession unless—
- (a) he has by fraud or lack of proper care caused or substantially contributed to the mistake, or
  - (b) it would for any other reason be unjust for the alteration not to be made.
- (3) If on an application for alteration under paragraph 5 the registrar has power to make the alteration, the application must be approved, unless there are exceptional circumstances which justify not making the alteration.
- (4) In sub-paragraph (2), the reference to the title of the proprietor of a registered estate in land includes his title to any registered estate which subsists for the benefit of the estate in land.
- 7 Rules may—
- (a) make provision about the circumstances in which there is a duty to exercise the power under paragraph 5, so far as not relating to rectification;
  - (b) make provision about how the register is to be altered in exercise of that power;
  - (c) make provision about applications for alteration under that paragraph, including provision requiring the making of such applications;
  - (d) make provision about procedure in relation to the exercise of that power, whether on application or otherwise.

#### *Rectification and derivative interests*

- 8 The powers under this Schedule to alter the register, so far as relating to rectification, extend to changing for the future the priority of any interest affecting the registered estate or charge concerned.

#### *Costs in non-rectification cases*

- 9 (1) If the register is altered under this Schedule in a case not involving rectification, the registrar may pay such amount as he thinks fit in respect of any costs or expenses reasonably incurred by a person in connection with the alteration which have been incurred with the consent of the registrar.
- (2) The registrar may make a payment under sub-paragraph (1) notwithstanding the absence of consent if—
- (a) it appears to him—
    - (i) that the costs or expenses had to be incurred urgently, and
    - (ii) that it was not reasonably practicable to apply for his consent, or
  - (b) he has subsequently approved the incurring of the costs or expenses.

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## SCHEDULE 5

Section 92

## LAND REGISTRY NETWORK

*Access to network*

- 1 (1) A person who is not a member of the land registry may only have access to a land registry network under authority conferred by means of an agreement with the registrar.
- (2) An agreement for the purposes of sub-paragraph (1) (“network access agreement”) may authorise access for—
  - (a) the communication, posting or retrieval of information,
  - (b) the making of changes to the register of title or cautions register,
  - (c) the issue of official search certificates,
  - (d) the issue of official copies, or
  - (e) such other conveyancing purposes as the registrar thinks fit.
- (3) Rules may regulate the use of network access agreements to confer authority to carry out functions of the registrar.
- (4) The registrar must, on application, enter into a network access agreement with the applicant if the applicant meets such criteria as rules may provide.

*Terms of access*

- 2 (1) The terms on which access to a land registry network is authorised shall be such as the registrar thinks fit, subject to sub-paragraphs (3) and (4), and may, in particular, include charges for access.
- (2) The power under sub-paragraph (1) may be used, not only for the purpose of regulating the use of the network, but also for—
  - (a) securing that the person granted access uses the network to carry on such qualifying transactions as may be specified in, or under, the agreement,
  - (b) such other purpose relating to the carrying on of qualifying transactions as rules may provide, or
  - (c) enabling network transactions to be monitored.
- (3) It shall be a condition of a network access agreement which enables the person granted access to use the network to carry on qualifying transactions that he must comply with any rules for the time being in force under paragraph 5.
- (4) Rules may regulate the terms on which access to a land registry network is authorised.

*Termination of access*

- 3 (1) The person granted access by a network access agreement may terminate the agreement at any time by notice to the registrar.
- (2) Rules may make provision about the termination of a network access agreement by the registrar and may, in particular, make provision about—
  - (a) the grounds of termination,
  - (b) the procedure to be followed in relation to termination, and

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- (c) the suspension of termination pending appeal.
- (3) Without prejudice to the generality of sub-paragraph (2)(a), rules under that provision may authorise the registrar to terminate a network access agreement if the person granted access—
- (a) fails to comply with the terms of the agreement,
  - (b) ceases to be a person with whom the registrar would be required to enter into a network access agreement conferring the authority which the agreement confers, or
  - (c) does not meet such conditions as the rules may provide.

#### *Appeals*

- 4 (1) A person who is aggrieved by a decision of the registrar with respect to entry into, or termination of, a network access agreement may appeal against the decision to the adjudicator.
- (2) On determining an appeal under this paragraph, the adjudicator may give such directions as he considers appropriate to give effect to his determination.
- (3) Rules may make provision about appeals under this paragraph.

#### *Network transaction rules*

- 5 (1) Rules may make provision about how to go about network transactions.
- (2) Rules under sub-paragraph (1) may, in particular, make provision about dealings with the land registry, including provision about—
- (a) the procedure to be followed, and
  - (b) the supply of information (including information about unregistered interests).

#### *Overriding nature of network access obligations*

- 6 To the extent that an obligation not owed under a network access agreement conflicts with an obligation owed under such an agreement by the person granted access, the obligation not owed under the agreement is discharged.

#### *Do-it-yourself conveyancing*

- 7 (1) If there is a land registry network, the registrar has a duty to provide such assistance as he thinks appropriate for the purpose of enabling persons engaged in qualifying transactions who wish to do their own conveyancing to do so by means of the network.
- (2) The duty under sub-paragraph (1) does not extend to the provision of legal advice.

#### *Presumption of authority*

- 8 Where—
- (a) a person who is authorised under a network access agreement to do so uses the network for the making of a disposition or contract, and
  - (b) the document which purports to effect the disposition or to be the contract—

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- (i) purports to be authenticated by him as agent, and
  - (ii) contains a statement to the effect that he is acting under the authority of his principal,
- he shall be deemed, in favour of any other party, to be so acting.

#### *Management of network transactions*

- 9 (1) The registrar may use monitoring information for the purpose of managing network transactions and may, in particular, disclose such information to persons authorised to use the network, and authorise the further disclosure of information so disclosed, if he considers it is necessary or desirable to do so.
- (2) The registrar may delegate his functions under sub-paragraph (1), subject to such conditions as he thinks fit.
- (3) In sub-paragraph (1), “monitoring information” means information provided in pursuance of provision in a network access agreement included under paragraph 2(2)(c).

#### *Supplementary*

- 10 The registrar may provide, or arrange for the provision of, education and training in relation to the use of a land registry network.
- 11 (1) Power to make rules under paragraph 1, 2 or 3 is exercisable by the [F14Secretary of State].
- (2) Before making such rules, the [F14Secretary of State] must consult such persons as he considers appropriate.
- (3) In making rules under paragraph 1 or 3(2)(a), the [F14Secretary of State] must have regard, in particular, to the need to secure—
- (a) the confidentiality of private information kept on the network,
  - (b) competence in relation to the use of the network (in particular for the purpose of making changes), and
  - (c) the adequate insurance of potential liabilities in connection with use of the network.

#### **Textual Amendments**

**F14** Words in [Sch. 5 para. 11](#) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), [Sch. 2 para. 4\(2\)](#)

- 12 In this Schedule—
- “land registry network” means a network provided under section 92(1);
  - “network access agreement” has the meaning given by paragraph 1(2);
  - “network transaction” means a transaction carried on by means of a land registry network;
  - “qualifying transaction” means a transaction which—
- (a) involves registration, and
  - (b) is capable of being effected electronically.

*Status: Point in time view as at 09/11/2011.*

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## SCHEDULE 6

Section 97

### REGISTRATION OF ADVERSE POSSESSOR

#### *Right to apply for registration*

- 1 (1) [<sup>F15</sup>Subject to paragraph 16,] a person may apply to the registrar to be registered as the proprietor of a registered estate in land if he has been in adverse possession of the estate for the period of ten years ending on the date of the application.
- (2) [<sup>F16</sup>Subject to paragraph 16,] a person may also apply to the registrar to be registered as the proprietor of a registered estate in land if—
  - (a) he has in the period of six months ending on the date of the application ceased to be in adverse possession of the estate because of eviction by the registered proprietor, or a person claiming under the registered proprietor,
  - (b) on the day before his eviction he was entitled to make an application under sub-paragraph (1), and
  - (c) the eviction was not pursuant to a judgment for possession.
- (3) However, a person may not make an application under this paragraph if—
  - (a) he is a defendant in proceedings which involve asserting a right to possession of the land, or
  - (b) judgment for possession of the land has been given against him in the last two years.
- (4) For the purposes of sub-paragraph (1), the estate need not have been registered throughout the period of adverse possession.

#### **Textual Amendments**

- F15** Words in [Sch. 6 para. 1\(1\)](#) inserted (with application in accordance with regs. 3, 4 of the commencing S.I.) by [Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), [regs. 2, 50](#)
- F16** Words in [Sch. 6 para. 1\(2\)](#) inserted (with application in accordance with regs. 3, 4 of the commencing S.I.) by [Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), [regs. 2, 51](#)

#### *Notification of application*

- 2 (1) The registrar must give notice of an application under paragraph 1 to—
  - (a) the proprietor of the estate to which the application relates,
  - (b) the proprietor of any registered charge on the estate,
  - (c) where the estate is leasehold, the proprietor of any superior registered estate,
  - (d) any person who is registered in accordance with rules as a person to be notified under this paragraph, and
  - (e) such other persons as rules may provide.
- (2) Notice under this paragraph shall include notice of the effect of paragraph 4.

#### *Treatment of application*

- 3 (1) A person given notice under paragraph 2 may require that the application to which the notice relates be dealt with under paragraph 5.

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- (2) The right under this paragraph is exercisable by notice to the registrar given before the end of such period as rules may provide.
- 4 If an application under paragraph 1 is not required to be dealt with under paragraph 5, the applicant is entitled to be entered in the register as the new proprietor of the estate.
- 5 (1) If an application under paragraph 1 is required to be dealt with under this paragraph, the applicant is only entitled to be registered as the new proprietor of the estate if any of the following conditions is met.
- (2) The first condition is that—
- (a) it would be unconscionable because of an equity by estoppel for the registered proprietor to seek to dispossess the applicant, and
  - (b) the circumstances are such that the applicant ought to be registered as the proprietor.
- (3) The second condition is that the applicant is for some other reason entitled to be registered as the proprietor of the estate.
- (4) The third condition is that—
- (a) the land to which the application relates is adjacent to land belonging to the applicant,
  - (b) the exact line of the boundary between the two has not been determined under rules under section 60,
  - (c) for at least ten years of the period of adverse possession ending on the date of the application, the applicant (or any predecessor in title) reasonably believed that the land to which the application relates belonged to him, and
  - (d) the estate to which the application relates was registered more than one year prior to the date of the application.
- (5) In relation to an application under paragraph 1(2), this paragraph has effect as if the reference in sub-paragraph (4)(c) to the date of the application were to the day before the date of the applicant's eviction.

#### Commencement Information

- II** Sch. 6 para. 5 wholly in force at 13.10.2004; Sch. 6 para. 5 not in force at Royal Assent see s. 136(2); Sch. 6 para. 5(1)-(3) in force at 13.10.2003, Sch. 6 para. 5(4)(5) in force at 13.10.2004 by [S.I. 2003/1725](#), [art. 2](#)

#### *Right to make further application for registration*

- 6 (1) Where a person's application under paragraph 1 is rejected, he may make a further application to be registered as the proprietor of the estate if he is in adverse possession of the estate from the date of the application until the last day of the period of two years beginning with the date of its rejection.
- [<sup>F17</sup>(1A) Sub-paragraph (1) is subject to paragraph 16.]
- (2) However, a person may not make an application under this paragraph if—
- (a) he is a defendant in proceedings which involve asserting a right to possession of the land,

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- (b) judgment for possession of the land has been given against him in the last two years, or
- (c) he has been evicted from the land pursuant to a judgment for possession.

#### Textual Amendments

**F17** Sch. 6 para. 6(1A) inserted (with application in accordance with regs. 3, 4 of the commencing S.I.) by [Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), regs. 2, 52

- 7 If a person makes an application under paragraph 6, he is entitled to be entered in the register as the new proprietor of the estate.

#### Restriction on applications

- 8 (1) No one may apply under this Schedule to be registered as the proprietor of an estate in land during, or before the end of twelve months after the end of, any period in which the existing registered proprietor is for the purposes of the Limitation (Enemies and War Prisoners) Act 1945 (8 & 9 Geo. 6 c. 16)—
- (a) an enemy, or
  - (b) detained in enemy territory.
- (2) No-one may apply under this Schedule to be registered as the proprietor of an estate in land during any period in which the existing registered proprietor is—
- (a) unable because of mental disability to make decisions about issues of the kind to which such an application would give rise, or
  - (b) unable to communicate such decisions because of mental disability or physical impairment.
- (3) For the purposes of sub-paragraph (2), “mental disability” means a disability or disorder of the mind or brain, whether permanent or temporary, which results in an impairment or disturbance of mental functioning.
- (4) Where it appears to the registrar that sub-paragraph (1) or (2) applies in relation to an estate in land, he may include a note to that effect in the register.

#### Effect of registration

- 9 (1) Where a person is registered as the proprietor of an estate in land in pursuance of an application under this Schedule, the title by virtue of adverse possession which he had at the time of the application is extinguished.
- (2) Subject to sub-paragraph (3), the registration of a person under this Schedule as the proprietor of an estate in land does not affect the priority of any interest affecting the estate.
- (3) Subject to sub-paragraph (4), where a person is registered under this Schedule as the proprietor of an estate, the estate is vested in him free of any registered charge affecting the estate immediately before his registration.
- (4) Sub-paragraph (3) does not apply where registration as proprietor is in pursuance of an application determined by reference to whether any of the conditions in paragraph 5 applies.

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### *Apportionment and discharge of charges*

- 10 (1) Where—
- (a) a registered estate continues to be subject to a charge notwithstanding the registration of a person under this Schedule as the proprietor, and
  - (b) the charge affects property other than the estate,
- the proprietor of the estate may require the chargee to apportion the amount secured by the charge at that time between the estate and the other property on the basis of their respective values.
- (2) The person requiring the apportionment is entitled to a discharge of his estate from the charge on payment of—
- (a) the amount apportioned to the estate, and
  - (b) the costs incurred by the chargee as a result of the apportionment.
- (3) On a discharge under this paragraph, the liability of the chargor to the chargee is reduced by the amount apportioned to the estate.
- (4) Rules may make provision about apportionment under this paragraph, in particular, provision about—
- (a) procedure,
  - (b) valuation,
  - (c) calculation of costs payable under sub-paragraph (2)(b), and
  - (d) payment of the costs of the chargor.

### *Meaning of “adverse possession”*

- 11 (1) A person is in adverse possession of an estate in land for the purposes of this Schedule if, but for section 96, a period of limitation under section 15 of the Limitation Act 1980 (c. 58) would run in his favour in relation to the estate.
- (2) A person is also to be regarded for those purposes as having been in adverse possession of an estate in land—
- (a) where he is the successor in title to an estate in the land, during any period of adverse possession by a predecessor in title to that estate, or
  - (b) during any period of adverse possession by another person which comes between, and is continuous with, periods of adverse possession of his own.
- (3) In determining whether for the purposes of this paragraph a period of limitation would run under section 15 of the Limitation Act 1980, there are to be disregarded—
- (a) the commencement of any legal proceedings, and
  - (b) paragraph 6 of Schedule 1 to that Act.

### *Trusts*

- 12 A person is not to be regarded as being in adverse possession of an estate for the purposes of this Schedule at any time when the estate is subject to a trust, unless the interest of each of the beneficiaries in the estate is an interest in possession.

### *Crown foreshore*

- 13 (1) Where—
- (a) a person is in adverse possession of an estate in land,

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- (b) the estate belongs to Her Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall, and
  - (c) the land consists of foreshore,
- paragraph 1(1) is to have effect as if the reference to ten years were to sixty years.
- (2) For the purposes of sub-paragraph (1), land is to be treated as foreshore if it has been foreshore at any time in the previous ten years.
- (3) In this paragraph, “foreshore” means the shore and bed of the sea and of any tidal water, below the line of the medium high tide between the spring and neap tides.

### *Rentcharges*

- 14 Rules must make provision to apply the preceding provisions of this Schedule to registered rentcharges, subject to such modifications and exceptions as the rules may provide.

### *Procedure*

- 15 Rules may make provision about the procedure to be followed pursuant to an application under this Schedule.

### *Extension of time limits because of mediation in certain cross-border disputes*

[<sup>F18</sup>16. (1) In this paragraph—

- (a) “Mediation Directive” means Directive [2008/52/ EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Sub-paragraph (3) applies where—
- (a) a period of time is prescribed by paragraph 1(1), 1(2)(a) or 6(1) in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the period expires, and
  - (c) if not extended by this paragraph, the period would expire before the mediation ends or less than eight weeks after it ends.
- (3) The period expires instead at the end of eight weeks after the mediation ends (subject to sub-paragraph (4)).
- (4) If a period has been extended by this paragraph, sub-paragraphs (2) and (3) apply to the extended period as they apply to a period mentioned in sub-paragraph (2)(a).
- (5) Where more than one period applies in relation to a relevant dispute, the extension by sub-paragraph (3) of one of those periods does not affect the others.

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- (6) For the purposes of this paragraph, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (7) For the purposes of this paragraph, a mediation ends on date of the first of these to occur—
- (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (8) For the purpose of sub-paragraph (7), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (9) In the case of any relevant dispute, references in this paragraph to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.]

#### Textual Amendments

**F18** Sch. 6 para. 16 and cross-heading inserted (with application in accordance with regs. 3, 4 of the commencing S.I.) by [Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), regs. 2, 53

## SCHEDULE 7

Section 99

### THE LAND REGISTRY

#### *Holding of office by Chief Land Registrar*

- 1 (1) The registrar may at any time resign his office by written notice to the [<sup>F19</sup>Secretary of State].
- (2) The [<sup>F19</sup>Secretary of State] may remove the registrar from office if he is unable or unfit to discharge the functions of office.
- (3) Subject to the above, a person appointed to be the registrar is to hold and vacate office in accordance with the terms of his appointment and, on ceasing to hold office, is eligible for reappointment.

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#### Textual Amendments

- F19** Words in Sch. 7 para. 1(1)(2) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), [Sch. 2 para. 4\(2\)](#)

#### *Remuneration etc. of Chief Land Registrar*

- 2 (1) The [<sup>F20</sup>Secretary of State] shall pay the registrar such remuneration, and such travelling and other allowances, as the [<sup>F20</sup>Secretary of State] may determine.
- (2) The [<sup>F20</sup>Secretary of State] shall—
- (a) pay such pension, allowances or gratuities as he may determine to or in respect of a person who is or has been the registrar, or
  - (b) make such payments as he may determine towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If, when a person ceases to be the registrar, the [<sup>F20</sup>Secretary of State] determines that there are special circumstances which make it right that the person should receive compensation, the [<sup>F20</sup>Secretary of State] may pay to the person by way of compensation a sum of such amount as he may determine.

#### Textual Amendments

- F20** Words in Sch. 7 para. 2 substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), [Sch. 2 para. 4\(2\)](#)

#### *Staff*

- 3 (1) The registrar may appoint such staff as he thinks fit.
- (2) The terms and conditions of appointments under this paragraph shall be such as the registrar, with the approval of the Minister for the Civil Service, thinks fit.

#### *Indemnity for members*

- 4 No member of the land registry is to be liable in damages for anything done or omitted in the discharge or purported discharge of any function relating to land registration, unless it is shown that the act or omission was in bad faith.

#### *Seal*

- 5 The land registry is to continue to have a seal and any document purporting to be sealed with it is to be admissible in evidence without any further or other proof.

#### *Documentary evidence*

- 6 The Documentary Evidence Act 1868 (c. 37) has effect as if—
- (a) the registrar were included in the first column of the Schedule to that Act,

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- (b) the registrar and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
- (c) the regulations referred to in that Act included any form or direction issued by the registrar or by any such person.

### *Parliamentary disqualification*

7 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices), there is inserted at the appropriate place—

“Chief Land Registrar.”;

and a corresponding amendment is made in Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25).

## SCHEDULE 8

Section 103

### INDEMNITIES

#### **Modifications etc. (not altering text)**

**C3** [Sch. 8](#): Power to apply, exclude or modify conferred (E.W.) (27.9.2004) by [2002 c. 15, ss. 6\(6\)\(g\), 181\(1\)](#); [S.I. 2004/1832, art. 2](#)

### *Entitlement*

- 1 (1) A person is entitled to be indemnified by the registrar if he suffers loss by reason of—
- (a) rectification of the register,
  - (b) a mistake whose correction would involve rectification of the register,
  - (c) a mistake in an official search,
  - (d) a mistake in an official copy,
  - (e) a mistake in a document kept by the registrar which is not an original and is referred to in the register,
  - (f) the loss or destruction of a document lodged at the registry for inspection or safe custody,
  - (g) a mistake in the cautions register, or
  - (h) failure by the registrar to perform his duty under section 50.
- (2) For the purposes of sub-paragraph (1)(a)—
- (a) any person who suffers loss by reason of the change of title under section 62 is to be regarded as having suffered loss by reason of rectification of the register, and
  - (b) the proprietor of a registered estate or charge claiming in good faith under a forged disposition is, where the register is rectified, to be regarded as having suffered loss by reason of such rectification as if the disposition had not been forged.

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- (3) No indemnity under sub-paragraph (1)(b) is payable until a decision has been made about whether to alter the register for the purpose of correcting the mistake; and the loss suffered by reason of the mistake is to be determined in the light of that decision.

#### *Mines and minerals*

- 2 No indemnity is payable under this Schedule on account of—
- (a) any mines or minerals, or
  - (b) the existence of any right to work or get mines or minerals,
- unless it is noted in the register that the title to the registered estate concerned includes the mines or minerals.

#### *Costs*

- 3 (1) In respect of loss consisting of costs or expenses incurred by the claimant in relation to the matter, an indemnity under this Schedule is payable only on account of costs or expenses reasonably incurred by the claimant with the consent of the registrar.
- (2) The requirement of consent does not apply where—
- (a) the costs or expenses must be incurred by the claimant urgently, and
  - (b) it is not reasonably practicable to apply for the registrar's consent.
- (3) If the registrar approves the incurring of costs or expenses after they have been incurred, they shall be treated for the purposes of this paragraph as having been incurred with his consent.
- 4 (1) If no indemnity is payable to a claimant under this Schedule, the registrar may pay such amount as he thinks fit in respect of any costs or expenses reasonably incurred by the claimant in connection with the claim which have been incurred with the consent of the registrar.
- (2) The registrar may make a payment under sub-paragraph (1) notwithstanding the absence of consent if—
- (a) it appears to him—
    - (i) that the costs or expenses had to be incurred urgently, and
    - (ii) that it was not reasonably practicable to apply for his consent, or
  - (b) he has subsequently approved the incurring of the costs or expenses.

#### *Claimant's fraud or lack of care*

- 5 (1) No indemnity is payable under this Schedule on account of any loss suffered by a claimant—
- (a) wholly or partly as a result of his own fraud, or
  - (b) wholly as a result of his own lack of proper care.
- (2) Where any loss is suffered by a claimant partly as a result of his own lack of proper care, any indemnity payable to him is to be reduced to such extent as is fair having regard to his share in the responsibility for the loss.
- (3) For the purposes of this paragraph any fraud or lack of care on the part of a person from whom the claimant derives title (otherwise than under a disposition for valuable

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consideration which is registered or protected by an entry in the register) is to be treated as if it were fraud or lack of care on the part of the claimant.

*Valuation of estates etc.*

- 6 Where an indemnity is payable in respect of the loss of an estate, interest or charge, the value of the estate, interest or charge for the purposes of the indemnity is to be regarded as not exceeding—
- (a) in the case of an indemnity under paragraph 1(1)(a), its value immediately before rectification of the register (but as if there were to be no rectification), and
  - (b) in the case of an indemnity under paragraph 1(1)(b), its value at the time when the mistake which caused the loss was made.

*Determination of indemnity by court*

- 7 (1) A person may apply to the court for the determination of any question as to—
- (a) whether he is entitled to an indemnity under this Schedule, or
  - (b) the amount of such an indemnity.
- (2) Paragraph 3(1) does not apply to the costs of an application to the court under this paragraph or of any legal proceedings arising out of such an application.

*Time limits*

- 8 For the purposes of the Limitation Act 1980 (c. 58)—
- (a) a liability to pay an indemnity under this Schedule is a simple contract debt, and
  - (b) the cause of action arises at the time when the claimant knows, or but for his own default might have known, of the existence of his claim.

*Interest*

- 9 Rules may make provision about the payment of interest on an indemnity under this Schedule, including—
- (a) the circumstances in which interest is payable, and
  - (b) the periods for and rates at which it is payable.

*Recovery of indemnity by registrar*

- 10 (1) Where an indemnity under this Schedule is paid to a claimant in respect of any loss, the registrar is entitled (without prejudice to any other rights he may have)—
- (a) to recover the amount paid from any person who caused or substantially contributed to the loss by his fraud, or
  - (b) for the purpose of recovering the amount paid, to enforce the rights of action referred to in sub-paragraph (2).
- (2) Those rights of action are—
- (a) any right of action (of whatever nature and however arising) which the claimant would have been entitled to enforce had the indemnity not been paid, and

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- (b) where the register has been rectified, any right of action (of whatever nature and however arising) which the person in whose favour the register has been rectified would have been entitled to enforce had it not been rectified.
- (3) References in this paragraph to an indemnity include interest paid on an indemnity under rules under paragraph 9.

### *Interpretation*

- 11 (1) For the purposes of this Schedule, references to a mistake in something include anything mistakenly omitted from it as well as anything mistakenly included in it.
- (2) In this Schedule, references to rectification of the register are to alteration of the register which—
  - (a) involves the correction of a mistake, and
  - (b) prejudicially affects the title of a registered proprietor.

## SCHEDULE 9

Section 107

### THE ADJUDICATOR

### *Holding of office*

- 1 (1) The adjudicator may at any time resign his office by written notice to the Lord Chancellor .
- (2) The Lord Chancellor [<sup>F21</sup>, with the concurrence of the Lord Chief Justice,] may remove the adjudicator from office on the ground of incapacity or misbehaviour.
- (3) Section 26 of the Judicial Pensions and Retirement Act 1993 (c. 8) (compulsory retirement at 70, subject to the possibility of annual extension up to 75) applies to the adjudicator.
- (4) Subject to the above, a person appointed to be the adjudicator is to hold and vacate office in accordance with the terms of his appointment and, on ceasing to hold office, is eligible for reappointment.

#### **Textual Amendments**

**F21** Words in [Sch. 9 para. 1\(2\)](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 303; S.I. 2006/1014, art. 2](#)

### *Remuneration*

- 2 (1) The Lord Chancellor shall pay the adjudicator such remuneration, and such other allowances, as the Lord Chancellor may determine.
- (2) The Lord Chancellor shall—
  - (a) pay such pension, allowances or gratuities as he may determine to or in respect of a person who is or has been the adjudicator, or

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- (b) make such payments as he may determine towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) Sub-paragraph (2) does not apply if the office of adjudicator is a qualifying judicial office within the meaning of the Judicial Pensions and Retirement Act 1993.
- (4) If, when a person ceases to be the adjudicator, the Lord Chancellor determines that there are special circumstances which make it right that the person should receive compensation, the Lord Chancellor may pay to the person by way of compensation a sum of such amount as he may determine.

### *Staff*

- 3 (1) The adjudicator may appoint such staff as he thinks fit.
- (2) The terms and conditions of appointments under this paragraph shall be such as the adjudicator, with the approval of the Minister for the Civil Service, thinks fit.

### *Conduct of business*

- 4 (1) Subject to sub-paragraph (2), any function of the adjudicator may be carried out by any member of his staff who is authorised by him for the purpose.
- (2) In the case of functions which are not of an administrative character, sub-paragraph (1) only applies if the member of staff [<sup>F22</sup>satisfies the judicial-appointment eligibility condition on a 7-year basis.]

#### **Textual Amendments**

**F22** Words in Sch. 9 para. 4(2) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50(6), 148(5), Sch. 10 para. 35(3); S.I. 2008/1653, art. 2(b)(d) (with arts. 3, 4)

- 5 The Lord Chancellor may by regulations make provision about the carrying out of functions during any vacancy in the office of adjudicator.

### *Finances*

- 6 The Lord Chancellor shall be liable to reimburse expenditure incurred by the adjudicator in the discharge of his functions.
- 7 The Lord Chancellor may require the registrar to make payments towards expenses of the Lord Chancellor under this Schedule.

### *Application of Tribunals and Inquiries Act 1992*

- 8 In Schedule 1 to the Tribunal and Inquiries Act 1992 (c. 53) (tribunals under the supervision of the Council on Tribunals), after paragraph 27 there is inserted—

“Land Registration

27B. The Adjudicator to Her Majesty’s  
Land Registry.”

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### *Parliamentary disqualification*

- 9 In Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (judicial offices), there is inserted at the end—
- “Adjudicator to Her Majesty’s Land Registry.”;
- and a corresponding amendment is made in Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25).

## SCHEDULE 10

Section 126

### MISCELLANEOUS AND GENERAL POWERS

#### PART 1

#### MISCELLANEOUS

### *Dealings with estates subject to compulsory first registration*

- 1 (1) Rules may make provision—
- (a) applying this Act to a pre-registration dealing with a registrable legal estate as if the dealing had taken place after the date of first registration of the estate, and
  - (b) about the date on which registration of the dealing is effective.
- (2) For the purposes of sub-paragraph (1)—
- (a) a legal estate is registrable if a person is subject to a duty under section 6 to make an application to be registered as the proprietor of it, and
  - (b) a pre-registration dealing is one which takes place before the making of such an application.

### *Regulation of title matters between sellers and buyers*

- 2 (1) Rules may make provision about the obligations with respect to—
- (a) proof of title, or
  - (b) perfection of title,
- of the seller under a contract for the transfer, or other disposition, for valuable consideration of a registered estate or charge.
- (2) Rules under this paragraph may be expressed to have effect notwithstanding any stipulation to the contrary.

### *Implied covenants*

- 3 Rules may—
- (a) make provision about the form of provisions extending or limiting any covenant implied by virtue of Part 1 of the Law of Property (Miscellaneous Provisions) Act 1994 (c. 36) (implied covenants for title) on a registrable disposition;

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- (b) make provision about the application of section 77 of the Law of Property Act 1925 (c. 20) (implied covenants in conveyance subject to rents) to transfers of registered estates;
- (c) make provision about reference in the register to implied covenants, including provision for the state of the register to be conclusive in relation to whether covenants have been implied.

### *Land certificates*

- 4 Rules may make provision about—
- (a) when a certificate of registration of title to a legal estate may be issued,
  - (b) the form and content of such a certificate, and
  - (c) when such a certificate must be produced or surrendered to the registrar.

## **PART 2**

### GENERAL

### *Notice*

- 5 (1) Rules may make provision about the form, content and service of notice under this Act.
- (2) Rules under this paragraph about the service of notice may, in particular—
- (a) make provision requiring the supply of an address for service and about the entry of addresses for service in the register;
  - (b) make provision about—
    - (i) the time for service,
    - (ii) the mode of service, and
    - (iii) when service is to be regarded as having taken place.

### *Applications*

- 6 Rules may—
- (a) make provision about the form and content of applications under this Act;
  - (b) make provision requiring applications under this Act to be supported by such evidence as the rules may provide;
  - (c) make provision about when an application under this Act is to be taken as made;
  - (d) make provision about the order in which competing applications are to be taken to rank;
  - (e) make provision for an alteration made by the registrar for the purpose of correcting a mistake in an application or accompanying document to have effect in such circumstances as the rules may provide as if made by the applicant or other interested party or parties.

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### *Statutory statements*

- 7 Rules may make provision about the form of any statement required under an enactment to be included in an instrument effecting a registrable disposition or a disposition which triggers the requirement of registration.

### *Residual power*

- 8 Rules may make any other provision which it is expedient to make for the purposes of carrying this Act into effect, whether similar or not to any provision which may be made under the other powers to make land registration rules.

## SCHEDULE 11

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).”

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- (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 ”.
- (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.

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- (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)—

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- (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”.
- (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.”.

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*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 donee’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 disponent” there is substituted “Where on a qualifying disposal the disponent’s title to the dwelling-house is not registered, the disponent”.
- (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 donee’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—

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“(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).”

- (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.

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*Criminal Justice Act 1988 (c. 33)*

[<sup>F23</sup>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**

**F23** 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.”

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*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)—
- (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”.

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(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)*

29 (1) The Charities Act 1993 is amended as follows.

(2) In section 37, for subsections (7) and (8) there is substituted—

“(7) Where the disposition to be effected by any such instrument as is mentioned in subsection (1)(b) or (5)(b) above will be—

- (a) a registrable disposition, or
- (b) a disposition which triggers the requirement of registration,

the statement which, by virtue of subsection (1) or (5) above, is to be contained in the instrument shall be in such form as may be prescribed by land registration rules.

(8) Where the 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 disposition contains a statement complying with subsections (5) and (7) above, he shall enter in the register a restriction reflecting the limitation under section 36 above on subsequent disposal.”

(3) In that section, in subsection (9)—

- (a) for “the restriction to be withdrawn” there is substituted “ the removal of the entry ”, and
- (b) for “withdraw the restriction” there is substituted “ remove the entry ”.

(4) In that section, in subsection (11), for “Land Registration Act 1925” there is substituted “ Land Registration Act 2002 ”.

(5) In section 39, in subsection (1), at the end there is inserted “ by land registration rules ”.

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(6) In that section, for subsections (1A) and (1B) there is substituted—

“(1A) Where any such mortgage will be one to which section 4(1)(g) of the Land Registration Act 2002 applies—

- (a) the statement required by subsection (1) above shall be in such form as may be prescribed by land registration rules; and
- (b) if the charity is not an exempt charity, the mortgage shall also contain a statement, in such form as may be prescribed by land registration rules, that the restrictions on disposition imposed by section 36 above apply to the land (subject to subsection (9) of that section).

(1B) Where—

- (a) the registrar approves an application for registration of a person’s title to land in connection with such a mortgage as is mentioned in subsection (1A) above,
- (b) the mortgage contains statements complying with subsections (1) and (1A) above, and
- (c) the charity is not an exempt charity,

the registrar shall enter in the register a restriction reflecting the limitation under section 36 above on subsequent disposal.

(1C) Section 37(9) above shall apply in relation to any restriction entered under subsection (1B) as it applies in relation to any restriction entered under section 37(8).”

(7) In that section, in subsection (6), for the words from “and subsections” to the end there is substituted “and subsections (1) to (1B) above shall be construed as one with the Land Registration Act 2002 ”.

*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—

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“(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)*

[<sup>F24</sup>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**

**F24** 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)—

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- (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 ”.

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*International Criminal Court Act 2001 (c. 17)*

- 40 In Schedule 6 to the International Criminal Court Act 2001, in paragraph 7(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 ”.

SCHEDULE 12

Section 134

TRANSITION

*Existing entries in the register*

- 1 Nothing in the repeals made by this Act affects the validity of any entry in the register.
- 2 (1) This Act applies to notices entered under the Land Registration Act 1925 (c. 21) as it applies to notices entered in pursuance of an application under section 34(2)(a).
- (2) This Act applies to restrictions and inhibitions entered under the Land Registration Act 1925 as it applies to restrictions entered under this Act.
- (3) Notwithstanding their repeal by this Act, sections 55 and 56 of the Land Registration Act 1925 shall continue to have effect so far as relating to cautions against dealings lodged under that Act.
- (4) Rules may make provision about cautions against dealings entered under the Land Registration Act 1925.
- (5) In this paragraph, references to the Land Registration Act 1925 include a reference to any enactment replaced (directly or indirectly) by that Act.

**Modifications etc. (not altering text)**

- C4 Sch. 12 para. 2(3) modified (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [art. 17](#); S.I. 2003/1725, [art. 2\(1\)](#)

- 3 An entry in the register which, immediately before the repeal of section 144(1) (xi) of the Land Registration Act 1925, operated by virtue of rule 239 of the Land Registration Rules (S.I. 1925/1093) as a caution under section 54 of that Act shall continue to operate as such a caution.

*Existing cautions against first registration*

- 4 Notwithstanding the repeal of section 56(3) of the Land Registration Act 1925, that provision shall continue to have effect in relation to cautions against first registration lodged under that Act, or any enactment replaced (directly or indirectly) by that Act.

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### *Pending applications*

- 5 Notwithstanding the repeal of the Land Registration Act 1925, that Act shall continue to have effect in relation to an application for the entry in the register of a notice, restriction, inhibition or caution against dealings which is pending immediately before the repeal of the provision under which the application is made.

#### **Modifications etc. (not altering text)**

- C5** Sch. 12 para. 5 excluded (13.10.2003) by The Land Registration Act 2002 (Transitional Provisions) Order 2003 (S.I. 2003/1953), arts. {7(2)}, {24(1)}; S.I. 2003/1725, art. 2(1)

- 6 Notwithstanding the repeal of section 53 of the Land Registration Act 1925, subsections (1) and (2) of that section shall continue to have effect in relation to an application to lodge a caution against first registration which is pending immediately before the repeal of those provisions.

### *Former overriding interests*

- 7 For the period of three years beginning with the day on which Schedule 1 comes into force, it has effect with the insertion after paragraph 14 of—

“15 A right acquired under the Limitation Act 1980 before the coming into force of this Schedule.”

- 8 Schedule 3 has effect with the insertion after paragraph 2 of—

“2A (1) An interest which, immediately before the coming into force of this Schedule, was an overriding interest under section 70(1)(g) of the Land Registration Act 1925 by virtue of a person’s receipt of rents and profits, except for an interest of a person of whom inquiry was made before the disposition and who failed to disclose the right when he could reasonably have been expected to do so.

(2) Sub-paragraph (1) does not apply to an interest if at any time since the coming into force of this Schedule it has been an interest which, had the Land Registration Act 1925 (c. 21) continued in force, would not have been an overriding interest under section 70(1)(g) of that Act by virtue of a person’s receipt of rents and profits.”

- 9 (1) This paragraph applies to an easement or profit a prendre which was an overriding interest in relation to a registered estate immediately before the coming into force of Schedule 3, but which would not fall within paragraph 3 of that Schedule if created after the coming into force of that Schedule.

- (2) In relation to an interest to which this paragraph applies, Schedule 3 has effect as if the interest were not excluded from paragraph 3.

- 10 For the period of three years beginning with the day on which Schedule 3 comes into force, paragraph 3 of the Schedule has effect with the omission of the exception.

- 11 For the period of three years beginning with the day on which Schedule 3 comes into force, it has effect with the insertion after paragraph 14 of—

“15 A right under paragraph 18(1) of Schedule 12.”

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- 12 Paragraph 1 of each of Schedules 1 and 3 shall be taken to include an interest which immediately before the coming into force of the Schedule was an overriding interest under section 70(1)(k) of the Land Registration Act 1925.
- 13 Paragraph 6 of each of Schedules 1 and 3 shall be taken to include an interest which immediately before the coming into force of the Schedule was an overriding interest under section 70(1)(i) of the Land Registration Act 1925 and whose status as such was preserved by section 19(3) of the Local Land Charges Act 1975 (c. 76) (transitional provision in relation to change in definition of “local land charge”).

#### *Cautions against first registration*

- 14 (1) For the period of two years beginning with the day on which section 15 comes into force, it has effect with the following omissions—
- (a) in subsection (1), the words “Subject to subsection (3),” , and
  - (b) subsection (3).
- (2) Any caution lodged by virtue of sub-paragraph (1) which is in force immediately before the end of the period mentioned in that sub-paragraph shall cease to have effect at the end of that period, except in relation to applications for registration made before the end of that period.
- (3) This paragraph does not apply to section 15 as applied by section 81.
- 15 (1) As applied by section 81, section 15 has effect for the period of ten years beginning with the day on which it comes into force, or such longer period as rules may provide, with the omission of subsection (3)(a)(i).
- (2) Any caution lodged by virtue of sub-paragraph (1) which is in force immediately before the end of the period mentioned in that sub-paragraph shall cease to have effect at the end of that period, except in relation to applications for registration made before the end of that period.
- 16 This Act shall apply as if the definition of “caution against first registration” in section 132 included cautions lodged under section 53 of the Land Registration Act 1925 (c. 21).

#### *Applications under section 34 or 43 by cautioners*

- 17 Where a caution under section 54 of the Land Registration Act 1925 is lodged in respect of a person’s estate, right, interest or claim, he may only make an application under section 34 or 43 above in respect of that estate, right, interest or claim if he also applies to the registrar for the withdrawal of the caution.

#### *Adverse possession*

- 18 (1) Where a registered estate in land is held in trust for a person by virtue of section 75(1) of the Land Registration Act 1925 immediately before the coming into force of section 97, he is entitled to be registered as the proprietor of the estate.
- (2) A person has a defence to any action for the possession of land (in addition to any other defence he may have) if he is entitled under this paragraph to be registered as the proprietor of an estate in the land.
- (3) Where in an action for possession of land a court determines that a person is entitled to a defence under this paragraph, the court must order the registrar to register him

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as the proprietor of the estate in relation to which he is entitled under this paragraph to be registered.

- (4) Entitlement under this paragraph shall be disregarded for the purposes of section 131(1).
- (5) Rules may make transitional provision for cases where a rentcharge is held in trust under section 75(1) of the Land Registration Act 1925 immediately before the coming into force of section 97.

### *Indemnities*

- 19 (1) Schedule 8 applies in relation to claims made before the commencement of that Schedule which have not been settled by agreement or finally determined by that time (as well as to claims for indemnity made after the commencement of that Schedule).
- (2) But paragraph 3(1) of that Schedule does not apply in relation to costs and expenses incurred in respect of proceedings, negotiations or other matters begun before 27 April 1997.

### *Implied indemnity covenants on transfers of pre-1996 leases*

- 20 (1) On a disposition of a registered leasehold estate by way of transfer, the following covenants are implied in the instrument effecting the disposition, unless the contrary intention is expressed—
  - (a) in the case of a transfer of the whole of the land comprised in the registered lease, the covenant in sub-paragraph (2), and
  - (b) in the case of a transfer of part of the land comprised in the lease—
    - (i) the covenant in sub-paragraph (3), and
    - (ii) where the transferor continues to hold land under the lease, the covenant in sub-paragraph (4).
- (2) The transferee covenants with the transferor that during the residue of the term granted by the registered lease the transferee and the persons deriving title under him will—
  - (a) pay the rent reserved by the lease,
  - (b) comply with the covenants and conditions contained in the lease, and
  - (c) keep the transferor and the persons deriving title under him indemnified against all actions, expenses and claims on account of any failure to comply with paragraphs (a) and (b).
- (3) The transferee covenants with the transferor that during the residue of the term granted by the registered lease the transferee and the persons deriving title under him will—
  - (a) where the rent reserved by the lease is apportioned, pay the rent apportioned to the part transferred,
  - (b) comply with the covenants and conditions contained in the lease so far as affecting the part transferred, and
  - (c) keep the transferor and the persons deriving title under him indemnified against all actions, expenses and claims on account of any failure to comply with paragraphs (a) and (b).

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- (4) The transferor covenants with the transferee that during the residue of the term granted by the registered lease the transferor and the persons deriving title under him will—
- (a) where the rent reserved by the lease is apportioned, pay the rent apportioned to the part retained,
  - (b) comply with the covenants and conditions contained in the lease so far as affecting the part retained, and
  - (c) keep the transferee and the persons deriving title under him indemnified against all actions, expenses and claims on account of any failure to comply with paragraphs (a) and (b).
- (5) This paragraph does not apply to a lease which is a new tenancy for the purposes of section 1 of the Landlord and Tenant (Covenants) Act 1995 (c. 30).

## SCHEDULE 13

Section 135

### REPEALS

#### Extent Information

**E1** Repeals in this Sch. have the same extent as the enactments repealed except as mentioned in s. 136(4)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Land Registry Act 1862 (c. 53).	The whole Act.
Settled Land Act 1925 (c. 18).	Section 119(3).
Law of Property Act 1925 (c. 20).	In section 84(8), the words from “, but” to the end. In section 205(1)(xxii), the words from “, and” to the end.
Land Registration Act 1925 (c. 21).	The whole Act.
Law of Property (Amendment) Act 1926 (c. 11).	Section 5.
Land Registration Act 1936 (c. 26).	The whole Act.
Requisitioned Land and War Works Act 1945 (c. 43).	Section 37(3).
Mental Health Act 1959 (c. 72).	In Schedule 7, the entry relating to the Land Registration Act 1925.
Charities Act 1960 (c. 58).	In Schedule 6, the entry relating to the Land Registration Act 1925.
Civil Evidence Act 1968 (c. 64).	In the Schedule, the entry relating to the Land Registration Act 1925.
Post Office Act 1969 (c. 48).	In Schedule 4, paragraph 27.
Law of Property Act 1969 (c. 59).	Section 28(7).

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Land Registration and Land Charges Act 1971 (c. 54).	The whole Act.
Superannuation Act 1972 (c. 11).	In Schedule 6, paragraph 16.
Local Government Act 1972 (c. 70).	In Schedule 29, paragraph 26.
Solicitors Act 1974 (c. 47).	Section 75(b).
Finance Act 1975 (c. 7).	In Schedule 12, paragraph 5.
Local Land Charges Act 1975 (c. 76).	Section 19(3). In Schedule 1, the entry relating to the Land Registration Act 1925.
Endowments and Glebe Measure 1976 (No. 4).	In Schedule 5, paragraph 1.
Administration of Justice Act 1977 (c. 38).	Sections 24 and 26.
Charging Orders Act 1979 (c. 53).	Section 3(3). Section 7(4).
Limitation Act 1980 (c. 58).	In section 17, paragraph (b) and the preceding “and”.
Highways Act 1980 (c. 66).	Section 251(5).
Matrimonial Homes and Property Act 1981 (c. 24).	Section 4.
Administration of Justice Act 1982 (c. 53).	Sections 66 and 67 and Schedule 5.
Mental Health Act 1983 (c. 20).	In Schedule 4, paragraph 6.
Capital Transfer Tax Act 1984 (c. 51).	In Schedule 8, paragraph 1.
Administration of Justice Act 1985 (c. 61).	In section 34, in subsection (1), paragraph (b) and the preceding “and” and, in subsection (2), paragraph (b). In Schedule 2, paragraph 37(b).
Insolvency Act 1985 (c. 65).	In Schedule 8, paragraph 5.
Housing Act 1985 (c. 68).	Section 36(3). Section 154(1), (6) and (7). Section 156(3). Section 168(5). In Schedule 9A, paragraphs 2(1), 3 and 5(3).
Land Registration Act 1986 (c. 26).	Sections 1 to 4.
Insolvency Act 1986 (c. 45).	In Schedule 14, the entry relating to the Land Registration Act 1925.
Building Societies Act 1986 (c. 53).	In Schedule 2A, in paragraph 1, sub-paragraph (4) and, in sub-paragraph (5), the definition of “registered land” and the preceding “and”. In Schedule 18, paragraph 2. In Schedule 21, paragraph 9(b).
Patronage (Benefices) Measure 1986 (No. 3).	Section 6.

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Landlord and Tenant Act 1987 (c. 31).	Section 28(6). In Schedule 4, paragraphs 1 and 2.
Diplomatic and Consular Premises Act 1987 (c. 46).	In Schedule 1, in paragraph 1, the words from “and expressions” to the end.
Land Registration Act 1988 (c. 3).	The whole Act.
Criminal Justice Act 1988 (c. 33).	Section 77(13). In Schedule 15, paragraphs 6 and 7.
Housing Act 1988 (c. 50).	In Schedule 11, paragraph 2(3).
Finance Act 1989 (c. 26).	Sections 178(2)(e) and 179(1)(a)(iv).
Courts and Legal Services Act 1990 (c. 41).	In Schedule 10, paragraph 3. In Schedule 17, paragraph 2.
Access to Neighbouring Land Act 1992 (c. 23).	Section 5(2) and (3).
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).	Section 97(3). In Schedule 21, paragraph 1.
Coal Industry Act 1994 (c. 21).	In Schedule 9, paragraph 1.
Law of Property (Miscellaneous Provisions) Act 1994 (c. 36).	In Schedule 1, paragraph 2.
Drug Trafficking Act 1994 (c. 37).	Section 26(13). In Schedule 1, paragraph 1.
Family Law Act 1996 (c. 27).	Section 31(11). In Schedule 8, paragraph 45.
Trusts of Land and Appointment of Trustees Act 1996 (c. 47).	In Schedule 3, paragraph 5.
Housing Act 1996 (c. 52).	Section 11(4).
Housing Grants, Construction and Regeneration Act 1996 (c. 53).	Section 138(3).
Land Registration Act 1997 (c. 2).	Sections 1 to 3 and 5(4) and (5). In Schedule 1, paragraphs 1 to 6.
Greater London Authority Act 1999 (c. 29).	Section 219.
Terrorism Act 2000 (c. 11).	In Schedule 4, paragraph 8(2) and (3).
Trustee Act 2000 (c. 29).	In Schedule 2, paragraph 26.
International Criminal Court Act 2001 (c. 17).	In Schedule 6, paragraph 7(2).

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