



Land Registration Act 1925

1925 CHAPTER 21

PART II

REGISTRATION OF LAND.

Freehold Land.

4 Application for registration of freehold land.

Where the title to be registered is a title to a freehold estate in land—

- (a) any estate owner holding an estate in fee simple (including a tenant for life, statutory owner, personal representative, or trustee for sale) whether subject or not to incumbrances; or
- (b) any other person (not being a mortgagee where there is a subsisting right of redemption or a person who has merely contracted to buy land) who is entitled to require a legal estate in fee simple whether subject or not to incumbrances, to be vested in him ;

may apply to the registrar to be registered in respect of such estate, or, in the case of a person not in a fiduciary position, to have registered in his stead any nominee, as proprietor with an absolute title or with a possessory title :

Provided that—

- (i) Where an absolute title is required the applicant or his nominee shall not be registered as proprietor until and unless the title is approved by the registrar;
- (ii) Where a possessory title is required the applicant or his nominee may be registered as proprietor on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed;
- (iii) If, on an application for registration with possessory title, the registrar is satisfied as to the title to the freehold estate, he may register it as absolute, whether the applicant consents to such registration or not, but in that case no higher fee shall be charged than would have been charged for registration with possessory title.

Status: This is the original version (as it was originally enacted).

5 Effect of first registration with absolute title.

Where the registered land is a freehold estate, the registration of any person as first proprietor thereof with an absolute title shall vest in the person so registered an estate in fee simple in possession in the land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject to the following rights and interests, that is to say,—

- (a) Subject to the incumbrances, and other entries, if any, appearing on the register ; and
- (b) Unless the contrary is expressed on the register, subject to such overriding interests, if any, as affect the registered land; and
- (c) Where the first proprietor is not entitled for his own benefit to the registered land subject, as between himself and the persons entitled to minor interests, to any minor interests of such persons of which he has notice,

but free from all other estates and interests whatsoever, including estates and interests of His Majesty

6 Effect of first registration with possessory title.

Where the registered land is a freehold estate, the registration of any person as first proprietor thereof with a possessory title only shall not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the title of the first proprietor, and subsisting or capable of arising at the time of registration of that proprietor; but save as aforesaid, shall have the same effect as registration of a person with an absolute title.

7 Qualified title.

- (1) Where an absolute title is required, and on the examination of the title it appears to the registrar that the title can be established only for a limited period, or only subject to certain reservations, the registrar may, on the application of the party applying to be registered, by an entry made in the register, except from the effect of registration any estate, right, or interest—

- (a) arising before a specified date, or
- (b) arising under a specified instrument or otherwise particularly described in the register,

and a title registered subject to such excepted estate, right, or interest shall be called a qualified title.

- (2) Where the registered land is a freehold estate, the registration of a person as first proprietor thereof with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted.

Leasehold Land.

8 Application for registration of leasehold land.

- (1) Where the title to be registered is a title to a leasehold interest in land—

- (a) any estate owner (including a tenant for life, statutory owner, personal representative, or trustee for sale, but not including a mortgagee where there is a subsisting right of redemption), holding under a lease for a term of years absolute of which more than twenty-one are unexpired, whether subject or not to incumbrances, or
- (b) any other person (not being a mortgagee as aforesaid and not being a person who has merely contracted to buy the leasehold interest) who is entitled to require a legal leasehold estate held under such a lease as aforesaid (whether subject or not to incumbrances) to be vested in him,

may apply to the registrar to be registered in respect of such estate, or in the case of a person not being in a fiduciary position to have registered in his stead any nominee, as proprietor with an absolute title, with a good leasehold title or with a possessory title:

Provided that—

- (i) Where an absolute title is required, the applicant or his nominee shall not be registered as proprietor until and unless the title both to the leasehold and to the freehold, and to any intermediate leasehold that may exist, is approved by the registrar;
 - (ii) Where a good leasehold title is required, the applicant or his nominee shall not be registered as proprietor until and unless the title to the leasehold interest is approved by the registrar;
 - (iii) Where a possessory title is required, the applicant or his nominee may be registered as proprietor on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed;
 - (iv) If on an application for registration with a possessory title the registrar is satisfied as to the title to the leasehold interest, he may register it as good leasehold, whether the applicant consents to such registration or not, but in that case no higher fee shall be charged than would have been charged for registration with possessory title.
- (2) Leasehold land held under a lease containing an absolute prohibition against all dealings therewith inter vivos shall not be registered in pursuance of this Act; and leasehold land held under a lease containing a restriction on any such dealings, shall not be registered under this Act unless and until provision is made in the prescribed manner for preventing any dealing therewith in contravention of the restriction by an entry on the register to that effect, or otherwise.
- (3) Where on an application to register a mortgage term, wherein no right of redemption is subsisting, it appears that the applicant is entitled in equity to the superior term, if any, out of which it was created, the registrar shall register him as proprietor of the superior term without any entry to the effect that the legal interest in that term is outstanding, and on such registration the superior term shall vest in the proprietor and the mortgage term shall merge therein:

Provided that this subsection shall not apply where the mortgage term does not comprise the whole of the land included in the superior term, unless in that case the rent, if any, payable in respect of the superior term has been apportioned, or the rent is of no money value or no rent is reserved, and unless the covenants, if any, entered into for the benefit of the reversion have been apportioned (either expressly or by implication) as respects the land comprised in the mortgage term.

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9 Effect of first registration with absolute title.

Where the registered land is a leasehold interest, the registration under this Act of any person as first proprietor thereof with an absolute title shall be deemed to vest in such person the possession of the leasehold interest described, with all implied or expressed rights, privileges, and appurtenances attached to such interest, subject to the following obligations, rights, and interests, that is to say,—

- (a) Subject to all implied and express covenants, obligations, and liabilities incident to the registered land; and
- (b) Subject to the incumbrances and other entries (if any) appearing on the register; and
- (c) Unless the contrary is expressed on the register, subject to such overriding interests, if any, as affect the registered land; and
- (d) Where such first proprietor is not entitled for his own benefit to the registered land subject, as between himself and the persons entitled to minor interests, to any minor interests of such persons of which he has notice;

but free from all other estates and interests whatsoever, including estates and interests of His Majesty.

10 Effect of first registration with good leasehold title.

Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a good leasehold title shall not affect or prejudice the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease, but, save as aforesaid, shall have the same effect as registration with an absolute title.

11 Effect of first registration with possessory title.

Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a possessory title shall not affect or prejudice the enforcement of any estate, right, or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of such first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall have the same effect as registration with an absolute title.

12 Qualified title.

- (1) Where on examination it appears to the registrar that the title, either of the lessor to the reversion or of the lessee to the leasehold interest, can be established only for a limited period, or subject to certain reservations, the registrar may, upon the request in writing of the person applying to be registered, by an entry made in the register, except from the effect of registration any estate, right or interest—
 - (a) arising before a specified date, or
 - (b) arising under a specified instrument, or otherwise particularly described in the register,and a title registered subject to any such exception shall be called a qualified title.
- (2) Where the registered land is a leasehold interest, the registration of a person as first proprietor thereof with a qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted, but, save as

aforesaid, shall have the same effect as registration with a good leasehold title or an absolute title, as the ease may be.

Preliminaries to Registration.

13 Regulations as to examination of title by registrar.

The examination by the registrar of any title under this Act shall be conducted in the prescribed manner:

Provided that—

- (a) Due notice shall be given, where the giving of such notice is prescribed, and sufficient opportunity shall be afforded to any persons desirous of objecting to come in and state their objections to the registrar; and
- (b) The registrar shall have jurisdiction to hear and determine any such objections, subject to an appeal to the court in the prescribed manner and on the prescribed conditions; and
- (c) If the registrar, upon the examination of any title, is of opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the court, upon a statement signed by the registrar, for its sanction to the registration.

14 Evidence required before registration.

- (1) Before the completion of the registration of any estate in land in respect of which an examination of title is required, the applicant for registration and his solicitor, shall each, if required by the registrar, make an affidavit or declaration that to the best of his knowledge and belief all deeds, wills, and instruments of title, and all charges and incumbrances affecting the title which is the subject of the application, and all facts material to such title, have been disclosed in the course of the investigation of title made by the registrar.
- (2) The registrar may require any person making an affidavit or declaration in pursuance of this section to state in his affidavit or declaration what means he has had of becoming acquainted with the several matters referred to in this section; and if the registrar is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration until such further or other evidence is produced.
- (3) Before the registration of any person who has not previously acquired the estate intended to be registered, the registrar shall be satisfied that all ad valorem stamp duty, if any, which, if the estate had been acquired by him, would have been payable in respect of the instrument vesting that estate in him, has been discharged.

15 Production of deeds.

- (1) When an application has been made to the registrar for the registration of any title to land, then if any person has in his possession or custody any deeds, instruments, or evidences of title relating to or affecting such title, to the production of which the applicant or any trustee for him is entitled, the registrar may require such person to show cause, within a time limited, why he should not produce such deeds, instruments,

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or evidences of title to the registrar, or otherwise, as the registrar may deem fit; and, unless cause is shown to the satisfaction of the registrar within the time limited, such deeds, instruments, and evidences of title may be ordered by the registrar to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms, as the registrar thinks fit.

- (2) Any person aggrieved by an order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar with or without modification.
- (3) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

16 Deeds to be marked with notice of registration.

A person shall not be registered as proprietor until, if required by the registrar, he has produced to him such documents of title, if any, as will, in the opinion of the registrar, when stamped or otherwise marked, give notice to any purchaser or other person dealing with the land of the fact of the registration, and the registrar shall stamp or otherwise mark the same accordingly, unless the registrar is satisfied that without such stamping or marking the fact of such registration cannot be concealed from a purchaser or other person dealing with the land:

Provided that, in the case of registration with a possessory title, the registrar may act on such reasonable evidence as may be prescribed as to the sufficiency of the documents produced, and as to dispensing with their production in special circumstances.

17 Costs of application for registration.

- (1) All costs, charges, and expenses that are incurred by any parties in or about any proceedings for registration shall, unless the parties otherwise agree, be taxed by the taxing officer of the court as between solicitor and client, but the persons by whom and the proportions in which such costs, charges, and expenses are to be paid shall be in the discretion of the registrar, and shall be determined according to orders of the registrar, regard being had to the following provision, namely, that any applicant under this Act is liable *prima facie* to pay all costs, charges, and expenses incurred by or in consequence of his application, except—
 - (a) in a case where parties object whose rights are sufficiently secured without their appearance; and
 - (b) where any costs, charges, or expenses are incurred unnecessarily or improperly :

Provided that any party aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar, with or without modification.

- (2) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.