



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART IV

#### NOTICES, CAUTIONS, INHIBITIONS AND RESTRICTIONS.

##### *Notices.*

#### **48 Registration of notice of lease.**

- (1) Any lessee or other person entitled to or interested in a lease of registered land, where the term granted is not an overriding interest, may apply to the registrar to register notice of such lease in the prescribed manner, and when so registered, every proprietor and the persons deriving title under him shall be deemed to be affected with notice of such lease, as being an incumbrance on the registered land in respect of which the notice is entered:

Provided that a proprietor of a charge or incumbrance registered or protected on the register prior to the registration of such notice shall not be deemed to be so affected by the notice unless such proprietor is, by reason of the lease having been made under a statutory or other power or by reason of his concurrence or otherwise, bound by the terms of the lease.

- (2) In order to register notice of a lease, if the proprietor of the registered land affected does not concur in the registration thereof, the applicant shall obtain an order of the court authorising the registration of notice of the lease, and shall deliver the order to the registrar, accompanied with the original lease or a copy thereof, and thereupon the registrar shall make a note in the register identifying the lease or copy so deposited, and the lease or copy so deposited shall be deemed to be the instrument of which notice is given; but if the proprietor concurs in the notice being registered, notice may be entered in such manner as may be agreed upon :

Provided that, where the lease is binding on the proprietor of the land, neither the concurrence of such proprietor nor an order of the court shall be required.

#### **49 Rules to provide for notices of other rights, interests and claims.**

- (1) The provisions of the last foregoing section shall be extended by the rules so as to apply to the registration of notices of or of claims in respect of—
- (a) The grant or reservation of any annuity or rentcharge in possession, either perpetual or for a term of years absolute :
  - (b) The severance of any mines or minerals from the surface, except where the mines and minerals severed are expressly included in the registration:
  - (c) Land charges until the land charge is registered as a registered charge :
  - (d) The right of any person interested in the proceeds of sale of land held on trust for sale or in land subject to a settlement to require that (unless a trust corporation is acting as trustee) there shall be at least two trustees of the disposition on trust for sale or of the settlement:
  - (e) The rights of any widow in respect of dower or under the Intestates' Estates Act, 1890, and any right to free bench or other like right saved by any statute coming into force concurrently with this Act (which rights shall take effect in equity as minor interests):
  - (f) Creditors' notices and any other right, interest, or claim which it may be deemed expedient to protect by notice instead of by caution, inhibition, or restriction.

- (2) A notice shall not be registered in respect of any estate, right, or interest which (independently of this Act) is capable of being overridden by the proprietor under a trust for sale or the powers of the Settled Land Act, 1925, or any other statute, or of a settlement, and of being protected by a restriction in the prescribed manner:

Provided that notice of such an estate right or interest may be lodged pending the appointment of trustees of a disposition on trust for sale or a settlement, and if so lodged, shall be cancelled if and when the appointment is made and the proper restriction (if any) is entered.

- (3) A notice when registered in respect of a right, interest, or claim shall not affect prejudicially—
- (a) The powers of disposition of the personal representative of the deceased under whose will or by the operation of whose intestacy the right, interest, or claim arose; or
  - (b) The powers of disposition (independently of this Act) of a proprietor holding the registered land on trust for sale.

#### **50 Notices of restrictive covenants.**

- (1) Any person entitled to the benefit of a restrictive covenant or agreement (not being a covenant or agreement made between a lessor and lessee) with respect to the building on or other user of registered land may apply to the registrar to enter notice thereof on the register, and where practicable the notice shall be by reference to the instrument, if any, which contains the covenant or agreement, and a copy or abstract of such instrument shall be filed at the registry; and where any such covenant or agreement appears to exist at the time of first registration, notice thereof shall be entered on the register. In the case of registered land the notice aforesaid shall take the place of registration as a land charge.
- (2) When such a notice is entered the proprietor of the land and the persons deriving title under him (except incumbrancers or other persons who at the time when the notice

is entered may not be bound by the covenant or agreement) shall be deemed to be affected with notice of the covenant or agreement as being an incumbrance on the land.

- (3) Where the covenant or agreement is discharged or modified by an order under the Law of Property Act, 1925, or otherwise, or the court refuses to grant an injunction for enforcing the same, the entry shall either be cancelled or reference made to the order or other instrument and a copy of the order, judgment, or instrument shall be filed at the registry.
- (4) The notice shall, when practicable, refer to the land, whether registered or not, for the benefit of which the restriction was made.

## **51 Notice of manorial incidents.**

Where land is affected by manorial incidents, the registrar may enter a note of that fact on the register, and may cancel such note when extinguishment of the manorial incidents has been proved to his satisfaction.

## **52 Effect of notices.**

- (1) A disposition by the proprietor shall take effect subject to all estates, rights, and claims which are protected by way of notice on the register at the date of the registration or entry of notice of the disposition, but only if and so far as such estates, rights, and claims may be valid and are not (independently of this Act) overridden by the disposition.
- (2) Where notice of a claim is entered on the register, such entry shall operate by way of notice only, and shall not operate to render the claim valid whether made adversely to or for the benefit of the registered land or charge.