



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART VI

#### GENERAL PROVISIONS AS TO REGISTRATION AND THE EFFECT THEREOF.

#### **70 Liability of registered land to overriding interests.**

- (1) All registered land shall, unless under the provisions of this Act the contrary is expressed on the register, be deemed to be subject to such of the following overriding interests as may be for the time being subsisting in reference thereto, and such interests shall not be treated as incumbrances within the meaning of this Act, (that is to say):—
- (a) Rights of common, drainage rights, customary rights (until extinguished), public rights, profits a prendre, rights of sheepwalk, rights of way, watercourses, rights of water, and other easements not being equitable easements required to be protected by notice on the register;
  - (b) Liability to repair highways by reason of tenure, quit-rents, crown rents, heriots, and other rents and charges (until extinguished) having their origin in tenure;
  - (c) Liability to repair the chancel of any church;
  - (d) Liability in respect of embankments, and sea and river walls;
  - (e) Land tax, tithe rentcharge, payments in lieu of tithe, and charges or annuities payable for the redemption of tithe rentcharges;
  - (f) Subject to the provisions of this Act, rights acquired or in course of being acquired under the Limitation Acts;
  - (g) The rights of every person in actual occupation of the land or in receipt of the rents and profits thereof, save where enquiry is made of such person and the rights are not disclosed;
  - (h) In the case of a possessory, qualified, or good leasehold title, all estates, rights, interests, and powers excepted from the effect of registration;
  - (i) Rights under local land charges unless and until registered or protected on the register in the prescribed manner;

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*Status: This is the original version (as it was originally enacted).*

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- (j) Rights of fishing and sporting, seignorial and manorial rights of all descriptions (until extinguished), and franchises;
- (k) Leases for any term or interest not exceeding twenty-one years, granted at a rent without taking a fine;
- (l) In respect of land registered before the commencement of this Act, rights to mines and minerals, and rights of entry, search, and user, and other rights and reservations incidental to or required for the purpose of giving full effect to the enjoyment of rights to mines and minerals or of property in mines or minerals, being rights which, where the title was first registered before the first day of January, eighteen hundred and ninety-eight, were created before that date, and where the title was first registered after the thirty-first day of December, eighteen hundred and ninety-seven, were created before the date of first registration:

Provided that, where it is proved to the satisfaction of the registrar that any land registered or about to be registered is exempt from land tax, or tithe rentcharge or payments in lieu of tithe, or from charges or annuities payable for the redemption of tithe rentcharge, the registrar may notify the fact on the register in the prescribed manner.

- (2) Where at the time of first registration any easement, right, privilege, or benefit created by an instrument and appearing on the title adversely affects the land, the registrar shall enter a note thereof on the register.
- (3) Where the existence of any overriding interest mentioned in this section is proved to the satisfaction of the registrar or admitted, he may (subject to any prescribed exceptions) enter notice of the same or of a claim thereto on the register, but no claim to an easement, right, or privilege not created by an instrument shall be noted against the title to the servient land if the proprietor of such land (after the prescribed notice is given to him) shows sufficient cause to the contrary.