



Land Registry Act 1862

CHAPTER 53

LAND REGISTRY ACT 1862

- 1 Extent of Act.

PART I

AS TO THE REGISTRATION OF REAL ESTATES, AND THE TITLE THERETO

- 2 Registry to be established.
- 3 Limits of Registry.
- 4 By whom Applications for Registration to be made.

Proceedings to obtain Registration of a Title as indefeasible

- 5 Examination of Title with Guarantee.
- 6 Reference of Questions of Title.
- 7 Particulars to be furnished to Registrar.
- 8 May be verified On Oath.
- 9 Claim to Mines and Minerals.
- 10 Identity of Lands to be established.
- 11 Notice of Intention to register.
- 12 Contents of Notice.
- 13 Cause may be shown against Registration.
- 14 Completion of Registration.
- 15 Books may be inspected.

As to the Record of Title

- 16 As to Exception, &c. in Record of Title.
- 17 Any Question as to true Construction of any Deed, &c. to be referred by Registrar to a Judge of Court of Chancery.

Status: This is the original version (as it was originally enacted).

- 18 Registrar may refer in Record of Title to Deed, &c. for Estates of Parties.
- 19 Persons entitled to Principal Money, &c. not to be entered in Record of Title unless Registrar thinks fit.

When an indefeasible Title shall arise

- 20 Persons described in Record of Title to be deemed as possessed of such Estates, &c.
- 21 Informality not to prejudice Entry in Record of Title.
- 22 Before Registration Applicant and Solicitor or Agent, &c. to make Oath that all Deeds, &c. have been made known to Registrar.
- 23 Power to Registrar to refuse Registration.
- 24 Power to Registrar to demand Security for Costs.

Proceedings for Registration without an indefeasible Title

- 25 Registration without Guarantee of Title may be made under certain Conditions.

Registration of Leasehold Estates

- 26 Leasehold Estates may be registered in like Manner as Freehold Lands.

General Provisions as to Title

- 27 Charges and Liabilities not to be deemed Incumbrances.
- 28 Land may be registered as Oue Estate.
- 29 Registered Land made subject to certain Conditions, &c.
- 30 Notice of Registration of Land to be given by Registrar to interested Person.
- 31 Judicial Declaration of Title.
- 32 Every Estate, &c. to be entered in Record of Title after Registration of Land.
- 33 Estates of registered Proprietors subject to existing Law.
- 34 Power to Registered Proprietor, with Consent of Persons interested, to close Register.

Caveat against Entry of Land on Register

- 35 Caveats may be lodged with Registrar, to the Effect that Cautioner is entitled to Notice.
- 36 Caveat to be supported by Affidavit.
- 37 How Notice to be served.
- 38 After Caveat, no Registration to be made of Lands till Ten Days after Notice.
- 39 Compensation if Caveat lodged without reasonable Cause.
- 40 Caveat not Title of any Person.

PART II

SIMPLIFICATION OF TITLE BY JUDICIAL SALES

Sales by Court of Chancery

- 41 Sales of Land may be made by the Court, on Application by Owner.
- 42 Application to be served on Parties.

- 43 Court shall provide for Examination of Title, &c. before making Order for Sale.
- 44 Applicant to give Security for Costs.
- 45 Purchase Money to be paid into the Bank as Court may direct.
- 46 Such Payment to exonerate Purchaser from Liability.
- 47 Vesting Order to be stamped.
- 48 Applicant for Sale and his Solicitor may be examined concerning Title before Vesting Order made.
- 49 Where Sales are made under 20 Vict. c. 120. the Court may make Order as under this Act.
- 50 Vesting Order to confer on Person in whom Land is vested an Estate in Fee Simple, with all Rights, Privileges, &c.
- 51 Court may make a qualified Vesting Order, where Title is shown for a limited Period only.
- 52 Effect of qualified Vesting Order.
- 53 Court of Chancery may require Production of Deeds, &c.
- 54 Distribution of Monies paid into Bank.
- 55 As to Disposal of Money not immediately distributable.
- 56 As to Disposal of Deeds after Vesting Order made.
- 57 Vesting Order to direct Entry on Register.
- 58 Registration with a qualified Title not to affect prior Claims.
- 59 Entry of Discharge of Incumbrance.
- 60 Compensation to Persons aggrieved.
- 61 As to Costs and Expenses.
- 62 As to Assignment of Duties.

PART III

AS TO THE TRANSFER OF REGISTERED LAND

- 63 Conveyance, &c. of registered Land.
- 64 Attendance of Parties at Registry Office on Sale, &c. of registered Land.
- 65 Forms of Conveyance in Schedule hereto of registered Land.
- 66 Forms of Conveyance in Schedule as effectual as other Forms.
- 67 Forms may be modified or altered.

As to Land Certificates

- 68 Registrar to deliver Land Certificates.
- 69 Registrar, at Request of Holder, to compare Certificate with Registry.
- 70 Registered Proprietors desirous of selling, &c. may obtain special Land Certificate.
- 71 Certificate to be Evidence.
- 72 Conveyance of Lands by Endorsement.
- 73 Deposit of Certificate.
- 74 Estates, &c. in Land may be created by Will, &c.
- 75 On Conveyance of Estate, &c. on Register, Deed or Copy to be sent to Registrar.
- 76 When Deed received by Registrar, Estate created to be deemed duly registered.
- 77 Notice when to be sent to Registrar.
- 78 Where Estate transmitted to any Person by Descent such Person to be registered.

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- 79 Notice to be given to Heir at Law of Application for Registration of a Will.
- 80 In case of Bankruptcy Assignees to be registered.
- 81 Memorial of Will may be registered instead of Copy thereof.
- 82 Execution to be proved as Registrar may require.
- 83 Memorials of Descents, &c. to be registered, &c.
- 84 Registrar to note Effect of Instruments, &c.
- 85 Official Note, what to contain.
- 86 Printed Copy of Deed, &c. to be delivered to Registrar.
- 87 Registrar in certain Cases may erase Official Note.
- 88 No Dealing with registered Land effectual until Stamp and ad valorem Duties paid.

PART IV

GENERAL PROVISIONS TO FACILITATE REGISTRATION

- 89 Money Charge not ascertained, &c. may be referred to Judge at Chambers.
- 90 Judge may order Money not distributable, &c. to be paid into Court of Chancery.
- 91 Deeds to be stamped.
- 92 Judge may decide Questions of Priority of Incumbrances, &c.

As to Restraint of Conveyance

- 93 Judge may decide Questions of Priority of Incumbrances, &c. As to Restrictions on Conveyance, &c. of Land.
- 94 Registrar to make a Note of such Restrictions.
- 95 Court of Chancery may exercise Powers of 13 & 14 Vict. c. 60.

Caution

- 96 Person interested may lodge Caution with Registrar.
- 97 Caution to be supported by Affidavit.
- 98 Statutory Disposition of Land not to be registered until Notice served on Cautioner.
- 99 Cautioner to give Security against Damage sustained by Delay of Disposition of Property.
- 100 Compensation for lodging Caution without reasonable Cause.

Injunction

- 101 Court of Chancery may issue Order restraining Disposition of Land, &c.
- 102 Court of Chancery may annex Terms, &c. to such Order.
- 103 Jurisdiction of Courts of Equity.
- 104 Acts relating to Registries in Middlesex and York not to apply to Land on Register under this Act.

Penalty on Fraud, &c

- 105 Person making false Statement guilty of Misdemeanor.
- 106 As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor.
- 107 Answers to Bills, Questions, &c. not admissible in Evidence.

OFFICE OF LAND REGISTRY, POWERS OF COURT OF CHANCERY, AND MISCELLANEOUS

- 108 Establishment of Office of Land Registry.
- 109 Appointment of Registrar.
- 110 Appointment of Assistant Registrars and Examiners of Title.
- 111 Salaries of Officers.
- 112 Retiring Pension of Registrar.
- 113 Superannuation of Officers other than Registrar.

GENERAL PROVISIONS

- 114 Crown, &c. Lands.
- 115 Provision as to Applications made by married Women. Examinations may be taken under 3 & 4 W. 4. c.74.
- 116 Provision for other Persons under Disability.
- 117 Registrars, &c. may administer Oaths, &c.
- 118 As to Loss of Land Certificate.
- 119 Granting of new Certificates.
- 120 Lord Chancellor to make Rules and Orders for carrying into effect Purposes of Act.
- 121 As to Assignment of Duties and Appointment of additional Clerks.
- 122 Forms to be printed and promulgated.
- 123 Seal of Land Registry Office.
- 124 Addresses of Proprietors to be registered.
- 125 Registrar may frame General Orders.
- 126 Such Orders to have effect as Act of Parliament.

Fees

- 127 Registrar to determine Amount of Fees.
- 128 Matters to be considered in determining Amount of Fees.
- 129 Collection of Fees.
- 130 Stamp Acts applied to Stamps under this Act.
- 131 Lord Chancellor may fix Scale of Costs.
- 132 Costs of Registration may, in certain Cases, be raised by Mortgage.
- 133 Orders to be laid before Parliament.

Proceedings in Court of Chancery

- 134 Applications to Court of Chancery to be by Summons.
- 135 Extension to Solicitors of Counties Palatine of Durham and Lancaster.

Forms

- 136 Forms.

Inspection of Register

- 137 Inspection of Register.

Fraud

- 138 Fraud a Misdemeanor.
- 139 Punishment.

140 Interpretation of Terms.

SCHEDULE —