



Land Registry Act 1862

1862 CHAPTER 53

Penalty on Fraud, &c

Person making false Statement guilty of Misdemeanor.

105 If in any Proceeding to obtain the Registration of any Land, or any Land Certificate or Certificate of Title, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the Registry, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from any Judge, or the Registrar, or any Person employed by or assisting the Registrar, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Act or Thing done or obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor.

106 No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to Bills, Questions, &c. not admissible in Evidence.

107 Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding. Office of Land Registry, Powers of Court of Chancery, and Miscellaneous

Establishment of Office of Land Registry.

108 An Office, to be called the Office of Land Registry, shall be established, and the Business of such Office shall be conducted by a Registrar, with the Aid of such Number of Assistant Registrars not exceeding Three, Examiners of Title, Clerks,

Messengers, and Servants as the Lord Chancellor may fix with the Consent of the Commissioners of Her Majesty's Treasury.

Appointment of Registrar.

- 109** The Registrar shall be a Serjeant-at-Law or Barrister of Ten Years standing at least: He shall be appointed by Her Majesty by Letters Patent, and shall hold his Office during good Behaviour: Upon any Vacancy occurring in the Office of Registrar, Her Majesty may, by Letters Patent, appoint a Person to fill such Vacancy.

Appointment of Assistant Registrars and Examiners of Title.

- 110** The Assistant Registrars and Examiners of Title shall be appointed by the Lord Chancellor, and may be removed by him for Negligence, Want of Skill, Untrustworthiness, or Inability to perform their Duties; the Clerks shall be also appointed by the Lord Chancellor, and shall hold their Offices during his Pleasure ; and upon any Vacancy occurring in the Office of any Assistant Registrar, Examiner of Title, or Clerk, the Lord Chancellor may appoint another Person in his Place: The Messengers and Servants shall be appointed by the Registrar, and shall hold their Office during the Pleasure of the Registrar; and all such Assistant Registrars, Clerks, Messengers, and Servants shall, in the Execution of their Duties, conform to such Regulations as may be issued by the Registrar.

Salaries of Officers.

- 111** There shall be paid out of Monies to be provided by Parliament,
To the Registrar a Salary of Two thousand five hundred Pounds a Year:
To the Assistant Registrars, Clerks, Messengers, and Servants, such Salary as the Lord Chancellor, with the Consent of the Commissioners of the Treasury, shall determine :
All incidental Expenses of carrying this Act into effect.

Retiring Pension of Registrar.

- 112** Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, grant to any Registrar, after a Service of Twenty Years if he shall have then attained the Age of Sixty Years, or in the event of his being disabled by permanent Infirmary from the Performance of the Duties of his Office, a Pension by way of Annuity not exceeding Two Thirds of his Salary to continue during his Life.

Superannuation of Officers other than Registrar.

- 113** The Lord Chancellor may, with the Consent of the Commissioners of Her Majesty's Treasury, order to be paid to any Officer or Person employed in the Registry Office, other than the Registrar and Examiners of Title, who is disabled by permanent Infirmary from the Performance of the Duties of his Office, or who has attained the Age of Sixty Years, and has served in the Registry Office for Twenty Years, and is desirous of resigning, such Superannuation Allowance as is authorized with respect to Persons in the permanent Civil Service of the State by "The Superannuation Act, 1859." General Provisions

Crown, &c. Lands.

- 114** With respect to Lands vested in Her Majesty, Her Heirs or Successors, either in right of the Crown or of the Duchy of Lancaster or otherwise, or vested in any Public Officer or Body in trust for the Public Service, the Public Officer or Body having the Management thereof, if any, or, if none, then such Person as Her Majesty, Her Heirs or Successors, shall by Writing under Her Sign Manual appoint, may and shall (whether the Land be vested in him or them or not) represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to such Notices, and may make and enter any such Application or Caveat, and do all such other Acts, as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the

Provisions of this Act; and with respect to Lands belonging to the Duchy of Cornwall, such Person as the Duke of Cornwall for the Time being, or as the Personage for the Time being entitled to the Revenues and Possessions of the Duchy of Cornwall, shall in Writing appoint, may and shall act as and represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to receive such Notices, and may make and enter any such Application or Caveat, and do all such other Acts as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and it shall be sufficient that any Oaths, Affidavits, or Declarations required by this Act be taken or made by any such Public Officer, Body, or Person as in this Section mentioned, or by any Person nominated in Writing by any such Public Officer, Body, or Person, and in either Case, without any Solicitor joining in any Affidavit or Declaration ; and it shall not be necessary for any such Public Officer, Body, or Person as in this Section mentioned to enter into any such Bond as in this Act mentioned, nor to give any Security for Costs, nor shall they or any of them be liable in Damages except for any Acts done wrongfully and without reasonable Cause.

Provision as to Applications made by married Women.

- 115** Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or by such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Third and Fourth Years of King William the Fourth, Chapter Seventy-four, " for the " Abolition of Fines and Recoveries, and for the Substitution of

“more simple Modes of Assurance;”and the Form and Manner in which such Examination is to be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: A married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

Provision for other Persons under Disability.

- 116** Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court of Chancery to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian ; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Registrars, &c. may administer Oaths, &c.

- 117** The Registrars and Assistant Registrars are hereby empowered to administer Oaths and take Statutory Declarations in lieu of Oaths in all Proceedings under this Act. As to Loss of Land Certificate.

118 If any Land Certificate is lost or destroyed, the Registrar may, upon being satisfied of the Fact of such Loss or Destruction, grant a new Land Certificate in the Place of the former one, and shall state upon the Face thereof that it is granted in substitution for the former Certificate; but no such new Certificate shall be of any avail against any Person who may have already derived Title under the former Certificate.

Granting of new Certificates.

119 The Registrar may, upon the Delivery up to him of a Land Certificate, grant a new Certificate in the Place of the one delivered up.

Lord Chancellor to make Rules and Orders for carrying into effect Purposes of Act.

120 The Lord Chancellor, with the Advice and Assistance of any Two of the Judges of the Court of Chancery, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times, Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters of this Act, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority ; and all such Rules and Orders shall take effect as General Orders of the Court.

As to Assignment of Duties and Appointment of additional Clerks.

121 The Lord Chancellor may from Time to Time assign the Duties vested in the Court of Chancery in relation to the Matters of this Act to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute such Duties; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

Forms to be printed and promulgated.

122 The Registrar shall, with the Sanction of the Lord Chancellor, frame, and cause to be printed and promulgated, as he sees Occasion, Forms of Applications, and Directions indicating the Particulars of the Information to be furnished when any Application is made to him under this Act, and also Forms of Instruments, and such other Forms and Directions as he may deem requisite or expedient for facilitating Proceedings under this Act.

Seal of Land Registry Office.

123 A Seal shall be prepared for the Land Registry Office; and any Instrument purporting to be sealed with such Seal shall be admissible in Evidence.

Addresses of Proprietors to be registered.

124 A Place of Address shall be given to the Registrar for every Person in England whose Name is entered on the Register of Title as Proprietor of Land, of a Charge, or as Cautioner, or as entitled to receive any Notice, or in any other Character.

Registrar may frame General Orders.

125 The Registrar shall, with the Sanction and under the Direction of the Lord Chancellor, from Time to Time frame General Orders for regulating the Manner of registering Land, the Examination of Titles, the Transfer, Transmission, and Withdrawal of Official Notes and Caveats, the keeping the Registers of Title and Assurances, and generally for the due Execution of the Provisions of this Act, and for giving Effect to the Objects thereof.

Such Orders to have effect as Act of Parliament.

126 Any General Orders so made by the Registrar with such Sanction as aforesaid shall be of the same Force as if enacted by Parliament: They may from Time to Time be rescinded, added to, amended, or altered in like Manner.