



# Land Registry Act 1862

## 1862 CHAPTER 53

### PART I

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

*Caveat against Entry of Land on Register*

**35 Caveats may be lodged with Registrar, to the Effect that Cautioner is entitled to Notice.**

Any Person having or claiming such an Interest in Land as entitles him to object to any Disposition thereof being made without his Consent may lodge a Caveat with the Registrar, to the Effect that the Cautioner is entitled to Notice of any Application that may be made for Registration of such Land, and appointing a Place within *Great Britain* for the Service of such Notice.

**36 Caveat to be supported by Affidavit.**

The Caveat shall be supported by an Affidavit, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

**37 How Notice to be served.**

Notice may be served on the Cautioner either personally or by sending it through the Post to the Address stated in the Caveat.

**38 After Caveat, no Registration to be made of Lands till Ten Days after Notice.**

After a Caveat has been lodged, no Registration shall be made of any Lands to which such Caveat refers until Notice has been served on the Cautioner to appear and oppose such Registration, and Ten Days have expired since the Date of the Service of such Notice, or until the Cautioner has entered an Appearance, which may first happen.

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*Status: This is the original version (as it was originally enacted).*

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**39 Compensation if Caveat lodged without reasonable Cause.**

If any Person wrongfully and without reasonable Cause, lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

**40 Caveat not Title of any Person.**

A Caveat lodged in pursuance of this Act shall not prejudice the Claim or Title of any Person, and shall have no Effect whatever, except to entitle the Cautioner to receive such Notice as is herein-before mentioned of any Application made for Registration of Land.