



Land Registry Act 1862

1862 CHAPTER 53

PART I

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

General Provisions as to Title

27 Charges and Liabilities not to be deemed Incumbrances.

The following Charges and Liabilities shall not be deemed Incumbrances within the Meaning of this Act; namely,

1. Land Tax, Succession Duty, Tithe Rentcharges, Rents payable to the Crown:
2. Public Rights of Way, Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, and Rights of Water, and other Easements or Servitudes, Rights of Common, Manorial Rights and Franchises :
3. Leases or Agreements for Leases not exceeding Twenty-one Years, where there is an actual Occupation under the same:

Nevertheless, where any such Charges or Liabilities appear or are discovered in the Course of Proceeding prior to Registration, the Registrar shall, in such Manner as he shall think fit, notice in the Register the Existence of such Charges or Liabilities.

28 Land may be registered as One Estate.

Land entered on the Register may, at the Option of the Proprietor, be registered as One Estate or as separate Estates; but the Particulars of each Estate, and any Transactions relating thereto, shall, subject to any Regulations to the contrary that may be made by General Order, form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.

29 Registered Land made subject to certain Conditions, &c.

If Land registered or proposed to be registered, or any Part thereof, be subject, or be agreed to be made subject to any Condition, as, for Example, that it shall not be built upon, or used in a particular Manner, or any other legal Condition, Notice thereof shall be entered in the "Record of Title," and any Transfer, Demise, or Charge of such Land shall be subject to such Condition; but it shall be lawful for the Court of Chancery to discharge, alter, or modify any such Condition upon hearing all Parties who may be entitled to claim under or against the same.

30 Notice of Registration of Land to be given by Registrar to interested Person.

So soon as any Land is registered, if there shall appear to be any Charge or Incumbrance affecting such Land or any Part thereof which is entered in the Register of Incumbrances (the Owner of which has not had Notice of the Application), Notice of such Registration shall be immediately given by the Registrar to the Person entitled or interested in such Charge or Incumbrance.

31 Judicial Declaration of Title.

If any judicial Declaration of the Title to any Land shall be made by the Court of Chancery under any Act which may be passed in the present Session for the Purpose of enabling Persons having Interests in Land to obtain a judicial Declaration of their Title to the same, so as to enable them to make an indefeasible Title to Persons claiming under them, as Purchasers for valuable Consideration, the Land as to which any such Declaration may be made may, at the Option of the Person obtaining the same, be entered upon the Register of Estates with an indefeasible Title under this Act when and so soon as the Time allowed for appealing under any such Act as last aforesaid shall have expired, or (if any Appeal shall be prosecuted) when and so soon as any such Declaration shall be affirmed by the last Court of Appeal, or the Appeal withdrawn; and the Title to such Land, as the same shall be declared by the Court, shall in such Case be entered upon the Record of Title to Lands on the Registry under this Act, and such Land shall thenceforth be subject to the Provisions of this Act in the same Manner in all respects as if the Registration thereof had been made by virtue of Proceedings duly taken for the Registration of an indefeasible Title thereto under this Act.

32 Every Estate, &c. to be entered in Record of Title after Registration of Land.

From and after the Registration of any Land, every Estate or Interest, Use, Trust, Mortgage, Charge, Lien, Right, or Title granted, declared, arising, becoming vested or in any Manner created, or coming into existence in, to, upon, out of, or affecting such Land or any Part thereof (except as herein excepted), shall be entered, described, or noticed in the Record of Title or Register of Incumbrances to be so kept as aforesaid.

33 Estates of registered Proprietors subject to existing Law.

Subject to the Enactments herein contained, the Estates and Interests of all registered Proprietors shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

34 Power to Registered Proprietor, with Consent of Persons interested, to close Register.

The registered Proprietor of Land may, with the Consent of all Persons appearing by the Register to be interested in such Land, remove the same from the Register, and thereupon the Register shall as respects such Land be deemed to be closed.