



# Land Registry Act 1862

## 1862 CHAPTER 53

### PART I

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

##### *Proceedings to obtain Registration of a Title as indefeasible*

#### **5 Examination of Title with Guarantee.**

On Application for the Registration of a Title as indefeasible, the Title shall be examined by the Registrar and Examiners of Title herein-after mentioned in such Manner as General Orders shall direct: No Title shall be accepted for Registration as indefeasible unless it shall appear to be such as a Court of Equity would hold to be a valid marketable Title.

#### **6 Reference of Questions of Title.**

Any Question, Doubt, or Dispute as to any Matter of Title-that may arise in the Course of such Investigation may be referred to such Judge of the Court of Chancery as the Lord Chancellor shall appoint to hear Applications under this Act.

#### **7 Particulars to be furnished to Registrar.**

If the Title shall (either absolutely or subject as aforesaid) appear to be good and marketable, the Applicants shall furnish to the Registrar, and he shall examine and settle for the Purposes of Registration:

First, an exact Description of the Lands to be registered :

Secondly, a Statement of the Persons, or Classes or Descriptions of Persons, that are or may become entitled to such Lands, and of the Estates, Powers, and Interests that exist, or may arise or become vested in such Persons respectively:

Thirdly, a Statement of the Mortgages, Charges, and Incumbrances affecting such Lands or any Part thereof, and of the Persons entitled thereto, both at Law and in Equity:

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*Status: This is the original version (as it was originally enacted).*

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Copies of such Description and Statements when settled by the Registrar shall be delivered back to the Applicants: Any Objection to the same or to any Part thereof, if not allowed by the Registrar, shall at the Request of the Applicants, be referred to and decided by the Judge of the Court of Chancery.

**8 May be verified On Oath.**

If required by the Registrar, the Description of the Land furnished by the Applicant shall be verified by his own Oath or the Oaths of Persons having full Means of Information.

**9 Claim to Mines and Minerals.**

It shall be stated in the Description of the Land to be so furnished by the Applicant whether he does or does not claim to be entitled to all or any Part of the Mines and Minerals under such Land, and unless in such Description Mines or Minerals shall be expressly mentioned, they shall be deemed not to be included therein; and if in such Description Mines or Minerals shall be expressly mentioned, it shall be the Duty of the Registrar to have especial Regard thereto in all subsequent Inquiries to be made by him with respect to such Lands, and in the Investigation of the Title thereto, and also in the Service of such Notices as herein-after mentioned.

**10 Identity of Lands to be established.**

The Identity of the Lands with the Parcels or Descriptions contained in the Title Deeds shall be fully established, and the Registrar shall have Power by such Inquiries as he shall think fit to ascertain the Accuracy of the Description and the Quantities and Boundaries of the Lands; and, except in the Case of incorporeal Hereditaments, a Map or Plan shall be made and deposited as Part of the Description.

**11 Notice of Intention to register.**

When such Description has been settled, and the Registrar is satisfied with the Title shown to the Land, and with the Result of the Inquiries made, he shall require such Notices as General Orders shall direct to be given by public Advertisement of his Intention to register such Land with an indefeasible Title, at the Expiration of a Period not less than Three Months from the Date of such Advertisement.

**12 Contents of Notice.**

Such Notice shall contain a Copy of the Description of the Land as proposed to be registered and the Names and Descriptions of the Applicants for Registration: A Copy of such Notice shall be served on every adjoining Occupier, and the Person (if any) to whom such Occupier pays Rent, and on the Lord of the Manor in any Case in which the Lands are situate within or held of any Manor, and also on every Person not having already had Notice of the Application, who shall appear to have or claim any Estate or Interest in or Right over the Land, or any Part thereof, and on such other Persons as under the special Circumstances of each Case shall be deemed necessary.

The Notice shall also state the Place, Time, and Manner at and in which any Party may be heard to show Cause against such Registration.

**13 Cause may be shown against Registration.**

At the Time and Place named in the Notice, or at such Time and Place as General Orders shall direct, any Person may attend and show Cause before the Registrar, by Affidavit or otherwise, against the Registration, or claim that the same should be subject to any Conditions or Reservations; the Registrar may decide on such Objection or Claim, or may refer the same to the Judge of the Court of Chancery: If the Registrar decide, either Party may appeal from his Decision to the said Court, in manner herein-after directed.

**14 Completion of Registration.**

If at the Expiration of the Time named in such Notice there shall be no Objection to the Registration applied for or none allowed, and no Appeal pending, or, if any Appeal shall be then pending, as soon as any Objection to such Registration shall have been finally disallowed by the Court of Appeal, or the Appeal withdrawn, the Registrar shall complete such Registration in manner following; that is to say,

First, the Registrar shall enter in a Book to be called " The Register of Estates with an indefeasible Title" such Description of the Estate as shall be finally approved of, and shall annex thereto any Map or Plan which shall be deemed necessary, and shall distinguish the Estate so entered by a particular Number or Numbers, and the Entry shall refer to another Book to be entitled " The Record of Title to Lands on the Registry :"

Secondly, in the last-mentioned Book, under the same Number or Numbers, shall be entered in concise Terms an exact Record of the existing Estates, Powers, and Interests in the Land so registered as aforesaid, and the Names and Descriptions of the Persons or Classes of Persons that are or may become entitled thereto respectively:

Thirdly, in a Book to be entitled " The Register of Mortgages and Incumbrances" shall be entered under the same Number or Numbers an Account of all the Charges and Incumbrances affecting the Lands or any Part thereof, or the Estate or Interest therein of any Person named in the Record of Title.

**15 Books may be inspected.**

Subject to such Directions as may be given by General Orders, the aforesaid Books of Registry may be inspected by the Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein, or their respective Solicitors or Agents: No other Person shall be permitted to inspect such Books, except under an Order of the Court of Chancery.