



Land Registry Act 1862

1862 CHAPTER 53

PART III

AS TO THE TRANSFER OF REGISTERED LAND

63 Conveyance, &c. of registered Land.

All registered Land, and every Part thereof, may be conveyed, charged, settled, dealt with, or affected in or by any of the following Modes or Dispositions; that is to say,

First, by a Statutory Disposition in any of the Forms described in this Act:

Secondly, by Endorsement on the Land Certificate:

Thirdly, by Deposit of the Land Certificate:

Fourthly, by any Deed, "Will, Judgment, Decree, or Instrument by which such Land, if not registered, might now according to Law be conveyed, charged, settled, devised, dealt with, or affected:

But no equitable Mortgage or Lien on registered Land shall be created by a Deposit of Title Deeds.

64 Attendance of Parties at Registry Office on Sale, &c. of registered Land.

On the Occasion of any Sale; Mortgage, or other Disposition of registered Land, or of any Estate thereon, the Parties or their Agents, duly authorized, may attend at the Registry Office to complete the Transaction: The Description of the Land and of the Estate therein proposed to be conveyed shall be taken from the " Register of Estates" and " Record of Title," and inserted under the Superintendence of the Registrar in One of the Statutory Forms of Conveyance described in the Schedule hereto ; and such Conveyance shall be executed by the Parties or their Agents in the Presence of and attested by such Persons as the Registrar shall approve of, and shall then and there (together with the Powers of Attorney) be delivered to the Registrar for the Purposes of Registration, who shall make the proper Entries in the Register accordingly.

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65 Forms of Conveyance in Schedule hereto of registered Land.

The registered Proprietor of any Land, Estate, or Interest may convey or charge the same by the Forms of Conveyance mentioned in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Conveyance would have been either at Law or in Equity.

66 Forms of Conveyance in Schedule as effectual as other Forms.

The Persons taking under the Statutory Forms of Conveyance mentioned in the Schedule to this Act shall take as fully and effectually as if the Estates, Rights, Powers, and Authorities expressed to be created and given by such Forms respectively had been conveyed, created, or granted by any of the Modes of Assurance now known to the Law.

67 Forms may be modified or altered.

The Forms contained in the Schedule may be modified or altered in Expression to suit the Circumstances of every Case, and the Conveyances made in such altered Forms shall be equally valid and effectual.

As to Land Certificates

68 Registrar to deliver Land Certificates.

The Registrar shall, upon Request, deliver to every Person who is named or described in the Record of Title as the Owner of any Estate or Interest in Lands upon the Registry a Certificate (herein called a Land Certificate) under the Seal of the Office, and signed by the Registrar, which Certificate shall contain, first, a Copy of the Description of the same Lands as appearing in the Registry of Estates, with all the Entries relating thereto, and secondly, a Copy of the Entries relating to the same Lands appearing in the Record of Title, and thirdly, a Copy of the Entries in the Registry of Incumbrances of the Mortgages, Charges, Claims, and Liens on or affecting the Estate and Interest of such Owner; and such Certificate shall certify whether such Lands are registered with or without an indefeasible Title, and shall be distinguished by the Number under which the Lands are registered in "The Register of Estates," and shall contain all such other Particulars as are material or useful for the Purpose of manifesting the exact Nature of such Owner's Estate and Interest.

69 Registrar, at Request of Holder, to compare Certificate with Registry.

At the Request of the Holder, the Registrar shall at any Time compare such Land Certificate with the Registry, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Registry, and shall sign the same, and add the Date of such Signature: Any Alteration or Omission which can be conveniently made in a Land Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Registry, may be made and signed by the Registrar, if he shall think fit: A new Land Certificate may be granted on the Delivery up of the former Certificate: A Certificate shall be granted to any Person who shall appear by the Register of Incumbrances to be entitled to any Mortgage, Charge, or Incumbrance on registered Lands, which Certificate shall contain a Description of the Lands and the Particulars of the Incumbrance.

70 Registered Proprietors desirous of selling, &c. may obtain special Land Certificate.

Whenever any registered Proprietor shall be desirous of selling, mortgaging, or settling any registered Land or Estate therein he may obtain from the Registrar a special Land Certificate for that Purpose, which shall contain an exact Description of the Land proposed to be so dealt with taken from the Register of Estates, and shall also state the Nature of the Estate and Interest of such Proprietor therein, and the Particulars of the Incumbrances, if any, affecting the Land described : Such Certificate shall be conclusive Evidence of the Title of the registered Proprietor to the Land as appearing by the Record of Title : No Entry shall be made by the Registrar in the Registry of any Deed, Instrument, Act, or Transaction affecting the Land comprised in such special Certificate, and the Estate of the registered Proprietor described therein, except on the Delivery up of such Certificate, until Fourteen Days have expired from and after the Day of the Date thereof: A Note of such special Certificate shall be entered in the Record of Title and in the Register of Incumbrances, and also on the original Land Certificate.

71 Certificate to be Evidence.

Every Land Certificate shall be Evidence of the several Matters therein contained.

72 Conveyance of Lands by Endorsement.

The Lands, and the Estate therein of the Owner, described in such Land Certificate, may be effectually conveyed or charged by Endorsement thereon, according to any of the Forms of Assurance by Endorsement contained in the Schedule to this Act.

73 Deposit of Certificate.

The Deposit of the Land Certificate shall, for the Purpose of creating a Lien on the Estate and Interest of the Depositor, have the same Effect as a Deposit of the Title Deeds of the Estate would have had before the passing of this Act; and any Agreement or Memorandum in Writing relating to such Deposit shall be chargeable with the same Stamp Duty as an Agreement accompanied with a Deposit of the Title Deeds would be chargeable with.

74 Estates, &c. in Land may be created by Will, &c.

Every Person having a sufficient Estate or Interest in registered Land, may by Will, Deed, or other Instrument create the same Estates and Interests in, and enter into the same Contracts and Engagements with respect to such Land as he might do if the Land were not registered : Provided always, that no unregistered Estate or Interest, Contract or Engagement, for the Registration whereof Provision is made by this Act, shall prevail against the Title of any subsequent Purchaser for valuable Consideration duly registered under this Act.

75 On Conveyance of Estate, &c. on Register, Deed or Copy to be sent to Registrar.

On the Execution of any Deed or Instrument conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register, the Original, or a Copy of such Deed or Instrument, shall be sent to the Registrar by the Grantee or Person taking

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Benefit under the same: Such Copy shall be compared with the Original in such Manner as the Registrar shall direct, who shall require the Original to be produced or inspected for that Purpose in such Manner as he shall think fit; and such original Deed or Instrument shall in every such Case be stamped or endorsed so as to give Notice of the Registration thereof under this Act to every Person to whom the same may be afterwards produced.

76 When Deed received by Registrar, Estate created to be deemed duly registered.

So soon as the Original or the Copy of any Deed or Instrument in Writing whatsoever affecting registered Land, or creating or affecting any Estate or Interest therein, has been received by the Registrar, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Registry : An Official Note of Reference to such Deed or Instrument shall forthwith on Receipt thereof be made by the Registrar in " The " Record of Title," or " Register of Incumbrances," as the Case may be: Provided always, that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to have been entered upon the Registry so as to affect any Land comprised in any such special Certificate as herein-before mentioned, until after the Expiration of the Time herein-before limited for the Entry of any Deed, Instrument, Act, or Transaction affecting such Land.

77 Notice when to be sent to Registrar.

Notice of every Instrument transferring, or in anywise dealing with or affecting the Ownership of or the Right to receive Money due on any Mortgage, Charge, or Incumbrance entered on the Registry, shall be given to the Registrar, who shall note the same in the " Registry of incumbrances."

78 Where Estate transmitted to any Person by Descent such Person to be registered.

Where the Estate or Interest of a registered Proprietor is transmitted on his Death to any other Person by Descent, Will, or Representation, such other Person shall be entered on the Register in the Place of the deceased Proprietor: If such Person cannot be ascertained, or there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of such deceased Proprietor, it shall be lawful for the Court of Chancery to appoint a Person to be registered in the Room of such deceased Proprietor as the Representative of such Estate or Interest.

79 Notice to be given to Heir at Law of Application for Registration of a Will.

On the Application of any Devisee for Registration of a Will, or of his Estate or Interest under the same, the Registrar may require Notice to be given to the Heir at Law of the Testator.

80 In case of Bankruptcy Assignees to be registered.

On the Bankruptcy of any registered Proprietor, the Assignee or Assignees of his Estate shall be entitled to be registered in his Place.

81 Memorial of Will may be registered instead of Copy thereof.

In lieu of a Copy of a Will, a Memorial thereof, containing a Copy of all the Provisions in the Will relating to or affecting any registered Land, may be delivered to the Registrar for the Purpose of Registration: Provided that the Registrar shall ascertain the Sufficiency of the Memorial by an Examination of the Will or a Copy thereof.

82 Execution to be proved as Registrar may require.

The Execution of the original Deed, Will, or Instrument so proposed to be registered, and the Exactness of every Copy or Memorial delivered for Registration, shall be proved in such Manner as the Registrar shall from Time to Time require.

83 Memorials of Descents, &c. to be registered, &c.

Memorials of Descents, Deaths, Marriages, and of the Evidence thereof respectively, and such other Memorials and Evidence of Matters relating to registered Lands as the Registrar shall, on the same being delivered to him, deem important, shall be registered, but all such Documents shall be printed for that Purpose.

84 Registrar to note Effect of Instruments, &c.

On receiving any Instrument hereby directed to be registered the Registrar shall make an Official Note of the Effect of every such Instrument, Judgment, Order, or Decree in the Record of the Title of the Person whose Estate or Interest is affected thereby, and he shall also enter on the Record of Title a Reference to the Book and Page of the Book containing such registered Instrument or Memorial.

85 Official Note, what to contain.

An Official Note of an Instrument entered on the Register may consist of a Reference to such Instrument, or of an Extract therefrom, or of a short Statement of the Effect or Nature thereof, or of an Intimation that no Disposition is to take place without the Consent of some Person named in such Instrument, or of such Matters and in such Form as the Registrar shall deem right, or as shall be from Time to Time directed or allowed by any General Order.

86 Printed Copy of Deed, &c. to be delivered to Registrar.

For the Purpose of Registration a printed Copy of every Deed or Instrument not testamentary under or by virtue of which any Interest or Right is claimed in or to any registered Land may be delivered to the Registrar, but if the Original or a written Copy of any such Deed or Instrument be delivered to the Registrar, the same shall be printed by his Order, but at the Expense of the Person registering the same.

87 Registrar in certain Cases may erase Official Note.

The Registrar, upon the Application of the Person entitled under any registered Instrument, or upon its being proved that the Purpose of such Instrument is determined or satisfied, may remove the same from the Register and erase or cancel any Official Note thereof, and thereupon such Instrument and any Memorial thereof maybe destroyed or otherwise dealt with as the Registrar may think fit.

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88 No Dealing with registered Land effectual until Stamp and ad valorem Duties paid.

No Dealing with any registered Land, nor any Instrument or Transaction affecting the same, or any Estate or Interest therein, shall be completed, entered, or noticed on the Register until the Registrar shall be satisfied that the Stamp and *ad valorem* Duties which would be payable to Government in respect of the same Matters have been duly paid.