



# Land Registry Act 1862

## 1862 CHAPTER 53

### PART I

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

*Proceedings for Registration without an indefeasible Title*

#### **25 Registration without Guarantee of Title may be made under certain Conditions.**

Application for Registration without an indefeasible Title may be made by any Person, subject to the following Conditions :

1. The Applicant shall prove to the Satisfaction of the Registrar that he, or some Person under whom he claims, has been in the actual Enjoyment or Receipt of the Rents and Profits of the Land as Owner of the Fee Simple thereof, continuously and without Interruption, for a Period of Ten Years immediately preceding the Time of such Application :
2. The last Deed or Will (if any) under which the Applicant derives Title shall be produced to the Registrar:  
If the Applicant claims as Heir-at-Law, Evidence shall be given that the Ancestor was in the Enjoyment of the Estate as Owner thereof at the Time of his Decease:
3. The Rules above enacted as to the Description of the Land to be registered shall apply, and the Registrar shall adopt the same Course, and take the same Proceedings, for the Purpose of ascertaining the Accuracy of the Description of the Lands and of the Boundaries thereof, as are herein-before directed with respect to Registration with an indefeasible Title:
4. A Statutory Declaration shall be made by the Applicant and his Solicitor or Agent, or certificated Conveyancer, and, if necessary, any other Person whose Evidence may be deemed necessary by the Registrar, that they respectively believe the Applicant to be, either alone or jointly with other Persons to be named and described, (and subject to any Qualification, Condition, or Exception which shall be stated,) well entitled to the Fee Simple of the Lands proposed to be registered :

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*Status: This is the original version (as it was originally enacted).*

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5. If the Land be registered, the Registrar shall, in the Record of Title, define the Time, Event, or Circumstances from and after which an indefeasible Title shall attach: When the Time has arrived, the Event happened, or the denned Circumstances exist, a Judge of the Court of Chancery may, upon Proof thereof, and if there be no other Objection, after such and" the like Notices as are herein-before required in case of an Application for Registration of a Title as indefeasible shall have been duly given, direct a Transfer of the Land to the Register of Estates with an indefeasible Title, and thereupon the Registrar shall make up a proper Record of the Title to such Land, and the Applicant and other Persons named in such Record of Title shall have the same Estates, Rights, and Privileges as if the Land had been registered with an indefeasible Title:
6. Subject to the Enactments herein contained, the Registration of any Person as Owner of Land without an indefeasible Title shall not prejudice any Estate, Right, or Interest created or existing at or before the Date of such Registration.