



# Yorkshire Registries Act 1884

## 1884 CHAPTER 54

### *Miscellaneous*

#### **46 Frauds by registrar, &c**

If any registrar or other person employed in the register office is party or privy to any act of fraud or collusion in relation to the registration of any assurance, will, or other instrument under this Act, or the making of any enrolment or entry, or the giving of any certificate or copy, or the making of any search, or the taking of any extract or copy under this Act, or any rules made thereunder, he shall be guilty of a misdemeanor, and shall upon conviction on indictment be liable to imprisonment with or without hard labour for any period not exceeding two years.

#### **47 Falsely swearing under this Act to be punished as perjury**

If any person making any affidavit under this Act shall therein wilfully swear falsely, such person shall be deemed guilty of wilful and corrupt perjury.

#### **48 Swearing of affidavits**

Any affidavit to be registered under this Act may be sworn before any person authorised to administer oaths in Her Majesty's High Court of Justice or in the Court of Chancery of the county palatine of Lancaster, or in the case of a person who is out of the kingdom of Great Britain and Ireland before a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British Minister or British Consul or by a notary public).

#### **49 Actions for neglect, &c. to be brought against registrar**

When and so soon as the right of appointment of the registrar under this Act is vested in and has been exercised by the county authority, the following provisions shall have effect:

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (A) Every action which may be brought by any person to recover damages for or by reason of any loss or damage occasioned by any neglect, omission, mistake, or misfeasance of the registrar or any person employed in the register office in connexion with the business of such office shall be brought against the registrar as the nominal defendant by his name of office, and no such action shall abate by reason of the death or removal from office of any such registrar :
- (B) A writ or process shall not be sued out against or served on the registrar for anything done or intended to be done or omitted to be done under the provisions of this Act until the expiration of one month after notice in writing has been served on such registrar, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the cause :
- (C) The registrar, with the consent of the county authority, may enter into and conclude a compromise with any body or person claiming a right of action against him under this section, or may agree with such body or person that any question relating to such right of action should be referred to arbitration :
- (D) All damages, costs, and expenses payable by the registrar in respect of any such action, compromise, or arbitration as in this section above mentioned shall be paid by him out of moneys to be provided by the county authority, and the county authority shall provide all moneys which may be necessary in that behalf.

## **50 Protection of local authority and the officers from personal liability**

No matter or thing done and no contract entered into by any county authority, and no matter or thing done by any member of any such authority, or by any officer of such authority or other person whomsoever appointed by and acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such county authority, member, officer, or other person acting as last aforesaid shall be paid by the county authority;

Provided that nothing in this section shall exempt any member of any county authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

## **51 Repeal**

Prom and after the commencement of this Act the Acts specified in the First Schedule to this Act shall be and the same are hereby repealed.

Provided that this repeal shall not affect—

- Anything duly done or suffered ; or
- Any right, privilege, priority, or preference acquired; or
- Any liability, disqualification, disability, fine, forfeiture, or other punishment incurred

under any enactment so repealed prior to the commencement of this Act, and any proceeding and remedy for the ascertainment, enforcement, or recovery thereof may be instituted, prosecuted, and had as though this Act had not passed.