



Yorkshire Registries Act 1884

1884 CHAPTER 54

Register Offices

31 Offices for the registration of deeds

There shall be offices for the registration of deeds—

At Northallerton for the north riding ;

At Beverley for the east riding ; and

At Wakefield for the west riding;

which shall be maintained by the county authorities within the three ridings respectively, and the business of each such registry shall be conducted by a registrar, together with such number of clerks, messengers, and servants as may from time to time be appointed in that behalf, and at each of such offices the registrar shall keep a register for the registration of assurance wills and other instruments required or permitted to be registered under this Act.

32 Seal of register office

There shall be a seal for each register office, and judicial notice shall be taken of the seal and of the signature of the registrar in all legal proceedings.

33 Vesting of register offices, &c. in clerk of peace

From and after the commencement of this Act all the land and property vested in or held by any county authority, or by any person upon trust for the purposes of any existing registry, together with all the estate and interest of any registrar, or heirs, executors, administrators, or devisees of any late registrar of any existing registry in any land used for the purpose of such registry, or any fixtures, furniture, or effects belonging thereto, shall be vested in the clerk of the peace for the riding within which such registry is situate, and his successors, subject to the liabilities affecting the same, upon trust for the purposes of the registry established under this Act within the said riding, and be by him and them held for the purposes of such registry, or otherwise be

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by him and them sold, conveyed, or disposed of in such manner as the county authority may from time to time order and direct.

34 Building, &c. of offices

The county authority may from time to time purchase any lands for the purposes of the registry established under this Act, and may upon such lands, and any other lands within the riding which may be vested in them or in any trustee for the purposes of the registry established under this Act, from time to time build, maintain, repair, alter, improve, enlarge, or rebuild such offices and buildings for the purposes of the registry established under this Act as they may think expedient, or may from time to time sell the lands so purchased or vested as aforesaid, or any part thereof, and all expenses incurred by the county authority in carrying into effect the provisions of this Act, together with all expenses of and incidental to the payment of any rates, taxes, assessments, or charges in respect of any such lands, buildings, or offices as aforesaid which may for the time being be vested in the county authority, or in any person or persons in trust for the purposes of the said registry, shall be paid by the county authority.

35 Rules

Subject to the provisions of this Act the county authority may from time to time make, and when made may rescind, amend, or add to, rules in respect to all or any of the following matters :

- (1) The form of the register and the mode in which the same is to be made and kept:
- (2) The preparation and keeping at the register office of any books and indexes, and the entries to be made therein for the purpose of effecting any registration :
- (3) The mode in which registration is to be conducted:
- (4) The making of entries in the register where any mortgage, lien, or charge with reference to which any instrument has been registered under this Act has been satisfied or discharged :
- (5) The forms of memorials, certificates, and other instruments to be prepared for the purposes of this Act:
- (6) The making of searches and the giving of certified copies:
- (7) The fees to be taken by the registrar where such fees are not paid to and retained by an existing: registrar for his own use;
- (8) The custody of the register and other documents connected with the business of registration :
- (9) The transmission by post of applications for registration and for search, and of registered documents and certificates of registration and search:
- (10) Generally in relation to any matters, whether similar or not to those above-mentioned, as to which it may be expedient to make rules for carrying into effect the objects of this Act:

Provided that no such rules shall have any force or effect unless and until they have been confirmed by the Lord Chancellor and published in such manner as he may direct,

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and that a copy thereof shall be laid before both Houses of Parliament within fourteen days after the confirmation thereof if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the next meeting thereof.

Any rules made, confirmed, and published in pursuance of this Act shall be deemed to be, within the powers conferred by this Act, and shall be of the same force as if enacted in this Act and shall be judicially noticed.

36 Existing registrars to be first registrars under this Act

The existing registrars shall be the first registrars for the respective ridings for the purposes of this Act, and shall have and be subject to all the like rights, duties, obligations, and liabilities, and be entitled to the same remuneration in connexion with the registries established under this Act as they would have and be subject to and would be entitled to in connexion with the existing registries if this Act had not passed so far as may be possible, and save as aforesaid nothing in this Act contained shall affect the rights of the existing registrars or of their deputies duly appointed, or shall alter the nature and tenure of their offices or the remuneration attached thereto, or the duties, obligations, and liabilities of such registrars and deputies in connexion with the registries respectively: Provided always, that the county authority for any riding may at any time agree with the existing registrar for such riding that all fees and payments received by or on account of him in connexion with the registry established under this Act shall be paid over to the county authority and applied in manner directed by this Act, and that a salary of an agreed amount should be paid to such existing registrar in lieu thereof, and thereupon the said fees shall be paid over to the county authority and applied by them in manner directed by this Act, and a salary of the agreed amount shall be paid by the county authority to such existing registrar in accordance with the terms of the said agreement: Provided also, that the county authority for any riding may at any time agree with the existing registrar for such riding that such registrar shall surrender his office of registrar as from some date to be agreed upon, and that in consideration thereof there shall be paid to such registrar a retiring allowance either in the form of an annuity (of a fixed amount or of an amount varying according to the fees and payments from time to time received in connexion with the registry) to be paid during the life of such registrar or of a capital sum, and thereupon such registrar may surrender his said office, and such retiring allowance shall be paid by the county authority to such registrar in accordance with the terms of the said agreement.

37 Appointment of officers, &c

When and so soon as the office of any existing registrar becomes vacant, the following provisions shall come into force and have effect:

- (1) The county authority from time to time shall appoint some fit person being a barrister or solicitor of not less than seven years standing and in actual practice at the time of such appointment, or a person who shall for a period of at least five years have discharged the duties of deputy registrar under any of the existing Registry Acts or partly under the existing Registry Acts and partly under this Act to be registrar who shall personally attend to the duties of his office, and may, if they think it expedient, remove any person so appointed from such office: Provided that no such appointment shall have any force or effect unless and until it has been confirmed by the Lord Chancellor, and that the Lord Chancellor may at any time cancel any appointment so made and remove any person appointed from such office upon being satisfied that such person does not properly discharge the duties thereof. No registrar appointed under

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this section shall either by himself or in partnership with any other person follow any other calling or profession during the time he holds such appointment.

- (2) The county authority may from time to time by order direct that any person or persons to be nominated in such order shall be capable of discharging the duties of registrar during any temporary vacancy in the office or during the temporary absence of any registrar through illness or otherwise, upon such terms as to remuneration or otherwise as may be directed by such order; and in default of any such nomination the clerk of the peace or his deputy shall be empowered to act as registrar during such vacancy or temporary absence as aforesaid:
- (3) A registrar may, with the approval of the county authority, at any time, by writing under his hand, appoint some fit person or persons being qualified as is herein-before required for the office of registrar to be his deputy or deputies, and to act for him for such time and under such conditions as to remuneration or otherwise as may be sanctioned by the county authority : Provided that any deputy so appointed may at any time be removed from his office by the registrar or the county authority:
- (4) The registrar, with the approval of the county authority, shall from time to time appoint such number of clerks, messengers, and servants as may be deemed expedient for carrying this Act into effect, and may from time to time dismiss any person so appointed:
- (5) Every registrar and deputy registrar, and, if the county authority think proper, all or any of the clerks to be appointed under this section, shall give security for the due performance of the duties of their respective offices in such manner and to such amount as the county authority may determine;
- (6) The registrar, deputy registrars, clerks, messengers, and servants appointed under this section shall be paid such salaries or remuneration as the county authority may from time to time determine:
- (7) All salaries and remuneration payable under this section, together with all other expenses of and incidental to the register offices, shall be paid by the county authority:

38 Fees

The fees to be taken in each register office in respect of documents to be registered, entries, searches, certificates, and copies to be made, and other matters to be done in such office under this Act, shall be such fees as are specified in that behalf in the Second Schedule to this Act, or such other fees as are fixed in manner hereinafter mentioned, and such fees so specified or fixed may be taken and shall be paid accordingly, and nothing in this Act contained shall make it obligatory on the registrar to do any act or permit any act to be done in respect of which any fee is so specified and fixed, except on payment of such

At any time and from time to time after any registrar has been appointed by the county authority, or after any agreement between any existing registrar and the county authority for the payment of such registrar by salary and not by fees has come into effect, the county authority may by any rules made under this Act vary or wholly abolish any fees specified in the Second Schedule hereto, and may fix new fees in addition thereto or in lieu thereof.

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39 Unauthorised fees not to be taken

After the commencement of this Act no registrar or other person employed at any registry shall take or receive any fee or gratuity in respect of the business carried on thereat, except such as may be authorised to be taken under the provisions of this Act.

40 Application of fees

Subject to the rights of any existing registrars and their deputies to be paid and to retain for their own use any fees and other payments made to them under this Act, the county authority may from time to time direct that the fees or other payments which may be received under the authority of this Act, or any part thereof, shall be applied under such regulations as they may appoint in payment of the current or incidental expenses of the registry, or any of them, but, save so far as the same or any part thereof may be so applied, all such fees and payments as aforesaid shall be paid over to the county authority in such manner and subject to such regulations as they may direct, and shall be carried by them to the credit of the county rate.

41 Accounts

Accounts shall be kept at each registry of all fees and payments received under the authority of this Act, and of all current and incidental expenses paid thereout, and such accounts shall be audited in such manner, at such times, and by such person or persons as may be directed by the county authority. Any person auditing any accounts in pursuance of this section shall be entitled to receive such remuneration (if any) as may be fixed by the county authority, and such remuneration shall be paid by the county authority.

42 Expenses to be defrayed out of county rate

All expenses incurred by a county authority under this Act and not otherwise provided for, including the expenses of and incidental to the obtaining of this Act, may be defrayed out of the county rate, and the county authority may from time to time cause such county rates to be levied as may be necessary for the purpose of defraying such expenses: Provided that such expenses shall be deemed to be sums expended out of the county rate for general county purposes within the meaning of the Municipal Corporations Act, 1882.