



Yorkshire Registries Act 1884

1884 CHAPTER 54

Registration

4 Assurances and wills may be registered

From and after the commencement of this Act, and subject to the provisions of this Act and any rules made under this Act, all assurances executed or made after the commencement of this Act, and all wills of any testators dying after the commencement of this Act, by which any lands within any of the three ridings are affected may be registered under this Act.

5 Mode of registration

The registration of any assurance, will, or other instrument under this Act, shall be effected in the following manner:

- (1) There shall be presented for enrolment in the register—
 - (A) In the case of deeds, wills, or other assurances which may be registered under this Act, except private Acts of Parliament or memoranda of charge, or affidavits of vesting under any Act of Parliament, a memorial thereof prepared in accordance with the provisions of this Act and any rules made thereunder, or such deed, will, or other assurance as aforesaid, at full length at the option of the person registering the same ;
 - (B) In the case of a private Act of Parliament, a Queen's Printer's copy of such Act, or a memorial thereof prepared in accordance with the provisions of this Act, and any rules made thereunder;
 - (C) In the case of any memorandum of charge, caveat, notice, or affidavit which may be registered under this Act, such memorandum, caveat, notice, or affidavit at full length;
- (2) Immediately on receipt of any instrument or memorial thereof presented for enrolment in the register, an entry shall be made in a book of reference to be kept for that purpose, setting forth—
 - (A) The date of the instrument.

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- (B)
 - (1) In the case of a deed, the names of the parties.
 - (2) In the case of a will, the name of the testator.
 - (3) In the case of an order of court or certificate of appointment of trustee in, bankruptcy, the title of the cause or matter wherein the same purports to be made, and the names of the parties thereto, if any.
 - (4) In the case of a private Act of Parliament, the title of the Act.
 - (5) In the case of an order of the Land Commissioners, the name of the landowner whose lands are charged.
 - (6) In the case of an award of the Land Commissioners, the names of the persons in whose favour the award is made.
 - (7) In the case of a memorandum of charge, the name of the landowner whose lands are charged.
 - (8) In the case of a caveat, the names of the persons by and in whose favour the same is given.
 - (9) In the case of a notice of a will the names of the testator, and of the person by whom such notice is given.
 - (10) In the case of an affidavit of intestacy, the names of the deceased and of the deponent.
 - (11) In the case of an affidavit of vesting, the title of the Act of Parliament under which such vesting has been effected, and the name of the deponent.
- (C) The names of all the parishes in which the lands affected by such instrument are situate.
- (D) The volume, page, and number of the register where such instrument or memorial thereof is, or is intended to be enrolled.
- (E) The date, hour, and minute when such instrument or memorial thereof was received at the office for the purpose of registration.

And upon such entry being duly made, such instrument shall be deemed to have been registered under this Act, and the date, hour, and minute so entered as aforesaid shall be deemed for all purposes to be the date of registration, provided that if such entry be duly made in respect of part only of the lands affected by any such instrument, such instrument shall as to the lands with respect to which such entry has been duly made, but not as to the residue of the lands affected thereby, be deemed to have been registered under this Act: Provided that if such instrument shall afterwards be registered as to the omitted lands, a note of such registration and of the date thereof shall be made in the book of reference, and such registration shall thenceforth be valid and effectual as to such omitted lands.

- (3) As soon as conveniently may be after the presentation of any instrument or memorial thereof for enrolment in the register, such instrument or memorial thereof shall be duly enrolled in the register and the volume, page, and number of the register where the same is so enrolled, shall correspond with the entry made or to be made in the book of reference relating to such instrument, and an entry shall be made in the margin of the register opposite any instrument or memorial thereof so enrolled of the date of registration.

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6 Memorials

Except so far as may be otherwise expressly provided by this Act, or by any rules to be made under this Act, the memorials of all assurances or wills which are enrolled in the register under this Act shall be subject to the following regulations :

- (1) In the case of a deed the memorial shall be under the hand and seal of some or one of the parties thereto, or of some or one of their or his heirs, executors, administrators, guardians, or trustees, and shall be attested by one or more witnesses, one of whom at least shall have been a witness to the execution of the deed, and shall contain—
 - (A) The date of the deed :
 - (B) The name and description of the residence and occupation of all the parties to the deed so far as set out therein;
 - (C) The names and descriptions of the residences and occupations of all the witnesses to the execution of the deed so far as appears therein:
 - (D) A description of all the lands affected by the deed within the riding, and the names of all the parishes wherein the same are situate, in such manner as the same are expressed or mentioned in such deed, or to the same effect.
 - (E) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.
- (2) In the case of a will the memorial shall be under the hand and seal of one of the trustees or executors of the said will, or of some one or more persons claiming an interest thereunder in some of the lands affected thereby within the riding, and shall be attested by one or more witnesses, and shall contain—
 - (A) The date of the will:
 - (B) The date of the death of the testator :
 - (C) The name and description of the residence and occupation of the testator so far as set out in the will:
 - (D) The names and descriptions of the residences and occupations of all the witnesses to such will so far as appears therein:
 - (E) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will or to the same effect.
 - (F) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.
- (3) In the case of an order of a court or a certificate of appointment of trustee in bankruptcy the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain
 - (A) The date of the order or certificate;
 - (B) The title of the cause or matter wherein the same purports to be made;
 - (C) The names of the parties (if any) to such cause or matter;
 - (D) So much of the order or certificate itself as affects any lands within the riding or describes or defines such lands;
 - (E) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.
- (4) In the case of a Private Act of Parliament the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

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- (A) The date and title of the Act:
 - (B) So much of the Act itself as affects any lands within the riding or describes or defines such lands.
 - (C) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.
- (5) In the case of an award of the Land Commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—
- (A) The date of the award.
 - (B) The names of all the persons in whose favour the award is made.
 - (C) A description of all the lands affected by the award within the riding, and the names of all the parishes wherein the same are situate.
 - (D) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.
- (6) In the case of an order of the Land Commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—
- (A) The date of the order:
 - (B) The name and description of the residence and occupation of the landowner whose lands are charged thereby:
 - (C) The particulars of the lands charged within the riding :
 - (D) The amount of the rentcharge :
 - (E) The period during which the same is made payable.
 - (F) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

7 Memorandum of lien or charge

Where any lien or charge on any lands within any of the three ridings is claimed in respect of any unpaid purchase money or by reason of any deposit of title deeds, a memorandum of such lien or charge, signed by the person against whom such lien or charge is claimed, may be registered by any person claiming to be interested therein.

Every such memorandum shall state—

- (A) The date from which such lien or charge is claimed;
- (B) The name and description of the residence and occupation of the landowner whose lands are charged therewith ;
- (C) A description of all the lands within the riding affected by such lien or charge, and the names of all the parishes wherein the same are situate;
- (D) The nature of the lien or charge claimed on or in such lands ;
- (E) The name, and a description of the residence and occupation of the person registering such memorandum;

and no such lien or charge shall have any effect or priority as against any assurance for valuable consideration which may be registered under this Act, unless and until a memorandum thereof has been registered in accordance with the provisions of this section.

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8 Deeds, &c. not to be enrolled unless originals, &c. produced

No deed, will, order of a court, certificate of appointment of trustee in bankruptcy, Private Act of Parliament, award, or order of the Land Commissioners shall be registered under this Act unless the original or one of the originals of such deed, or the original or the probate of such will, or an office copy of such order of court or of such certificate, or a copy of such Act printed by Her Majesty's printers, or a copy of the award duly sealed with the seal of the Commissioners, or a copy thereof signed by the clerk of the peace or his deputy, purporting the same to be a true copy, or the absolute order of the Land Commissioners duly sealed with the seal of the said Commissioners, as the case may be, is produced to the registrar at the time of such registration.

9 Endorsement on deed or will after registration

Immediately after the registration of any deed, will, order of court, certificate of appointment of trustee in bankruptcy, private Act of Parliament, award, order of the Land Commissioners, or memorandum of charge, under this Act there shall be endorsed on the original deed or the original will or probate thereof, or an office copy of order of court or certificate, or the copy of the Act or award, or the absolute order, or on the memorandum of charge, produced to the registrar, a certificate, stating the date of registration and the volume, page, and number in the register in which the same or a memorial thereof is or is intended to be enrolled; and the registrar shall sign the said certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

10 Caveats

Subject to any rules made under this Act, a caveat may at any time be registered with respect to any lands within any of the three ridings by any person claiming to be entitled to any interest in such lands in favour of any body or person named therein, and, unless removed or cancelled in accordance with any rules to be made for that purpose, shall be in force for such period not exceeding six months as may be named therein in that

Every such caveat shall be under the hand and seal of the person by whom it is given, and attested by one witness at the least, and shall contain—

- (A) The date on which it is given :
- (B) The name and description of the residence and occupation of the person by whom it is given:
- (C) The name and description of the residence and occupation of the person in whose favour it is given :
- (D) The period for which it is given:
- (E) A description of the lands to be affected by such caveat and the names of all the parishes wherein the same are situate.

If within the period for which any caveat remains in force any assurance made or executed by the person by whom such caveat was given, and conveying any interest in the lands described therein to the person in whose favour such caveat was given, or to his heirs, executors, administrators, or assigns, be duly registered under this Act, such assurance shall have priority as though it had been enrolled upon the date on which such caveat was enrolled, and such last-mentioned date shall, subject to the proviso herein-after contained, be deemed to be the date of registration of the said assurance for all purposes, and shall be substituted hi all certificates and other instruments for

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the date on which such assurance was actually enrolled accordingly: Provided that no such caveat shall have any effect as against the operation of any law for the time being in force relating to bankruptcy, and that for the purpose of any such law the date of registration of any such assurance or will shall be deemed to be the date upon which such assurance or will was actually registered.

11 Notices of wills not proved, &c

Where any person claiming an interest under any will in any lands within any of the three ridings is desirous of registering the same, but is unable to do so within a period of six months after the death of the testator, such person may within the said period of six months register a notice of such will. Every such notice shall be under the hand and seal of the person by whom it is given, and shall be attested by one witness in the least, and shall contain—

- (A) The date of the will:
- (B) The date of the death of the testator:
- (C) The name and description of the residence and occupation of the testator so far as set out in the will:
- (D) The name and description of the residence and occupation of the person by whom such notice is given :
- (E) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will, or to the same effect.

Where any such notice has been duly registered within the said period of six months, then if within two years after the death of the testator the will, which is the subject of such notice, is duly registered under this Act, such will shall have priority as though it had been registered upon the date on which such notice was registered, and such last-mentioned date shall be deemed to be the date of registration of the said will for all purposes, and shall be substituted in all certificates and other instruments for the date on which such will was actually registered.

12 Affidavit of intestacy

Any person who claims as heir or otherwise any estate or interest in any lands within any of the three ridings which might have been defeated or affected by the will of any person dying after the commencement of this Act, and believes that such person died intestate, or intestate as to such lands, may at any time after, but not before, the expiration of six months from the death of such person, register an affidavit of

Every such affidavit shall state—

- (A) The date of the death of the deceased :
- (B) The name and description of the residence and occupation of the deceased:
- (C) The name and description of the residence and occupation of the deponent;
- (D) A description of all the lands within the riding in which the deponent claims such estate or interest, and the names of all the parishes wherein the same are situate :
- (E) The nature of the estate or interest claimed by the deponent:
- (F) The fact that the deponent believes that the deceased died intestate, or intestate as to such lands.

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Where any such affidavit of intestacy has been duly registered, any assurance for valuable consideration made or executed by any person who would be empowered to make or execute the same in case of such intestacy, and duly registered, shall have priority over any will of the supposed intestate, the date of registration of which shall be subsequent to the date of registration of such assurance or will and not within or under this Act to be deemed to be within a period of six months after the death of the supposed intestate.

13 Where by any Act any lands are vested upon the payment of money, &c. an affidavit of the vesting may be registered

Where the provisions of any Act of Parliament passed or to be passed have the effect of vesting any lands within any of the three ridings in any person by or upon the payment of money or by or upon any other act (other than any assurance or act the registration whereof is herein otherwise provided for), and such lands become so vested by or upon any such payment or other act made or done after the commencement of this Act, any person claiming under or by virtue of such vesting as aforesaid may register an affidavit of such vesting.

Every such affidavit shall contain—

- (A) A recital of the date and title of the Act of Parliament under which such vesting has been effected :
- (B) A recital of so much of the Act itself as affects the lands so vested:
- (C) The name and description of the residence and occupation of the deponent:
- (D) A statement of the fact that such payment or act as aforesaid has actually been made or done with the date thereof:
- (E) A description of the lands within the riding which have become vested under the said Act in consequence thereof, and the names of all the parishes wherein the same are situate.

14 Priority of assurances and wills

Subject to the provisions of this Act, all assurances entitled to be registered under this Act shall have priority according to the date of registration thereof, and not according to the date of such assurances, or of the execution thereof, and every will registered under this Act shall have priority according to the date of the death of the testator if the date of registration thereof be within, or under this Act to be deemed to be within, a period of six months after the death of the testator, or according to the date of registration thereof, if such date of registration be not within, or under this Act to be deemed to be within, such period of six months: Provided that nothing in this Act shall interfere with the priorities as between themselves of any assurances or wills the dates of registration of which may be identical.

All priorities given by this Act shall have full effect in all courts, except in cases of actual fraud, and all persons claiming thereunder any legal or equitable interests shall be entitled to corresponding priorities, and no such person shall lose any such priority merely in consequence of his having been affected with actual or constructive notice, except in cases of actual fraud ; but nothing in this section contained shall operate to confer upon any person claiming without valuable consideration under any person any further priority or protection than would belong to the person under whom he claims ; and any disposition of land or charge on land, which if unregistered would

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be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

15 Registration to be actual notice

The registration of any instrument under this Act shall be deemed to constitute actual notice of such instrument, and of the fact of such registration to all persons and for all purposes whatsoever, as from the date of registration.

16 Protection by legal estate and tacking not to be allowed

In any case in which priority or protection might but for this Act have been given or allowed to any estate or interest in lands by reason or on the ground of such estate or interest being protected by or tacked to any legal or other estate or interest in such lands, no such priority or protection shall after the commencement of this Act be so given or allowed to any estate or interest in lands within the three ridings, except as against any estate or interest which shall have existed prior to such commencement, and full effect shall be given in every court to this present provision, although the party claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice.

17 Rights of purchasers to relief to be the same as those of the persons through whom they claim

Any person claiming under any assurance or will duly registered shall have and be entitled to all the same grounds of relief as against any person claiming through any assurance or will of a subsequent date to that under which he claims, but which has acquired priority by earlier registration as the person through whom he claims under such first-mentioned assurance or will might have had and been entitled to.

18 Registration

Subject to the provisions of this Act, and any rules made thereunder, the registrar shall register all assurances, wills, and other instruments that may be entitled to be registered under this Act which, or memorials of which, may be presented to him for enrolment in the register in the order in which they are so presented, and shall make such entries as are required to be made under this Act or any rules made thereunder for the purposes of such registration.

Provided that all instruments or memorials which may be delivered through the post or otherwise at the office for the purpose of enrolment at any time when the office is closed, shall be deemed to be presented for enrolment simultaneously at the time when the office next opens for the business of registration, and that subject as aforesaid all instruments or memorials sent through the post shall be deemed to be presented for enrolment at the time when they are actually delivered at the office in course of post.

19 Searches may be made and copies taken by any person

Subject to the provisions of this Act, and to any rules made thereunder, any person may, on application at the register office, at such times as may be limited by the registrar in that behalf inspect and search the register and any other books and indexes which

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may be required to be kept at the register office under this Act, or any rules made thereunder, and may take copies thereof or extracts therefrom.

20 Official searches

Subject to the provisions of this Act, and to any rules made thereunder, any person may at any time require an official search to be made on his behalf at the register office, subject to the following regulations:

- (A) He shall deliver in the register office a requisition in writing signed by himself requiring such search to be made:
- (B) The requisitions shall contain such full particulars of the character of the search required to be made and otherwise in relation thereto as may be required by the registrar :
- (C) Upon receipt of any such requisition, the registrar shall cause a diligent search to be made, and shall give a certificate of the result of such search to the person requiring the same to be made, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

21 Record of official searches

Where any official search has been made under this Act, a record of the result of such search shall be preserved at the register office, and the registrar shall give a certificate of such result to any person requiring the same, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

22 Certified copies

Subject to the provisions of this Act, and to any rules made thereunder, any person may require a certified copy of or extract from any document enrolled in the register or of or from any entry in the register, or any book or index kept at the register office under this Act, or any rules made thereunder, and thereupon a certified copy or extract signed by the registrar and sealed with the seal of the register office shall be given to such person, and every such copy or extract so signed and sealed shall be receivable as evidence of the contents of such document or entry in every case where such contents may under the rules of evidence be proved by means of any copy or extract ; but nothing in this section contained shall be taken to dispense with the production of any original document in any case in which the production thereof might otherwise be required, nor to dispense with any proof which might otherwise be required as to the due making and execution thereof.

23 Protection of solicitors, trustees, &c. in the case of certificates, &c

Where any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, obtains a certificate of the result of an official search, or a certified copy of any document enrolled in the register, or of any entry in the register or any book or index kept at the register office under this Act or any rules made thereunder, such solicitor, trustee, executor, agent, or other person shall not be answerable for any loss, damage, or injury that may arise from any error in such certificate or copy; and

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Where in any case it is the duty of any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, to compare any abstract of any deed or will with any original deed or will which has been enrolled at full length in the register, the comparison of such abstract with the copy so enrolled shall be deemed a sufficient discharge of such duty by such solicitor, trustee, executor, agent, or other person, and he or they shall not be answerable for any loss that may arise from any error in the copy so enrolled.

24 Pages of register to be numbered and signed

Subject to any rules made under this Act, every leaf of the register shall be numbered, and shall be signed by two members of the county authority to be nominated by the county authority for that purpose, and once at least in every year an entry shall be made in the records of the county authority of the number of volumes of the register, and the number of volumes of the various other books and indexes in use in the register office, and the number of pages contained therein respectively which then are or have been in use in the said office.

25 Rectification of register by Court

Any person claiming any estate or interest in any lands within the limits of this Act may at any time apply to the Chancery Division of the High Court of Justice for an order that the register or any book or index kept at any of the register offices under this Act, or any rules made thereunder, shall be rectified, or that any entry may be made or interpolated in any such register book or index, or that any entry in such register book or index may be cancelled, or that any certificate endorsed or given under this Act may be amended or cancelled, or that any deed, will, certificate, or other document may be produced to the registrar for the purpose of any registration, enrolment, entry, or cancellation, or that the priority by this Act granted to assurances, wills, or other instruments upon the registration thereof may be suspended in whole or in part during the continuance of any proceedings then pending in any court as to any assurances or wills registered after the date of such order, and the court may either refuse such application, or if satisfied of the justice of the case may make such order in reference thereto, and as to the costs thereof, as may in their opinion be just and expedient.

The registrar and every other person or body affected by any such order of a court shall obey the same on being served with such order or an official copy thereof, and upon such service on the registrar such order shall be deemed to have been presented to him for enrolment in the register and shall be registered accordingly.

Any jurisdiction of the Chancery Division of the High Court of Justice under this section may be exercised by any judge of the said court, whether sitting in open court or in

The Lord Chancellor may, from time to time, assign the duties vested in the said court in relation to matters under this section to any particular judge or judges of that court, and may from time to time make, revoke, and alter rules for carrying into effect the objects of this section : Provided always, that the said rules so made, revoked, or altered, shall not extend the jurisdiction of the court.

Any person aggrieved by an order made under this section by the said court may appeal within the prescribed time in the same manner and with the same incidents in and with

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which orders made by the said court in cases within the ordinary jurisdiction of such court may be appealed from.

26 Entries in respect of statutory receipts

Nothing in any Act contained whereby the registrar is directed to give any certificate upon the production to him of any statutory receipt, shall render it obligatory on the registrar to give any such certificate unless and until such statutory receipt has been duly registered under this Act.

27 Registrar need not register instrument not duly stamped

Nothing in this Act contained shall render it obligatory on the registrar to enrol, register, or enter any instrument chargeable with any stamp duty which is not duly stamped.

28 Act not to extend to copyhold or certain leasehold interest

Nothing in this Act contained shall be deemed to extend to any copyhold hereditaments, nor to any lease not exceeding twenty-one years, or any assignment thereof where accompanied by actual possession from the making of such lease or assignment.

29 Shares in companies not to be affected

Nothing in this Act contained shall be deemed to extend to any assurance or will, so far as the same may relate only to shares in any public or private works or undertaking of any corporation, company, or society which by virtue of any Local or other Act of Parliament may be required to be registered or otherwise entered or minuted in the books of the corporation, company, or society.

30 Saving as to Crown lands

Nothing in this Act contained shall be deemed to extend to any assurances of any lands being parcel of the land revenues of the Crown, or assurances of lands to or in trust for Her Majesty, or other assurances which may be enrolled in "The Office of Land Revenue, Record, and Inrolments.