



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART XII

#### ADMINISTRATIVE AND JUDICIAL PROVISIONS.

##### *His Majesty's Land Registry.*

#### **126 His Majesty's Land Registry.**

- (1) There shall continue to be an office in London to be called His Majesty's Land Registry, the business of which shall be conducted by a registrar to be appointed by the Lord Chancellor and known as the Chief Land Registrar, with such officers (namely, registrars, assistant registrars, clerks, messengers, and servants), as the Lord Chancellor, with the concurrence of the Treasury as to number, may appoint.
- (2) A person shall not be qualified to be appointed Chief Land Registrar unless he is a barrister of not less than ten years' standing, and a person shall not be qualified to be appointed a registrar or an assistant registrar unless he is either a barrister or solicitor of not less than five years' standing.
- (3) The Chief Land Registrar, registrars, assistant registrars, clerks, messengers, and servants shall receive such salaries or remuneration as the Treasury may from time to time direct.
- (4) The salaries of the Chief Land Registrar, registrars, assistant registrars, clerks, messengers, and servants, and such incidental expenses of carrying this Act into effect as may be sanctioned by the Treasury, shall continue to be paid out of money provided by Parliament.
- (5) The Lord Chancellor may make regulations for the land registry, and for assigning the duties to the respective officers, and determining the acts of the registrar which may be done by a registrar or assistant registrar, and for altering or adding to the official styles of the Chief Land Registrar and other officers of the land registry. Subject to such regulations, anything authorised or required by this Act to be done to or by the

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registrar shall be done to or by the Chief Land Registrar. All such regulations for the time being in force shall have effect as if they were enacted in this Act.

- (6) The Lord Chancellor may also make regulations as to the conduct of business at the land registry during any vacancy in the office of Chief Land Registrar, and for distributing the duties amongst the respective officers, and for assigning to a registrar or assistant registrar all or any of the functions and authorities by this Act or any other Act assigned to or conferred on the registrar, and all acts done by a registrar or assistant registrar under any such regulations shall have the same effect in all respects as if they had been done by the Chief Land Registrar.
- (7) There shall continue to be a seal of the land registry and any document purporting to be sealed with that seal shall be admissible in evidence.

### **127 Conduct of business by registrar.**

Subject to the provisions of this Act, the Chief Land Registrar shall conduct the whole business of registration under this Act, and shall frame and cause to be printed and circulated or otherwise promulgated such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

### **128 Power for registrar to summon witnesses.**

- (1) The Chief Land Registrar, or any officer of the land registry authorised by him in writing, may administer an oath or take a statutory declaration in pursuance of this Act in that behalf for any of the purposes of this Act, and the Chief Land Registrar may, by summons under the seal of the land registry, require the attendance of all such persons as he may think fit in relation to the registration of any title; he may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection; he may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance:

Provided that no person shall be required to attend in obedience to any summons or to produce such documents as aforesaid unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

- (2) Any charges allowed by the registrar in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration and may be dealt with accordingly.
- (3) If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, and payment or tender of his reasonable charges for attendance, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under the provisions of this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the registrar under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

### **129 Interchange of information between land registry and other departments.**

The Commissioners of Inland Revenue and other Government Departments, and local authorities, may furnish to the registrar on his request such particulars and

information in regard to land and charges, and the registrar may in like manner furnish to the Commissioners of Inland Revenue, other Government Departments, and local authorities on their request such particulars and information as they are respectively by law entitled to require owners of property to furnish to them direct.

**130 Statutory acknowledgments on return of documents.**

When any document is delivered or returned by the registrar to any person he may, at the cost of the registry, require such person to give a statutory acknowledgment of the right of the registrar and his successors in office to production of such document and to delivery of copies thereof, and may endorse notice of such right on the document, and the acknowledgment shall not be liable to stamp duty.

**131 Indemnity to officers of registry.**

The Chief Land Registrar shall not, nor shall a registrar or assistant registrar nor any person acting under the authority of the Chief Land Registrar or a registrar or assistant registrar, or under any order or general rule made in pursuance of this Act, be liable to any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

*District Registries.*

**132 Power to form district registries by general orders.**

- (1) The Lord Chancellor, with the concurrence of the Treasury, shall have power by general orders from time to time to do all or any of the following things:—
  - (a) To create district registries for the purposes of registration of titles to land within the defined districts respectively, and to alter any districts which may have been so created :
  - (b) To fix, by notice to be published in the Gazette, the time for the commencement of registration at a district registry so created of titles to land within a district so defined:
  - (c) To direct registration of land to be commenced in any one or more district or districts pursuant to any such notice :
  - (d) To appoint district registrars, assistant district registrars, clerks, messengers, and servants to perform the business of registration in any district which may from time to time be created a district for registration under this Act:
  - (e) To provide for the mode in which district registrars are to be remunerated :
  - (f) To modify the provisions of this Act with respect to the formation and constitution of district registries, except the provision relating to the qualifications of district registrars, and assistant district registrars.
- (2) A person shall not be qualified to be appointed district registrar under this Act unless he is a barrister or solicitor or certificated conveyancer of not less than ten years' standing, and a person shall not be qualified to be appointed an assistant district registrar under this Act unless he is either a barrister or solicitor or certificated conveyancer of not less than five years' standing.

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- (3) A district registrar or assistant district registrar may, with the assent of the Lord Chancellor, follow another calling.
- (4) A seal shall be prepared for each district registry and any instrument purporting to be sealed with such seal shall be admissible in evidence.

**133 Powers of district registrar, and appeals from him.**

Subject to general rules each district registrar, and assistant district registrar shall, as regards the land within his jurisdiction, have the same powers and indemnity as are herein given to the registrars and assistant registrars in the land registry, and there shall be the same right to appeal as in the case of the registrar; an order of a district registrar may be enforced and any breach thereof punished in like manner as if the order had been made by the Chief Land Registrar :

Provided that the Lord Chancellor may, by general rules, make provision—

- (a) for the duties of a district registrar as regards all or any of the proceedings preliminary to first registration, or as regards any matters which the district registrar has to determine, or any other matters being performed by the Chief Land Registrar or a registrar or assistant registrar in the land registry; and
- (b) for any district registrar obtaining directions from or acting with the sanction of the Chief Land Registrar or a registrar or assistant registrar.

**134 Application of general orders, &c. to districts.**

The general orders, rules, forms, directions, and fees for the time being applying to and payable in the land registry shall also apply to and be payable in all the district registries, subject to any alteration or addition for the time being made for any district by the Lord Chancellor with the advice and assistance of the Rule Committee, and, so far as they relate to fees, with the concurrence of the Treasury.

*Local Registries of Deeds.*

**135 Exemption of land registered under Act from registry of deeds.**

- (1) Any land situated within the jurisdiction of any of the following local deed registries (that is to say) :—
  - (a) The registry for the county of Middlesex; or
  - (b) The registry for the West Riding of Yorkshire; or
  - (c) The registry for the North Riding of Yorkshire; or
  - (d) The registry for the East Riding of Yorkshire and the town and county of the town of Kingston-upon-Hull;

an estate wherein is registered under this Act, shall from and after the date of the registration thereof, be exempt, as respects the estate so registered, from such jurisdiction; and no document relating to any such registered estate executed, and no testamentary instrument relating to any such registered estate coming into operation, subsequently to such date as last aforesaid, shall be required to be registered in any of the said local deed registries.

- (2) This section does not apply to estates and interests excepted from the effect of registration under a possessory or qualified title, or to an unregistered reversion on

a registered leasehold title, or to dealings with incumbrances created prior to the registration of the title to the land.

**136 Power to transfer Yorkshire registries to land registry.**

- (1) Subject to the provisions of this Act relating to compulsory registration, the Lord Chancellor may enter into an agreement with the county council of any of the three ridings of Yorkshire for the transfer of the business of the local deed registry established in that riding to the land registry.
- (2) The agreement shall be drawn up in accordance with the principles of sections one, three, and four of the Land Registry (Middlesex Deeds) Act, 1891, which provided for the transfer of the Middlesex registry of deeds to the land registry, and shall, after approval by the Treasury, take effect accordingly.
- (3) The whole of the property, assets, and liabilities of the county council, in relation to the local deed registry, shall be included in the transfer, and shall be taken over, by the State at a price to be specified in or ascertained under the terms of the agreement.
- (4) Unless and until an agreement as aforesaid is concluded the county council may from time to time, at intervals of five years, in the event of their suffering loss owing to the business of the local deed registry being diminished by reason of this Act, apply to the Treasury for compensation, and the Treasury shall award such compensation accordingly.
- (5) The compensation shall be made by the payment of a capital sum to the county fund to be determined in case of dispute by arbitration on the basis of the receipts and expenditure in respect of the local deed registry during the three years previous to the claim being made, and that the county fund shall not be placed in a worse financial position by the operation of this Act.
- (6) All payments under this section shall be made out of money to be provided by Parliament.

*Provisions as to the Land Registry Act, 1862.*

**137 Provisions as to the Land Registry Act, 1862.**

- (1) No application for the registration of an estate under the Land Registry Act of 1862 shall be entertained.
- (2) The Lord Chancellor may, by order, provide for the registration under this Act, without cost to the parties interested, of all titles registered under the Land Registry Act, 1862, and care shall be taken in such order to protect any rights acquired in pursuance of registration under such last-mentioned Act, and any order so made by the Lord Chancellor shall have the same effect as if it were enacted in this Act; and until such estate is registered under this Act, the Act of 1862 shall apply thereto in the same manner as if this Act had not been passed.
- (3) The officers of the land registry shall for all the purposes of the Land Registry Act, 1862, so far as it remains in operation, and for all the purposes of the Improvement of Land Act, 1864, and of the Mortgage Debenture Act, 1865, be deemed to be officers acting under the Land Registry Act, 1862, and having to discharge the duties belonging to officers acting under those Acts as occasion may require.

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*Description and Powers of the Court.*

**138 Jurisdiction of High Court and county courts.**

- (1) For the purposes of this Act, " the court " means the High Court and also the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham or the county court, where those courts respectively have jurisdiction, according as the one or other of such courts may be prescribed by the general rules made for carrying this Act into effect.
- (2) All matters within the jurisdiction of the High Court under this Act shall, subject to the enactments for the time being in force, relating to the Supreme Court of Judicature, be assigned to the Chancery Division of the court; and every application to the court under this Act shall, except where it is otherwise expressed and subject to any rules of court to the contrary, be by summons at chambers.
- (3) The county court shall, in cases where it has jurisdiction under this Act, have, for all the purposes of such jurisdiction, all the powers of the High Court.
- (4) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges and expenses of all or any of the parties to any application.
- (5) The Lord Chancellor may from time to time assign the duties vested in the High Court in relation to all or any matters under this Act, including appeals from the county court, to any particular judge or judges of that court.

**139 Powers of court in action for specific performance.**

- (1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of the action may, by summons, or by such other mode as it deems expedient, cause all or any parties who have registered interests or rights in the registered land or charge, or have entered up notices, cautions, restrictions, or inhibitions against the same to appear in such action, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in the action shall be binding on such parties or any of them.
- (2) All costs incurred by any parties so appearing in an action to enforce against a vendor specific performance of his contract to sell any registered land or charge shall be taxed as between solicitor and client, and, unless the court otherwise orders, be paid by the vendor.

**140 Power of Registrar to state case for the court.**

- (1) Whenever, upon the examination of the title to any interest in land, the registrar entertains a doubt as to any matter of law or fact arising upon such title, he may (whether or not the matter has been referred to a conveyancing counsel in the prescribed manner), upon the application of any party interested in such land—
  - (a) refer a case for the opinion of the High Court and the court may direct an issue to be tried before a jury for the purpose of determining any fact;
  - (b) name the parties to such case;
  - (c) give directions as to the manner in which proceedings in relation thereto are to be brought before the court.

- (2) The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to the case, unless the court permits an appeal.

#### **141 Intervention of court in case of persons under disability.**

Where a person under disability, or person outside the jurisdiction of the High Court, or person yet unborn, is interested in the land in respect of the title to which any question arises as aforesaid, any other person interested in such land may apply to the court for a direction that the opinion of the court shall be conclusively binding on the person under (Usability, person outside the jurisdiction, or unborn person.

#### **142 Power for court to bind interests of persons under disability.**

- (1) The court shall hear the allegations of all parties appearing.
- (2) The court may disapprove altogether or may approve, either with or without modification, of the directions of the registrar respecting any case referred to the court.
- (3) The court may, if necessary, appoint a guardian, next friend or other person to appear on behalf of any person under disability, person outside the jurisdiction, or unborn person.
- (4) If the court is satisfied that the interest of any person under disability, outside the jurisdiction, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions, if any, as aforesaid, shall be conclusively bound by any decision of the court in which any such person is concerned.

#### **143 Appeals.**

- (1) Any person aggrieved by any order of a judge of a county court may, within the prescribed time and in the prescribed manner, appeal to the High Court.
- (2) The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, the order so altered or modified shall be of the like effect as if it were the order of the county court. The High Court may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.
- (3) Any person aggrieved by an order made under this Act by the High Court otherwise than on appeal from a county court, or by the Court of Chancery of Lancaster or Durham, may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the High Court or such Court of Chancery respectively in cases within the ordinary jurisdiction of such court may be appealed from.