

*Status: Point in time view as at 15/12/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Sections 29 and 30

#### UNREGISTERED INTERESTS WHICH OVERRIDE REGISTERED DISPOSITIONS

##### Modifications etc. (not altering text)

- C1** Sch. 3 excluded (24.2.2003.) by 1985 c. 68, Sch. 9A para. 6(1) (as substituted by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(10) (with s. 129); S.I. 2003/120, art. 2 (subject to transitional provisions and savings)

##### *Leasehold estates in land*

- 1 A leasehold estate in land granted for a term not exceeding seven years from the date of the grant, except for—
- (a) a lease the grant of which falls within section 4(1)(d), (e) or (f);
  - (b) a lease the grant of which constitutes a registrable disposition.

##### *Relevant social housing tenancies*

- [<sup>F1</sup>1A A leasehold estate in land under a relevant social housing tenancy.]

##### Textual Amendments

- F1** Sch. 3 para. 1A and cross-heading inserted (1.4.2012) by Localism Act 2011 (c. 20), ss. 157(8), 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

##### *Interests of persons in actual occupation*

- 2 An interest belonging at the time of the disposition to a person in actual occupation, so far as relating to land of which he is in actual occupation, except for—
- (a) an interest under a settlement under the Settled Land Act 1925 (c. 18);
  - (b) an interest of a person of whom inquiry was made before the disposition and who failed to disclose the right when he could reasonably have been expected to do so;
  - (c) an interest—
    - (i) which belongs to a person whose occupation would not have been obvious on a reasonably careful inspection of the land at the time of the disposition, and
    - (ii) of which the person to whom the disposition is made does not have actual knowledge at that time;
  - (d) a leasehold estate in land granted to take effect in possession after the end of the period of three months beginning with the date of the grant and which has not taken effect in possession at the time of the disposition.

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### *Easements and profits a prendre*

- 3 <sup>F2</sup>(1) A legal easement or profit a prendre, except for an easement, or a profit a prendre which is not registered under [<sup>F2</sup>Part 1 of the Commons Act 2006], which at the time of the disposition—
- (a) is not within the actual knowledge of the person to whom the disposition is made, and
  - (b) would not have been obvious on a reasonably careful inspection of the land over which the easement or profit is exercisable.
- (2) The exception in sub-paragraph (1) does not apply if the person entitled to the easement or profit proves that it has been exercised in the period of one year ending with the day of the disposition.

#### **Textual Amendments**

- F2** Words in [Sch. 3 para. 3\(1\)](#) substituted (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes, 15.12.2014 for E. for specified purposes) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 5 para. 8\(4\)](#) (with s. 60); S.I. 2011/2460, art. 2(b); S.I. 2014/3026, art. 3(1)(h) (with art. 5)

### *Customary and public rights*

- 4 A customary right.
- 5 A public right.

### *Local land charges*

- 6 A local land charge.

### *Mines and minerals*

- 7 An interest in any coal or coal mine, the rights attached to any such interest and the rights of any person under section 38, 49 or 51 of the Coal Industry Act 1994 (c. 21).
- 8 In the case of land to which title was registered before 1898, rights to mines and minerals (and incidental rights) created before 1898.
- 9 In the case of land to which title was registered between 1898 and 1925 inclusive, rights to mines and minerals (and incidental rights) created before the date of registration of the title.

### *Miscellaneous*

- [<sup>F3</sup>10 A franchise.

#### **Textual Amendments**

- F3** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9](#), [ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

- [<sup>F4</sup>11 A manorial right.]

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- F4** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

[<sup>F5</sup>12 A right to rent which was reserved to the Crown on the granting of any freehold estate (whether or not the right is still vested in the Crown).]

#### Textual Amendments

- F3** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))
- F5** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

[<sup>F6</sup>13 A non-statutory right in respect of an embankment or sea or river wall.]

#### Textual Amendments

- F3** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))
- F6** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

[<sup>F7</sup>14 A right to payment in lieu of tithe.

#### Textual Amendments

- F3** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))
- F7** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))

[<sup>F8</sup>16 A right in respect of the repair of a church chancel.]]]

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- F7** Sch. 3 paras. 10-14 shall cease to have effect at the end of ten years beginning with the day on which Schs. 1 and 3 of the Act come into force by virtue of [2002 c. 9, ss. 117\(1\), 136\(2\)](#) (with [ss. 117\(2\), 129](#))
- F8** Sch. 3 para. 16 inserted (temp. from 13.10.2003 - 13.10.2013) by [The Land Registration Act 2002 \(Transitional Provisions\) \(No 2\) Order 2003 \(S.I. 2003/2431\)](#), [art. 2\(2\)](#)

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