



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART III

REGISTERED DEALINGS WITH REGISTERED LAND

Transmissions of Land and Charges on Death and Bankruptcy

Textual Amendments applied to the whole legislation

- F1** Act repealed (prosp.) by [Land Registration Act 2002 \(c. 9\)](#), ss. 135, 136(2), [Sch. 13](#) (with s. 129, [Sch. 12](#))

41 Transmissions of land and charges on death of proprietor.

- (1) On the death of the sole proprietor, or of the survivor of two or more joint proprietors, of any registered land or charge, the personal representative of such sole deceased proprietor, or of the survivor of such joint proprietors, shall be entitled to be registered as proprietor in his place:
Provided that, where a special or additional personal representative is appointed by the court in reference to a registered estate, then on production of the order he shall be registered as proprietor either solely or jointly with any of the other personal representatives, as the case may require, and a copy of the order shall be filed at the registry.
- (2) Pending an application for the appointment of a special or additional personal representative, a caution against dealings may be lodged under this Act by any person intending to apply to the court for the appointment.
- (3) Subject as aforesaid, provision shall be made by rules for the manner in which effect is to be given on the register to transmissions on death.
- (4) An assent by a personal representative shall, in the case of registered land, be in the prescribed form and the production of the assent in that form shall authorise the

Status: Point in time view as at 01/02/1991.

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registrar to register the person named in the assent as the proprietor of the registered land.

42 Transmissions on bankruptcy of proprietor.

- (1) Upon the bankruptcy of the proprietor of any registered land or charge his trustee shall (on production of the prescribed evidence to be furnished by the official receiver or trustee in bankruptcy that the land or charge is [^{F1}comprised in the bankrupt's estate] be entitled to be registered as proprietor in his place.

The official receiver shall be entitled to be registered pending the appointment of a trustee.

- (2) Where a trustee in bankruptcy disclaims a registered lease under [^{F2}sections 315 to 319 of the Insolvency Act 1986], and an order is made by the court vesting the lease in any person, the order shall direct the alteration of the register in favour of the person in whom the lease is so vested, and in such case the registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to indemnity under this Act shall arise by reason of such alteration.

Textual Amendments

- F1** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(2)(a)**
F2 Words substituted by virtue of [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(2)(b)**, and [Insolvency Act 1986 \(c. 45, SIF 66\)](#), ss. 439(2), 443, **Sch. 14**

43 Effect of transmissions.

Any person registered in the place of a deceased or bankrupt proprietor shall hold the land or charge in respect of which he is registered upon the trusts and for the purposes upon and subject to which the same is applicable by law, and subject to any minor interests subject to which the deceased or bankrupt proprietor held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for valuable consideration.

Modifications etc. (not altering text)

- C1** [Section 43](#) applied (27.7.1993) by [1993 c. 37, s. 12, Sch. 2, Pt. II, para. 52\(4\)](#)
C2 [Section 43](#) modified (27.7.1993) by [1993 c. 37, s. 36, Sch. 4, para. 13\(4\)](#)

44 Vesting of term or subterm on transmission of charge.

- (1) On the registration of any transmission of a charge the term or subterm granted (expressly or by implication) by the charge or any deed of alteration shall without any conveyance or assignment vest in the proprietor for the time being of the charge.
- (2) Subject to any entry to the contrary on the register, the vesting of a term or subterm in accordance with this section in the proprietor of a charge, shall, subject to the right of redemption, have the same effect as if such proprietor had been registered as the transferee for valuable consideration of the term or subterm.

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45 Proof of transmission of registered proprietorship.

The fact of any person having become entitled to any registered land or charge in consequence of the death or bankruptcy of any proprietor shall be proved in the prescribed manner.

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