



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART VII **E+W**

### RECTIFICATION OF REGISTER AND INDEMNITY

#### 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- F1** Act repealed (prosp.)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](#))

#### **82** Rectification of the register. **E+W**

- (1) The register may be rectified pursuant to an order of the court or by the registrar, subject to an appeal to the court, in any of the following cases, but subject to the provisions of this section:—
- (a) Subject to any express provisions of this Act to the contrary, where a court of competent jurisdiction has decided that any person is entitled to any estate right or interest in or to any registered land or charge, and as a consequence of such decision such court is of opinion that a rectification of the register is required, and makes an order to that effect;
  - (b) Subject to any express provision of this Act to the contrary, where the court, on the application in the prescribed manner of any person who is aggrieved by any entry made in, or by the omission of any entry from, the register, or by any default being made, or unnecessary delay taking place, in the making of any entry in the register, makes an order for the rectification of the register;
  - (c) In any case and at any time with the consent of all persons interested;
  - (d) Where the court or the registrar is satisfied that any entry in the register has been obtained by fraud;
  - (e) Where two or more persons are, by mistake, registered as proprietors of the same registered estate or of the same charge;
  - (f) Where a mortgagee has been registered as proprietor of the land instead of as proprietor of a charge and a right of redemption is subsisting;

*Status: Point in time view as at 01/02/1991.*

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- (g) Where a legal estate has been registered in the name of a person who if the land had not been registered would not have been the estate owner; and
  - (h) In any other case where, by reason of any error or omission in the register, or by reason of any entry made under a mistake, it may be deemed just to rectify the register.
- (2) The register may be rectified under this section, notwithstanding that the rectification may affect any estates, rights, charges, or interests acquired or protected by registration, or by any entry on the register, or otherwise.
- (3) The register shall not be rectified, except for the purpose of giving effect to an overriding interest <sup>F1</sup>or an order of the court], so as to affect the title of the proprietor who is in possession—
- <sup>F2</sup>(a) unless the proprietor has caused or substantially contributed to the error or omission by fraud or lack of proper care; or]
  - (b) . . . . . <sup>F3</sup>
  - (c) unless for any other reason, in any particular case, it is considered that it would be unjust not to rectify the register against him.
- (4) Where a person is in possession of registered land in right of a minor interest, he shall, for the purposes of this section, be deemed to be in possession as agent for the proprietor.
- (5) The registrar shall obey the order of any competent court in relation to any registered land on being served with the order or an official copy thereof.
- (6) On every rectification of the register the land certificate and any charge certificate which may be affected shall be produced to the registrar unless an order to the contrary is made by him.

**Textual Amendments**

- F1** Words inserted by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 24\(a\)](#)
- F2** [S. 82\(3\)\(a\)](#) substituted by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 24\(b\)](#)
- F3** [S. 82\(3\)\(b\)](#) repealed by [Administration of Justice Act 1977 \(c. 38, SIF 37\), Sch. 5 Pt. VI](#)

**83 Right to indemnity in certain cases. E+W**

- (1) Subject to the provisions of this Act to the contrary, any person suffering loss by reason of any rectification of the register under this Act shall be entitled to be indemnified.
- (2) Where an error or omission has occurred in the register, but the register is not rectified, any person suffering loss by reason of such error or omission, shall, subject to the provisions of this Act, be entitled to be indemnified.
- (3) Where any person suffers loss by reason of the loss or destruction of any document lodged at the registry for inspection or safe custody or by reason of an error in any official search, he shall be entitled to be indemnified under this Act.
- (4) Subject as hereinafter provided, a proprietor of any registered land or charge claiming in good faith under a forged disposition shall, where the register is rectified, be deemed to have suffered loss by reason of such rectification and shall be entitled to be indemnified under this Act.

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- (5) No indemnity shall be payable under this Act in any of the following cases:—
- [<sup>F4</sup>(a) Where the applicant or a person from whom he derives title (otherwise than under a disposition for valuable consideration which is registered or protected on the register) has caused or substantially contributed to the loss by fraud or lack of proper care;]
  - (b) On account of any mines or minerals or of the existence of any rights to work or get mines or minerals, unless a note is entered on the register that the mines or minerals are included in the registered title;
  - (c) On account of costs incurred in taking or defending any legal proceedings without the consent of the registrar.
- (6) Where an indemnity is paid in respect of the loss of an estate or interest in or charge on land the amount so paid shall not exceed—
- (a) Where the register is not rectified, the value of the estate, interest or charge at the time when the error or omission which caused the loss was made;
  - (b) Where the register is rectified, the value (if there had been no rectification) of the estate, interest or charge, immediately before the time of rectification.
- (7) ..... <sup>F5</sup>
- [<sup>F6</sup>(8) Subject to subsection (5)(c) of this section, as amended by section 2(2) of the <sup>M1</sup>Land Registration and Land Charges Act 1971—
- (a) an indemnity under any provision of this Act shall include such amount, if any, as may be reasonable in respect of any costs or expenses properly incurred by the applicant in relation to the matter; and
  - (b) an applicant for an indemnity under any such provision shall be entitled to an indemnity thereunder of such amount, if any, as may be reasonable in respect of any such costs or expenses, notwithstanding that no other indemnity money is payable thereunder.]
- (9) Where indemnity is paid for a loss, the registrar, on behalf of the Crown, shall be entitled to recover the amount paid from any person who has caused or substantially contributed to the loss by his fraud.
- (10) The registrar shall be entitled to enforce, on behalf of the Crown, any express or implied covenant or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which indemnity has been paid.
- (11) A liability to pay indemnity under this Act shall be deemed a simple contract debt; and for the purposes of [<sup>F7</sup>the <sup>M2</sup>Limitation Act 1980], the cause of action shall be deemed to arise at the time when the claimant knows, or but for his own default might have known, of the existence of his claim:  
Provided that, when a claim to indemnity arises in consequence of the registration of an estate in land with an absolute or good leasehold title, the claim shall be enforceable only if made within six years from the date of such registration, except in the following cases:—
- (a) Where at the date of registration the person interested is an infant, the claim by him may be made within six years from the time he attains full age;
  - (b) In the case of settled land, or land held on trust for sale, a claim by a person interested in remainder or reversion, may be made within six years from the time when his interest falls into possession;

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- (c) Where a claim arises in respect of a restrictive covenant or agreement affecting freehold land which by reason of notice or the registration of a land charge or otherwise was binding on the first proprietor at the time of first registration, the claim shall only be enforceable within six years from the breach of the covenant or agreement;
- (d) Where any person interested is entitled as a proprietor of a charge or as a mortgagee protected by a caution in the specially prescribed form, the claim by him may be made within six years from the last payment in respect of principal or interest.

(12) This section applies to the Crown in like manner as it applies to a private person.

#### Textual Amendments

- F4** S. 83(5)(a) substituted by [Land Registration and Land Charges Act 1971 \(c. 54, SIF 98:2\)](#), **s. 3(1)**
- F5** Ss. 83(7), 85 repealed by [Land Registration and Land Charges Act 1971 \(c. 54, SIF 98:2\)](#), **Sch. 2 Pt. II**
- F6** S. 83(8) substituted by [Land Registration and Land Charges Act 1971 \(c. 54, SIF 98:2\)](#), **s. 2(4)**
- F7** Words substituted by [Limitation Act 1980 \(c. 58, SIF 79\)](#), **Sch. 3 para. 1**

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

- C1** S. 83(5)(c) excluded by [Land Registration and Land Charges Act 1971 \(c. 54, SIF 98:2\)](#), **s. 2(2)**
- C2** S. 83(6)(a) modified by [Land Registration Act 1986 \(c. 26, SIF 98:2\)](#), **s. 5(3)(4)**

#### Marginal Citations

- M1** [1971 c. 54 \(98:2\)](#).
- M2** [1980 c. 58 \(79\)](#).

## 84 Application of indemnity in case of settled land. **E+W**

Where any indemnity is paid in respect of settled land, and not in respect of any particular estate, remainder, or reversion therein, the money shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the <sup>M3</sup>Settled Land Act 1925, arising from the settled land.

#### Marginal Citations

- M3** [1925 c. 18 \(98:3\)](#).

## 85 ..... <sup>F8</sup> **E+W**

#### Textual Amendments

- F8** Ss. 83(7), 85 repealed by [Land Registration and Land Charges Act 1971 \(c. 54, SIF 98:2\)](#), **Sch. 2 Pt. II**

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**Changes to legislation:**

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