



Land Registration Act 1925

1925 CHAPTER 21

PART XIII

RULES, FEE ORDERS, REGULATIONS, SHORT TITLE, COMMENCEMENT AND EXTENT.

144 Power to make general rules.

- (1) Subject to the provisions of this Act, the Lord Chancellor may, with the advice and assistance of a judge of the Chancery Division of the High Court to be chosen by the judges of that division, the Chief Land Registrar, and three other persons, one to be chosen by the General Council of the Bar, one by the Minister of Agriculture and Fisheries, and one by the Council of the Law Society (which body of persons are in this Act referred to as the Rule Committee), make general rules for all or any of the following purposes :—
- (i) For regulating the mode in which the register is to be made and kept;
 - (ii) For prescribing the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings before the registrar or in connexion with registration, and in particular with respect to the reference to a conveyancing counsel of any title to land proposed to be registered with an absolute title;
 - (iii) For regulating the procedure on application for first registration, provided that the applicant or his solicitor shall not be bound to make any declaration where a documentary title is shown which would operate as a guarantee in regard to matters not disclosed by the abstract;
 - (iv) For enabling registration with a possessory title to be provisionally effected pending the investigation of the title;
 - (v) For regulating the custody of any documents from time to time coming into the hands of the registrar, with power to direct the destruction of any such documents where they have become altogether superseded by entries in the register, or have ceased to have any effect;
 - (vi) For the taxation of costs charged by solicitors or certificated conveyancers in or incidental to or consequential on the registration of an estate in land or

Status: This is the original version (as it was originally enacted).

- any other matter required to be done for the purpose of carrying this Act into execution, and for determining the persons by whom such costs are to be paid;
- (vii) For carrying out the provisions of this Act with respect to compulsory registration;
 - (viii) For adapting to sub-mortgages and to incumbrances prior to registration the provisions of this Act with regard to charges;
 - (ix) For the conduct of official searches against cautions, inhibitions, and such matters of a like nature as may be prescribed, and for enabling the proprietor or any person authorised by him to apply for such searches by telegraph or telephone, and for the replies being returned in like manner to him or to such other person as he may direct;
 - (x) For enabling cautions to be entered against the registration of possessory and qualified titles as qualified, good leasehold, or absolute and against the registration of good leasehold title as absolute;
 - (xi) For enabling a mortgagee by deposit to give notice to the registrar by registered letter or otherwise of the deposit or intended deposit with him of the land certificate, or charge certificate: Provided that the fee for the entry of any such notice shall not exceed one shilling;
 - (xii) For allowing the insertion in the register, and in land certificates, of the price paid or value declared on first registrations, transfers, and transmissions of land;
 - (xiii) For making such adaptations as changes in the general law (including changes effected by the Law of Property Act, 1922, or any Acts of the present session of Parliament amending or re-enacting any provisions of that Act) may render expedient, with a view to the practice under this Act being from time to time adapted, so far as expedient, to the practice in force in regard to unregistered land;
 - (xiv) For enabling the registrar, without further investigation, to accept a title as absolute or good leasehold, in proper cases, on the faith of certificates given by counsel or solicitors or both;
 - (xv) For clearing the registered title on suitable occasions, and for enabling the registrar to permit any person interested to inspect entries on the register which have been cancelled, whether or not the title has been closed;
 - (xvi) For giving notice on land certificates of the general effect of registration;
 - (xvii) For the registration, by way of notice, on the first registration of the land, of any easement, right, or privilege, created by an instrument and operating at law which appears to affect adversely the land, and so far as practicable by reference to the instrument creating the same;
 - (xviii) For enabling any person who acquires any such easement, right, or privilege, after the date of first registration of the land, to require (subject to notice being given to the owner of the servient land) entry to be made in the register of notice of the same, and so far as practicable by reference to the instrument creating the right;
 - (xix) For enabling the first or any subsequent proprietor to require that notice of his title to any such right or interest, whether acquired under an instrument or by prescription or otherwise, being appurtenant or appendant to the registered land, be entered on the register, and, so far as practicable, by reference to the instrument (if any) creating the right or interest, and for prescribing the effect of any such entry;

- (xx) For providing for the registration of the title to an annuity or a rentcharge in possession (either perpetual or for a term of years absolute), or to mines and minerals when held separately from the surface, and as to notices to be entered of any exception of mines and minerals; and for preventing the registration of the benefit of any easement, right, privilege, or restrictive covenant, otherwise than as belonging to registered land;
 - (xxi) For regulating the issue and forms of certificates, and, if deemed desirable, for prescribing any special notification on the certificate to be given by way of warning when incumbrances, notices, and other adverse entries appear on the register;
 - (xxii) For providing for the cases in which the registrar may grant a certificate that an intended disposition is authorised and will be registered if presented;
 - (xxiii) For prescribing the effect of priority notices and of priority cautions and inhibitions;
 - (xxiv) For enabling a proprietor of any registered land or charge to register not more than three addresses (including, if he thinks fit, the address of his solicitor or firm of solicitors) to which notices are to be sent;
 - (xxv) For providing any special precautions to be taken against forgery when the land certificate is not in the possession of the proprietor of the registered land;
 - (xxvi) For prescribing any matter by this Act directed or authorised to be prescribed and for effecting anything with respect to which rules are by this Act authorised or required to be made;
 - (xxvii) For adapting the provisions of this Act relating to transfers of registered land to other dispositions authorised to be made by a proprietor ;
 - (xxviii) For prescribing—
 - (a) the procedure to be adopted when land is or becomes subject to any charitable, ecclesiastical or public trusts,
 - (b) any consents to be given before a title to such land is registered,
 - (c) the duties, if any, to be performed by the managing trustees or committee, and
 - (d) the restrictions, if any, to be entered on the register in regard to such land;
 - (xxix) For enabling entries to be made in the register on the surrender, extinguishment or discharge of any subsisting interest without previously registering the title to the interest which is merged or extinguished;
 - (xxx) For enabling such alterations to be made in the register as may be consequential on the conversion of perpetually renewable leases into long terms by the Law of Property Act, 1922, as amended;
 - (xxxi) For regulating any matter to be prescribed or in respect of which rules are to or may be made under this Act and any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.
- (2) Any rules made in pursuance of this section shall be of the same force as if enacted in this Act.
- (3) Any rules made in pursuance of this section shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

145 Power to make fee orders and principles on which fees determined.

- (1) The Lord Chancellor may, with the advice and assistance of the Rule Committee and with the concurrence of the Treasury, make orders with respect to the amount of fees payable under this Act, regard being had to the following matters :—
 - (a) In the case of the registration of an estate in land or of any transfer of an estate in land on the occasion of a sale, to the value of the estate as determined by the amount of purchase money; and
 - (b) In the case of the registration of an estate in land, or of any transfer of an estate in land not upon a sale, to the value of the estate, to be ascertained in such manner as may be prescribed; and
 - (c) In the case of registration of a charge or of any transfer of a charge, to the amount of such charge.
- (2) Where the personal representatives of a deceased person are registered as proprietors of the registered land on his death, a fee shall not be chargeable for registering any disposition of the land by them unless the disposition is for valuable consideration.
- (3) Specially reduced fees may be authorised to be charged on the registration of title to land wholly acquired for the purpose of being used as a street, or for street widening or improvements, or when acquired by a Government Department, a local authority, or other statutory body for permanent objects not involving a resale or other disposition.
- (4) The fee orders relating and incidental to registration of title shall be arranged from time to time so as to produce an annual amount sufficient to discharge the salaries and other expenses (including the annual contribution to the insurance fund) incidental to the working of this Act, and no more.
- (5) The Lord Chancellor may, with the consent of the Treasury, by order, from time to time provide for the manner in which the money advanced for the acquisition of the site and the erection of new offices at the registry (so far as not already provided for by the existing sinking fund) shall be repaid, secured, or otherwise provided for; and also for the manner in which accounts of receipts and expenditure as between the several departments of the land registry are to be kept.

146 Orders as to remuneration of solicitors.

- (1) The remuneration of solicitors in conveyancing and other non-contentious business under this Act shall from time to time be prescribed and regulated by general orders made by the Committee in England constituted under section two of the Solicitors Remuneration Act, 1881; provided that the Chief Land Registrar shall, for the purposes aforesaid, be an additional member of that committee.
- (2) The provisions of the last-mentioned Act apply to any general order made under this section.

147 Repeals, savings and construction.

- (1) The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889:—

- (a) Nothing in this repeal shall, save as otherwise expressly provided in this Act, affect any transfer of any interest in land or entry in the register made before the commencement of this Act, or any title or right acquired or appointment made before the commencement of this Act:
 - (b) Nothing in this repeal shall affect any rules, regulations, orders, or other instruments made under any enactment so repealed, but all such rules, regulations, orders, and instruments shall, until superseded, continue in force as if made under the corresponding provision of this Act:
 - (c) Nothing in this repeal shall affect the tenure of office or salary or right to pension or superannuation allowance of any officer appointed before the commencement of this Act:
 - (d) References in any document to any enactment repealed by this Act shall be construed as references to the corresponding provisions of this Act.
- (2) References to registration under the Land Charges Act, 1925, apply to any registration made under any other statute which is by the Land Charges Act, 1925, to have effect as if the registration had been made under that Act.

148 Short title, commencement and extent.

- (1) This Act may be cited as the Land Registration Act, 1925.
- (2) This Act shall come into operation on the first day of January nineteen hundred and twenty-six, but shall be deemed to come into operation immediately after the Law of Property Act, 1925, the Settled Land Act, 1925, the Land Charges Act, 1925, the Trustee Act, 1925, and the Administration of Estates Act, 1925, come into operation.
- (3) This Act extends to England and Wales only.