



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART IV

NOTICES, CAUTIONS, INHIBITIONS AND RESTRICTIONS

Protection of various Interests

61 Protection of creditors prior to registration of trustee in bankruptcy.

- (1) The registrar shall as soon as practicable after registration of a petition in bankruptcy as a pending action under the ^{M1}Land Charges Act 1925, register a notice (in this Act called a creditors' notice) against the title of any proprietor of any registered land or charge which appears to be affected, and such notice shall protect the rights of all creditors, and unless cancelled by the registrar in the prescribed manner such notice shall remain in force until a bankruptcy inhibition is registered or the trustee in bankruptcy is registered as proprietor.

No fee shall be charged for the registration of the notice.

- (2) ^{F1}

- (3) The registrar shall, as soon as practicable after registration of a [^{F2}bankruptcy order] receiving order in bankruptcy under the ^{M2}Land Charges Act, 1925, enter an inhibition (in this Act called a bankruptcy inhibition) against the title of any proprietor of any registered land or charge which appears to be affected.

No fee shall be charged for the registration of the inhibition.

- (4) From and after the entry of a bankruptcy inhibition (but without prejudice to dealings with or in right of interests or charges having priority over the estate or charge of the bankrupt proprietor), no dealing affecting the registered land or charge of the proprietor, other than the registration of the trustee in bankruptcy, shall be entered on the register until the inhibition is vacated as to the whole or part of the land or charge dealt with.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 61. (See end of Document for details)

- (5) If and when a proprietor of any registered land or charge is adjudged bankrupt, his registered estate or interest, if belonging, to him beneficially, and whether acquired before or after the date of adjudication, shall vest in the trustee in bankruptcy in accordance with the statutory provisions relating to bankruptcy for the time being in force.
- (6) Where under a disposition to a purchaser in good faith for money or money's worth such purchaser is registered as proprietor of an estate or a charge, then [^{F3}, notwithstanding that the person making the disposition is adjudged bankrupt,] the title of his trustee in bankruptcy acquired after the commencement of this Act shall, as from the date of such disposition, be void as against such purchaser unless at the date of such disposition, either a creditors' notice or a bankruptcy inhibition has been registered, but a purchaser who, at the date of the execution of the registered disposition, has notice of [^{F4}the bankruptcy petition or the] adjudication, shall not be deemed to take in good faith.
- Nothing in this section shall impose on a purchaser a liability to make any search under the ^{M3}Land Charges Act 1925.
- (7) Where the estate or assets of a bankrupt proprietor suffer loss by reason of the omission of the registrar to register a creditors' notice or bankruptcy inhibition, as required by this section, or on account of the execution or registration of a disposition after a petition is registered as a pending action or after [^{F5}a bankruptcy order] is registered and before the registration of a creditors' notice or bankruptcy inhibition, the trustee in bankruptcy shall be entitled to indemnity as a person suffering loss by reason of an error or omission in the register.
- (8) If neither a creditors' notice nor a bankruptcy inhibition is registered against a bankrupt proprietor, nothing in this section shall prejudicially affect a registered disposition of any registered land or charge acquired by the bankrupt after adjudication ^{F6}. . . .
- (9) If and when a bankruptcy inhibition is wholly or partially vacated, for any cause other than by reason of the registration of the trustee in bankruptcy, any registered estate or interest vested in the trustee in bankruptcy shall, as respects the registered land or charge to which the vacation extends, be divested and the same shall vest in the proprietor in whom it would have been vested if there had been no adjudication in bankruptcy.
- (10) ^{F7}

Textual Amendments

- F1** S. 61(2) repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(3), **Sch. 10 Pt. III**
- F2** S. 61(3) words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(3)**.
- F3** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(3)(b)(i)**
- F4** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(3)(b)(ii)**
- F5** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 5(3)(c)**
- F6** Words repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(3), **Sch. 10 Pt. III**
- F7** S. 61(10) repealed by [Land Registration Act 1988 \(c. 3, SIF 98:2\)](#), ss. 1(2)(b), 2, **Sch.**

Modifications etc. (not altering text)

- C1** [Land Charges Act 1925 \(c. 22\)](#) repealed by [Land Charges Act 1972 \(c. 61, SIF 98:2\)](#), **Sch. 5** and [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), **Sch. 2**: references to the 1925 Act to be construed in accordance with [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. **17(2)(a)**

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 61. (See end of Document for details)

Marginal Citations

- M1** 1925 c. 22.
- M2** 1925 c. 22.
- M3** 1925 c. 22.

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](#))

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 61.