



Law of Property Act 1969

1969 CHAPTER 59

PART II

CLOSING OF YORKSHIRE DEEDS REGISTRIES

16 Closing of Yorkshire deeds registries

- (1) The deeds register maintained at a Yorkshire deeds registry shall be closed as respects the registration of instruments made on or after the date which under this section is the relevant date in relation to that registry ; and accordingly the Act of 1884 and section 11 of the Law of Property Act 1925 (instruments capable of registration in a local deeds registry) shall not apply to any instrument made on or after that date so far as it affects land within the jurisdiction of that registry.
- (2) At the expiration of the period of two years beginning with the date which under this section is the relevant date in relation to a Yorkshire deeds registry the deeds register maintained there shall be closed for all purposes; and thereupon the enactments specified in Part I of Schedule 2 to this Act shall, to the extent specified in the third column of that Schedule, be repealed as respects that register, that registry and the area which was within its jurisdiction.
- (3) For the purposes of this section the relevant date in relation to a Yorkshire deeds registry is the date of the coming into force, as respects any part of the area within its jurisdiction, of any Order in Council made after the commencement of this Act under section 120 of the Land Registration Act 1925 (power to extend area of compulsory registration of title to land) except that the Lord Chancellor may, at the request of the county council, by an order made by statutory instrument direct that it shall be such earlier date as may be specified in the order.

17 Land charges registered in Yorkshire deeds registry

- (1) As from the date which under section 16(3) of this Act is the relevant date in relation to a Yorkshire deeds registry—

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- (a) section 10(6) of the Land Charges Act 1925 (certain land charges affecting land in any of the three ridings to be registered in the appropriate local deeds registry) shall not apply to the registration of any charge so far as it affects land which is then within the jurisdiction of the registry ; and
- (b) section 97 of the Law of Property Act 1925 (priorities as between certain mortgages of unregistered land not within the jurisdiction of a local deeds registry to be determined according to dates of registration under the Land Charges Act 1925) shall apply in relation to land which is then within the jurisdiction of the registry as it applies to land which was never within the jurisdiction of any local deeds registry ;

and accordingly as from that date the enactments specified in Part II of Schedule 2 to this Act shall, to the extent specified in the third column of that Schedule, be repealed as respects that registry and the area which is then within its jurisdiction.

- (2) As soon as may be after subsection (1) of this section has come into force in relation to a Yorkshire deeds registry, the register of land charges maintained there pursuant to section 10(6) of the Land Charges Act 1925 shall be transferred to the Land Charges Department of Her Majesty's Land Registry in accordance with directions given for the purpose by the Chief Land Registrar.
- (3) The Chief Land Registrar may direct that, during such period (not exceeding seven days) as he considers requisite for effecting the transfer of a register under subsection (2) of this section, no search shall be permitted in that register under section 16 of the Land Charges Act 1925 and that any certificate issued during that period under section 17 of that Act shall not be conclusive as to the existence or otherwise of any entry of a matter or document whereof entries were required or allowed to be made in that register.
- (4) The Chief Land Registrar shall give notice of any direction under the last foregoing subsection in such manner as appears to him to be appropriate.
- (5) A puisne mortgage registered in the deeds register maintained at a Yorkshire deeds registry shall be registrable under the Land Charges Act 1925 to the same extent as a puisne mortgage not registered in any local deeds register, and accordingly in section 10(1) of that Act, in Class C(i), the words " and (where the whole of the land affected is within the jurisdiction of a local deeds registry) not being registered in the local deeds register " are hereby repealed.
- (6) No fee shall be payable on the registration as a land charge under the Land Charges Act 1925 of a mortgage which becomes capable of registration under that Act by virtue of subsection (5) of this section.
- (7) Where before the commencement of this Act a person has purported to register under the Land Charges Act 1925 a mortgage which was incapable of such registration because already registered in the deeds register maintained at a Yorkshire deeds registry, the purported registration shall be treated as valid notwithstanding the prior registration in the deeds register.

18 Disposal of registers of closed registries

- (1) A deeds register which under section 16(2) of this Act has been closed for all purposes shall be treated, in relation to the county council concerned, as included among the records and documents to which section 279(1) of the Local Government Act 1933 (custody of county records) applies.

- (2) A county council shall preserve any document forming part of a register to which subsection (1) of this section applies which they consider deserves preservation on historical or other grounds and shall, before destroying or otherwise disposing of any other document forming part of such a register, make and preserve a copy (which may be a microfilm) of that document if they consider that on historical or other grounds a copy of it should be preserved.
- (3) In this section "a deeds register " includes any books, indexes or other documents connected with the business of deeds registration at the registry in question.

19 Provisions relating to registrars etc.

- (1) As respects anything falling to be done by or to a registrar under section 49 of the Act of 1884 (actions for neglect, etc.) after the date on which his appointment terminates by virtue of section 16(2) of this Act, the said section 49 shall have effect as if for references to the registrar there were substituted references to the clerk of the county council; and any action pending on that date in which by virtue of that section the registrar is sued as nominal defendant may be continued against the said clerk as nominal defendant.
- (2) The Lord Chancellor may make regulations requiring the county council to pay compensation (subject to such exceptions or conditions as may be prescribed in the regulations) to or in respect of persons who are or were employed for the purposes of a Yorkshire deeds registry and who suffer loss of employment, or loss or diminution of emoluments, in consequence of this Part of this Act.
- (3) Regulations under subsection (2) of this section may include provision as to the manner in which and the person to whom any claim for compensation under the regulations is to be made, and for the determination of all questions arising under the regulations.
- (4) The power to make regulations under subsection (2) of this section shall be exercisable by statutory instrument, and any statutory instrument containing regulations so made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

20 Compensation for county councils

- (1) If the expenses incurred by the county council in respect of a Yorkshire deeds registry during the period of two years beginning with the date which under section 16(3) of this Act is the relevant date in relation to that registry (including expenses in consequence of any regulations made under section 19(2) of this Act) exceed the receipts of the council in respect of the registry during that period, the Treasury shall pay to the council a sum equal to the excess.
- (2) Any dispute under this section shall be determined by arbitration.

21 Indemnity for members of the public who suffer loss

- (1) Subject to the provisions of this section, any person suffering loss by reason of—
 - (a) section 16(2) of this Act so far as it repeals sections 19 and 20 of the Act of 1884 (searches) or section 197 of the Law of Property Act 1925 (registration in local deeds registry to constitute actual notice); or

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- (b) section 17(1)(b), (5) or (7) of this Act,
shall be entitled to be indemnified in respect of that loss.
- (2) No indemnity shall be payable under this section in respect of any loss where the applicant has himself caused or substantially contributed to the loss by his act, neglect or default.
- (3) Subsection (2) of this section shall not apply to any failure on the part of the applicant to register under the Land Charges Act 1925 a puisne mortgage which became capable of such registration by virtue of section 17(5) of this Act, but if—
- (a) the mortgage is not registered under that Act before the expiration of two years beginning with the date which under section 16(3) of this Act is the relevant date in relation to the Yorkshire deeds registry in question; and
 - (b) the loss could have been prevented by the registration or earlier registration thereof,
- no indemnity shall be payable unless there is reasonable excuse for the failure to register the mortgage in time to prevent the loss.
- (4) Any indemnity under this section shall include a reasonable sum in respect of any costs or expenses properly incurred by the applicant in relation to the matter.
- (5) If any question arises as to whether a person is entitled to an indemnity under this section, or as to the amount of any such indemnity, he may apply to the High Court to have that question determined.
- (6) Any indemnity under this section shall be paid by the Chief Land Registrar; and where an indemnity is paid the Chief Land Registrar shall be entitled, on behalf of the Crown—
- (a) to recover the amount paid from any person who has caused or substantially contributed to the loss by his fraud; and
 - (b) to enforce 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 the indemnity was paid.

22 Proof of registration

- (1) A certificate of the registration of an instrument in a deeds register maintained at a Yorkshire deeds registry endorsed on the instrument by an officer of the registry shall, after the register has been closed for all purposes under section 16(2) of this Act, be conclusive evidence for all purposes of the facts certified.
- (2) A writing endorsed on an instrument and purporting to be such a certificate as aforesaid shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.