



Land Registration and Land Charges Act 1971

1971 CHAPTER 54

PART I

AMENDMENT OF LAND REGISTRATION ACTS 1925 TO 1966

1 Payment of indemnity.

- (1) Any indemnity payable after the commencement of this section under any provision of the ^{M1}Land Registration Act 1925, including so much of any indemnity which has become so payable at any time before then as has not then been paid, shall, instead of being paid out of the insurance fund, be paid by the registrar out of moneys provided by Parliament; and no other person shall thereafter be under any liability to pay any such indemnity.
- (2) Any money which at the commencement of this section stands to the credit of the insurance fund shall be paid into the Consolidated Fund, and any other assets then comprised in the insurance fund shall be realised forthwith, and the proceeds thereof shall be paid into the Consolidated Fund; and as soon as its assets have been so dealt with, the insurance fund shall cease to exist.
- (3) In this section “the insurance fund” means the insurance fund established under the ^{M2}Land Transfer Act 1897.

Marginal Citations

M1 1925 c. 21.

M2 1897 c. 65.

Status: Point in time view as at 27/04/1997.

Changes to legislation: Land Registration and Land Charges Act 1971, Part I is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

2 Determination of questions as to right to or amount of indemnity.

(1) If any question arises as to whether a person is entitled to an indemnity under any provision of the Land Registration Act 1925 or as to the amount of any such indemnity, he may apply to the court to have that question determined.

(2) Section 83(5)(c) of the Land Registration Act 1925 (by virtue of which no indemnity is payable under that Act on account of costs incurred in taking or defending any legal proceedings without the consent of the registrar) shall not apply to the costs of an application to the court under subsection (1) above or of any legal proceedings arising out of such an application; and as regards any such application or proceedings section 131 of that Act (which provides that the registrar, among others, shall not be liable to any action or proceeding for or in respect of anything done or omitted as there mentioned) shall not apply to the registrar.

(3) On an application under subsection (1) above the court shall not order the applicant, even if unsuccessful, to pay any costs except his own unless it considers that the application was unreasonable.

^{F1}(4)

(5) Nothing in this section shall be taken to preclude the registrar from settling by agreement claims for indemnity under the ^{M3}Land Registration Act 1925.

^{F2}(6)

Textual Amendments	
F1	S. 2(4) repealed (27.4.1997) by 1997 c. 22, ss. 4(2), 5(3) , Sch. 2 Pt.II
F2	S. 2(6) repealed (8.11.1995) by 1995 c. 44, s. 1 , Sch. 1 Pt. VI Group 1
Marginal Citations	
M3	1925 c. 21 .

^{F3}

Textual Amendments	
F3	S. 3 repealed (27.4.1997) by 1997 c. 22, ss. 4(2), 5(3) , Sch. 2 Pt.II

4 Souvenir land.

(1) The Lord Chancellor may by rules made with the advice and assistance of the Rule Committee make provision—

- (a) for enabling the registrar, in such circumstances and subject to such conditions as may be specified in the rules, to declare any area of land to be subject to a souvenir land scheme if the registrar is satisfied that the land comprised in that area consists wholly or mainly of land which has been or is proposed to be disposed of (by way of sale or otherwise) in souvenir plots or of which part has been, and the remainder is proposed to be, so disposed of;

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- (b) with respect to the cancellation of declarations and the extension or reduction of the area to which any declaration relates;
 - (c) for authorising or requiring the registrar not to accept applications under the Land Registration Act 1925 relating to souvenir land or cautions or other documents relating to such land;
 - (d) for excepting souvenir land from the operation of section 123 of that Act (effect of that Act in areas where registration is compulsory);
 - (e) for securing that transactions relating to souvenir land which is registered land take effect as if the souvenir land in question were not registered land; and
 - (f) generally for modifying or excluding in relation to souvenir land the operation of any provision contained in the Land Registration Acts 1925 to 1966 or any general rules thereunder.
- (2) Rules under this section may include such supplemental, consequential or incidental provision as may appear to the Lord Chancellor to be necessary or expedient for the purposes of the rules, and may make different provision for souvenir land in general and souvenir land so far as it consists or does not consist of souvenir plots, and for other different circumstances.
- (3) The power to make rules under this section shall be exercisable by statutory instrument, and a statutory instrument containing any such rules shall be laid before Parliament after being made.
- (4) Section 131 of the ^{M4}Land Registration Act 1925 (indemnity to officers of registry) shall apply in relation to rules made under this section as it applies in relation to general rules made in pursuance of that Act.
- (5) For the purposes of this section—
- “declaration” means a declaration by the registrar, made in pursuance of rules under this section made by virtue of subsection (1)(a) above, that an area of land is subject to a souvenir land scheme;
 - “souvenir land” means land situated within an area in respect of which a declaration is for the time being in force;
 - “souvenir plot” means any piece of land which, being of inconsiderable size and little or no practical utility, is unlikely to be wanted in isolation except for the sake of pure ownership or for sentimental reasons or commemorative purposes.

Marginal Citations

M4 1925 c. 21.

Status:

Point in time view as at 27/04/1997.

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