

SCHEDULES

SCHEDULE 12

Section 108.

REGISTRATION OF TITLE AND RELATED MATTERS

Interpretation

- 1 In this Schedule—
- “transferred property” means property which is the subject of a grant under section 104(1)(a) of this Act;
 - “transferee”, in relation to any transferred property, means the person to whom the grant is made;
 - “conveyance” means the instrument by which the grant is effected; and other expressions have the same meaning as in section 104 of this Act.

Acquisitions under section 104(1)(a)

- 2 (1) Where a landlord makes a grant of transferred property, it shall ensure—
- (a) that the conveyance contains a statement that the grant is made under section 104(1)(a) of this Act; and
 - (b) that all deeds and other documents relating to land (including, in the case of registered land, the land certificate) which are in its possession or under its control and which the transferee reasonably requires on or in connection with the grant of the transferred property are made available to him for this purpose.
- (2) Where the landlord’s title to the whole or any part of the transferred property is not registered—
- (a) section 123 of the Land Registration Act 1925 (compulsory registration of title) applies in relation to the conveyance whether or not the transferred property is in an area in which an Order in Council under section 120 of that Act (areas of compulsory registration) is in force; and
 - (b) the landlord shall give the transferee a certificate stating that it is entitled to convey the freehold subject only to such incumbrances, rights and interests as are stated in the conveyance or summarised in the certificate.
- (3) The Chief Land Registrar shall, for the purpose of the registration of title, accept such a certificate as is referred to in sub-paragraph (2)(b) above as sufficient evidence of the facts stated in it; but if as a result he has to meet a claim under the Land Registration Acts 1925 to 1986 the landlord is liable to indemnify him.
- (4) On an application being made for registration of a disposition of registered land or, as the case may be, of the transferee’s title under a disposition of unregistered land, the Chief Land Registrar shall, if the conveyance contains the statement required by sub-paragraph (1)(a) above, enter in the register a restriction stating the requirement under section 105 of this Act of consent to subsequent disposals.

Status: This is the original version (as it was originally enacted).

- (5) Any reference in the preceding provisions of this paragraph to a statement or a certificate is a reference to a statement or, as the case may be, certificate in a form approved by the Chief Land Registrar.

Procedures on termination of leases granted under section 104(1)(b)

- 3 (1) If a lease granted under section 104(1)(b) of this Act comes to an end in such circumstances as may be prescribed, the public sector landlord which was the lessee under the lease shall, at such time as may be prescribed, furnish to the Chief Land Registrar such statement as may be prescribed.
- (2) In any case where—
- (a) under section 104(1)(b) of this Act the applicant has granted a lease of a flat (in this sub-paragraph referred to as “the landlord’s lease”), and
 - (b) under Part V of the Housing Act 1985 (the right to buy) a lease of the flat (in this sub-paragraph referred to as “the right to buy lease”) has been granted to a qualifying tenant, and
 - (c) by virtue of requirements prescribed under section 104(2) of this Act and related to the grant of the right to buy lease, the landlord’s lease comes to an end,

then, notwithstanding anything in section 64 of the Land Registration Act 1925 (production of land certificate), notice of the grant of the right to buy lease may be entered in the register without production of the applicant’s land certificate, but without prejudice to the power of the Chief Land Registrar to compel production of the certificate.