



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART III

#### REGISTERED DEALINGS WITH REGISTERED LAND.

##### *Dispositions of Leasehold Land.*

#### **21 Powers of disposition of registered leaseholds.**

- (1) Where the registered land is a leasehold interest the proprietor may, in the prescribed manner, transfer the registered estate in the land or any part thereof, and, subject to any entry in the register to the contrary may in the prescribed manner—
- (a) transfer all or any of the leasehold mines and minerals apart from the surface; or the surface without all or any of the leasehold mines and minerals;
  - (b) grant (to the extent of the registered estate) any annuity or rentcharge in possession, easement, right or privilege in, over, or derived from the registered land or any part thereof, in any form which sufficiently refers, in the prescribed manner, to the registered lease, and to the dominant tenement, whether being registered land or not;
  - (c) transfer the registered land or any part thereof subject to a reservation to any person of any such annuity, rentcharge, easement, right, or privilege;
  - (d) grant (subject or not to the reservation of an easement, right or privilege) an underlease of the registered land, or any part thereof, or of all or any mines and minerals apart from the surface, or of the surface without all or any of the mines and minerals, or of an easement, right or privilege, in or over the registered land or any part thereof, for any term of years absolute of less duration than the registered estate and for any purpose (but where by way of mortgage, subject to the provisions of this Act and of the Law of Property Act, 1925, relating thereto), and in any form which sufficiently refers in the prescribed manner to the registered land, and in the case of an easement, right, or privilege, to the dominant tenement, whether being registered land or not.

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- (2) A disposition of registered leasehold land may be made subject to a rent legally apportioned in the prescribed manner, of to a rent not so apportioned.
- (3) An underlease for a term, not exceeding twenty-one years, to take effect in possession or within one year from the date thereof, at a rent without taking a fine, may be granted and shall take effect under this section, notwithstanding that a caution, notice of deposit of a certificate, restriction, or inhibition (other than a bankruptcy inhibition) may be subsisting, but subject to the interests intended to be protected by any such caution, notice, restriction or inhibition.
- (4) The foregoing powers of disposition shall (subject to the express provisions of this Act and of the Law of Property Act, 1925, relating to mortgages) apply to dispositions by the registered proprietor by way of charge or mortgage, but no estate, other than a legal estate, shall be capable of being disposed of or created under this section.
- (5) In this Act " transfer " or " disposition " when referring to registered leasehold land includes any disposition authorised as aforesaid, and "transferee" has a corresponding meaning.

## **22 Registration of dispositions of leaseholds.**

- (1) A transfer of the registered estate in the land or part thereof shall be completed by the registrar entering on the register the transferee as proprietor of the estate transferred, but until such entry is made the transferor shall be deemed to remain the proprietor of the registered estate; and where part only of the land is transferred, notice thereof shall also be noted on the register.
- (2) All interests transferred or created by dispositions by the registered proprietor other than the transfer of his registered estate in the land or in part thereof shall (subject to the provisions relating to mortgages) be completed by registration in the same manner and with the same effect as provided by this Act with respect to transfers of the registered estate, and notice thereof shall also be noted on the register in accordance with this Act:

Provided that nothing in this subsection—

- (a) shall authorise the registration of an under lease originally granted for a term not exceeding twenty-one years, or require the entry of a notice of such an underlease if it is granted at a rent without taking a fine; or
- (b) shall authorise the registration of a mortgage term where there is a subsisting right of redemption, or
- (c) shall render necessary the registration of any easement, right, or privilege except as appurtenant to registered land, or the entry of notice thereof except as against the registered title of the servient land.

Every such disposition shall, when registered, take effect as a registered disposition, and an underlease made by the registered proprietor which is not required to be registered or noted on the register shall nevertheless take effect as if it were a registered disposition immediately on being granted.

- (3) The general words implied in conveyances under the Law of Property Act, 1925, shall apply, so far as applicable thereto, to transfers of a registered leasehold estate.

## **23 Effect of registration of dispositions of leaseholds.**

- (1) In the case of a leasehold estate registered with an absolute title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, be deemed to vest in the transferee or under-lessee the estate transferred or created to the extent of the registered estate, or for the term created by the subdemise, as the case may require, with all implied or expressed rights, privileges, and appurtenances attached to the estate transferred or created, including (subject to any entry to the contrary on the register) the appropriate rights and interests which would under the Law of Property Act, 1925, have been transferred if the land had not been registered, but subject as follows :—
  - (a) To all implied and express covenants, obligations, and liabilities incident to the estate transferred or created; and
  - (b) To the incumbrances and other entries (if any) appearing on the register; and
  - (c) Unless the contrary is expressed on the register, to the overriding interests, if any, affecting the estate transferred or created,but free from all other estates and interests whatsoever, including estates and interests of His Majesty; and the transfer or subdemise shall operate in like manner as if the registered transferor or sublessor were (subject to any entry to the contrary on the register) absolutely entitled to the registered lease for his own benefit.
- (2) In the case of a leasehold estate registered with a good leasehold title, a disposition (including a sub-demise thereof) for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that it shall not affect or prejudice the enforcement of any right or interest affecting or in derogation of the title of the lessor to grant the lease.
- (3) In the case of a leasehold estate registered with a qualified title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such disposition shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) appearing by the register to be excepted.
- (4) In the case of a leasehold estate registered with a possessory title, a disposition (including a subdemise thereof) for valuable consideration shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor, but save as aforesaid shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title.
- (5) Where any such disposition is made without valuable consideration it shall, so far as the transferee or under lessee is concerned, be subject to any minor interests subject to which the transferor or sublessor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee or underlessee, have the same effect as if the disposition had been made for valuable consideration.

## **24 Implied covenants on transfers of leaseholds.**

- (1) On the transfer, otherwise than by way of underlease, of any leasehold interest in land under this Act, unless there be an entry on the register negating such implication, there shall be implied—

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- (a) on the part of the transferor, a covenant with the transferee that, notwithstanding anything by such transferor done, omitted, or knowingly suffered, the rent, covenants, and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and
  - (b) on the part of the transferee, a covenant with the transferor, that during the residue of the term the transferee and the persons deriving title under him will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor and the persons deriving title under him indemnified against all actions, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them.
- (2) On a transfer of part of the land held under a lease, the covenant implied on the part of the transferee by this section shall be limited to the payment of the apportioned rent, if any, and the performance and observance of the covenants by the lessee and conditions in the registered lease so far only as they affect the part transferred. Where the transferor remains owner of part of the land comprised in the lease, there shall also be implied on his part, as respects the part retained, a covenant with the transferee similar to that implied on the part of the transferee under this subsection.