



Law of Property Act 1969

1969 CHAPTER 59

PART II

CLOSING OF YORKSHIRE DEEDS REGISTRIES

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
 - (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.

Status: This is the original version (as it was originally enacted).

- (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.