



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 6

#### REGISTRATION: GENERAL

##### *Registration as proprietor*

#### **58 Conclusiveness**

- (1) If, on the entry of a person in the register as the proprietor of a legal estate, the legal estate would not otherwise be vested in him, it shall be deemed to be vested in him as a result of the registration.
- (2) Subsection (1) does not apply where the entry is made in pursuance of a registrable disposition in relation to which some other registration requirement remains to be met.

#### **59 Dependent estates**

- (1) The entry of a person in the register as the proprietor of a legal estate which subsists for the benefit of a registered estate must be made in relation to the registered estate.
- (2) The entry of a person in the register as the proprietor of a charge on a registered estate must be made in relation to that estate.
- (3) The entry of a person in the register as the proprietor of a sub-charge on a registered charge must be made in relation to that charge.

##### *Boundaries*

#### **60 Boundaries**

- (1) The boundary of a registered estate as shown for the purposes of the register is a general boundary, unless shown as determined under this section.

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- (2) A general boundary does not determine the exact line of the boundary.
- (3) Rules may make provision enabling or requiring the exact line of the boundary of a registered estate to be determined and may, in particular, make provision about—
  - (a) the circumstances in which the exact line of a boundary may or must be determined,
  - (b) how the exact line of a boundary may be determined,
  - (c) procedure in relation to applications for determination, and
  - (d) the recording of the fact of determination in the register or the index maintained under section 68.
- (4) Rules under this section must provide for applications for determination to be made to the registrar.

## **61 Accretion and diluvion**

- (1) The fact that a registered estate in land is shown in the register as having a particular boundary does not affect the operation of accretion or diluvion.
- (2) An agreement about the operation of accretion or diluvion in relation to a registered estate in land has effect only if registered in accordance with rules.

### *Quality of title*

## **62 Power to upgrade title**

- (1) Where the title to a freehold estate is entered in the register as possessory or qualified, the registrar may enter it as absolute if he is satisfied as to the title to the estate.
- (2) Where the title to a leasehold estate is entered in the register as good leasehold, the registrar may enter it as absolute if he is satisfied as to the superior title.
- (3) Where the title to a leasehold estate is entered in the register as possessory or qualified the registrar may—
  - (a) enter it as good leasehold if he is satisfied as to the title to the estate, and
  - (b) enter it as absolute if he is satisfied both as to the title to the estate and as to the superior title.
- (4) Where the title to a freehold estate in land has been entered in the register as possessory for at least twelve years, the registrar may enter it as absolute if he is satisfied that the proprietor is in possession of the land.
- (5) Where the title to a leasehold estate in land has been entered in the register as possessory for at least twelve years, the registrar may enter it as good leasehold if he is satisfied that the proprietor is in possession of the land.
- (6) None of the powers under subsections (1) to (5) is exercisable if there is outstanding any claim adverse to the title of the registered proprietor which is made by virtue of an estate, right or interest whose enforceability is preserved by virtue of the existing entry about the class of title.
- (7) The only persons who may apply to the registrar for the exercise of any of the powers under subsections (1) to (5) are—

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- (a) the proprietor of the estate to which the application relates,
  - (b) a person entitled to be registered as the proprietor of that estate,
  - (c) the proprietor of a registered charge affecting that estate, and
  - (d) a person interested in a registered estate which derives from that estate.
- (8) In determining for the purposes of this section whether he is satisfied as to any title, the registrar is to apply the same standards as those which apply under section 9 or 10 to first registration of title.
- (9) The Lord Chancellor may by order amend subsection (4) or (5) by substituting for the number of years for the time being specified in that subsection such number of years as the order may provide.

### **63 Effect of upgrading title**

- (1) On the title to a registered freehold or leasehold estate being entered under section 62 as absolute, the proprietor ceases to hold the estate subject to any estate, right or interest whose enforceability was preserved by virtue of the previous entry about the class of title.
- (2) Subsection (1) also applies on the title to a registered leasehold estate being entered under section 62 as good leasehold, except that the entry does not affect or prejudice the enforcement of any estate, right or interest affecting, or in derogation of, the title of the lessor to grant the lease.

### **64 Use of register to record defects in title**

- (1) If it appears to the registrar that a right to determine a registered estate in land is exercisable, he may enter the fact in the register.
- (2) Rules may make provision about entries under subsection (1) and may, in particular, make provision about—
- (a) the circumstances in which there is a duty to exercise the power conferred by that subsection,
  - (b) how entries under that subsection are to be made, and
  - (c) the removal of such entries.

#### *Alteration of register*

### **65 Alteration of register**

Schedule 4 (which makes provision about alteration of the register) has effect.

#### *Information etc.*

### **66 Inspection of the registers etc**

- (1) Any person may inspect and make copies of, or of any part of—
- (a) the register of title,
  - (b) any document kept by the registrar which is referred to in the register of title,

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- (c) any other document kept by the registrar which relates to an application to him, or
  - (d) the register of cautions against first registration.
- (2) The right under subsection (1) is subject to rules which may, in particular—
- (a) provide for exceptions to the right, and
  - (b) impose conditions on its exercise, including conditions requiring the payment of fees.

## **67 Official copies of the registers etc**

- (1) An official copy of, or of a part of—
- (a) the register of title,
  - (b) any document which is referred to in the register of title and kept by the registrar,
  - (c) any other document kept by the registrar which relates to an application to him, or
  - (d) the register of cautions against first registration,
- is admissible in evidence to the same extent as the original.
- (2) A person who relies on an official copy in which there is a mistake is not liable for loss suffered by another by reason of the mistake.
- (3) Rules may make provision for the issue of official copies and may, in particular, make provision about—
- (a) the form of official copies,
  - (b) who may issue official copies,
  - (c) applications for official copies, and
  - (d) the conditions to be met by applicants for official copies, including conditions requiring the payment of fees.

## **68 Index**

- (1) The registrar must keep an index for the purpose of enabling the following matters to be ascertained in relation to any parcel of land—
- (a) whether any registered estate relates to the land,
  - (b) how any registered estate which relates to the land is identified for the purposes of the register,
  - (c) whether the land is affected by any, and, if so what, caution against first registration, and
  - (d) such other matters as rules may provide.
- (2) Rules may—
- (a) make provision about how the index is to be kept and may, in particular, make provision about—
    - (i) the information to be included in the index,
    - (ii) the form in which information included in the index is to be kept, and
    - (iii) the arrangement of that information;
  - (b) make provision about official searches of the index.

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## **69 Historical information**

- (1) The registrar may on application provide information about the history of a registered title.
- (2) Rules may make provision about applications for the exercise of the power conferred by subsection (1).
- (3) The registrar may—
  - (a) arrange for the provision of information about the history of registered titles, and
  - (b) authorise anyone who has the function of providing information under paragraph (a) to have access on such terms as the registrar thinks fit to any relevant information kept by him.

## **70 Official searches**

Rules may make provision for official searches of the register, including searches of pending applications for first registration, and may, in particular, make provision about—

- (a) the form of applications for searches,
- (b) the manner in which such applications may be made,
- (c) the form of official search certificates, and
- (d) the manner in which such certificates may be issued.

### *Applications*

## **71 Duty to disclose unregistered interests**

Where rules so provide—

- (a) a person applying for registration under Chapter 1 of Part 2 must provide to the registrar such information as the rules may provide about any interest affecting the estate to which the application relates which—
  - (i) falls within any of the paragraphs of Schedule 1, and
  - (ii) is of a description specified by the rules;
- (b) a person applying to register a registrable disposition of a registered estate must provide to the registrar such information as the rules may provide about any unregistered interest affecting the estate which—
  - (i) falls within any of the paragraphs of Schedule 3, and
  - (ii) is of description specified by the rules.

## **72 Priority protection**

- (1) For the purposes of this section, an application for an entry in the register is protected if—
  - (a) it is one to which a priority period relates, and
  - (b) it is made before the end of that period.
- (2) Where an application for an entry in the register is protected, any entry made in the register during the priority period relating to the application is postponed to any entry made in pursuance of it.

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- (3) Subsection (2) does not apply if—
- (a) the earlier entry was made in pursuance of a protected application, and
  - (b) the priority period relating to that application ranks ahead of the one relating to the application for the other entry.
- (4) Subsection (2) does not apply if the earlier entry is one to which a direction under section 46(3) applies.
- (5) The registrar may defer dealing with an application for an entry in the register if it appears to him that subsection (2) might apply to the entry were he to make it.
- (6) Rules may—
- (a) make provision for priority periods in connection with—
    - (i) official searches of the register, including searches of pending applications for first registration, or
    - (ii) the noting in the register of a contract for the making of a registrable disposition of a registered estate or charge;
  - (b) make provision for the keeping of records in relation to priority periods and the inspection of such records.
- (7) Rules under subsection (6)(a) may, in particular, make provision about—
- (a) the commencement and length of a priority period,
  - (b) the applications for registration to which such a period relates,
  - (c) the order in which competing priority periods rank, and
  - (d) the application of subsections (2) and (3) in cases where more than one priority period relates to the same application.

**Modifications etc. (not altering text)**

- C1** S. 72 applied (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [art. 28\(2\)](#); [S.I. 2003/1725](#), [art. 2\(1\)](#)

**73 Objections**

- (1) Subject to subsections (2) and (3), anyone may object to an application to the registrar.
- (2) In the case of an application under section 18, only the person who lodged the caution to which the application relates, or such other person as rules may provide, may object.
- (3) In the case of an application under section 36, only the person shown in the register as the beneficiary of the notice to which the application relates, or such other person as rules may provide, may object.
- (4) The right to object under this section is subject to rules.
- (5) Where an objection is made under this section, the registrar—
- (a) must give notice of the objection to the applicant, and
  - (b) may not determine the application until the objection has been disposed of.
- (6) Subsection (5) does not apply if the objection is one which the registrar is satisfied is groundless.

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- (7) If it is not possible to dispose by agreement of an objection to which subsection (5) applies, the registrar must refer the matter to the adjudicator.
- (8) Rules may make provision about references under subsection (7).

#### **74 Effective date of registration**

An entry made in the register in pursuance of—

- (a) an application for registration of an unregistered legal estate, or
- (b) an application for registration in relation to a disposition required to be completed by registration,

has effect from the time of the making of the application.

*Proceedings before the registrar*

#### **75 Production of documents**

- (1) The registrar may require a person to produce a document for the purposes of proceedings before him.
- (2) The power under subsection (1) is subject to rules.
- (3) A requirement under subsection (1) shall be enforceable as an order of the court.
- (4) A person aggrieved by a requirement under subsection (1) may appeal to a county court, which may make any order which appears appropriate.

#### **76 Costs**

- (1) The registrar may make orders about costs in relation to proceedings before him.
- (2) The power under subsection (1) is subject to rules which may, in particular, make provision about—
  - (a) who may be required to pay costs,
  - (b) whose costs a person may be required to pay,
  - (c) the kind of costs which a person may be required to pay, and
  - (d) the assessment of costs.
- (3) Without prejudice to the generality of subsection (2), rules under that subsection may include provision about—
  - (a) costs of the registrar, and
  - (b) liability for costs thrown away as the result of neglect or delay by a legal representative of a party to proceedings.
- (4) An order under subsection (1) shall be enforceable as an order of the court.
- (5) A person aggrieved by an order under subsection (1) may appeal to a county court, which may make any order which appears appropriate.

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*Miscellaneous*

**77 Duty to act reasonably**

- (1) A person must not exercise any of the following rights without reasonable cause—
- (a) the right to lodge a caution under section 15,
  - (b) the right to apply for the entry of a notice or restriction, and
  - (c) the right to object to an application to the registrar.
- (2) The duty under this section is owed to any person who suffers damage in consequence of its breach.

**78 Notice of trust not to affect registrar**

The registrar shall not be affected with notice of a trust.



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