



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART II

#### REGISTRATION OF LAND.

##### *Preliminaries to Registration.*

#### **13 Regulations as to examination of title by registrar.**

The examination by the registrar of any title under this Act shall be conducted in the prescribed manner:

Provided that—

- (a) Due notice shall be given, where the giving of such notice is prescribed, and sufficient opportunity shall be afforded to any persons desirous of objecting to come in and state their objections to the registrar; and
- (b) The registrar shall have jurisdiction to hear and determine any such objections, subject to an appeal to the court in the prescribed manner and on the prescribed conditions; and
- (c) If the registrar, upon the examination of any title, is of opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the court, upon a statement signed by the registrar, for its sanction to the registration.

#### **14 Evidence required before registration.**

- (1) Before the completion of the registration of any estate in land in respect of which an examination of title is required, the applicant for registration and his solicitor, shall each, if required by the registrar, make an affidavit or declaration that to the best of his knowledge and belief all deeds, wills, and instruments of title, and all charges and incumbrances affecting the title which is the subject of the application, and all facts

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*Status: This is the original version (as it was originally enacted).*

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material to such title, have been disclosed in the course of the investigation of title made by the registrar.

- (2) The registrar may require any person making an affidavit or declaration in pursuance of this section to state in his affidavit or declaration what means he has had of becoming acquainted with the several matters referred to in this section; and if the registrar is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration until such further or other evidence is produced.
- (3) Before the registration of any person who has not previously acquired the estate intended to be registered, the registrar shall be satisfied that all ad valorem stamp duty, if any, which, if the estate had been acquired by him, would have been payable in respect of the instrument vesting that estate in him, has been discharged.

## **15 Production of deeds.**

- (1) When an application has been made to the registrar for the registration of any title to land, then if any person has in his possession or custody any deeds, instruments, or evidences of title relating to or affecting such title, to the production of which the applicant or any trustee for him is entitled, the registrar may require such person to show cause, within a time limited, why he should not produce such deeds, instruments, or evidences of title to the registrar, or otherwise, as the registrar may deem fit; and, unless cause is shown to the satisfaction of the registrar within the time limited, such deeds, instruments, and evidences of title may be ordered by the registrar to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms, as the registrar thinks fit.
- (2) Any person aggrieved by an order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar with or without modification.
- (3) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

## **16 Deeds to be marked with notice of registration.**

A person shall not be registered as proprietor until, if required by the registrar, he has produced to him such documents of title, if any, as will, in the opinion of the registrar, when stamped or otherwise marked, give notice to any purchaser or other person dealing with the land of the fact of the registration, and the registrar shall stamp or otherwise mark the same accordingly, unless the registrar is satisfied that without such stamping or marking the fact of such registration cannot be concealed from a purchaser or other person dealing with the land:

Provided that, in the case of registration with a possessory title, the registrar may act on such reasonable evidence as may be prescribed as to the sufficiency of the documents produced, and as to dispensing with their production in special circumstances.

## **17 Costs of application for registration.**

- (1) All costs, charges, and expenses that are incurred by any parties in or about any proceedings for registration shall, unless the parties otherwise agree, be taxed by the taxing officer of the court as between solicitor and client, but the persons by whom and the proportions in which such costs, charges, and expenses are to be paid shall be in the discretion of the registrar, and shall be determined according to orders of the registrar, regard being had to the following provision, namely, that any applicant under this Act is liable prima, facie to pay all costs, charges, and expenses incurred by or in consequence of his application, except—
- (a) in a case where parties object whose rights are sufficiently secured without their appearance; and
  - (b) where any costs, charges, or expenses are incurred unnecessarily or improperly :

Provided that any party aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar, with or without modification.

- (2) If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.