



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART III

#### REGISTERED DEALINGS WITH REGISTERED LAND.

*As to Dealings generally.*

#### **37 Powers of persons entitled to be registered.**

- (1) Where a person on whom the right to be registered as proprietor of registered land or of a registered charge has devolved by reason of the death of the proprietor, or has been conferred by a disposition or charge, in accordance with this Act, desires to dispose of or charge the land or to deal with the charge before he is himself registered as proprietor, he may do so in the prescribed manner, and subject to the prescribed conditions.
- (2) Subject to the provisions of this Act with regard to registered dealings for valuable consideration, a disposition or charge so made shall have the same effect as if the person making it were registered as proprietor.
- (3) Rules may be made for extending the provisions of this section to the case of any person entitled to be registered as first proprietor, and to any other case for which it may be deemed expedient to prescribe.

#### **38 Certain provisions of the Law of Property Act to apply.**

- (1) The provisions as to execution of a conveyance on sale contained in the Law of Property Act, 1925, shall apply, so far as applicable thereto, to transfers on sale of registered land.
- (2) Rules may be made for prescribing the effect of covenants implied by virtue of the Law of Property Act, 1925, in dispositions of registered land.

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*Status: This is the original version (as it was originally enacted).*

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**39 Deeds off register, how far to be void.**

- (1) Where any transaction relating exclusively to registered land or to a registered charge is capable of being effected and is effected by a registered disposition, then, subject to any prescribed exceptions, any deed or instrument, other than the registered disposition, which is executed by the proprietor for the purpose of giving effect to the transaction shall be void, but only so far as the transaction is carried out by the registered disposition.
- (2) Rules may be made for providing for cases in which any additional deed or instrument may be properly executed and for enabling the registrar to certify that in any special cases an additional deed or instrument will be proper and valid.

**40 Creation and discharge of restrictive covenants.**

- (1) Subject to any entry to the contrary on the register, and without prejudice to the rights of persons entitled to overriding interests (if any) and to any incumbrances entered on the register, who may not concur therein, the proprietor may in any registered disposition or other instrument by covenant, condition, or otherwise, impose or make binding, so far as the law permits, any obligation or reservation with respect to the building on or other user of the registered land or any part thereof, or with respect to mines and minerals (whether registered separately or as part of the registered land), or with respect to any other thing in like manner as if the proprietor were entitled to the registered land for his own benefit.
- (2) The proprietor may (subject as aforesaid) release or waive any rights arising or which may arise by reason of any covenant or condition, or release any obligation or reservation the benefit of which is annexed or belongs to the registered land, to the same extent and in the same manner as if the rights in respect of the breach or the benefit of the covenant, condition, obligation, or reservation had been vested in him absolutely for his own benefit.

This subsection shall authorise the proprietor in reference to the registered land to give any licence, consent or approval which a tenant for life is by the Settled Land Act, 1925, authorised to give in reference to settled land.

- (3) Entries shall be made on the register in the prescribed manner of all obligations and reservations imposed by the proprietor, of the release or waiver of any obligation or reservation, and of all obligations and reservations acquired by him for the benefit of the registered estate.