



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART III

#### REGISTERED DEALINGS WITH REGISTERED LAND.

##### *Dispositions of Freehold Land.*

#### **18 Powers of disposition of registered freeholds.**

- (1) Where the registered land is a freehold estate 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 the fee simple in possession of all or any mines or minerals apart from the surface; or of the surface without all or any of the mines and minerals;
  - (b) grant an annuity or a rentcharge in possession (either perpetual or for a term of years absolute) in any form which sufficiently refers in the prescribed manner to the registered land charged;
  - (c) grant in fee simple in possession any 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 servient tenement and to the dominant tenement, whether being registered land or not;
  - (d) transfer the fee simple in possession of the registered land or any part thereof, subject to the creation thereof, by way of reservation, in favour of any person of an annuity or a rentcharge in possession (either perpetual or for a term of years absolute), or of any easement, right, or privilege in possession (either in fee simple or for a term of years absolute);
  - (e) grant (subject or not to the reservation of an easement, right, or privilege) a lease 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 land, or any part thereof, for any term of years absolute for any purpose (but where by way of mortgage subject to the provisions of this Act and the Law of Property

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*Status: This is the original version (as it was originally enacted).*

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Act, 1925, relating thereto), and in any form which sufficiently refers, in the prescribed manner, to the registered land.

- (2) A perpetual annuity or rentcharge in possession may be granted or reserved to any person with or without a power of re-entry, exercisable at any time, on default of payment thereof, or on breach of covenant, and shall have incidental thereto all the powers and remedies (as varied if at all by the disposition creating the rentcharge) for recovery thereof conferred by the Law of Property Act, 1925; and where an easement, right, or privilege is reserved in a registered disposition for a legal estate, the reservation shall operate to create the same for the benefit of the land for the benefit of which the right is reserved.
- (3) A lease 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 freehold land includes any disposition authorised as aforesaid; and " transferee " has a corresponding meaning.

## **19 Registration of disposition of freeholds.**

- (1) The transfer of the registered estate in the land or part thereof shall be completed by the registrar entering on the register the transferee as the proprietor of the estate transferred, but until such entry is made the transferor shall be deemed to remain 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 proprietor, other than a transfer of the registered estate in the land, or 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 registered estates and notice thereof shall also be noted on the register:

Provided that nothing in this subsection—

- (a) shall authorise the registration of a lease granted for a term not exceeding twenty-one years, or require the entry of a notice of such a lease 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 a lease made by the registered proprietor under the last foregoing section 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 dispositions of a registered estate.

## **20 Effect of registration of dispositions of freeholds.**

- (1) In the case of a freehold estate registered with an absolute title, a disposition of the registered land or of a legal estate therein, including a lease thereof, for valuable consideration shall, when registered, confer on the transferee or grantee an estate in fee simple or the term of years absolute or other legal estate expressed to be created in the land dealt with, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, including (subject to any entry to the contrary in 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, subject—

- (a) to the incumbrances and other entries, if any, appearing on the register; and
- (b) 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 disposition shall operate in like manner as if the registered transferor or grantor were (subject to any entry to the contrary in the register) entitled to the registered land in fee simple in possession for his own benefit.

- (2) In the case of a freehold estate registered with a qualified title a disposition of the registered land or of a legal estate therein, including a lease 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 appearing by the register to be excepted.
- (3) In the case of a freehold estate registered with a possessory title, a disposition of the registered land or of a legal estate therein, including a lease thereof, for valuable consideration shall not affect or prejudice the enforcement of any right or interest 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.
- (4) Where any such disposition is made without valuable consideration, it shall, so far as the transferee or grantee is concerned, be subject to any minor interests subject to which the transferor or grantor 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 grantee, have the same effect as if the disposition had been made for valuable consideration.