



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART IX

### UNREGISTERED DEALINGS WITH REGISTERED LAND

#### Textual Amendments applied to the whole legislation

- F1** Act repealed (prosp.) by [Land Registration Act 2002 \(c. 9\)](#), ss. 135, 136(2), [Sch. 13](#) (with s. 129, [Sch. 12](#))

#### *Powers of dealing with Registered Land off the Register*

#### **101 Dispositions off register creating “minor interests.”**

- (1) Any person, whether being the proprietor or not, having a sufficient interest or power in or over registered land, may dispose of or deal with the same, and create any interests or rights therein which are permissible in like manner and by the like modes of assurance in all respects as if the land were not registered, but subject as provided by this section.
- (2) All interests and rights disposed of or created under subsection (1) of this section (whether by the proprietor or any other person) shall, subject to the provisions of this section, take effect as minor interests, and be capable of being overridden by registered dispositions for valuable consideration.
- (3) Minor interests shall, subject to the express exceptions contained in this section, take effect only in equity, but may be protected by entry on the register of such notices, cautions, inhibitions and restrictions as are provided for by this Act or rules.
- (4) A minor interest in registered land subsisting or capable of taking effect at the commencement of this Act, shall not fail or become invalid by reason of the same being converted into an equitable interest; but after such commencement a minor interest in registered land shall only be capable of being validly created in any case in which

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an equivalent equitable interest could have been validly created if the land had not been registered.

- (5) Where after the commencement of this Act, the proprietor of the registered estate which is settled, disposes of or deals with his beneficial interest in possession in favour of a purchaser, and accordingly the minor interest disposed of or created would, but for the restrictions imposed by the <sup>M1</sup>Law of Property Act 1925, and this section, on the creation of legal estates, have been a legal estate, the purchaser (subject as provided by the next following section in regard to priorities) may exercise all such rights and remedies as he might have exercised had the minor interest been a legal estate, and the reversion (if any) on any leases or tenancies derived out of the registered estate had been vested in him.
- (6) A minor interest created under this section does not operate to prevent a registered estate passing to the personal representative of a deceased proprietor, or to the survivor or survivors of two or more joint proprietors, nor does this section affect the right of any person entitled to an overriding interest, or having any power to dispose of or create an overriding interest, to dispose of or create the same.

#### Marginal Citations

M1 [1925 c. 20 \(98:1\)](#).

### 102 Priorities as between minor interests.

- (1) If a minor interest subsisting or capable of taking effect at the commencement of this Act, would, if the <sup>M2M3</sup>Law of Property Acts 1922 and 1925, and this Act had not been passed have taken effect as a legal estate, then (subject and without prejudice to the estate and powers of the proprietor whose estate is affected) the conversion thereof into an equitable interest shall not affect its priority over other minor interests.
- (2) . . . . . F1

#### Textual Amendments

F1 [S. 102\(2\)\(3\)](#) repealed by [Land Registration Act 1986 \(c. 26, SIF 98:2\)](#), [s. 5\(1\)\(5\)](#)

#### Marginal Citations

M2 [1922 c. 16 \(98:1\)](#).

M3 [1925 c. 20 \(98:1\)](#).

### 103 Obligation to give effect on the register to certain minor interests.

- (1) Where by the operation of any statute or statutory or other power, or by virtue of any vesting order of any court or other competent authority, or an order appointing a person to convey, or of a vesting declaration (express or implied) or of an appointment or other assurance, a minor interest in the registered land is disposed of or created which would, if registered, be capable of taking effect as a legal estate or charge by way of legal mortgage, then—
- (i) if the estate owner would, had the land not been registered, have been bound to give effect thereto by conveying or creating a legal estate or charge by way of legal mortgage, the proprietor shall, subject to proper provision being made

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for payment of costs, be bound to give legal effect to the transaction by a registered disposition:

- (ii) if the proprietor is unable or refuses to make the requisite disposition or cannot be found, or if for any other reason a disposition by him cannot be obtained within a reasonable time, or if, had the land not been registered, no conveyance by the estate owner would have been required to give legal effect to the transaction, the registrar shall give effect thereto in the prescribed manner in like manner and with the like consequences as if the transaction had been carried out by a registered disposition:

Provided that—

- (a) So long as the proprietor has power under the <sup>M4</sup>Settled Land Act 1925, or any other statute conferring special powers on a tenant for life or statutory owner, or under the settlement, to override the minor interest so disposed of or created, no estate or charge shall be registered which would prejudicially affect any such powers:
- (b) So long as the proprietor holds the land on trust for sale, no estate or charge shall be registered in respect of an interest which, under the <sup>M5</sup>Law of Property Act 1925, or otherwise, ought to remain liable to be overridden on the execution of the trust for sale:
- (c) Nothing in this subsection shall impose on a proprietor an obligation to make a disposition unless the person requiring the disposition to be made has a right in equity to call for the same:
- (d) Nothing in this subsection shall prejudicially affect the rights of a personal representative in relation to the administration of the estate of the deceased.
- (2) On every alteration in the register made pursuant to this section the land certificate and any charge certificate which may be affected shall be produced to the registrar unless an order to the contrary is made by him.

#### Marginal Citations

**M4** 1925 c. 18 (98:3).

**M5** 1925 c. 20 (98:1).

## 104 Protection of leases granted under statutory powers by persons other than registered proprietor and restriction on power.

All leases at a rent for a term of years absolute authorised by the powers conferred by the <sup>M6</sup>Law of Property Act 1925, or the <sup>M7</sup>Settled Land Act 1925, or any other statute (whether or not as extended by any instrument) may be granted in the name and on behalf of the proprietor by any other person empowered to grant the same, and shall be valid at law or in equity (as the case may require) and shall be protected by notice on the register and registered in the same cases, in like manner and with the same effect as if the lease had been granted by the proprietor of the land, and without prejudice to any priority acquired by the exercise of the power; but nothing in this section shall authorise any person granting any lease in the name of the proprietor to impose (save in regard to the usual qualified covenant for quiet enjoyment) any personal liability on such proprietor.

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#### Marginal Citations

**M6** 1925 c. 20 (98:1).

**M7** 1925 c. 18 (98:3).

### 105 As to minor interests in mortgage debts.

Rules may be made for applying the provisions of this Part of this Act as to minor interests to the case of minor interests in a debt secured by a registered charge.

### [<sup>F2</sup>106 Creation and protection of mortgages of registered land.

- (1) The proprietor of any registered land may, subject to any entry to the contrary on the register, mortgage, by deed or otherwise, the land or any part of it in any manner which would have been permissible if the land had not been registered and, subject to this section, with the like effect.
- (2) Unless and until the mortgage becomes a registered charge,—
  - (a) it shall take effect only in equity, and
  - (b) it shall be capable of being overridden as a minor interest unless it is protected as provided by subsection (3) below.
- (3) A mortgage which is not a registered charge may be protected on the register by—
  - (a) a notice under section 49 of this Act,
  - (b) any such other notice as may be prescribed, or
  - (c) a caution under section 54 of this Act.
- (4) A mortgage which is not a registered charge shall devolve and may be transferred, discharged, surrendered or otherwise dealt with by the same instruments and in the same manner as if the land had not been registered.]

#### Textual Amendments

**F2** S. 106 substituted by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 26(1)

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

**C1** S. 106 extended by S.R. 20. 1925/1093 (Rev. XII, p. 81: 1925, p. 717) rule 228A (as inserted by [S.I. 1977/2089](#), rule 4)

### 107 Power for proprietors to bind successors and to enforce contracts.

- (1) Subject to any entry to the contrary on the register, the proprietor of any registered land or charge may enter into any contract in reference thereto in like manner as if the land or charge had not been registered, and, subject to any disposition for valuable consideration which may be registered or protected on the register before the contract is completed or protected on the register, the contract may be enforced as a minor interest against any succeeding proprietor in like manner and to the same extent as if the land or charge had not been registered.
- (2) A contract entered into for the benefit of any registered land or charge may (if the same would have been enforceable by the owner for the time being of the land or charge, if

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not registered, or by a person deriving title under the party contracting for the benefit) be enforced by the proprietor for the time being of the land or charge.

**108 Acquisition of easements and other benefits.**

The proprietor of registered land may accept for the benefit thereof the grant of any easement, right, or privilege or the benefit of any restrictive covenant or provision (affecting other land, whether registered or not) in like manner and to the same extent as if he were legally and beneficially entitled to the fee simple in possession, or to the term created by the registered lease, for his own benefit free from incumbrances.

**109 Restriction on exercise of powers off the register.**

Subject to the express provisions relating to leases and mortgages, nothing in this Part of this Act shall be construed as authorising any disposition of any estate, interest, or right or other dealing with land to be effected under this Part of this Act if the disposition or dealing is one which could be effected under another Part of this Act, and any such disposition or dealing shall be effected under and in the manner required by such other Part of this Act, and when so required shall be registered or protected as provided by this Act or the rules.

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