



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART V **E+W**

### LAND AND CHARGE CERTIFICATES

#### 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- F1** Act repealed (prosp.)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](#))

#### **63 Issue of land and charge certificates. **E+W****

- (1) On the first registration of a freehold or leasehold interest in land, and on the registration of a charge, a land certificate, or charge certificate, as the case may be, shall be prepared in the prescribed form: it shall state whether the title is absolute, good leasehold, qualified or possessory, and it shall be either delivered to the proprietor or deposited in the registry as the proprietor may prefer.
- (2) If so deposited in the registry it shall be officially endorsed from time to time, as in this Act provided, with notes of all subsequent entries in the register affecting the registered land or charge to which it relates.
- (3) The proprietor may at any time apply for the delivery of the certificate to himself or to such person as he may direct, and may at any time again deposit it in the land registry.
- (4) The preparation, issue, endorsement, and deposit in the registry of the certificate shall be effected without cost to the proprietor.

#### **64 Certificates to be produced and noted on dealings. **E+W****

- (1) So long as a land certificate or charge certificate is outstanding, it shall be produced to the registrar—
  - (a) on every entry in the register of a disposition by the proprietor of the registered land or charge to which it relates; and

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- (b) on every registered transmission; and
  - (c) in every case (except as hereinafter mentioned) where under this Act or otherwise notice of any estate right or claim or a restriction is entered or placed on the register, adversely affecting the title of the proprietor of the registered land or charge, but not in the case of the lodgment of a caution or of an inhibition or of a creditors' notice, or of the entry of a notice of a lease at a rent without taking a fine [<sup>F1</sup>or a notice of a charge for capital transfer tax].
- (2) A note of every such entry or transmission shall be officially entered on the certificate and the registrar shall have the same powers of compelling the production of certificates as are conferred on him by this Act as to the production of maps, surveys, books, and other documents.
- (3) On the completion of the registration of a transferee or grantee of any registered land or charge the registrar shall deliver to him a land certificate or charge certificate, and where part only of the land is dealt with shall also deliver to the transferor or grantor a land certificate containing a description of the land retained by him.
- (4) Where a transfer of land is made by the proprietor of a registered charge in exercise of any power vested in him, it may be registered, and a new land certificate may be issued to the purchaser, without production of the former land certificate (when not deposited at the registry), but the charge certificate, if any, must be produced or accounted for in accordance with this section.

The provisions of this subsection shall be extended in the prescribed manner to the cases of—

- (a) an order for foreclosure absolute;
  - (b) a proprietor of a charge or a mortgagee obtaining a title to the land under the Limitation Acts;
  - (c) title being acquired under a title paramount to the registered estate, including a title acquired pursuant to a vesting or other order of the court or other competent authority.
- [<sup>F2</sup>(5) Subsection (1) above shall not require the production of the land certificate when a person applies for the registration of a notice by virtue of [<sup>F3</sup>section 2(8) of the <sup>M1</sup>Matrimonial Homes Act 1983](spouse's charge in respect of rights of occupation).]
- [<sup>F4</sup>(6) Subsection (1) above shall also not require the production of the land certificate when a person applies for—
- (a) the registration of a notice of any variation of a lease effected by or in pursuance of an order under section 38 of the Landlord and Tenant Act 1987 (orders by the court varying leases), including any variation as modified by an order under section 39(4) of that Act (effect of orders varying leases: applications by third parties), or
  - (b) the cancellation of any such notice where a variation is cancelled or modified by an order under section 39(4) of that Act.]
- [<sup>F5</sup>(7) Subsection (1) above shall also not require the production of the land certificate or of any charge certificate when a person applies for the registration of a notice in respect of an access order under the Access to Neighbouring Land Act 1992.]

#### Textual Amendments

**F1** Words added by [Finance Act 1975 \(c. 7\), Sch. 12 para. 5\(5\)](#)

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- F2** S. 64(5) inserted by Matrimonial Homes and Property Act 1981 (c. 24, SIF 49:5), s. 4(1)  
**F3** Words substituted by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), Sch. 2  
**F4** S. 64(6) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 61(1), Sch. 4 para. 2  
**F5** S. 64(7) added (31.1.1993) by Access to Neighbouring Land Act 1992 (c. 23), s. 5(3); S.I. 1992/3349, art.2.

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

- C1** S. 64 excluded by Requisitioned Land and War Works Act 1945 (c. 43 SIF 28: 3), s. 37(3) and by Housing Act 1985 (c. 68, SIF 61), s. 168(5)  
**C2** S. 64(1) excluded by Housing Act 1985 (c. 68, SIF 61), Sch. 9A para. 5(3) (as inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 8(2), Sch. 2) and excluded by S. I. 1986/2092 art. 10, Sch. 2 para. 5(4)

**Marginal Citations**

- M1** 1983 c. 19 (49:5).

**65 Deposit at registry of certificate of mortgaged land. E+W**

Where a charge or mortgage (otherwise than by deposit) is registered, or is protected by a caution in a specially prescribed form, the land certificate shall be deposited at the registry until the charge or mortgage is cancelled.

**66 Creation of liens by deposit of certificates. E+W**

The proprietor of any registered land or charge may, subject to the overriding interests, if any, to any entry to the contrary on the register, and to any estates, interests, charges, or rights registered or protected on the register at the date of the deposit, create a lien on the registered land or charge by deposit of the land certificate or charge certificate; and such lien shall, subject as aforesaid, be equivalent to a lien created in the case of unregistered land by the deposit of documents of title or of the mortgage deed by an owner entitled for his own benefit to the registered estate, or a mortgagee beneficially entitled to the mortgage, as the case may be.

**67 Issue of new certificates. E+W**

- (1) The registrar may when a land certificate or charge certificate is produced to him grant a new land certificate or charge certificate in the place of the one produced.
- (2) A new land certificate or charge certificate may be issued in place of one lost or destroyed, or in the possession of a person out of the jurisdiction of the High Court, on such terms as to advertisement notice or delay as may be prescribed.

**68 Certificates to be evidence. E+W**

Any land certificate or charge certificate shall be admissible as evidence of the several matters therein contained.

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