



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART VII

RECTIFICATION OF REGISTER AND INDEMNITY

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- F1** Act repealed (prosp.)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

82 Rectification of the register.

- (1) The register may be rectified pursuant to an order of the court or by the registrar, subject to an appeal to the court, in any of the following cases, but subject to the provisions of this section:—
- (a) Subject to any express provisions of this Act to the contrary, where a court of competent jurisdiction has decided that any person is entitled to any estate right or interest in or to any registered land or charge, and as a consequence of such decision such court is of opinion that a rectification of the register is required, and makes an order to that effect;
 - (b) Subject to any express provision of this Act to the contrary, where the court, on the application in the prescribed manner of any person who is aggrieved by any entry made in, or by the omission of any entry from, the register, or by any default being made, or unnecessary delay taking place, in the making of any entry in the register, makes an order for the rectification of the register;
 - (c) In any case and at any time with the consent of all persons interested;
 - (d) Where the court or the registrar is satisfied that any entry in the register has been obtained by fraud;
 - (e) Where two or more persons are, by mistake, registered as proprietors of the same registered estate or of the same charge;
 - (f) Where a mortgagee has been registered as proprietor of the land instead of as proprietor of a charge and a right of redemption is subsisting;

Status: Point in time view as at 26/03/2001.

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- (g) Where a legal estate has been registered in the name of a person who if the land had not been registered would not have been the estate owner; and
 - (h) In any other case where, by reason of any error or omission in the register, or by reason of any entry made under a mistake, it may be deemed just to rectify the register.
- (2) The register may be rectified under this section, notwithstanding that the rectification may affect any estates, rights, charges, or interests acquired or protected by registration, or by any entry on the register, or otherwise.
 - (3) The register shall not be rectified, except for the purpose of giving effect to an overriding interest ^{F1}or an order of the court], so as to affect the title of the proprietor who is in possession—
 - ^{F2}(a) unless the proprietor has caused or substantially contributed to the error or omission by fraud or lack of proper care; or]
 - (b) ^{F3}
 - (c) unless for any other reason, in any particular case, it is considered that it would be unjust not to rectify the register against him.
 - (4) Where a person is in possession of registered land in right of a minor interest, he shall, for the purposes of this section, be deemed to be in possession as agent for the proprietor.
 - (5) The registrar shall obey the order of any competent court in relation to any registered land on being served with the order or an official copy thereof.
 - (6) On every rectification of the register 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.

Textual Amendments

F1 Words inserted by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 24\(a\)](#)

F2 [S. 82\(3\)\(a\)](#) substituted by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 24\(b\)](#)

F3 [S. 82\(3\)\(b\)](#) repealed by [Administration of Justice Act 1977 \(c. 38, SIF 37\), Sch. 5 Pt. VI](#)

^{F4}**83 Indemnity for errors or omissions in the register.**

- (1) Where the register is rectified under this Act, then, subject to the provisions of this Act—
 - (a) any person suffering loss by reason of the rectification shall be entitled to be indemnified; and
 - (b) if, notwithstanding the rectification, the person in whose favour the register is rectified suffers loss by reason of an error or omission in the register in respect of which it is so rectified, he also shall be entitled to be indemnified.
- (2) Where an error or omission has occurred in the register, but the register is not rectified, any person suffering loss by reason of the error or omission shall, subject to the provisions of this Act, be entitled to be indemnified.
- (3) Where any person suffers loss by reason of the loss or destruction of any document lodged at the registry for inspection or safe custody or by reason of an error in any official search, he shall be entitled to be indemnified under this Act.

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- (4) Subject to the following provisions of this section, a proprietor of any registered land or charge claiming in good faith under a forged disposition shall, where the register is rectified, be deemed to have suffered loss by reason of such rectification and shall be entitled to be indemnified under this Act.
- (5) No indemnity shall be payable under this Act—
- (a) on account of any loss suffered by a claimant wholly or partly as a result of his own fraud or wholly as a result of his own lack of proper care;
 - (b) on account of any mines or minerals, or the existence of any right to work or get mines or minerals, unless it is noted on the register that the mines or minerals are included in the title; or
 - (c) on account of any costs or expenses (of whatever nature) incurred without the consent of the registrar, unless—
 - (i) by reason of urgency it was not practicable to apply for the registrar's consent before they were incurred, and
 - (ii) the registrar subsequently approves them for the purposes of this paragraph.
- (6) Where any loss suffered by a claimant is suffered partly as a result of his own lack of proper care, any indemnity payable to him shall be reduced to such extent as is just and equitable having regard to his share in the responsibility for the loss.
- (7) For the purposes of subsections (5)(a) and (6) above, any fraud or lack of proper care on the part of a person from whom the claimant derives title (otherwise than under a disposition for valuable consideration which is registered or protected on the register) shall be treated as if it were fraud or lack of proper care on the part of the claimant (and the reference in subsection (6) to the claimant's share in the responsibility for the loss shall be construed accordingly).
- (8) Where an indemnity is paid in respect of the loss of an estate or interest in or charge on land, the amount so paid shall not exceed—
- (a) where the register is not rectified, the value of the estate, interest or charge at the time when the error or omission which caused the loss was made;
 - (b) where the register is rectified, the value (if there had been no rectification) of the estate, interest or charge, immediately before the time of rectification.
- (9) Subject to subsection (5)(c) above, as restricted by section 2(2) of the ^{M1}Land Registration and Land Charges Act 1971—
- (a) an indemnity under any provision of this Act shall include such amount, if any, as may be reasonable in respect of any costs or expenses properly incurred by the claimant in relation to the matter; and
 - (b) a claimant for an indemnity under any such provision shall be entitled to an indemnity thereunder of such amount, if any, as may be reasonable in respect of any such costs or expenses, notwithstanding that no other indemnity money is payable thereunder.
- (10) Where indemnity is paid to a claimant in respect of any loss, the registrar, on behalf of the Crown, shall be entitled—
- (a) to recover the amount paid from any person who caused or substantially contributed to the loss by his fraud; or
 - (b) for the purpose of recovering the amount paid, to enforce—

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- (i) any right of action (of whatever nature and however arising) which the claimant would have been entitled to enforce had the indemnity not been paid, and
 - (ii) where the register has been rectified, any right of action (of whatever nature and however arising) which the person in whose favour the register has been rectified would have been entitled to enforce had it not been rectified.
- (11) Subsection (10) above does not prejudice any other rights of recovery which by virtue of any enactment are exercisable by the registrar where he has made a payment of indemnity.
- (12) A liability to pay indemnity under this Act shall be deemed to be a simple contract debt; and for the purposes of the ^{M2}Limitation Act 1980, the cause of action shall be deemed to arise at the time when the claimant knows, or but for his own default might have known, of the existence of his claim.
- (13) This section applies to the Crown in like manner as it applies to a private person.]

Textual Amendments
F4 S. 83 substituted (27.4.1997) by 1997 c. 2, ss.2, 5(3) (with s. 5(5))

Marginal Citations
M1 1971 c. 54.
M2 1980 c. 58.

84 Application of indemnity in case of settled land.

Where any indemnity is paid in respect of settled land, and not in respect of any particular estate, remainder, or reversion therein, the money shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the ^{M3}Settled Land Act 1925, arising from the settled land.

Marginal Citations
M3 1925 c. 18 (98:3).

85 ^{F5}

Textual Amendments
F5 Ss. 83(7), 85 repealed by Land Registration and Land Charges Act 1971 (c. 54, SIF 98:2), **Sch. 2 Pt. II**

Status:

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Changes to legislation:

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