



Land Registration Act 1925

1925 CHAPTER 21

PART VIII

APPLICATION TO PARTICULAR CLASSES OF LAND.

86 Registration of settled land.

- (1) Settled land shall be registered in the name of the tenant for life or statutory owner.
- (2) The successive or other interests created by or arising under a settlement shall (save as regards any legal estate which cannot be overridden under the powers of the Settled Land Act, 1925, or any other statute) take effect as minor interests and not otherwise; and effect shall be given thereto by the proprietor of the settled land as provided by statute with respect to the estate owner, with such adaptations, if any, as may be prescribed in the case of registered land by rules made under this Act.
- (3) There shall also be entered on the register such restrictions as may be prescribed, or may be expedient, for the protection of the rights of the persons beneficially interested in the land, and such restrictions shall (subject to the provisions of this Act relating to releases by the trustees of a settlement and to transfers by a tenant for life whose estate has ceased in his lifetime) be binding on the proprietor during his life, but shall not restrain or otherwise affect a disposition by his personal representative.
- (4) Where land already registered is acquired with capital money, the same shall be transferred by a transfer in a specially prescribed form to the tenant for life or statutory owner, and such transfer shall state the names of the persons who are trustees of the settlement for the purposes of the Settled Land Act, 1925, and contain an application to register the prescribed restrictions applicable to the case; a transfer made in the specially prescribed form shall be deemed to comply with the requirements of that Act, respecting vesting deeds; and where no capital money is paid but land already registered is to be made subject to a settlement, it shall not be necessary for the trustees of the settlement to concur in the transfer.

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- (5) References in this Act to the "tenant for life" shall, where the context admits, be read as referring to the tenant for life, statutory owner, or personal representative who is entitled to be registered.

87 Changes of ownership of settled land.

- (1) On the death of a proprietor, or of the survivor of two or more joint proprietors of settled land (whether the land is settled by his will or by an instrument taking effect on or previously to his death), his personal representative shall hold the settled land subject to payment or to making provision for payment of all death duties and other liabilities affecting the land, and having priority to the settlement, upon trust to transfer the same by an assent in the prescribed manner to the tenant for life or statutory owner, and in the meantime upon trust to give effect to the minor interests under the settlement; but a transfer shall not be made to an infant.
- (2) Rules may be made—
- (a) for enabling a personal representative or proprietor in proper cases to create legal estates by registered dispositions for giving effect to or creating interests in priority to the settlements;
 - (b) to provide for the cases in which application shall be made by the personal representative or proprietor for the registration of restrictions or notices; and
 - (c) for discharging a personal representative or former proprietor who has complied with the requirements of this Act and rules from all liability in respect of minor interests under a settlement.
- (3) Where a tenant for life or statutory owner who, if the land were not registered, would be entitled to have the settled land vested in him, is not the proprietor, the proprietor shall (notwithstanding any stipulation or provision to the contrary) be bound at the cost of the trust estate to execute such transfers as may be required for giving effect on the register to the rights of such tenant for life or statutory owner.
- (4) Where the trustees of a settlement have in the prescribed manner released the land from the minor interests under such settlement, the registrar shall be entitled to assume that the settlement has determined, and the restrictions for protecting the minor interests thereunder shall be cancelled.
- (5) Where an order is made under the Settled Land Act, 1925, authorising the trustees of the settlement to exercise the powers on behalf of a tenant for life who is registered as proprietor, they may in his name and on his behalf do all such acts and things under this Act as may be requisite for giving effect on the register to the powers authorised to be exercised in like manner as if they were registered as proprietors of the land, but a copy of the order shall be filed at the registry before any such powers are exercised.
- (6) Where a proprietor ceases in his lifetime to be a tenant for life, he shall transfer the land to his successor in title, or, if such successor is an infant, to the statutory owner, and on the registration of such successor in title or statutory owner it shall be the duty of the trustees of the settlement, if the same be still subsisting, to apply for such alteration, if any, in the restrictions as may be required for the protection of the minor interests under the settlement.

88 Settlement may be filed in registry.

- (1) The settlement, or an abstract or copy thereof, may be filed in the registry for reference in the prescribed manner, but such filing shall not affect a purchaser from the proprietor with notice of its provisions, or entitle him to call for production of the settlement, or for any information or evidence as to its contents.
- (2) In this section " settlement " includes any deed stating who are the trustees of the settlement, and the vesting instrument, and any transfer or assent in the prescribed form taking the place, in the case of registered land, of a vesting instrument, as well as the trust instrument and any other instruments creating the settlement.

89 Registrar's certificate authorising proposed dealing with settled land.

The registrar may, notwithstanding any restriction entered on the register, grant a certificate that an intended registered disposition is authorised by a settlement or otherwise, and will be registered, and a purchaser who obtains such a certificate shall not be concerned to see that the disposition is authorised, but where capital money is paid to the persons to whom the same is required to be paid by a restriction or into court no such certificate shall be required.

90 Charges for money actually raised.

The proprietor of settled land which is registered and all other necessary parties, if any, shall, on the request, and at the expense of any person entitled to an estate, interest, or charge conveyed or created for securing money actually raised at the date of such request, charge the land in the prescribed manner with the payment of the money so raised, but so long as the estate, interest or charge is capable of being overridden under the Settled Land Act, 1925, or the Law of Property Act, 1925, no charge shall be created or registered under this section.

91 Minorities.

The following provisions shall have effect as respects settled land (being registered land) during a minority:—

- (1) The personal representatives under the will or intestacy under which the settlement is created or arises shall, during the minority, be registered as proprietors, and in reference to the settled land shall have all the powers conferred by the Settled Land Act, 1925, on a tenant for life and on the trustees of the settlement; but if and when the personal representatives would, if the infant had been of full age, have been bound to transfer the registered land to him, the personal representatives shall (unless themselves the statutory owners) thenceforth during the minority give effect on the register to the directions of the statutory owner, and shall apply for the registration of any restriction which may be prescribed, but shall not be concerned with the propriety of any registered disposition so directed to be made if the same appears to be a proper disposition under the powers of the statutory owner and the capital money, if any, arising under the disposition is paid to the trustees of the settlement or into court; but a purchaser dealing with the personal representatives, who complies with the restrictions, if any, which may be entered on the register, shall not be concerned to see or inquire whether any such directions have been given :
- (2) If an infant becomes entitled in possession (or will become entitled in possession on attaining full age) to registered land otherwise than on a death, the statutory owners

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during the minority shall be entitled to require the settled land to be transferred to them and shall be registered as proprietors accordingly :

- (3) If and when the registered land would (if not registered) have become vested in the trustees of the settlement pursuant to the Law of Property Act, 1925, such trustees shall (unless they are already registered) be entitled to be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

92 Rights of tenants for life and statutory owners to be registered as proprietors.

The foregoing provisions of this Part of this Act relating to settled land apply in every case where pursuant to the Settled Land Act, 1925, settled land is to be vested in a tenant for life or statutory owner whether the estate was registered before or after the commencement of this Act, and the proprietor of settled land (not being the tenant for life or statutory owner entitled to the same) shall be bound to make such dispositions as may be required for giving effect to the rights of the tenant for life or statutory owner:

Provided that, where the registered land is not, at the commencement of this Act, registered in the name of a tenant for life or statutory owner, or personal representative who, if the land were not registered, would by virtue of the Settled Land Act, 1925, or of the Law of Property Act, 1925, be entitled to have the settled land vested in him, any such person shall (without any transfer) be entitled to be registered as proprietor thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

93 As to persons in a fiduciary position.

A person in a fiduciary position may apply for, or concur in, or assent to, any registration authorised by the provisions of this Act, and, if he is a proprietor, may execute a charge or other disposition in favour of any person whose registration is so authorised.

94 Land held on trust for sale.

- (1) Where registered land is subject to a trust for sale, express or implied, whether or not there is power to postpone the sale, the land shall be registered in the names of the trustees for sale.
- (2) Where an order, obtained under section seven of the Settled Land Act, 1884, is in force at the commencement of this Act, the person authorised by the order to exercise any of the powers conferred by the Settled Land Act, 1925, may, in the names and on behalf of the proprietors, do all such acts and things under this Act as may be requisite for giving effect on the register to the powers authorised to be exercised in like manner as if such person were registered as proprietor of the land, and a copy of the order shall be filed at the registry.
- (3) Where, by virtue of any statute, registered land is made subject to a trust for sale, the trustees for sale (unless already registered) shall be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration of the register, but this subsection has effect subject to the provisions of this Act relating to the registration

of the Public Trustee and the removal of an undivided share from the register before the title to the entirety of the land is registered.

95 Restriction on number of trustees.

The statutory restrictions affecting the number of persons entitled to hold land on trust for sale and the number of trustees of a settlement apply to registered land.

96 Crown and Duchy land.

- (1) With respect to land or any estate, right, or interest in land vested in His Majesty, either in right of the Crown or of the Duchy of Lancaster, or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof, if any, or, if none, then such person as His Majesty may by writing under his sign manual appoint, may represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land, or of any estate, right, or interest therein, as the case may be, is entitled to receive, make, enter, or do under this Act.
- (2) With respect to land or any estate, right, or interest in land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall for the time being, or as the person for the time being entitled to the revenues and possessions of the Duchy of Cornwall, may in writing appoint, may act as and represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to receive such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land or of any estate, right, or interest in land (as the case may be) is entitled to make, enter, or do under this Act.

97 Foreshore.

- (1) If it appears to the registrar that any land, application for registration whereof is made to him, comprises foreshore, he shall not register an estate in the land unless and until he is satisfied that at least one month's notice in writing of the application has been given to the Board of Trade, and—
 - (a) in case of land in the county palatine of Lancaster, also to the proper officer of the Duchy of Lancaster; and
 - (b) in case of land in the counties of Cornwall or Devon, also to the proper officer of the Duke of Cornwall; and
 - (c) in the case of land within the jurisdiction of the Port of London Authority, also to that authority; and
 - (d) in all other cases, also to the Commissioners of Woods.
- (2) This section does not apply to the registration of an estate with a possessory title or with a good leasehold title.

98 Land subject to charitable trusts.

Where an application is made to register a legal estate in land subject to charitable trusts and that estate is vested in the official trustee of charity lands, he shall, notwithstanding that the powers of disposition are vested in the managing trustees or committee, be registered as proprietor thereof.

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99 Land belonging to benefices.

- (1) Where the incumbent of a benefice and his successors are the registered proprietors of land—
 - (i) No disposition thereof shall be registered unless a certificate in the prescribed form has been obtained—
 - (a) in case of sales under the Parsonages Acts, 1838, or the Church Building Act, 1839, or any Acts amending or extending the same respectively, from Queen Anne's Bounty; or
 - (b) in case of sales under the Glebe Lands Act, 1888, or any Acts amending or extending the same, from the Minister of Agriculture and Fisheries; or
 - (c) in any other case from the Ecclesiastical Commissioners;
 - (ii) No lien shall be created by deposit of the land certificate, and an inhibition shall be placed on the register and on the land certificate accordingly.

The production of a certificate from any of the above-mentioned bodies shall be a sufficient authority to the registrar to register the disposition in question, and it shall be the duty of the proper body to grant such certificate in all cases in which the facts admit thereof.

- (2) On the registration of the incumbent of a benefice and his successors as the proprietors of a legal estate in land, if it is certified by Queen Anne's Bounty, or otherwise appears, that the land was originally purchased by Queen Anne's Bounty or was otherwise appropriated or annexed by or with the consent or the concurrence of Queen Anne's Bounty to the benefice for the augmentation thereof, the registrar shall enter a note to that effect on the register.
- (3) Where the incumbent of a benefice is entitled to indemnity under the provisions of this Act, the money shall be paid to Queen Anne's Bounty and appropriated by them to the benefice.
- (4) " Benefice " in this section includes all rectories with cure of souls, vicarages, perpetual curacies, donatives, endowed public chapels and parochial chapelries, and chapelries or districts belonging, or reputed to belong, or annexed, or reputed to be annexed, to any church or chapel.

100 Small holdings.

- (1) Where a county council apply in pursuance of the Small Holdings and Allotments Act, 1908, for registration as proprietors, they may be registered as proprietors with any such title as is authorised by this Act.
- (2) Where a county council, after having been so registered, dispose of any interest in the land for the purposes of a small holding to a purchaser or lessee, he shall be registered as proprietor of the interest transferred or created (being an interest capable of registration) with an absolute title, subject only to such incumbrances as may be created under the Small Holdings and Allotments Act, 1908, but freed from all other liabilities not being overriding interests, and in any such case the remedy of any person claiming by title paramount to the county council in respect either of title or incumbrances shall be in damages only, and such damages shall be recoverable against the county council.

- (3) Where under the powers conferred by subsection (4) of section twelve of the said Act, a county council by notice require registered land to be sold to themselves, the council shall, after such date as may be specified by the notice mentioned in that subsection and on production to the registrar of evidence—
- (a) of service of such notice; and
 - (b) of the payment of the sum agreed or determined in manner provided by that subsection or of the tender of such payment be registered as the proprietors of the land in place of the proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under this Act.
- (4) Rules under this Act may—
- (a) adapt this Act to the registration of small holdings with such modifications as appear to be required; and
 - (b) on the application and at the expense of a county council provide by the appointment of local agents or otherwise for the carrying into effect of the objects of this section; and
 - (c) enable the registrar to obtain production of the land certificate.
- (5) For the purposes of this section " county council " includes " county borough council. "