



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART XI

COMPULSORY REGISTRATION

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F1 Act repealed (prosp.)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

120 Power to make orders rendering registration compulsory in certain areas.

(1) His Majesty may, by Order in Council, declare, as respects any county or part of a county mentioned or defined in the Order, that, on and after a day specified in the Order, registration of title to land is to be compulsory on sale:

Provided that nothing in this Act or in any such Order shall render compulsory the registration of the title to an incorporeal hereditament or to mines and minerals apart from the surface, or to corporeal hereditaments parcel of a manor and included in the sale of a manor as such.

(2) **F1**

(4) **F2**

(6) Any Order made under this Part of this Act or under any corresponding provision in any enactment replaced by this Act may be revoked or varied by a subsequent Order.

(7) For the purposes of this Part of this Act, “county” means the administrative county, . . .

F3

Textual Amendments

F1 [S. 120\(2\)\(3\)](#) repealed by [Land Registration Act 1966 \(c. 39, SIF 98:2\)](#), [Sch.](#)

F2 [S. 120\(4\)\(5\)](#) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Part XI. (See end of Document for details)

F3 Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

Modifications etc. (not altering text)

C1 [S. 120](#) excluded by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), **s. 80(1)**

121, **F4**
122.

Textual Amendments

F4 [Ss. 121, 122](#) repealed by [Land Registration Act 1966 \(c. 39, SIF 98:2\)](#), **Sch.**

123 Effect of Act in areas where registration is compulsory.

(1) In any area in which an Order in Council declaring that registration of title to land within that area is to be compulsory on sale is for the time being in force, every conveyance on sale of freehold land and every grant of [^{F5}a term of years absolute of more than twenty-one years from the date of delivery of the grant], and every assignment on sale of leasehold land held for a term of years absolute [^{F6}having more than twenty-one years to run from the date of delivery of the assignment], shall (save as hereinafter provided), on the expiration of two months from the date thereof or of any authorised extension of that period, become void so far as regards the grant or conveyance of the legal estate in the freehold or leasehold land comprised in the conveyance, grant, or assignment, or so much of such land as is situated within the area affected, unless the grantee (that is to say, the person who is entitled to be registered as proprietor of the freehold or leasehold land) or his successor in title or assign has in the meantime applied to be registered as proprietor of such land:

Provided that the registrar, or the court on appeal from the registrar, may, on the application of any persons interested in any particular case in which the registrar or the court is satisfied that the application for first registration cannot be made within the said period, or can only be made within that period by incurring unreasonable expense, or that the application has not been made within the said period by reason of some accident or other sufficient cause, make an order extending the said period; and if such order be made, then, upon the registration of the grantee or his successor or assign, a note of the order shall be endorsed on the conveyance, grant or assignment:

In the case of land in an area where, at the date of the commencement of this Act, registration of title is already compulsory on sale, this subsection shall apply to every such conveyance, grant, or assignment, executed on or after that date.

(2) Rules under this Act may provide for applying the provisions thereof to dealings with the land which may take place between the date of such conveyance, grant, or assignment and the date of application to register as if such dealings had taken place after the date of first registration, and for registration to be effected as of the date of the application to register.

(3) In this section the expressions “conveyance on sale” and “assignment on sale” mean an instrument made on sale by virtue whereof there is conferred or completed a title under which an application for registration as first proprietor of land may be made under this Act, and include a conveyance or assignment by way of exchange where money is paid for equality of exchange, but do not include an enfranchisement or extinguishment of manorial incidents, whether under the ^{M1}Law of Property Act 1922,

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or otherwise, or an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion.

Textual Amendments

- F5** Words substituted by [Land Registration Act 1986 \(c. 26, SIF 98:2\)](#), **s. 2(1)(a)(5)**
F6 Words substituted by [Land Registration Act 1986 \(c. 26, SIF 98:2\)](#), **s. 2(1)(b)(5)**

Modifications etc. (not altering text)

- C2** S. 123 extended by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), **s. 80(6)**, [Commons Registration Act 1965 \(c. 64, SIF 25\)](#), **s. 12** and [Housing Act 1985 \(c. 68, SIF 61\)](#), ss. 154(1), 547, **Sch. 20 Pt. III para. 17(1)** and Sch. 9A para. 2(1) (as inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 8(2), **Sch. 2**) and [S.I. 1986/2092](#) art. 10, Sch. 2 para. 2(1)
C3 S. 123 extended by [Housing Act 1988 \(c. 50, SIF 61\)](#), **ss. 81(9)(a)**, 133(8)(a)
C4 S. 123 applied by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), **s. 173(8)(a)**S. 123 modified (1.4.1997) by [1985 c. 68, Pt. V](#) (as modified by [S.I. 1997/619](#), reg. 2(1), **Sch. 1 para.18**)
C5 S. 123(1) proviso extended (27.7.1993) by [1993 c. 37](#), ss. 12, 36, Sch. 2 Pt. II para. 53(3), **Sch. 4 para. 14(3)**

Marginal Citations

- M1** [1922 c. 16 \(98:1\)](#).

VALID FROM 01/04/1998

[^{F7}123A Compulsory registration: effect of requirement to register.

- (1) This section applies to any disposition which, by virtue of any provision of section 123 of this Act, is one in relation to which the requirement of compulsory registration applies.
- (2) Where any such disposition is effected, then—
 - (a) if it is a disposition falling within section 123(1), the person who under the disposition is entitled to the legal estate transferred or created by it, or
 - (b) if it is a disposition falling within section 123(2), the estate owner of the legal estate charged by the mortgage, or
 - (c) (in either case) that person’s successor in title or assign,
 must before the end of the applicable period apply to the registrar to be registered (or alternatively, where he is not a person in a fiduciary position, to have any nominee registered) as the first proprietor of that estate.
- (3) In this section “the applicable period” means in the first instance the period of two months beginning with the date of the disposition, but—
 - (a) the registrar may, if satisfied on the application of any interested person that there is good reason for doing so, make an order extending or further extending that period; and
 - (b) if he does so, “the applicable period” means that period as for the time being extended under this subsection.
- (4) Pending compliance with subsection (2) above the disposition shall operate to transfer or grant a legal estate, or (as the case may be) create a legal mortgage, in accordance with its terms.

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- (5) If subsection (2) above is not complied with, the disposition shall at the end of the applicable period become void as regards any such transfer, grant or creation of a legal estate; and—
- (a) if it is a disposition purporting to transfer a legal estate, the title to that estate shall thereupon revert to the transferor who shall hold that estate on a bare trust for the transferee;
 - (b) if it is a disposition purporting to grant a legal estate or create a legal mortgage, the disposition shall thereupon take effect as if it were a contract to grant or create that estate or mortgage made for valuable consideration (whether or not it was so made or satisfies any of the formal requirements of such a contract).
- (6) If an order extending the applicable period under subsection (3) above is made at a time when the disposition has become void in accordance with subsection (5) above, then as from the making of the order—
- (a) subsection (5) shall cease to apply to the disposition, and
 - (b) subsection (4) above shall apply to it instead,
- and similarly in the case of any further order so made.
- (7) If any disposition is subsequently effected by way of replacement for a disposition which has become void in accordance with subsection (5) above, the requirement of compulsory registration shall apply in relation to it under section 123 in the same way as it applied in relation to the void disposition, and the provisions of this section shall have effect accordingly.
- (8) Except to the extent to which the parties to any such replacement disposition agree otherwise, the transferee or grantee (as the case may be) shall—
- (a) bear all the proper costs of and incidental to that disposition, and
 - (b) indemnify the transferor or grantor (as the case may be) in respect of any other liability reasonably incurred by him in consequence of the failure to comply with subsection (2) above.
- (9) Where any such replacement disposition is a mortgage falling within section 123(2) of this Act, subsection (8) above shall apply as if the reference to the grantee were a reference to the mortgagor and the reference to the grantor were a reference to the mortgagee.
- (10) Rules under this Act may make provision—
- (a) applying the provisions of this Act to any dealings which take place between—
 - (i) the date of any disposition to which this section applies, and
 - (ii) the date of the application for first registration,
 as if the dealings had taken place after the date of the registration, and for the registration to be effective as of the date of the application;
 - (b) enabling the mortgagee under any mortgage falling within section 123(2) of this Act to require the legal estate charged by the mortgage to be registered whether or not the mortgagor consents.]

Textual Amendments

F7 Ss. 123, 123A substituted (1.4.1998) by 1997 c. 2, s.1 (with s. 5(4)); S.I. 1997/3036, art. 2

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Modifications etc. (not altering text)

- C6** S. 123A extended (1.4.1998) by 1997 c. 2, s. 4(1), **Sch. 1 para. 4(2)**; S.I. 1997/3036, **art.2S**. 123A extended (1.4.1998) by 1985 c. 68, **Sch. 9A para. 2(1)** (as substituted by 1997 c. 2, s. 4(1), **Sch. 1 para. 5(2)**); S.I. 1997/3036, **art. 2**

124 Compulsory provisions bind the Crown.

This Part of this Act, as respects transactions completed after the commencement of this Act, binds the Crown.

Modifications etc. (not altering text)

- C7** S. 124 extended by **London Government Act 1963 (c. 33, SIF 81:1), s. 80(6)**

[^{F8}125 Special provisions as to orders affecting Ridings of Yorkshire.

Where an order is made under this Part of this Act which applies to any of the Ridings of Yorkshire the order may provide for the transfer to the Land Registry of the business of the local deed registry established for the Riding, or for the local deed registry being constituted a district registry under this Act and for such district registry being administered by the county council, or, with the consent of the county council, may contain such other provision as appear expedient with respect to the local deed registry ; and the order may contain such supplemental, incidental, and consequential provisions (including provisions for the modifications of the enactments relating to the constitution and administration of the local deed registry, and for the payment of compensation to the county council of the Riding in respect of future loss of fees or otherwise, and to the officers of the registry) as appear necessary or expedient for the purposes of the order.]

Textual Amendments

- F8** S. 125 repealed as regards Yorkshire deeds registries, their registers and areas by **Law of Property Act 1969 (c. 59, SIF 98:1), s. 16(2), Sch. 2 Pt. I**

Modifications etc. (not altering text)

- C8** The text of ss. 125, 136 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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