



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART XII

### ADMINISTRATIVE AND JUDICIAL PROVISIONS

#### *Description and Powers of the Court*

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- F1** Act repealed (prosp.)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

#### [<sup>F1</sup>138 **Jurisdiction of High Court and county courts.**

- (1) Any jurisdiction conferred on the High Court by this Act or by the <sup>M1</sup>Land Registration and Land Charges Act 1971 may also be exercised, to such extent as may be prescribed, by county courts.
- (2) Subject to the enactments relating to the Supreme Court of Judicature for the time being in force, all matters within the jurisdiction of the High Court under this Act or the said Act of 1971 shall be assigned to the Chancery Division of that court.
- (3) Where the county court has jurisdiction under this Act or that Act it shall have all the powers of the High Court for the purposes of that jurisdiction.
- (4) The Lord Chancellor may assign any duties of the High Court under this Act or that Act to any particular judge or judges of the High Court.]

#### Textual Amendments

- F1** [S. 138](#) substituted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), [Sch. 5](#) para. (c)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Cross Heading: Description and Powers of the Court. (See end of Document for details)*

#### Marginal Citations

M1 1971 c. 54 (98:2).

### 139 Powers of court in action for specific performance.

- (1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of the action may, by summons, or by such other mode as it deems expedient, cause all or any parties who have registered interests or rights in the registered land or charge, or have entered up notices, cautions, restrictions, or inhibitions against the same to appear in such action, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in the action shall be binding on such parties or any of them.
- (2) All costs incurred by any parties so appearing in an action to enforce against a vendor specific performance of his contract to sell any registered land or charge shall be taxed as between solicitor and client, and, unless the court otherwise orders, be paid by the vendor.

### 140 Power of registrar to state case for the court.

- (1) Whenever, upon the examination of the title to any interest in land, the registrar entertains a doubt as to any matter of law or fact arising upon such title, he may (whether or not the matter has been referred to a conveyancing counsel in the prescribed manner), upon the application of any party interested in such land—
  - (a) refer a case for the opinion of the High Court and the court may direct an issue to be tried before a jury for the purpose of determining any fact;
  - (b) name the parties to such case;
  - (c) give directions as to the manner in which proceedings in relation thereto are to be brought before the court.
- (2) The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to the case, unless the court permits an appeal.

### 141 Intervention of court in case of persons under disability.

Where a person under disability, or person outside the jurisdiction of the High Court, or person yet unborn, is interested in the land in respect of the title to which any question arises as aforesaid, any other person interested in such land may apply to the court for a direction that the opinion of the court shall be conclusively binding on the person under disability, person outside the jurisdiction, or unborn person.

### 142 Power for court to bind interests of persons under disability.

- (1) The court shall hear the allegations of all parties appearing.
- (2) The court may disapprove altogether or may approve, either with or without modification, of the directions of the registrar respecting any case referred to the court.
- (3) The court may, if necessary, appoint a guardian, next friend or other person to appear on behalf of any person under disability, person outside the jurisdiction, or unborn person.

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- (4) If the court is satisfied that the interest of any person under disability, outside the jurisdiction, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions, if any, as aforesaid, shall be conclusively bound by any decision of the court in which any such person is concerned.

### 143 Appeals.

- (1) Any person aggrieved by any order of a judge of a county court may, within the prescribed time and in the prescribed manner, appeal to the High Court.
- (2) The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, the order so altered or modified shall be of the like effect as if it were the order of the county court.

The High Court may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.

- (3) Any person aggrieved by an order made under this Act by the High Court otherwise than on appeal from a county court, . . . <sup>F2</sup>may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the High Court . . . <sup>F2</sup>in cases within the ordinary jurisdiction of such court may be appealed from.

#### Textual Amendments

**F2** Words repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 11 Pt. II](#)

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