



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART XI

COMPULSORY REGISTRATION

[^{F1}123 Compulsory registration: dispositions to which requirement to register applies.

- (1) The requirement of compulsory registration applies in relation to the following dispositions of unregistered land—
- (a) any qualifying conveyance of the freehold estate;
 - (b) any qualifying grant of a term of years absolute of more than 21 years from the date of the grant;
 - (c) any qualifying assignment of a term of years absolute which on the date of the assignment has more than 21 years to run; and
 - (d) any disposition effected by an assent (including a vesting assent) or by a vesting deed which is a disposition of—
 - (i) the freehold estate, or
 - (ii) a term of years absolute which on the date of the disposition has more than 21 years to run.

- (2) The requirement of compulsory registration also applies in relation to any disposition by the estate owner of unregistered land which is a legal mortgage of—
- (a) the freehold estate, or
 - (b) a term of years absolute which on the date of the mortgage has more than 21 years to run,

where, on its creation, the mortgage takes effect as a mortgage to be protected by the deposit of documents relating to that estate or term of years, and ranks in priority ahead of all other mortgages (if any) then affecting that estate or term of years.

- (3) Without prejudice to the power to make an order under subsection (4) below, nothing in this section or section 123A of this Act has the effect of requiring the registration of title to—
- (a) an incorporeal hereditament;

Status: Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 123. (See end of Document for details)

- (b) mines and minerals apart from the surface; or
 - (c) corporeal hereditaments which are part of a manor and included in the sale of a manor as such.
- (4) The Lord Chancellor may by order—
- (a) amend this section so as to add to the dispositions in relation to which the requirement of compulsory registration applies any such disposition of, or otherwise affecting, a legal estate in unregistered land as is specified in the order; and
 - (b) make such consequential amendments of any provision of, or having effect under, any Act as he thinks appropriate.
- (5) Any order under subsection (4) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) For the purposes of this section—
- (a) a conveyance, grant or assignment is a “qualifying” conveyance, grant or assignment if it is made—
 - (i) for valuable or other consideration,
 - (ii) by way of gift, or
 - (iii) in pursuance of an order of any court;
 - (b) a conveyance, grant or assignment of property with a negative value is to be regarded (without prejudice to the generality of paragraph (a)(i) above) as made for valuable or other consideration; and
 - (c) “assignment” does not include an assignment or surrender of a lease to the owner of the immediate reversion where the term is to merge in that reversion.]

Textual Amendments

F1 Ss. 123, 123A substituted (1.4.1998) by 1997 c. 2, s.1 (with s. 5(4)); S.I. 1997/3036, art. 2,

Modifications etc. (not altering text)

- C1** 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)S. 123 extended by Housing Act 1988 (c. 50, SIF 61), ss. 81(9)(a), 133(8)(a)S. 123 applied by Local Government and Housing Act 1989 (c. 42, SIF 61), 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)
- C2** 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)

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)

Status:

Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation:

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