



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART III

REGISTERED DEALINGS WITH REGISTERED LAND

Dispositions of Leasehold Land

23 Effect of registration of dispositions of leaseholds.

(1) In the case of a leasehold estate registered with an absolute title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, be deemed to vest in the transferee or under-lessee the estate transferred or created to the extent of the registered estate, or for the term created by the subdemise, as the case may require, with all implied or expressed rights, privileges, and appurtenances attached to the estate transferred or created, including (subject to any entry to the contrary on the register) the appropriate rights and interests which would under the ^{M1}Law of Property Act 1925, have been transferred if the land had not been registered, but subject as follows:—

- (a) To all implied and express covenants, obligations, and liabilities incident to the estate transferred or created; and
- (b) To the incumbrances and other entries (if any) appearing on the register [^{F1}and any charge for capital transfer tax subject to which the disposition takes effect under section 73 of this Act]; and
- (c) Unless the contrary is expressed on the register, to the overriding interests, if any, affecting the estate transferred or created,

but free from all other estates and interests whatsoever, including estates and interests of His Majesty; and the transfer or subdemise shall operate in like manner as if the registered transferor or sublessor were (subject to any entry to the contrary on the register) absolutely entitled to the registered lease for his own benefit.

(2) In the case of a leasehold estate registered with a good leasehold title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute

Status: Point in time view as at 27/03/2002. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 23. (See end of Document for details)

title, save that it shall not affect or prejudice the enforcement of any right or interest affecting or in derogation of the title of the lessor to grant the lease.

- (3) In the case of a leasehold estate registered with a qualified title, a disposition (including a subdemise thereof) for valuable consideration shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title, save that such disposition shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) appearing by the register to be excepted.
- (4) In the case of a leasehold estate registered with a possessory title, a disposition (including a subdemise thereof) for valuable consideration shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor, but save as aforesaid shall, when registered, have the same effect as it would have had if the land had been registered with an absolute title.
- (5) Where any such disposition is made without valuable consideration it shall, so far as the transferee or underlessee is concerned, be subject to any minor interests subject to which the transferor or sublessor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee or underlessee, have the same effect as if the disposition had been made for valuable consideration.

Textual Amendments

F1 Words inserted by [Finance Act 1975 \(c. 7\)](#), **Sch. 12 para. 5(3)**

Modifications etc. (not altering text)

C1 [S. 23](#) extended by [Housing Act 1985 \(c. 68, SIF 61\)](#), **Sch. 9A para. 6(1)(a)** (as inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 8(2), **Sch. 2 para. 3**) and extended by [S. I. 1986/2092 art. 10](#), Sch. 2 para. 6(1)(a)

Marginal Citations

M1 [1925 c. 20 \(98:1\)](#).

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)

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