



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART IV

NOTICES, CAUTIONS, INHIBITIONS AND RESTRICTIONS

Notices

49 Rules to provide for notices of other rights, interests and claims.

(1) The provisions of the last foregoing section shall be extended by the rules so as to apply to the registration of notices of or of claims in respect of—

- (a) The grant or reservation of any annuity or rentcharge in possession, either perpetual or for a term of years absolute:
- (b) The severance of any mines or minerals from the surface, except where the mines and minerals severed are expressly included in the registration:
- (c) Land charges until the land charge is registered as a registered charge:
- (d) The right of any person interested in the proceeds of sale of land held on trust for sale or in land subject to a settlement to require that (unless a trust corporation is acting as trustee) there shall be at least two trustees of the disposition on trust for sale or of the settlement:
- (e) The rights of any widow in respect of dower or under the ^{M1}Intestates' Estates Act 1890, and any right to free bench or other like right saved by any statute coming into force concurrently with this Act (which rights shall take effect in equity as minor interests):
- (f) Creditors' notices and any other right, interest, or claim which it may be deemed expedient to protect by notice instead of by caution, inhibition, or restriction.

[^{F1}(g) charging orders (within the meaning of the Charging Orders Act 1979 [^{F2}, ^{F3} . . . the Criminal Justice Act 1988][^{F4} or the Drug Trafficking Act 1994][^{F5}, or regulations under paragraph 11 of Schedule 4 to the Local Government Finance Act 1988][^{F6}, or regulations under paragraph 11 of Schedule 4 to the Local Government Finance Act 1992]) which in the case of unregistered land

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- may be protected by registration under the Land Charges Act 1972 and which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution.]
- [^{F7}(h) acquisition orders (within the meaning of Part III of the Landlord and Tenant Act 1987) which in the case of unregistered land may be protected by registration under the Land Charges Act ^{M2}1972 and which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution.]
- [^{F8}(j) Access orders under the Access to Neighbouring Land Act 1992 which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution.]
- [^{F9}(k) orders made under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 which in the case of unregistered land may be protected by registration under the Land Charges Act 1972 and which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution.]
- (2) A notice shall not be registered in respect of any estate, right, or interest which (independently of this Act) is capable of being overridden by the proprietor under a trust for sale or the powers of the ^{M3}Settled Land Act 1925, or any other statute, or of a settlement, and of being protected by a restriction in the prescribed manner: Provided that notice of such an estate right or interest may be lodged pending the appointment of trustees of a disposition on trust for sale or a settlement, and if so lodged, shall be cancelled if and when the appointment is made and the proper restriction (if any) is entered.
- (3) A notice when registered in respect of a right, interest, or claim shall not affect prejudicially—
- (a) The powers of disposition of the personal representative of the deceased under whose will or by the operation of whose intestacy the right, interest, or claim arose; or
 - (b) The powers of disposition (independently of this Act) of a proprietor holding the registered land on trust for sale.

Textual Amendments

- F1** S. 49(1)(g) inserted by Charging Orders Act 1979 (c. 53, SIF 45:1), s. 3(3)
- F2** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8, para. 16, Sch. 15, para. 6
- F3** Words in s. 49(1)(g) repealed (3.2.1995) by 1994 c. 37, ss. 65(1), 67(1), 69(2), Sch. 1 para. 1, Sch. 3
- F4** Words in s. 49(1)(g) inserted (3.2.1995) by 1994 c. 37, ss. 65(1), 69(2), Sch. 1 para.1
- F5** Words inserted by S.I. 1989/438, reg. 45(5)
- F6** Words in s. 49(1)(g) inserted (1.4.1992) by S.I. 1992/613, reg. 51(5)
- F7** S. 49(1)(h) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 61(1), Sch. 4 para. 1
- F8** S. 49(1)(j) added (31.1.1993) by Access to Neighbouring Land Act 1992 (c. 23), s. 5(2); S.I. 1992/3349, art. 2.
- F9** S. 49(1)(k) added (1.11.1993) by 1993 c. 28, s. 187(1), Sch. 21 para. 1; S.I. 1993/2134, art. 5

Marginal Citations

- M1** 1890 c. 29.
- M2** 1972 c.61 (98:2).
- M3** 1925 c. 18 (98:3).

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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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