



Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

PART IV

NOTICES, CAUTIONS, INHIBITIONS AND RESTRICTIONS

Protection of various Interests

59 Writs, orders, deeds of arrangement, pending actions, &c.

- (1) A writ, order, deed of arrangement, pending action, or other interest which in the case of unregistered land may be protected by registration under the ^{M1}Land Charges Act 1925, shall, where the land affected or the charge securing the debt affected is registered, be protected only by lodging a creditor's notice, a bankruptcy inhibition or a caution against dealings with the land or the charge.
- (2) Registration of a land charge (other than a local land charge) shall, where the land affected is registered, be effected only by registering under this Act a notice caution or other prescribed entry:
Provided that before a land charge including a local land charge affecting registered land (being a charge to secure money) is realised, it shall be registered and take effect as a registered charge under this Act in the prescribed manner, without prejudice to the priority conferred by the land charge.
- (3) ^{F1}
- (4) When a land charge protected by notice has been discharged as to all or any part of the land comprised therein, the notices relating thereto and to all devolutions of and dealings therewith shall be vacated as to the registered land affected by the discharge.
- (5) The foregoing provisions of this section shall apply only to writs and orders, deeds of arrangement, pending actions and land charges which if the land were unregistered would for purposes of protection be required to be registered or re-registered after the commencement of this Act under the ^{M2}Land Charges Act 1925; and for the purposes of this section a land charge does not include a puisne mortgage . . . ^{F2}.

Status: Point in time view as at 03/02/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 59. (See end of Document for details)

- (6) Subject to the provisions of this Act relating to fraud and to the title of a trustee in bankruptcy, a purchaser acquiring title under a registered disposition, shall not be concerned with any pending action, writ, order, deed of arrangement, or other document, matter, or claim (not being an overriding interest ^{F3} or a charge for capital transfer tax subject to which the disposition takes effect under section 73 of this Act) which is not protected by a caution or other entry on the register, whether he has or has not notice thereof, express, implied, or constructive.
- (7) In this section references to registration under the ^{M3}Land Charges Act 1925, apply to any registration made under any other statute which, in the case of unregistered land, is by the Land Charges Act 1925, to have effect as if the registration had been made under that Act.

Textual Amendments

- F1** S. 59(3) repealed by Land Registration Act 1988 (c. 3, SIF 98:2), ss. 1(2)(a), 2, **Sch.**
- F2** Words repealed with saving by Finance Act 1975 (c.7, SIF 99:3), **Sch. 13 Pt. I**
- F3** Words inserted by Finance Act 1975 (c. 7), **Sch. 12 para. 5(4)**

Modifications etc. (not altering text)

- C1** Land Charges Act 1925 (c. 22) repealed by Land Charges Act 1972 (c. 61, SIF 98:2), **Sch. 5** and Local Land Charges Act 1975 (c. 76, SIF 98:2), **Sch. 2**: references to the 1925 Act to be construed in accordance with Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**
- C2** S. 59 extended by Housing Act 1988 (c. 50, SIF 61), s. 79(13), **Sch. 11 para. 2(3)**S. 59 extended (1.10.1996) by 1996 c. 52, 11(4) (with s. 51(4)); S.I. 1996/2402, **art.3** (with transitional provisions and savings in Sch. 1 of that S.I.)S. 59 extended (16.12.1997) by 1996 c. 53, **s. 138(3)**; S.I. 1997/2846, **art. 2**
- C3** S. 59 extended by Housing Act 1985 (c. 68, SIF 61), **s. 36(3)** and Housing Associations Act 1985 (c. 69, SIF 61), s. 11, **Sch. 2 para. 2(3)**
- C4** S. 59(2) extended by Water Resources Act 1963 (c. 38, SIF 130), **s. 81(5)(a)** and Leasehold Reform Act 1967 (c. 88, SIF 75:1), ss. 29, 30, **Sch. 4 para. 1(3)**S. 59(2) applied (1.10.1996) by 1996 c. 52, 11(4) (with s. 51(4)); S.I. 1996/2402, **art.3** (with transitional provisions and savings in Sch. 1 of that S.I.)S. 59(2) applied (16.12.1997) by 1996 c. 53, **s. 138(3)**; S.I. 1997/2846, **art. 2**
- C5** S. 59(5) excluded (1.10.1996) by 1996 c. 52, **s. 11(4)** (with s. 51(4)); S.I. 1996/2402, **art.3** (with transitional provisions and savings in Sch. 1 of that S.I.)S. 59(5) excluded (16.12.1997) by 1996 c. 53, **s. 138(3)**; S.I. 1997/2846, **art. 2**

Marginal Citations

- M1** 1925 c. 22.
- M2** 1925 c. 22.
- M3** 1925 c. 22.

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 03/02/1995. 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 59.