



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART VI

### GENERAL PROVISIONS AS TO REGISTRATION AND THE EFFECT THEREOF

#### 78 Provisions as to undivided shares in land.

(1) Where in the case of land belonging to persons in undivided shares the entirety of the land is registered at the commencement of this Act, and the persons entitled to the several undivided shares are registered as proprietors, the registrar shall, on the occasion of the first dealing affecting the title after the commencement of this Act, rectify the register by entering as the proprietors of the entirety of the land the persons in whom the legal estate therein has become vested by virtue of the <sup>M1</sup>Law of Property Act 1925, and it shall be the duty of the persons registered as the proprietors of the undivided shares in the land to furnish to the registrar such evidence as he may require to enable him to ascertain the persons in whom such legal estate has become so vested as aforesaid.

(2) Where at the commencement of this Act the title to an undivided share in land is registered but the entirety of the land is not registered, the registrar may, at any time, after giving notice to the proprietor and to the other persons, if any, who appear by the register to be interested therein, remove from the register the title to the undivided share, and such removal shall have the like effect as if it had been effected by the proprietor with the assent of such other persons as aforesaid in pursuance of the power in that behalf contained in this Act:

Provided that, if within one year from the commencement of this Act or such extended time as the registrar may allow, and before the removal of the undivided share from the register in manner aforesaid, the persons in whom the legal estate of the entirety of the land is vested by virtue of the <sup>M2</sup>Law of Property Act 1925, or any persons interested in more than an undivided half of the land or the income thereof, make an application in the prescribed manner for the purpose and furnish the prescribed evidence, the registrar shall, without charging any fee, register the persons in whom such legal estate is so vested as proprietors of that estate, subject to any incumbrance capable of registration affecting the entirety of the land, but free from any charge or

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*Status: Point in time view as at 26/03/2001. 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 78. (See end of Document for details)*

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incumbrance (whether formerly registered or not) affecting an undivided share, and when the title to the entirety of the land is so registered, the title to the undivided share shall be closed.

- (3) If the person in whom the legal estate in the entirety of the land is so vested is the Public Trustee, he shall not be registered as proprietor pursuant to this section unless and until he has been duly requested to act in accordance with the <sup>M3</sup>Law of Property Act 1925, and has accepted the trust.
- (4) After the commencement of this Act, no entry other than a caution against dealings with the entirety shall be made in the register as respects the title to an undivided share in land [<sup>F1</sup>registered at the commencement of this Act].

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**Textual Amendments**

- F1** Words in s. 78(4) inserted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para.5(6)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

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**Marginal Citations**

- M1** 1925 c. 20 (98:1).  
**M2** 1925 c. 20 (98:1).  
**M3** 1925 c. 20 (98:1).

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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)

**Status:**

Point in time view as at 26/03/2001. 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 78.