

SCHEDULES

SCHEDULE 1

Section 4(1).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS CONSEQUENTIAL ON SECTION 1

LAND REGISTRATION ACT 1925 (C. 21)

- 1 (1) In section 8 (application for registration of leasehold land) for subsection (1A) substitute—

“(1A) An application for registration in respect of leasehold land held under a lease in relation to the grant or assignment of which section 123A of this Act applies may be made within the applicable period within the meaning of section 123A, notwithstanding that by the date of the application the unexpired term of the lease is not more than twenty-one years.”

- (2) In section 69(3) (effect of registration on the legal estate), for “land in a compulsory area after the commencement of this Act” substitute “any land”.

- (3) In section 81(1) (power to remove land from the register)—

- (a) for the words from the beginning to “in every case where” substitute “Where”; and
(b) for “the land (including an undivided share)” substitute “the undivided share”.

LAND REGISTRATION AND LAND CHARGES ACT 1971 (C. 54)

- 2 In section 4 (souvenir land), in subsection (1)(d), for the words from “section 123” onwards substitute “sections 123 and 123A of that Act (compulsory registration);”.

LAND CHARGES ACT 1972 (C. 61)

- 3 In section 14(3) (exclusion of matters affecting registered land or created by instruments necessitating registration of land), for the words from “section 123” to “is compulsory)” substitute “section 123A of the Land Registration Act 1925 (compulsory registration: effect of requirement to register)”.

HOUSING ACT 1985 (C. 68)

- 4 (1) In section 154 (registration of title), for subsection (1) substitute—

“(1) Where on the grant of a lease in pursuance of this Part the landlord’s title to the dwelling-house is not registered, section 123A of the Land Registration Act 1925 (compulsory registration: effect of requirement to register) shall

Status: This is the original version (as it was originally enacted).

apply in relation to the grant of the lease whether or not it is granted for a term of more than 21 years.”

(2) Where—

(a) after the coming into force of sub-paragraph (1) there is a conveyance falling within section 154(1)(b) as originally enacted (conveyance of freehold in pursuance of right mentioned in paragraph 2(1) or 8(1) of Schedule 8 to the Act in respect of shared ownership lease), and

(b) the landlord’s title is not registered,

section 123A of the Land Registration Act 1925 (compulsory registration: effect of requirement to register) shall apply in relation to the conveyance (whether or not it would so apply apart from this sub-paragraph).

5 (1) Paragraph 2 of Schedule 9A (land registration etc. where right to buy preserved) shall be amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) Where on a qualifying disposal which takes the form of the grant or assignment of a lease the disponent’s title to the dwelling-house is not registered, section 123A of the Land Registration Act 1925 (compulsory registration: effect of requirement to register) shall apply in relation to the disposal whether or not—

(a) (in the case of the grant of a lease) the lease is granted for a term of more than 21 years; or

(b) (in the case of an assignment) the lease is a lease for a term of which more than 21 years are unexpired.”

(3) In sub-paragraph (2), for “In such a case” substitute “Where on a qualifying disposal the disponent’s title to the dwelling-house is not registered.”

CHARITIES ACT 1993 (c. 10)

6 (1) In section 37(7)(b) (supplementary provisions relating to dispositions), for “to which section 123(1)” substitute “in relation to which section 123A”.

(2) After subsection (1) of section 39 (supplementary provisions relating to mortgaging) insert—

“(1A) Where any such mortgage will be one falling within section 123(2) of the Land Registration Act 1925—

(a) the statement required by subsection (1) above shall be in such form as may be prescribed; and

(b) if the charity is not an exempt charity, the mortgage shall also contain a statement, in such form as may be prescribed, that the restrictions on disposition imposed by section 36 above apply to the land (subject to subsection (9) of that section).

(1B) Where—

(a) an application is duly made for registration of a person’s title to land in connection with such a mortgage as is mentioned in subsection (1A) above, and

(b) the mortgage contains statements complying with subsections (1) and (1A) above, and

Status: This is the original version (as it was originally enacted).

(c) the charity is not an exempt charity,
the registrar shall enter in the register, in respect of the land, a restriction in such form as may be prescribed; and section 37(9) above shall apply in relation to any such restriction as it applies in relation to one entered in pursuance of section 37(8).”

(3) In section 39(6), for the words from ““prescribed”” onwards substitute—

“and subsections (1) to (1B) above shall be construed as one with the Land Registration Act 1925.”

AGRICULTURE ACT 1993 (C. 37)

7 (1) For paragraph 53(3) of Schedule 2 (provisions relating to carrying out of approved scheme of reorganisation) substitute—

“(3) The Chief Land Registrar may, if satisfied on the application of any interested person that there is good reason for doing so, make an order extending or further extending the period mentioned in sub-paragraph (2); and if he does so at a time when that sub-paragraph has operated to negative the transfer effected by section 11 above, it shall be taken not to have so operated.”

(2) In paragraph 53(4) of Schedule 2—

- (a) for “section 123(2)” substitute “section 123A(10)(a)”; and
- (b) for “section 123” substitute “section 123A”.

(3) For paragraph 14(3) of Schedule 4 (provisions relating to carrying out of approved transfer scheme) substitute—

“(3) The Chief Land Registrar may, if satisfied on the application of any interested person that there is good reason for doing so, make an order extending or further extending the period mentioned in sub-paragraph (2); and if he does so at a time when that sub-paragraph has operated to negative the transfer effected by section 35 above, it shall be taken not to have so operated.”

(4) In paragraph 14(4) of Schedule 4—

- (a) for “section 123(2)” substitute “section 123A(10)(a)”; and
- (b) for “section 123” substitute “section 123A”.

PART II

AMENDMENTS CONSEQUENTIAL ON SECTION 2

LAND REGISTRATION ACT 1986 (C. 26)

8 In section 5 (abolition of the Minor Interests Index)—

- (a) in subsection (3), for “section 83(6)(a)” substitute “section 83(8)(a)”; and
- (b) in subsection (4), for “section 83(10)” substitute “section 83(10)(b)(i)”.