



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 12

#### MISCELLANEOUS AND GENERAL

VALID FROM 13/10/2003

#### *Miscellaneous*

#### **115 Rights of pre-emption**

- (1) A right of pre-emption in relation to registered land has effect from the time of creation as an interest capable of binding successors in title (subject to the rules about the effect of dispositions on priority).
- (2) This section has effect in relation to rights of pre-emption created on or after the day on which this section comes into force.

#### **116 Proprietary estoppel and mere equities**

It is hereby declared for the avoidance of doubt that, in relation to registered land, each of the following—

- (a) an equity by estoppel, and
- (b) a mere equity,

has effect from the time the equity arises as an interest capable of binding successors in title (subject to the rules about the effect of dispositions on priority).

#### **117 Reduction in unregistered interests with automatic protection**

- (1) Paragraphs 10 to 14 of Schedules 1 and 3 shall cease to have effect at the end of the period of ten years beginning with the day on which those Schedules come into force.

*Status: Point in time view as at 04/04/2003. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Part 12. (See end of Document for details)*

- (2) If made before the end of the period mentioned in subsection (1), no fee may be charged for—
- (a) an application to lodge a caution against first registration by virtue of an interest falling within any of paragraphs 10 to 14 of Schedule 1, or
  - (b) an application for the entry in the register of a notice in respect of an interest falling within any of paragraphs 10 to 14 of Schedule 3.

### **118 Power to reduce qualifying term**

- (1) The Lord Chancellor may by order substitute for the term specified in any of the following provisions—
- (a) section 3(3),
  - (b) section 4(1)(c)(i) and (2)(b),
  - (c) section 15(3)(a)(ii),
  - (d) section 27(2)(b)(i),
  - (e) section 80(1)(b)(i),
  - (f) paragraph 1 of Schedule 1,
  - (g) paragraphs 4(1), 5(1) and 6(1) of Schedule 2, and
  - (h) paragraph 1 of Schedule 3,
- such shorter term as he thinks fit.
- (2) An order under this section may contain such transitional provision as the Lord Chancellor thinks fit.
- (3) Before making an order under this section, the Lord Chancellor must consult such persons as he considers appropriate.

### **119 Power to deregister manors**

On the application of the proprietor of a registered manor, the registrar may remove the title to the manor from the register.

### **120 Conclusiveness of filed copies etc**

- (1) This section applies where—
- (a) a disposition relates to land to which a registered estate relates, and
  - (b) an entry in the register relating to the registered estate refers to a document kept by the registrar which is not an original.
- (2) As between the parties to the disposition, the document kept by the registrar is to be taken—
- (a) to be correct, and
  - (b) to contain all the material parts of the original document.
- (3) No party to the disposition may require production of the original document.
- (4) No party to the disposition is to be affected by any provision of the original document which is not contained in the document kept by the registrar.

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### **121 Forwarding of applications to registrar of companies**

The Lord Chancellor may by rules make provision about the transmission by the registrar to the registrar of companies (within the meaning of the Companies Act 1985 (c. 6)) of applications under—

- (a) Part 12 of that Act (registration of charges), or
- (b) Chapter 3 of Part 23 of that Act (corresponding provision for overseas companies).

### **122 Repeal of Land Registry Act 1862**

- (1) The Land Registry Act 1862 (c. 53) shall cease to have effect.
- (2) The registrar shall have custody of records of title made under that Act.
- (3) The registrar may discharge his duty under subsection (2) by keeping the relevant information in electronic form.
- (4) The registrar may on application provide a copy of any information included in a record of title made under that Act.
- (5) Rules may make provision about applications for the exercise of the power conferred by subsection (4).

VALID FROM 13/10/2003

*Offences etc.*

### **123 Suppression of information**

- (1) A person commits an offence if in the course of proceedings relating to registration under this Act he suppresses information with the intention of—
  - (a) concealing a person's right or claim, or
  - (b) substantiating a false claim.
- (2) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.

### **124 Improper alteration of the registers**

- (1) A person commits an offence if he dishonestly induces another—
  - (a) to change the register of title or cautions register, or
  - (b) to authorise the making of such a change.
- (2) A person commits an offence if he intentionally or recklessly makes an unauthorised change in the register of title or cautions register.
- (3) A person guilty of an offence under this section is liable—

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- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this section, references to changing the register of title include changing a document referred to in it.

### **125 Privilege against self-incrimination**

- (1) The privilege against self-incrimination, so far as relating to offences under this Act, shall not entitle a person to refuse to answer any question or produce any document or thing in any legal proceedings other than criminal proceedings.
- (2) No evidence obtained under subsection (1) shall be admissible in any criminal proceedings under this Act against the person from whom it was obtained or that person's spouse.

VALID FROM 13/10/2003

## *Land registration rules*

### **126 Miscellaneous and general powers**

Schedule 10 (which contains miscellaneous and general land registration rule-making powers) has effect.

### **127 Exercise of powers**

- (1) Power to make land registration rules is exercisable by the Lord Chancellor with the advice and assistance of the Rule Committee.
- (2) The Rule Committee is a body consisting of—
  - (a) a judge of the Chancery Division of the High Court nominated by the Lord Chancellor,
  - (b) the registrar,
  - (c) a person nominated by the General Council of the Bar,
  - (d) a person nominated by the Council of the Law Society,
  - (e) a person nominated by the Council of Mortgage Lenders,
  - (f) a person nominated by the Council of Licensed Conveyancers,
  - (g) a person nominated by the Royal Institution of Chartered Surveyors,
  - (h) a person with experience in, and knowledge of, consumer affairs, and
  - (i) any person nominated under subsection (3).
- (3) The Lord Chancellor may nominate to be a member of the Rule Committee any person who appears to him to have qualifications or experience which would be of value to the committee in considering any matter with which it is concerned.

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## Supplementary

### 128 Rules, regulations and orders

- (1) Any power of the Lord Chancellor to make rules, regulations or orders under this Act includes power to make different provision for different cases.
- (2) Any power of the Lord Chancellor to make rules, regulations or orders under this Act is exercisable by statutory instrument.
- (3) A statutory instrument containing—
  - (a) regulations under section 100(2), or
  - (b) an order under section 100(3), 102 or 113,is to be laid before Parliament after being made.
- (4) A statutory instrument containing—
  - (a) land registration rules,
  - (b) rules under Part 11 or section 121,
  - (c) regulations under paragraph 5 of Schedule 9, or
  - (d) an order under section 5(1), 62(9), 80(4), 118(1) or 130,is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Rules under section 93 or paragraph 1, 2 or 3 of Schedule 5 shall not be made unless a draft of the rules has been laid before and approved by resolution of each House of Parliament.

### 129 Crown application

This Act binds the Crown.

### 130 Application to internal waters

This Act applies to land covered by internal waters of the United Kingdom which are—

- (a) within England or Wales, or
- (b) adjacent to England or Wales and specified for the purposes of this section by order made by the Lord Chancellor.

### 131 “Proprietor in possession”

- (1) For the purposes of this Act, land is in the possession of the proprietor of a registered estate in land if it is physically in his possession, or in that of a person who is entitled to be registered as the proprietor of the registered estate.
- (2) In the case of the following relationships, land which is (or is treated as being) in the possession of the second-mentioned person is to be treated for the purposes of subsection (1) as in the possession of the first-mentioned person—
  - (a) landlord and tenant;
  - (b) mortgagor and mortgagee;
  - (c) licensor and licensee;
  - (d) trustee and beneficiary.

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- (3) In subsection (1), the reference to entitlement does not include entitlement under Schedule 6.

### 132 General interpretation

- (1) In this Act—

“adjudicator” means the Adjudicator to Her Majesty’s Land Registry;

“caution against first registration” means a caution lodged under section 15;

“cautions register” means the register kept under section 19(1);

“charge” means any mortgage, charge or lien for securing money or money’s worth;

“demesne land” means land belonging to Her Majesty in right of the Crown which is not held for an estate in fee simple absolute in possession;

“land” includes—

(a) buildings and other structures,

(b) land covered with water, and

(c) mines and minerals, whether or not held with the surface;

“land registration rules” means any rules under this Act, other than rules under section 93, Part 11, section 121 or paragraph 1, 2 or 3 of Schedule 5;

“legal estate” has the same meaning as in the Law of Property Act 1925 (c. 20);

“legal mortgage” has the same meaning as in the Law of Property Act 1925;

“mines and minerals” includes any strata or seam of minerals or substances in or under any land, and powers of working and getting any such minerals or substances;

“registrar” means the Chief Land Registrar;

“register” means the register of title, except in the context of cautions against first registration;

“registered” means entered in the register;

“registered charge” means a charge the title to which is entered in the register;

“registered estate” means a legal estate the title to which is entered in the register, other than a registered charge;

“registered land” means a registered estate or registered charge;

“registrable disposition” means a disposition which is required to be completed by registration under section 27;

“requirement of registration” means the requirement of registration under section 4;

“sub-charge” means a charge under section 23(2)(b);

“term of years absolute” has the same meaning as in the Law of Property Act 1925 (c. 20);

“valuable consideration” does not include marriage consideration or a nominal consideration in money.

- (2) In subsection (1), in the definition of “demesne land”, the reference to land belonging to Her Majesty does not include land in relation to which a freehold estate in land has determined, but in relation to which there has been no act of entry or management by the Crown.

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(3) In this Act—

- (a) references to the court are to the High Court or a county court,
- (b) references to an interest affecting an estate or charge are to an adverse right affecting the title to the estate or charge, and
- (c) references to the right to object to an application to the registrar are to the right under section 73.

*Final provisions*

VALID FROM 28/04/2003

**133 Minor and consequential amendments**

Schedule 11 (which makes minor and consequential amendments) has effect.

**Commencement Information**

- 11** [S. 133](#) wholly in force at 13.10.2003; [s. 133](#) not in force at Royal Assent see [s. 136\(2\)](#); [s. 133](#) in force for certain purposes at 28.4.2003 by [S.I. 2003/1028](#), [art. 2](#), and in force at 13.10.2003 in so far as not already in force by [S.I. 2003/1725](#), [art. 2](#)

**134 Transition**

- (1) The Lord Chancellor may by order make such transitional provisions and savings as he thinks fit in connection with the coming into force of any of the provisions of this Act.
- (2) Schedule 12 (which makes transitional provisions and savings) has effect.
- (3) Nothing in Schedule 12 affects the power to make transitional provisions and savings under subsection (1); and an order under that subsection may modify any provision made by that Schedule.

**Commencement Information**

- 12** [S. 134](#) wholly in force at 13.10.2003; [s. 134](#) not in force at Royal Assent see [s. 136\(2\)](#); [s. 134\(1\)](#) in force at 4.4.2003 by [S.I. 2003/935](#), [art. 2](#); [s. 134\(2\)\(3\)](#) in force at 13.10.2003 by [S.I. 2003/1725](#), [art. 2](#)

VALID FROM 13/10/2003

**135 Repeals**

The enactments specified in Schedule 13 (which include certain provisions which are already spent) are hereby repealed to the extent specified there.

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### **136 Short title, commencement and extent**

- (1) This Act may be cited as the Land Registration Act 2002.
- (2) This Act shall come into force on such day as the Lord Chancellor may by order appoint, and different days may be so appointed for different purposes.
- (3) Subject to subsection (4), this Act extends to England and Wales only.
- (4) Any amendment or repeal by this Act of an existing enactment, other than—
  - (a) section 37 of the Requisitioned Land and War Works Act 1945 (c. 43), and
  - (b) Schedule 2A to the Building Societies Act 1986 (c. 53),has the same extent as the enactment amended or repealed.

#### **Subordinate Legislation Made**

**P1** S. 136(2) power fully exercised: 4.4.2003 appointed for specified provisions by {S.I. 2003/935}, art. 2; 28.4.2003 appointed for specified provisions and purposes by {S.I. 2003/1028}, art. 2; 27.6.2003 appointed for specified provisions by {S.I. 2003/1612}, art. 2; 13.10.2003 and 13.10.2004 appointed by {S.I. 2003/1725}, art. 2



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**Changes to legislation:**

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