



Land Registration Act 2002

2002 CHAPTER 9

PART 12

MISCELLANEOUS AND GENERAL

Supplementary

128 Rules, regulations and orders

- (1) Any power of the Lord Chancellor [^{F1}or the Secretary of State] 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 [^{F2}or the Secretary of State] 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.

Status: Point in time view as at 09/11/2011.

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

Textual Amendments

- F1** Words in s. 128(1) inserted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 2 para. 4(3)**
- F2** Words in s. 128(2) inserted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 2 para. 4(3)**

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 [^{F3}Secretary of State].

Textual Amendments

- F3** Words in s. 130(b) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 2 para. 4(2)**

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.
- (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);

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“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.

(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.

Status:

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Changes to legislation:

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