



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 2

#### FIRST REGISTRATION OF TITLE

### CHAPTER 1

#### FIRST REGISTRATION

#### *Compulsory registration*

#### **4 When title must be registered**

- (1) The requirement of registration applies on the occurrence of any of the following events—
- (a) the transfer of a qualifying estate—
    - (i) for valuable or other consideration, by way of gift or in pursuance of an order of any court, <sup>F1</sup> . . .
    - (ii) by means of an assent (including a vesting assent);<sup>F2</sup> or
    - (iii) giving effect to a partition of land subject to a trust of land;]
  - <sup>F3</sup>(aa) the transfer of a qualifying estate—
    - (i) by a deed that appoints, or by virtue of [<sup>F4</sup>section 334 of the Charities Act 2011] has effect as if it appointed, a new trustee or is made in consequence of the appointment of a new trustee, or
    - (ii) by a vesting order under section 44 of the Trustee Act 1925 that is consequential on the appointment of a new trustee;]
  - (b) the transfer of an unregistered legal estate in land in circumstances where section 171A of the Housing Act 1985 (c. 68) applies (disposal by landlord which leads to a person no longer being a secure tenant);
  - (c) the grant out of a qualifying estate of an estate in land—

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- (i) for a term of years absolute of more than seven years from the date of the grant, and
  - (ii) for valuable or other consideration, by way of gift or in pursuance of an order of any court;
  - (d) the grant out of a qualifying estate of an estate in land for a term of years absolute to take effect in possession after the end of the period of three months beginning with the date of the grant;
  - (e) the grant of a lease in pursuance of Part 5 of the Housing Act 1985 (the right to buy) out of an unregistered legal estate in land;
  - (f) the grant of a lease out of an unregistered legal estate in land in such circumstances as are mentioned in paragraph (b);
  - (g) the creation of a protected first legal mortgage of a qualifying estate.
- (2) For the purposes of subsection (1), a qualifying estate is an unregistered legal estate which is—
- (a) a freehold estate in land, or
  - (b) a leasehold estate in land for a term which, at the time of the transfer, grant or creation, has more than seven years to run.
- (3) In subsection (1)(a), the reference to transfer does not include transfer by operation of law.
- (4) Subsection (1)(a) does not apply to—
- (a) the assignment of a mortgage term, or
  - (b) the assignment or surrender of a lease to the owner of the immediate reversion where the term is to merge in that reversion.
- (5) Subsection (1)(c) does not apply to the grant of an estate to a person as a mortgagee.
- [<sup>F5</sup>(5A) Subsection (1) does not apply to the transfer or grant of a leasehold estate in land under a relevant social housing tenancy.]
- (6) For the purposes of subsection (1)(a) and (c), if the estate transferred or granted has a negative value, it is to be regarded as transferred or granted for valuable or other consideration.
- (7) In subsection (1)(a) and (c), references to transfer or grant by way of gift include transfer or grant for the purpose of—
- (a) constituting a trust under which the settlor does not retain the whole of the beneficial interest, or
  - (b) uniting the bare legal title and the beneficial interest in property held under a trust under which the settlor did not, on constitution, retain the whole of the beneficial interest.
- (8) For the purposes of subsection (1)(g)—
- (a) a legal mortgage is protected if it takes effect on its creation as a mortgage to be protected by the deposit of documents relating to the mortgaged estate, and
  - (b) a first legal mortgage is one which, on its creation, ranks in priority ahead of any other mortgages then affecting the mortgaged estate.
- (9) In this section—
- “land” does not include mines and minerals held apart from the surface;

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“vesting assent” has the same meaning as in the Settled Land Act 1925 (c. 18).

#### Textual Amendments

- F1** Word preceding s. 4(1)(a)(ii) omitted (6.4.2009) by virtue of [The Land Registration Act 2002 \(Amendment\) Order 2008 \(S.I. 2008/2872\)](#), **art. 2(2)**
- F2** S. 4(a)(iii) and preceding word inserted (6.4.2009) by [The Land Registration Act 2002 \(Amendment\) Order 2008 \(S.I. 2008/2872\)](#), **art. 2(2)**
- F3** S. 4(1)(aa) inserted (6.4.2009) by [The Land Registration Act 2002 \(Amendment\) Order 2008 \(S.I. 2008/2872\)](#), **art. 2(3)**
- F4** Words in s. 4(1)(aa) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 94** (with s. 20(2), [Sch. 8](#))
- F5** [S. 4\(5A\)](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 157(3)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9,11,14,15,17)

## 5 Power to extend section 4

- (1) The [<sup>F6</sup>Secretary of State] may by order—
  - (a) amend section 4 so as to add to the events on the occurrence of which the requirement of registration applies such relevant event as he may specify in the order, and
  - (b) make such consequential amendments of any provision of, or having effect under, any Act as he thinks appropriate.
- (2) For the purposes of subsection (1)(a), a relevant event is an event relating to an unregistered legal estate which is an interest of any of the following kinds—
  - (a) an estate in land,
  - (b) a rentcharge,
  - (c) a franchise, and
  - (d) a profit a prendre in gross.
- (3) The power conferred by subsection (1) may not be exercised so as to require the title to an estate granted to a person as a mortgagee to be registered.
- (4) Before making an order under this section the [<sup>F7</sup>Secretary of State] must consult such persons as he considers appropriate.

#### Textual Amendments

- F6** Words in s. 5(1) 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)**
- F7** Words in s. 5(4) 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)**

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## 6 Duty to apply for registration of title

- (1) If the requirement of registration applies, the responsible estate owner, or his successor in title, must, before the end of the period for registration, apply to the registrar to be registered as the proprietor of the registrable estate.
- (2) If the requirement of registration applies because of section 4(1)(g)—
  - (a) the registrable estate is the estate charged by the mortgage, and
  - (b) the responsible estate owner is the owner of that estate.
- (3) If the requirement of registration applies otherwise than because of section 4(1)(g)—
  - (a) the registrable estate is the estate which is transferred or granted, and
  - (b) the responsible estate owner is the transferee or grantee of that estate.
- (4) The period for registration is 2 months beginning with the date on which the relevant event occurs, or such longer period as the registrar may provide under subsection (5).
- (5) If on the application of any interested person the registrar is satisfied that there is good reason for doing so, he may by order provide that the period for registration ends on such later date as he may specify in the order.
- (6) Rules may make provision enabling the mortgagee under any mortgage falling within section 4(1)(g) to require the estate charged by the mortgage to be registered whether or not the mortgagor consents.

### Modifications etc. (not altering text)

- C1** S. 6(4) modified (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [art. 23\(2\)](#); S.I. 2003/1725, [art. 2\(1\)](#)

## 7 Effect of non-compliance with section 6

- (1) If the requirement of registration is not complied with, the transfer, grant or creation becomes void as regards the transfer, grant or creation of a legal estate.
- (2) On the application of subsection (1)—
  - (a) in a case falling within section 4(1)(a) or (b), the title to the legal estate reverts to the transferor who holds it on a bare trust for the transferee,
  - <sup>F8</sup>(aa) in a case falling within section 4(1)(aa), the title to the legal estate reverts to the person in whom it was vested immediately before the transfer, ]and
  - (b) in a case falling within section 4(1)(c) to (g), the grant or creation has effect as a contract made for valuable consideration to grant or create the legal estate concerned.
- (3) If an order under section 6(5) is made in a case where subsection (1) has already applied, that application of the subsection is to be treated as not having occurred.
- (4) The possibility of reverter under subsection (1) is to be disregarded for the purposes of determining whether a fee simple is a fee simple absolute.

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#### Textual Amendments

- F8** S. 7(2)(aa) inserted (6.4.2009) by [The Land Registration Act 2002 \(Amendment\) Order 2008 \(S.I. 2008/2872\)](#), [art. 3](#)

## 8 Liability for making good void transfers etc

If a legal estate is retransferred, regranted or recreated because of a failure to comply with the requirement of registration, the transferee, grantee or, as the case may be, the mortgagor—

- (a) is liable to the other party for all the proper costs of and incidental to the retransfer, regrant or recreation of the legal estate, and
- (b) is liable to indemnify the other party in respect of any other liability reasonably incurred by him because of the failure to comply with the requirement of registration.

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