



# 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—

---

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Section 4. (See end of Document for details)*

---

- (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;

---

**Changes to legislation:** There are currently no known outstanding effects for the Land Registration Act 2002, Section 4. (See end of Document for details)

---

“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)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Registration Act 2002, Section 4.