



Land Registration Act 1925

1925 CHAPTER 21

PART XI

COMPULSORY REGISTRATION.

120 Power to make orders rendering registration compulsory in certain areas.

- (1) His Majesty may, by Order in Council, declare, as respects any county or part of a county mentioned or defined in the Order, that, on and after a day specified in the Order, registration of title to land is to be compulsory on sale:

Provided that nothing in this Act or in any such Order shall render compulsory the registration of the title to an incorporeal hereditament or to mines and minerals apart from the surface, or to corporeal hereditaments parcel of a manor and included in the sale of a manor as such.

- (2) Any such Order may be made—
- (a) at any time at the instance of the county council concerned; and
 - (b) at any time after the expiration of ten years from the commencement of this Act otherwise than at the instance of a county council ;

subject in either case to compliance with the provisions hereinafter contained relating to such Orders respectively:

Provided that any proceedings preliminary to the making of the first Order to be made otherwise than at the instance of a county council may be taken before the expiration of the said period.

- (3) Any Order made under this section shall be made with due regard to the utilisation, if practicable, of any land registry existing in the county to which the order relates or conveniently near thereto.
- (4) In the event of any portion of a county as regards which an Order has been made under this Part of this Act or under any corresponding provision in any enactment replaced by this Act being included in another county as regards which no Order has been so made, such Order shall cease to be in force within such included portion of the county.

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- (5) In the event of any portion of a county as regards which no Order has been made being included in another county as regards which an Order has been so made, such Order shall apply to such included portion of the county.
- (6) Any Order made under this Part of this Act or under any corresponding provision in any enactment replaced by this Act may be revoked or varied by a subsequent Order.
- (7) For the purposes of this Part of this Act, " county" means the administrative county, and includes, a county borough, and " county council" includes, the council of such a borough.

121 Provisions as to orders made at the instance of a county council.

- (1) If at a meeting of a county council, at which at least two-thirds of the members of the council are present, a resolution is passed signifying the desire of the county council that registration of title should be compulsorily applied to the county over which the council has jurisdiction, or any part thereof, such an Order in Council as aforesaid may be made as respects that county or any part to which the resolution extends, and is in this Part of the Act referred to as an Order made at the instance of a county council.
- (2) Every such Order shall within thirty days from the date thereof, if Parliament be then sitting, or within twenty days from the commencement of the next session if Parliament be not sitting, be laid on the table of both Houses of Parliament, and if within forty days of any Order being being so laid an Address in either House disapproving of the Order be carried, the Order shall be void and of no effect.

122 Provisions as to orders made otherwise than at the instance of a county council.

The making of an Order otherwise than at the instance of a county council shall be subject to the following provisions:—

- (i) Notice of every Order proposed to be made shall, not less than six months before the Order is made and not more than eighteen months before the date on which it is to take effect, be given to the council of the county to which such Order is proposed to be applied. A draft of the proposed Order, together with the name of at least one place within or conveniently near to the county where a district registry office is proposed to be established, shall accompany the notice, and shall also be published in the Gazette:
- (ii) The county council within ten days of the receipt of such notice shall furnish a copy thereof to any law society whose district will be affected by the proposed Order :
- (iii) The county council and any such law society or either of them, may, within six months after receipt of notice by the county council of any proposed Order, pass a resolution that a public inquiry shall be held in the county proposed to be affected, as to the desirability of extending compulsory registration of title on sale to the county or part of the county intended to be affected:
- (iv) A copy of the resolution shall be sent to the Lord Chancellor:
- (v) After the receipt of a copy of the resolution the Lord Chancellor shall, after consultation with the Law Society, appoint a person, being a practising member of the legal profession to hold and conduct the inquiry and shall fix the date and place on and in which the inquiry is to be held:

- (vi) The Lord Chancellor may make rules as to the conduct of such inquiries, the manner in which the expenses thereof are to be borne, and any other matters relating to the inquiries:
- (vii) At any such inquiry the county council and such other persons as may be admitted by the person holding the inquiry, or may be nominated by or on behalf of any such law society as aforesaid and all other persons willing to give evidence, shall be entitled to submit reasons, whether local or general, for or against the extension of compulsory registration of title on sale to the county or part of the county intended to be affected :
- (viii) The person holding the inquiry shall, after the completion thereof, forthwith report in writing to the Lord Chancellor the result, stating the facts and reasons upon which the result is arrived at, and the Lord Chancellor shall cause the report to be published in the Gazette or in such other manner as he may direct:
 - (ix) If, after the publication of the report, or after the period within which a resolution that an inquiry be held may be passed has expired without any such resolution being passed, the Lord Chancellor decides to proceed with the draft Order, with or without amendment, he shall cause such draft to be laid upon the table of each House of Parliament:
 - (x) The Order shall not be made unless both Houses by resolution approve the draft, either without modification or with modifications to which both Houses agree; but, upon such approval being given, the Order may be made in the form in which the draft has been approved :
 - (xi) Not more than one such Order shall be made within the period of eleven years from the commencement of this Act:
 - (xii) The first Order shall not affect more than one county with any county borough surrounded by or contiguous to such county.

123 Effect of Act in areas where registration is compulsory.

- (1) In any area in which an Order in Council declaring that registration of title to land within that area is to be compulsory on sale is for the time being in force, every conveyance on sale of freehold land and every grant of a term of years absolute not being less than forty years from the date of the delivery of the grant, and every assignment on sale of leasehold land held for a term of years absolute having not less than forty years to run from the date of delivery of the assignment, shall (save as hereinafter provided), on the expiration of two months from the date thereof or of any authorised extension of that period, become void so far as regards the grant or conveyance of the legal estate in the freehold or leasehold land comprised in the conveyance, grant, or assignment, or so much of such land as is situated within the area affected, unless the grantee (that is to say, the person who is entitled to be registered as proprietor of the freehold or leasehold land) or his successor in title or assign has in the meantime applied to be registered as proprietor of such land:

Provided that the registrar, or the court on appeal from the registrar, may, on the application of any persons interested in any particular case in which the registrar or the court is satisfied that the application for first registration cannot be made within the said period, or can only be made within that period by incurring unreasonable expense, or that the application has not been made within the said period by reason of some accident or other sufficient cause, make an order extending the said period; and if such order be made, then, upon the registration of the grantee or his successor or assign, a note of the order shall be endorsed on the conveyance, grant or assignment :

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In the case of land in an area where, at the date of the commencement of this Act, registration of title is already compulsory on sale, this subsection shall apply to every such conveyance, grant, or assignment, executed on or after that date.

- (2) Rules under this Act may provide for applying the provisions thereof to dealings with the land which may take place between the date of such conveyance, grant, or assignment and the date of application to register as if such dealings had taken place after the date of first registration, and for registration to be effected as of the date of the application to register.
- (3) In this section the expressions " conveyance on sale " and " assignment on sale " mean an instrument made on sale by virtue whereof there is conferred or completed a title under which an application for registration as first proprietor of land may be made under this Act, and include a conveyance or assignment by way of exchange where money is paid for equality of exchange, but do not include an enfranchisement or extinguishment of manorial incidents, whether under the Law of Property Act, 1922, or otherwise, or an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion.

124 Compulsory provisions bind the Crown.

This Part of this Act, as respects transactions completed after the commencement of this Act, binds the Crown.

125 Special provisions as to orders affecting Ridings of Yorkshire.

Where an order is made under this Part of this Act which applies to any of the Ridings of Yorkshire the order may provide for the transfer to the Land Registry of the business of the local deed registry established for the Riding, or for the local deed registry being constituted a district registry under this Act and for such district registry being administered by the county council, or, with the consent of the county council, may contain such other provisions as appear expedient with respect to the local deed registry; and the order may contain such supplemental, incidental, and consequential provisions (including provisions for the modification of the enactments relating to the constitution and administration of the local deed registry, and for the payment of compensation to the county council of the Riding in respect of future loss of fees or otherwise, and to the officers of the registry) as appear necessary or expedient for the purposes of the order.